



## FRAMEWORK CONTRACT DOCUMENT (WINNER-TAKES-ALL TYPE)

FOR THE

## TERM TENDER FOR THE MINOR MAINTENANCE OF COASTAL MARINE STRUCTURES – CITYWIDE

Framework Contract Period: 36 Months from Commencement Date

## VOLUME 1: TENDERING PROCEDURES

**NOTE:**

- The Form of Offer and Acceptance (C1.1) is on **page 36** of this document
- Table 1: Preference Schedule is on **page 145** of this document

|   |  |   |
|---|--|---|
| ISSUED BY:  | COMPILED BY:   | For official use.   |
| DIRECTORATE: SPATIAL<br>ENVIRONMENT MANAGEMENT.<br>DEPARTMENT:<br>ENVIRONMENTAL<br>MANAGEMENT.<br>BRANCH: COASTAL<br>MANAGEMENT.<br><br>44 Wale Street<br>Cape Town<br>8001 | COASTAL MANAGEMENT<br>BRANCH.<br>ENVIRONMENTAL<br>MANAGEMENT.<br>BRANCH: COASTAL<br>MANAGEMENT.<br><br>44 Wale Street<br>Cape Town<br>8001 | TENDER SERIAL No.:<br><br>SIGNATURES OF CITY OFFICIALS AT<br>TENDER OPENING<br><br>1.<br>2.<br>3. |

November 2023 |

|   |  |
|---|--|
| NAME OF TENDERING ENTITY                              |  |
| EMAIL ADDRESS OF TENDERING ENTITY                     |  |
| FAX NUMBER OF TENDERING ENTITY                        |  |
| <b>NATURE OF TENDER OFFER</b> (please indicate below) |  |
| Main Offer (see clause C.2.12)                        |  |
| Alternative Offer (see clause C.2.12)                 |  |

**CITY OF CAPE TOWN**

**DIRECTORATE: SPATIAL PLANNING AND ENVIRONMENT**  
**DEPARTMENT: ENVIRONMENTAL MANAGEMENT**  
**BRANCH :COASTAL MANAGEMENT**

**CONTRACT NO. 099Q/2023/24**

**TERM TENDER FOR THE MINOR MAINTENANCE OF COASTAL MARINE STRUCTURES – CITYWIDE**

## **General Tender Information**

|  |   |   |
|--|---|---|
| <b>TENDER ADVERTISED</b>                             | : | 10 November 2023  |
| <b>CIDB CONTRACTOR GRADING</b><br><b>DESIGNATION</b> | : | 4CE or higher   |
| <b>SITE VISIT/CLARIFICATION MEETING</b>              | : | (To be held in person at Milnerton Public Library at 10am on 22 November 2023<br>(Not compulsory, but strongly recommended)   |
| <b>VENUE FOR SITE VISIT/CLARIFICATION MEETING</b>    | : | Milnerton Public Library Address: 81 Pienaar Rd, Milnerton, Cape Town, 7435. Tenderers are requested to email the names and email addresses of those who will be in attendance to <a href="mailto:Moghammad.Hendricks@capetown.gov.za">Moghammad.Hendricks@capetown.gov.za</a>  |
| <b>CLOSING DATE</b>                                  | : | 14 December 2023  |
| <b>CLOSING TIME</b>                                  | : | 10h00   |
| <b>TENDER BOX &amp; ADDRESS</b>                      | : | Tender Box 124 at the <b>Tender &amp; Quotation Box Office</b> , 2 <sup>nd</sup> Floor (Concourse Level), Civic Centre, 12 Hertzog Boulevard, Cape Town.  |
|  |   | The Tender Document (which includes the Form of Offer and Acceptance) completed in all respects, plus any additional supporting documentation required, must be submitted in a sealed envelope with the name and address of the tenderer, the tender No. and title, the tender box No. and the closing date indicated on the envelope. The sealed envelope must be inserted into the appropriate official tender box before closing time. |

If the tender offer is too large to fit into the abovementioned box or the box is full, please enquire at the public counter (Tender Distribution Office) for alternative instructions. The onus remains with the tenderer to ensure that the tender is placed in either the original box or as alternatively instructed.

