



DEPARTMENT: SOUTH AFRICAN POLICE SERVICE

REPUBLIC OF SOUTH AFRICA

Private Bag X254, Pretoria, 0001, Tel: 012 - 841 7459, Facsimile: 012 - 841 7071
117 Cresswell Road, Silverton, Pretoria

The Manager

Reference no: 19/1/9/1/12/TBC22

Date: 2022-11-15

Enquiries: Kenneth Mohlala

Tel no: 012 841 7358

Fax no: MohlalaKK@sapsgov.za

Sir / Madam

REQUIRED BY THE SOUTH AFRICAN POLICE SERVICE

CLOSING TIME AND DATE FOR BIDS IS 11:00 on the date as specified in the document: 2022-12-14

The Department of the South African Police Service requires the item(s)/service as described per attached bid invitation, and you are requested to complete the bidding documents and to submit it in accordance with the under-mentioned stipulations:

- ! The conditions contained in the attached annexures apply.
- ! The bid must be submitted in a sealed envelope with the name and address of the bidder with the bid number closing date indicated on the envelope. The cover or envelope must not contain documents relating to any bid other than that shown on the cover or envelope.
- ! **Bids submitted per mail must be sent per registered mail. The Bid must still reach this office before the closing date and time. Failure to do so will invalidate the bid.**
- ! The bid will be valid for a period of 90 days after the closing date.
- ! The attached forms/annexures, if completed in detail and returned, will form part of your bid.

You are advised to acquaint yourself with the contents of the attached General Conditions of Contract.

It will be expected of the successful bidder to sign the formal contract at this office within seven (07) days after he/she has been informed to this effect.

Yours faithfully

LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: SUPPLY CHAIN MANAGEMENT
MFANI

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PART A INVITATION TO BID

| | | | | | |
|--|--|---|--|--|---------|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE SOUTH AFRICAN POLICE SERVICE | | | | | |
| BID NUMBER: | 19/1/9/1/121TB(22) | CLOSING DATE: | 2022-12-14 | CLOSING TIME: | 11:00 |
| DESCRIPTION | APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY, DELIVERY, INSTALLATION AND COMMISSIONING OF PRE-MANUFACTURED COLLAPSABLE UNITS FOR THE PERIOD OF FIVE (05) YEARS TO THE SOUTH AFRICAN POLICE SERVICE: NATIONALLY | | | | |
| THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7). | | | | | |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT: | | | BID RESPONSE DOCUMENTS MAY BE POSTED TO: | | |
| DIVISIONAL COMMISSIONER SUPPLY CHAIN MANAGEMENT SOUTH AFRICAN POLICE SERVICE 117 CRESWELL ROAD SILVERTON PRETORIA 0184 | | | DIVISIONAL COMMISSIONER SUPPLY CHAIN MANAGEMENT SOUTH AFRICAN POLICE SERVICE PRIVATE BAG X254 PRETORIA 0001 | | |
| SUPPLIER INFORMATION | | | | | |
| NAME OF BIDDER | | | | | |
| CONTACT PERSON | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELLPHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |
| VAT REGISTRATION NUMBER | | | | | |
| TAX COMPLIANCE STATUS VERIFICATION | | TCS PIN: | | OR | CSD No: |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX] | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| IF YES, WHO WAS THE CERTIFICATE ISSUED BY? | | | | | |
| AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX | | <input type="checkbox"/> | AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) | | |
| | | <input type="checkbox"/> | A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS) | | |
| | | <input type="checkbox"/> | A REGISTERED AUDITOR | | |
| | | | NAME: | | |
| [A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE] | | | | | |

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| | | | |
|--|--|--|--|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B 3 BELOW] |
| SIGNATURE OF BIDDER | | DATE: | |
| CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.) | | | |
| TOTAL NUMBER OF ITEMS OFFERED | | TOTAL BID PRICE (ALL INCLUSIVE) | |
| ANY ENQUIRIES REGARDING BIDDING PROCEDURE MAY BE DIRECTED TO: | | ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO: | |
| DEPARTMENT | SAPS SCM | CONTACT PERSON | Colonel Yzel |
| CONTACT PERSON | Kenneth Mohlala | TELEPHONE NUMBER | 012 845 8720 |
| TELEPHONE NUMBER | 012 841 7358 | FACSIMILE NUMBER | |
| FACSIMILE NUMBER | | E-MAIL ADDRESS | yzeli@saps.gov.za |
| E-MAIL ADDRESS | MohlalaKK@saps.gov.za | | |

PART B

TERMS AND CONDITIONS FOR BIDDING

| | |
|---|---|
| 1. BID SUBMISSION: | |
| 1.1. | BIDS MUST BE DELIVERED BY THE STIPULATED DATE AND TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. |
| 1.2. | THE BID BOX IS GENERALLY OPEN 24 HOURS A DAY, 7 DAYS A WEEK. |
| 1.3. | ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – (NOT TO BE RE-TYPED). |
| 1.4. | BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. |
| 1.5. | WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. |
| 1.6. | THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT. |
| 2. TAX COMPLIANCE REQUIREMENTS | |
| 2.1 | BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. |
| 2.2 | BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. |
| 2.3 | APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. |
| 2.4 | BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. |
| 2.5 | IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER. |
| 2.6 | WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. |
| 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS | |
| 3.1. | IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.2. | DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.3. | DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.4. | DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE. | |

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

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**SOUTH AFRICAN POLICE SERVICE
SUPPLY CHAIN MANAGEMENT (SCM)**



**APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY, INSTALLATION AND COMMISSIONING OF
PRE-MANUFACTURED COLLAPSABLE UNITS FOR THE
PERIOD OF FIVE (05) YEARS TO THE SOUTH AFRICAN
POLICE SERVICE: NATIONALLY**

BID Number: 19/1/9/1/121TB(22)

NAME of BIDDER: _____

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INVITATION TO BID

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE SOUTH AFRICAN
POLICE SERVICE**

BID NUMBER: 19/1/9/1/121TB (22)

CLOSING TIME: 11:00 ON 14 DECEMBER 2022

DESCRIPTION:

APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY, DELIVERY, INSTALLATION AND COMMISSIONING OF PRE-MANUFACTURED COLLAPSABLE UNITS FOR THE PERIOD OF FIVE (05) YEARS TO THE SOUTH AFRICAN POLICE SERVICE: NATIONALLY

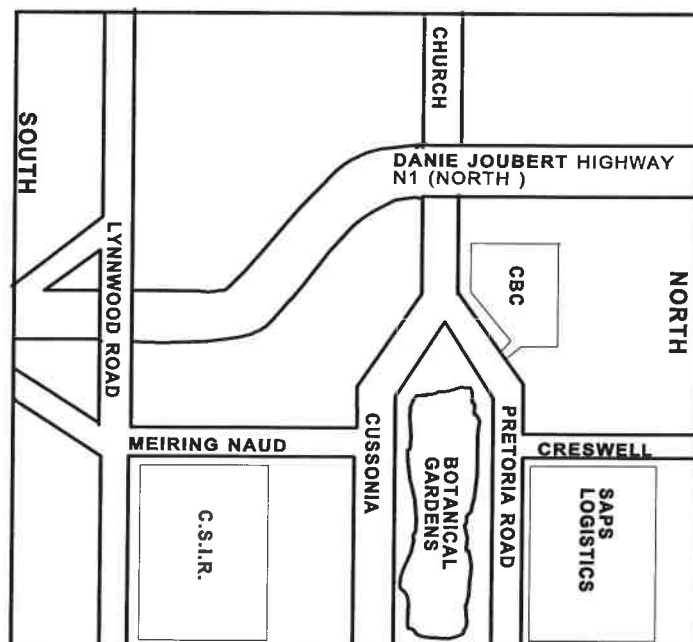
BID DOCUMENTS MAY BE POSTED
TO:

The Section Head
Contract Management
SA Police Service
Private Bag X 254
PRETORIA
0001

OR

DEPOSITED IN THE BID BOX
SITUATED AT:

Divisional Commissioner
Supply Chain Management
SA Police Service
117 Cresswell Road
Silverton
PRETORIA
0184



Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

Bids should be submitted either by mail or by hand. If a bidder prefers to post a bid, it is the responsibility of the bidder to ensure that the envelope is correctly addressed as indicated in the bid document, lodged in a separate sealed envelope with the name and address of the bidder, the bid number and the closing date indicated on the envelope, and that the bid will reach the Department (SAPS) on time. The SA Post Office is then regarded as the agent of the bidder and the Department (SAPS) will not accept any responsibility for the late delivery of the bid.

THE BID BOX IS GENERALLY OPEN 24 HOURS A DAY, 7 DAYS A WEEK.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS (NOT TO BE RE-TYPED).

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COVER LETTER TO BID DOCUMENTS

| | | | |
|-------------------------------------|--|-------------------|------------|
| Project description: | APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY, DELIVERY, INSTALLATION AND COMMISSIONING OF PRE-MANUFACTURED COLLAPSABLE UNITS FOR THE PERIOD OF FIVE (05) YEARS TO THE SOUTH AFRICAN POLICE SERVICE: NATIONALLY | | |
| Bid number: | 19/1/9/1/121TB(22) | Advertising date: | 2022-11-15 |
| Close date: | 2022-12-14 | Close time: | 11:00 |
| Compulsory site inspection session: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>A compulsory site inspection on the 2022-11-30 at 11:00 prospective Bidders / Tenderers to meet at SAPS Divisional Commissioner: Supply Chain Management, Officer's Hall, A-Block, 117 Cresswell Road, Silverton, Pretoria, Gauteng Province, direction can be obtained at 012 841 7358 / 7503 / 7734 / 7816 / 7403.</i> | | |

| | |
|------------|---|
| Issued by: | Divisional Commissioner: Supply Chain Management SOUTH AFRICAN POLICE SERVICE 117 Cresswell Road Silverton 0127 |
|------------|---|