**TENDERERS MUST NOTE THAT WHEREVER THIS DOCUMENT REFERS TO ANY PARTICULAR TRADE MARK, NAME, PATENT, DESIGN, TYPE, SPECIFIC ORIGIN OR PRODUCER, SUCH REFERENCE SHALL BE DEEMED TO BE ACCOMPANIED BY THE WORDS 'OR EQUIVALENT'**

**CITY OF CAPE TOWN**

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**CONTRACT NO. 099Q/2023/24**

**TERM TENDER FOR THE MINOR MAINTENANCE OF COASTAL MARINE STRUCTURES – CITYWIDE**

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**CITY OF CAPE TOWN**

**DIRECTORATE: SPATIAL PLANNING AND ENVIRONMENT**  
**DEPARTMENT: ENVIRONMENTAL MANAGEMENT**  
**BRANCH: COASTAL MANAGEMENT**

**CONTRACT NO. 099Q/2023/24**

**TERM TENDER FOR THE MINOR MAINTENANCE OF COASTAL MARINE STRUCTURES – CITYWIDE**

## **T1.1 Tender Notice and Invitation to Tender**

The **CITY OF CAPE TOWN, DIRECTORATE: SPATIAL PLANNING AND ENVIRONMENT**, invites tenders for Tender No. **099Q/2023/24: Term Tender for the Minor Maintenance of Coastal Marine Structures – Citywide**

Tenderers must be registered on Supplier Databases as described in the tender conditions.

Tenderers who are not registered on these Databases are not precluded from submitting tenders, but must however be registered upon being requested to do so in writing and within the period contained in such a request.

Tenderers must have a CIDB contractor grading designation of **4CE** or higher.

Preferences are offered to tenderers who tender in accordance with the Preferential Procurement Regulations and the City of Cape Town's Supply Chain Management Policy (SCM Policy). Furthermore, in terms of these Regulations and the SCM Policy, tenderers are required to meet the HDI and/or RDP specific goals

The physical address for collection of tender documents is:

**Tender Distribution Office**, 2<sup>nd</sup> Floor (Concourse Level), Civic Centre, 12 Herzog Boulevard, Cape Town.

Documents may be collected during working hours between 08:30 – 15:00 from **10 November 2023**.

A non-refundable tender fee of **R300.00** payable in cash or EFT made out in favour of the City of Cape Town, is required on collection of the tender documents.

Queries relating to any issues in these documents may be addressed to **Mr Sameeg Hendricks, Tel No. 079 774 2840, e-mail [Mohammad.Hendricks@capetown.gov.za](mailto:Mohammad.Hendricks@capetown.gov.za)**

**A non-compulsory but strongly recommended clarification meeting with representatives of the Employer will take place in person at Milnerton Public Library Address: 81 Pienaar Rd, Milnerton, Cape Town, 7435 on the 22 November 2023 starting at 10am.**

The closing time for receipt of tenders is **10:00am on 14 December 2023**.

Telegraphic, telephonic, telex, facsimile, e-mail and late tenders will not be accepted.

Tenders may only be submitted on the tender documentation that has been issued. Printed Schedules of Rates, in the same format (that is, layout, scheduled items, units and quantities, if applicable) as those issued electronically by the Employer upon request, may be submitted as stated in the Tender Data.

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



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**TERM TENDER FOR THE MINOR MAINTENANCE OF COASTAL MARINE STRUCTURES – CITYWIDE**

**LOCALITY PLAN – SITE VISIT/CLARIFICATION MEETING VENUE**

**Milnerton Public Library**  
**81 Pienaar Rd, Milnerton,**  
**Cape Town,**  
**7435**

## CITY OF CAPE TOWN

**DIRECTORATE: SPATIAL PLANNING AND ENVIRONMENT**  
**DEPARTMENT: ENVIRONMENTAL MANAGEMENT**  
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**CONTRACT NO. 099Q/2023/24**

### TERM TENDER FOR THE MINOR MAINTENANCE OF COASTAL MARINE STRUCTURES – CITYWIDE

## T1.2 Tender Data

The conditions of tender for the Framework Contract are the Standard Conditions of Tender as contained in Annex C of Government Gazette No. 42622 of 8 August 2019, Construction Industry Development Board (CIDB) Standard for Uniformity in Construction Procurement. (see [www.cidb.org.za](http://www.cidb.org.za)) which are reproduced without amendment or alteration for the convenience of tenderers as an Annex to this Tender Data.

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. Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.