ENQUIRIES RELATED TO TENDER DOCUMENTS MAY BE ADDRESSED TO:

| | | | |
|---------------|------------------------|---------------|--------------|
| Contact name: | <i>Kenneth Mohlala</i> | Telephone no: | 012 841 7358 |
| Cell no: | | Fax no: | 086 219 3881 |
| E-mail: | MohlalaKK@saps.gov.za | | |

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CONTENTS OF BID DOCUMENT

Bidders are to ensure that they have received all pages of this document, which consists of the following sections:

| PART T: TENDER | Document number |
|--|------------------------|
| Part T1: Tendering procedures. | |
| Notice and invitation to tender | T 1.1 |
| Tender Data | T1.2 |
| Standard Conditions of tender | Appendix A |
| Part T2: Returnable documents <u>including part C1 and C2</u> | |
| List of returnable documents | T2.1 |
| Resolution of board of directors | T2.1.1 |
| Compulsory Enterprise Questionnaire | T2.1.2 |
| Schedule of proposed Sub- Contractors | T2.1.3 |
| Capacity of Tenderer | T2.1.4 |
| Preference points claim form in terms of the preferential procurement regulations 2017 – SBD 6.1 | T2.1.5 |
| Record of Addenda to tender document | T2.1.6 |
| Compulsory site meeting certificate | T2.1.7 |
| Schedule for imported materials and equipment | T2.1.8 |
| Declaration certificate for local production and content for designated sectors | SBD 6.2 |
| Declaration of interest | SBD 4 |
| Part C1 to C4 | |
| PARTC: Contract | |
| Part C1 – Agreements and contract data | |
| Form of Offer and Acceptance | C1.1 |
| Contract data and Form of Guarantee | C1.2 |
| Part C2 – Pricing data and scope of work | |
| Special Conditions | C2 |
| Specification | C2.1 |
| Bill of Quantities | C2.2 |
| Part C3 – Occupational Health and Safety | |
| Occupational Health and Safety Specification | C3 |

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**APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY, INSTALLATION AND COMMISSIONING OF
PRE-MANUFACTURED COLLAPSABLE UNITS FOR THE
PERIOD OF FIVE (05) YEARS TO THE SOUTH AFRICAN
POLICE SERVICE: NATIONALLY**

BID 19/1/9/1/121TB(22)

PART T1:

TENDERING PROCEDURES:

T1.1: NOTICE AND INVITATION TO TENDER

The Employer is the South African Police Service and invites tenders for:

| | | | |
|-------------------|--|------------------|------------|
| Project title: | APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY, DELIVERY, INSTALLATION AND COMMISSIONING OF PRE-MANUFACTURED COLLAPSABLE UNITS FOR THE PERIOD OF FIVE (05) YEARS TO THE SOUTH AFRICAN POLICE SERVICE: NATIONALLY | | |
| Tender no: | 19/1/9/1/121TB(22) | | |
| Advertising date: | 2022-11-15 | Closing date: | 2022-12-14 |
| Closing time: | 11:00 | Validity period: | 90 days |

It is estimated that tenderers should have a CIDB contractor grading designation of **Grade 7 (R 20 mil to R 60 million) (GB) General Building** or higher.

Only tenderers who accept the conditions as set out below and who are responsive to the responsiveness criteria below are eligible to submit tenders:

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | The following tenderers who are registered with the CIDB, or are capable of being so registered prior to the evaluation of submissions, are eligible to have their tenders evaluated: |
| <input checked="" type="checkbox"/> | Contractors who have a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a Grade 7 (R20 mil to R 60 million) (GB) General Building class of construction work. |
| <input checked="" type="checkbox"/> | JOINT VENTURES/ CONSORTIUMS ARE NOT ELIGIBLE TO SUBMIT TENDERS. |
| <input checked="" type="checkbox"/> | Tender offer must be properly received on the tender closing date and time specified on the invitation, fully completed and signed in ink (All as per Standard Conditions of Tender). |
| <input checked="" type="checkbox"/> | Submission of Resolution of Board of Directors signed by all Director(s) |
| <input checked="" type="checkbox"/> | Submission of the Declaration of Interest document |
| <input checked="" type="checkbox"/> | Submission of other compulsory returnable schedules / documents as per List of returnable documents (T2.1). |
| <input checked="" type="checkbox"/> | Submission of the Compulsory clarification meeting Certificate as proof for attendance of compulsory clarification meeting. |
| <input checked="" type="checkbox"/> | Tender offers will be evaluated in terms of Local Production and Content, if the minimum threshold value is not achieved the bidder / tenderer's proposal will be regarded as non-responsive. |
| <input checked="" type="checkbox"/> | SAPS WILL AWARD THIS BID / TENDER PER ITEM AND THE CONTRACTORS MUST QUOTE ALL ITEMS IN THE BOQ FAILURE TO COMPLY THE BID WILL BE REGARDED AS NON-RESPONSIVE. |
| <input checked="" type="checkbox"/> | The bidder must fully comply with the specification number SAPS 32242/19 of the bid. The bidder must indicate in writing Comply or Not Comply in the relevant column of every field. Failure to do so will be interpreted as Not Comply . Do not make a tick (✓) or/and (x) on the specified column. Failure to do so will invalidate the bid.. |
| <input checked="" type="checkbox"/> | The bidder must fully complete and sign the Specification and Special Conditions, failure to sign, his / her bid will be regarded as non-responsive. |
| <input checked="" type="checkbox"/> | Bid will be evaluated in terms of the Preferential Procurement Principle 80/20 |
| <input checked="" type="checkbox"/> | Negotiations The State reserves the right to negotiate with the shortlisted bidders prior to award and with the successful bidder(s) post award.. |
| <input checked="" type="checkbox"/> | Bidders must not re-type any SAPS official documents as per invitation to bid, failure to comply with that, her / his bid will be regarded as non-responsive. |
| <input checked="" type="checkbox"/> | The contractor shall supply the client, SAPS with a service agreement between herself / himself and the manufacturer of the pre-manufactured panels for a period of five (05) years (Duration of contract). The contractor to supply the agreement with the bid documents, failure to supply the agreement will lead to disqualification. |

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This tender will be evaluated according to the Preferential Procurement Model PPFA: *(Tick applicable preference point scoring system)*

| | |
|---|--|
| <input type="checkbox"/> 80/20 Preference points scoring system | <input checked="" type="checkbox"/> 90/10 Preference points scoring system |
|---|--|

| Price / BBBEE: | |
|--------------------------|-------------|
| Price: | 90 % |
| BBBEE: | 90 % |
| Total must equal: | 100% |

Preferential points claim form in terms of the Preferential Procurement Regulations 2017

| | POINTS |
|---|------------|
| PRICE | 90 |
| BBBEE STATUS LEVEL OF CONTRIBUTION | 10 |
| TOTAL POINTS FOR PRICE AND BBBEE MUST NOT EXCEED | 100 |

Preference points scoring system will be broken down as follows

| B-BBEE Status Level of Contributor | Number of points (80/20 or 90/10 system) |
|------------------------------------|---|
| 1 | 20/10 |
| 2 | 18/9 |
| 3 | 14/6 |
| 4 | 12/5 |
| 5 | 8/4 |
| 6 | 6/3 |
| 7 | 4/2 |
| 8 | 2/1 |
| Non-compliant contributor | 0 |

NOTE: Tenderers claiming preference points must sign and submit the Preference Certificate

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COLLECTION OF TENDER DOCUMENTS:

- ☒ Tender documents may be collected during working hours at the following address **SAPS: Supply Chain Management, Bid office, 117 Cresswell Rd, Silverton, Pretoria,**
- ☒ A compulsory clarification meeting will take place at SAPS Divisional Commissioner: Supply Chain Management, Officer's Hall, A-Block, 117 Cresswell Road, Silverton, Pretoria, Gauteng Province on DATE: 2022-11-30 starting at TIME 11:00. Directions can be obtained at 012 841 7358 / 7503 / 7734 / 7816 / 7403.

TENDER DOCUMENTS ENQUIRIES

ENQUIRIES RELATED TO TENDER DOCUMENTS MAY BE ADDRESSED TO:

| | | | |
|-----------------------------|-----------------------|----------------------|--------------|
| Procurement Manager: | CPAC Kenneth Mohlala | Telephone no: | 012 841 7358 |
| Cell no: | | Fax no: | |
| E-mail: | MohlalaKK@saps.gov.za | | |

DEPOSIT / RETURN OF TENDER DOCUMENTS:

Telegraphic, telephonic, telex, facsimile, electronic and / or late tenders will not be accepted.

Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data document.

All tenders must be submitted on the official forms – (not to be re-typed)

| | | |
|---|----|--|
| TENDER DOCUMENTS MAY BE POSTED TO: THE SECTION HEAD: CONTRACT MANAGEMENT SUPPLY CHAIN MANAGEMENT SOUTH AFRICAN POLICE SERVICE PRIVATE BAG X 254 <i>Pretoria</i> <i>0001</i> ATTENTION: CONTRACT MANAGEMENT SECTION: ROOM 5104, first floor A-Block. | OR | DEPOSITED IN THE TENDER BOX AT: SAPS: Supply Chain Management 117 Cresswell Road Silverton 0127 |
|---|----|--|

COMPILED BY:

| | | |
|------------------------------|---|------------|
| CPAC Kenneth Mohlala |  | 2022-11-15 |
| Name of Procurement Official | Signature | Date |