**The following variations, amendments and additions to the Standard Conditions of Tender as set out in the Tender Data below shall apply to this tender:**

| Clause number | Tender Data |
|---------------|-------------|
|---------------|-------------|

**C.1 General**

**C.1.1 Actions**

*Add the following:*

**The parties agree that this tender, its evaluation and acceptance and any resulting contract shall also be subject to the Employer's Supply Chain Management Policy ('SCM Policy') that was applicable on the date the bid was advertised. Please refer to this document contained on the Employer's website.**

**Abuse of the supply chain management system is not permitted and may result in the tender being rejected, cancellation of the contract, restriction of the supplier, and/or the exercise by the Employer of any other remedies available to it as described in the SCM Policy.**

The Employer is the City of Cape Town, represented by the Director: **DIRECTORATE: SPATIAL PLANNING AND ENVIRONMENT, ENVIRONMENTAL MANAGEMENT DEPARTMENT.**

In addition to the above, the following further documents are part of the tender:

**VOLUME 4:** Drawings (listed in C3.2 Engineering and, if applicable, in each Works Project)

**VOLUME 5:** The General Conditions of Contract for Construction Works, Third Edition, 2015, prepared by the South African Institution of Civil Engineering (SAICE). This publication is available and tenderers must obtain copies at their own cost from the South African Institution of Civil Engineering (SAICE), Private Bag X200, Halfway House 1685, Tel: (011) 805 5947, Fax: (011) 805 5971, e-mail: [civilinfo@saice.org.za](mailto:civilinfo@saice.org.za).

**VOLUME 6:** The SANS Standardised Specifications for Civil Engineering Construction prepared by Standards South Africa. These publications are available and tenderers must obtain copies at their own cost from Standards South Africa, Private Bag X191, PRETORIA, 0001.

Volumes 1 and 2 may also be inspected, by appointment, at the offices of the Employer's agent during normal office hours.

**VOLUME 7:** The Works Project contract document (this is a separate document to be issued for each Works Project)

C.1.3 **Interpretation**

Add the following to C.1.3.3:

- g) **framework contract** means the Framework Contract defined in Part C1.2 Contract Data
- h) **winner** means Winner defined in Part C1.2 Contract Data
- i) **winner-takes-all** means the basis on which the highest ranked contractor [citywide], “the winner” in terms of the framework tender evaluation, is allocated work on an on-going basis. If “the winner” is unable to perform in accordance with the terms of the framework contract, and the contract is terminated, the CCT may consider appointing the Standby Bidder as defined in C.1.6.4 .
- j) **Works Project** means Works Project defined in Part C1.2 Contract Data.

C.1.4 **Communication and employer's agent**

Delete the first sentence of the clause and replace with the following:

Verbal or any other form of communication, from the Employer, its employees, agents or advisors during site visits/clarification meetings or at any other time prior to the award of the Contract, will not be regarded as binding on the Employer, unless communicated by the Employer in writing to suppliers by its Director: Supply Chain Management or his nominee.

The Employer's agent is:

Name: Sameeg Hendricks (Designation – Head: Coastal Engineering & Optimisation)

Address: 44 Wale Street  
Cape Town  
8000

Tel:

E-mail: [moghammad.hendricks@capetown.gov.za](mailto:moghammad.hendricks@capetown.gov.za) ]

C.1.5 **Cancellation and Re-Invitation of Tenders**

Delete the fulstop at the end of C.1.5.1 d) and replace with

Add the following after C.1.5.1 d):

- e) the parties are unable to negotiate market related pricing.

C.1.6 **Procurement procedures**

C.1.6.1 **General**

Add the following:

For the purposes of this tender, **TERM TENDER FOR THE MINOR MAINTENANCE OF COASTAL MARINE STRUCTURES – CITYWIDE**, within the City of Cape Town Municipal area.

The Employer intends to appoint (the highest ranked tenderer (“the winner”) for the allocation of work on a “winner-takes-all” basis in terms of the definitions in C.1.3 above. . If “the winner” is unable to perform in accordance with the requirements on the framework contract and the contract is terminated, the CCT may consider appointing the Standby Bidder as defined in C.1.6.4 .

Please refer to C.3.11.1 c for the manner in which awards would be made.

The Contractor, once appointed and subject to operational requirements, will be invited to execute the Works by means of Works Project.

The framework contract period shall be for a period of 36 months [from the commencement date of the contract, as stated in Part C1.2 Contract Data.

C.1.6.2 **Competitive negotiation procedure**

Add the following to C.1.6.2:

A competitive negotiation procedure will **not** be followed.

C.1.6.3 **Proposal procedure using the two-stage system**

Add the following to C.1.6.3:

A two-stage system will **not** be followed.