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T1.2: TENDER DATA

| | |
|----------------|---|
| Project title: | APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY, DELIVERY, INSTALLATION AND COMMISSIONING OF PRE-MANUFACTURED COLLAPSABLE UNITS FOR THE PERIOD OF FIVE (05) YEARS TO THE SOUTH AFRICAN POLICE SERVICE: NATIONALLY |
|----------------|---|

| | | | |
|---------------|--------------------|------------------|------------|
| Tender no: | 19/1/9/1/121TB(22) | Closing date: | 2022-12-14 |
| Closing time: | 11:00 | Validity period: | 90 days |

| Clause number: | |
|----------------|---|
| | <p>The conditions of tender are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity in Construction Procurement as per Government Notice No. 751 published in Government Gazette No. 27831 of 22 July 2005 and as amended from time to time. (see www.cidb.org.za)</p> <p>The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.</p> <p>Each item of data given below is cross-referenced to the clause marked "F" in the above mentioned Standard Conditions of Tender.</p> |
| C.2.1 | <p>Only those tenderers who are registered with the CIDB, or are capable of being so registered prior to the evaluation of submissions, are eligible to have their tenders evaluated:</p> <p>Contractors who have a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a Grade 7 (R20 mil to R 60 million) (GB) General Building class of construction workwork.</p> |
| F.1.1 | The employer is the Government of the Republic of South Africa in its Department of the South African Police Service. |
| F.1.2 | <p>For this contract the single volume approach is adopted.</p> <p>This procurement document has been formatted and compiled under the headings for a single volume approach as contained in table 6 of the CIDB's "Standard for Uniformity in Construction Procurement."</p> <p>The list of Returnable Documents identifies which of the documents a tenderer must complete when submitting a tender offer. The tenderer must submit his tender offer by completing the Returnable Documents including the fully priced Activity Schedule / Bills of Quantities, signing the "Offer" section in the "Form of Offer and Acceptance" and delivering the single volume procurement document back to the Department bound up as it was when it was received.</p> <p>The single volume procurement document issued by the employer comprises the following:</p> <p>TENDER Part T1: Tendering procedures T1.1 - Tender notice and invitation to tender T1.2 - Tender data Appendix A – Standard Conditions of Tender</p> <p>Part T2: Returnable documents T2.1- List of returnable documents</p> <p>CONTRACT Part C1: Agreements and contract data C1.1 - Form of offer and acceptance C1.2 - Contract data</p> |

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T1.2: TENDER DATA

| | |
|--|--|
| | CONTRACT Continue C1.3 - Form of Guarantee Part C2: Pricing data C2 - Pricing instructions and Bill of Quantities Part C3: Scope of work C3 - Scope of work Part C4: Occupational Health and Safety C4 - Occupational Health and Safety Specification |
|--|--|

| | | |
|---------------|---|--|
| F.1.4 | The Employer's agent is: | |
| | Name: | <i>Colonel Baliso</i> |
| | Capacity: | <i>Departmental Project Manager</i> |
| | Address: | <i>SAPS Programme and Project Management</i> |
| | Tel: | <i>012 349 6078</i> |
| | Fax: | |
| | E-mail: | <i>BalisoMziwabantu@saps.gov.za</i> |
| F1.5.2 | Insert the following: ".....tender offers, <u>save for all tenders being non-responsive</u> , re-issue a tender covering" | |
| F.2.1 | For eligibility refer to Notice and Invitation to Tender T1.1 | |
| F.3.11 | A contract will only be entered into with a tenderer who has in his employ management and supervisory staff satisfying the requirements of the scope of work for labour intensive competencies for supervisory and management staff. - Applicable The following tenderers who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, are eligible to have their tenders evaluated: Contractors who have a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1b) or 25 (7a) of the Construction Industry Development Regulations, for a Grade 7 GB class of construction work. The contractor must be Tax Compliant in all aspect. | |
| F.2.7 | For particulars regarding a pre-tender site inspection meeting, see Notice and Invitation to Tender T1.1 | |

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| F.2.12 | <p>If a tenderer wishes to submit an own alternative tender offer, the only criteria permitted for such alternative tender offer is that it demonstrably satisfies the Employer's standards and requirements. A tenderer may submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted. Provided that the tenderer's main tender offer is according to specification and would under normal circumstances be recommended for acceptance, his alternative tender offer may also be considered for the purpose of the award of the contract.</p> <p>Calculations, drawings and all other pertinent technical information and characteristics as well as modified or proposed Pricing Data must be submitted with the alternative tender offer to enable the Employer to evaluate the efficacy of the alternative and its principal elements, to take a view on the degree to which the alternative complies with the Employer's standards and requirements and to evaluate the acceptability of the pricing proposals. Calculations must be set out in a clear and logical sequence and must clearly reflect all design assumptions. Pricing Data must reflect all assumptions in the development of the pricing proposal.</p> <p>Acceptance of an alternative tender offer will mean acceptance in principle of the offer. It will be an</p> |
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| | <p>obligation of the contract for the tenderer, in the event that the alternative is accepted, to accept full responsibility and liability that the alternative offer complies in all respects with the Employer's standards and requirements.</p> <p>The modified Pricing Data must include an amount equal to 5% of the amount tendered for the alternative offer to cover the Employer's costs of confirming the acceptability of the detailed design before it is constructed.</p> <p>Alternative tender offer permitted: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> |
| F.2.13.5 | The Employer's address for delivery of tender offers and identification details to be shown on each tender offer package are as per Notice and Invitation to Tender T1.1 |
| F.2.13.6 F.3.5 | A two-envelope procedure will not be followed. |
| F.2.15 | The closing time for submission of tender offers is as per Notice and Invitation to Tender T1.1 |
| F.2.16 | The tender offer validity period is as per Notice and Invitation to Tender T1.1 |
| F.2.19 | Access shall be provided for inspections, tests and analysis as may be required by the Employer. |
| F.2.22 | Not a requirement. |
| F.3.4.1 F.3.4.2 | The location for opening of the tender offers, immediately after the closing time thereof shall be at: SAPS Bid Management 117 Cresswell road Silverton |
| F.3.11.1 | Tender's offers will be evaluated in terms of experience and expertise where after the qualifying tender's offers will be evaluated further on: Evaluation Method 2 |
| F.3.11 | <p>Scoring Financial Offer:</p> <p>Tender offers will be scored using the following formula:</p> $N_{FO} = P_m / P \times W_1$ <p>where</p> <p>N_{FO} = Number of tender evaluation points awarded for the financial offer.</p> <p>W_1 = The percentage score given for financial offer as stated in the Notice and Invitation to Tender T1.1</p> <p>P_m = The comparative offer of the most favourable tender offer.</p> <p>P = The comparative offer of tender offer under consideration.</p> <p>Scoring Quality Offer:</p> <p>Tender offers will be scored using the following formula:</p> $W_Q = W_2 \times S_o / M_s$ <p>where</p> <p>W_Q = Total evaluation points for quality awarded for the quality offer.</p> <p>W_2 = The percentage score given for quality offer as stated in the Notice and Invitation to Tender T1.1</p> <p>S_o = The score for quality allocated to the submission under consideration.</p> <p>M_s = The maximum possible score for quality in respect of a submission = 100.</p> |
| | <p>Scoring the Financial / Quality combined Offer:</p> $S = N_{FO} + W_Q \text{ (calculated separately for each tender offer)}$ <p>The score for quality and financial offer is to be combined, before the addition of the score for preference, as follows:</p> $W_c = W_3 \left(1 + \frac{(S - S_m)}{S_m} \right)$ <p>where</p> <p>W_3 = The number of tender evaluation points for quality and financial offer and equals:</p> <ol style="list-style-type: none"> 1) 90 where the financial value inclusive of VAT of all responsive tenders received have a value in excess of R 500 000; or 2) 80 where the financial value inclusive of VAT of one or more responsive tender offers equals or is less than R 500 000. <p>S = The sum of score for quality and financial offer of the submission under consideration.</p> |

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T1.2: TENDER DATA

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| | <p>S_m = Sum of the score for quality and financial offer of the submission scoring the highest number of points.</p> <p>Scoring for Preferences:</p> <p>Up to 100 minus W_3 tender evaluation points will be awarded to tenderer who completes the preferencing schedule and who is found to be eligible for the preference claimed.</p> <p>Points for Direct Preference will be calculated according to the equity ownership of the tender under consideration as a proportion of the percentages stated in the Notice and Invitation to Tender T1.1</p> <p>By using the following formula for either persons who had no franchise in national elections, women or persons with disabilities:</p> <p>$N_p = Nop \times Ep/100$</p> <p>where N_p = Preference points. Nop = The maximum tender evaluation points provided for in the Preferential Procurement Policy Framework Act. Ep = The percentage of equity for either the groups referred to.</p> <p>Calculate Total tender Evaluation Points:</p> <p>The point calculated for price / quality combination will be added to the point scored for preference for each individual tender offer according to the formula:</p> <p>Total tender evaluation points = $W_c + N_p$</p> |
| F.3.13.1 | <p>Tender offers will only be accepted if:</p> <p>(a) the tenderer or any of its directors is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004) as a person prohibited from doing business with the public sector; and</p> <p>(b) the tenderer has not:</p> <p>i) abused the Employer's Supply Chain Management System; or</p> <p>ii) Failed to perform on any previous contract and has been given a written notice to this effect; and</p> <p>(c) the tenderer is registered on the Central Supplier Database (CSD) prior to the award; and</p> <p>(d) the tenderer meet the minimum percentage for local production and content, as specified.</p> <p>(e) The tenderer must be Tax Compliant in all aspects.</p> |
| F.3.18 | Provide to the successful tenderer one copy of the signed contract document. |

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Appendix “A”

C.1 General

C.1.1 Actions

C.1.1.1 The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in C.2 and C.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.

C.1.1.2 The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

Note: 1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.

2) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.

C.1.1.3 The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract.

C.1.2 Tender Documents

The documents issued by the employer for the purpose of a tender offer are listed in the tender data.

C.1.3 Interpretation

C.1.3.1 The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender.

C.1.3.2 These conditions of tender, the tender data and tender schedules which are required for tender evaluation purposes, shall form part of any contract arising from the invitation to tender.

C.1.3.3 For the purposes of these conditions of tender, the following definitions apply:

- a) **conflict of interest** means any situation in which:
 - i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially;
 - ii) an individual or tenderer is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
 - iii) incompatibility or contradictory interests exist between an employee and the tenderer who employs that employee.
- b) **comparative offer** means the price after the factors of a non-firm price and all unconditional discounts it can be utilised to have been taken into consideration;
- c) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process;
- d) **fraudulent practice** means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels;

C.1.4 Communication and employer's agent

Each communication between the employer and a tenderer shall be to or from the employer's agent only, and in a form that can be readily read, copied and recorded. Communications shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data.

C.1.5 Cancellation and Re-Invitation of Tenders

C.1.5.1 An employer may, prior to the award of the tender, cancel a tender if-

- a) due to changed circumstances, there is no longer a need for the engineering and construction works specified in the invitation;
- b) funds are no longer available to cover the total envisaged expenditure; or
- c) no acceptable tenders are received.
- d) there is a material irregularity in the tender process.

C.1.5.2 The decision to cancel a tender invitation must be published in the same manner in which the original tender invitation was advertised

C.1.5.3 An employer may only with the prior approval of the relevant treasury cancel a tender invitation for the second time.

C.1.6 Procurement procedures

C.1.6.1 General

Unless otherwise stated in the tender data, a contract will, subject to C.3.13, be concluded with the tenderer who in terms of C.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.

C.1.6.2 Competitive negotiation procedure

C.1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of C.3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of C.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.

C.1.6.2.2 All responsive tenderers or at least a minimum of not less than three responsive tenderers that are highest ranked in terms of the evaluation criteria stated in the tender data shall be invited to enter into competitive negotiations based on the principle of equal treatment, keeping confidential the proposed solutions and associated information.

Notwithstanding the provisions of C.2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

C.1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to revise their tender offer based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer.

C.1.6.2.4 The contract shall be awarded in accordance with the provisions of C.3.11 and C.3.13 after tenderers have been requested to submit their best and final offer.

C.1.6.3 Proposal procedure using the two stage-system

C.1.6.3.1 Option 1

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Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender

data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender.

C.1.6.3.2 Option 2

C.1.6.3.2.1 Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents.

C.1.6.3.2.2 The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data, and award the contract in terms of these conditions of tender.

C.2 Tenderer's obligations

C.2.1 Eligibility

C.2.1.1 Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer.

C.2.1.2 Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders.

C.2.2 Cost of tendering

C.2.2.1 Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer complies with requirements.

C.2.2.2 The cost of the tender documents charged by the employer shall be limited to the actual cost incurred by the employer for printing the documents. Employers must attempt to make available the tender documents on its website so as not to incur any costs pertaining to the printing of the tender documents.

C.2.3 Check documents

Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.

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C.2.4 Confidentiality and copyright of documents

Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.

C.2.5 Reference documents

Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.

C.2.6 Acknowledge addenda

Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.

C.2.7 Clarification meeting

Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.

C.2.8 Seek clarification

Request clarification of the tender documents, if necessary, by notifying the employer at least five (5) working days before the closing time stated in the tender data.

C.2.9 Insurance

Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

C.2.10 Pricing the tender offer

C.2.10.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable fourteen (14) days before the closing time stated in the tender data.

C.2.10.2 Show VAT payable by the employer separately as an addition to the tendered total of the prices.

C.2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.

C.2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

C.2.11 Alterations to documents

Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations.

C.2.12 Alternative tender offers

C.2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.

C.2.12.2 Accept that an alternative tender offer must be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.

C.2.12.3 An alternative tender offer must only be considered if the main tender offer is the winning tender.

C.2.13 Submitting a tender offer

C.2.13.1 Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.

C.2.13.2 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.

C.2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.

C.2.13.4 Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.

C.2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

C.2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

C.2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.

C.2.13.8 Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.

C.2.13.9 Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.

C.2.14 Information and data to be completed in all respects

Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

C.2.15 Closing time

C.2.15.1 Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery.

C.2.15.2 Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.

C.2.16 Tender offer validity

C.2.16.1 Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.

C.2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.

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C.2.16.3 Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted. If the validity period stated in C.2.16 lapses before the employer evaluating tender, the contractor reserves the right to review the price based on Consumer Price Index (CPI).

C.2.16.4 Where a tender submission is to be substituted, a tenderer must submit a substitute tender in accordance with the requirements of C.2.13 with the packages clearly marked as "SUBSTITUTE".

C.2.17 Clarification of tender offer after submission

Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.

Note: Sub-clause C.2.17 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Employer elect to do so.

C.2.18 Provide other material

C.2.18.1 Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment.

Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.

C.2.18.2 Dispose of samples of materials provided for evaluation by the employer, where required.

C.2.19 Inspections, tests and analysis

Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.

C.2.20 Submit securities, bonds and policies

If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

C.2.21 Check final draft

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

C.2.22 Return of other tender documents

If so instructed by the employer, return all retained tender documents within twenty-eight (28) days after the expiry of the validity period stated in the tender data.

C.2.23 Certificates

Include in the tender submission or provide the employer with any certificates as stated in the tender data.

C.3 The employer's undertakings

C.3.1 Respond to requests from the tenderer

C.3.1.1 Unless otherwise stated in the tender Data, respond to a request for clarification received up to five (5) working days before the tender closing time stated in the Tender Data and notify all tenderers who collected tender documents.

C.3.1.2 Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

- a) an individual firm, or a joint venture as a whole, or any individual member of the joint venture fails to meet any of the collective or individual qualifying requirements;
- b) the new partners to a joint venture were not prequalified in the first instance, either as individual firms or as another joint venture; or
- c) in the opinion of the Employer, acceptance of the material change would compromise the outcome of the prequalification process.

C.3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three (3) working days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the

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Tender Data, the Employer may grant such extension and, shall then notify all tenderers who collected tender documents.

C.3.3 Return late tender offers

Return tender offers received after the closing time stated in the Tender Data, unopened, (unless it is necessary to open a tender submission to obtain a forwarding address), to the tenderer concerned.

C.3.4 Opening of tender submissions

C.3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

C.3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, number of points claimed for its BBBEE status level and time for completion for the main tender offer only.

C.3.4.3 Make available the record outlined in C.3.4.2 to all interested persons upon request.

C.3.5 Two-envelope system

C.3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

C.3.5.2 Evaluate functionality of the technical proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the functionality evaluation more than the minimum number of points for functionality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any points claimed on BBBEE status level. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for functionality.

C.3.6 Non-disclosure

Not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer.

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C.3.7 Grounds for rejection and disqualification

Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.

C.3.8 Test for responsiveness

C.3.8.1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:

- a) complies with the requirements of these Conditions of Tender,
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the tender documents.

C.3.8.2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
- b) significantly change the Employer's or the tenderer's risks and responsibilities under the contract, or
- c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified.

Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

C.3.9 Arithmetical errors, omissions and discrepancies

C.3.9.1 Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.

C.3.9.2 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with C.3.11 for:

- a) the gross misplacement of the decimal point in any unit rate;
- b) omissions made in completing the pricing schedule or bills of quantities; or
- c) arithmetic errors in:

- (i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
- (ii) the summation of the prices.

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C.3.9.3 Notify the tenderer of all errors or omissions that are identified in the tender offer and either confirm the tender offer as tendered or accept the corrected total of prices.

C.3.9.4 Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows:

- a) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.
- b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

C.3.10 Clarification of a tender offer

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.

C.3.11 Evaluation of tender offers

The Standard Conditions of Tender standardize the procurement processes, methods and procedures from the time that tenders are invited to the time that a contract is awarded. They are generic in nature and are made project specific through choices that are made in developing the Tender Data associated with a specific project.

Conditions of tender are by definition the document that establishes a tenderer's obligations in submitting a tender and the employer's undertakings in soliciting and evaluating tender offers. Such conditions establish the rules from the time a tender is advertised to the time that a contract is awarded and require employers to conduct the process of offer and acceptance in terms of a set of standard procedures.

| The CIDB Standard Conditions of Tender are based on a procurement system that satisfies the following system requirements: | |
|---|---|
| Requirement | Qualitative interpretation of goal |
| Fair | The process of offer and acceptance is conducted impartially without bias, providing simultaneous and timely access to participating parties to the same information. |
| Equitable | Terms and conditions for performing the work do not unfairly prejudice the interests of the parties. |
| Transparent | The only grounds for not awarding a contract to a tenderer who satisfies all |

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| | requirements are restrictions from doing business with the employer, lack of capability or capacity, legal impediments and conflicts of interest. |
| Competitive | The system provides for appropriate levels of competition to ensure cost effective and best value outcomes. |

The activities associated with evaluating tender offers are as follows:

- a) Open and record tender offers received
- b) Determine whether or not tender offers are complete
- c) Determine whether or not tender offers are responsive
- d) Evaluate tender offers
- e) Determine if there are any grounds for disqualification
- f) Determine acceptability of preferred tenderer
- g) Prepare a tender evaluation report
- h) Confirm the recommendation contained in the tender evaluation report

C.3.11.1 General

The employer must appoint an evaluation panel of not less than three persons conversant with the proposed scope of works to evaluate each responsive tender offer using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

C.3.12 Insurance provided by the employer

If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide.

C.3.13 Acceptance of tender offer

Accept the tender offer; if in the opinion of the employer, it does not present any risk and only if the tenderer:

- a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement;
- b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract;
- c) has the legal capacity to enter into the contract;
- d) is not; insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act No. 2008, bankrupt or being wound up, has his/her affairs administered by a court or a judicial officer, has suspended his/her business activities or is subject to legal proceedings in respect of any of the foregoing;