

REQUEST FOR PROPOSAL FOR APPOINTMENT OF A PANEL OF TOWN PLANNING CONSULTANTS TO UNDERTAKE LAND USE MANAGEMENT SERVICES FOR SELECT PROPERTIES OWNED BY PRASA NATIONALLY FOR A PERIOD OF THIRTY-SIX (36) MONTHS ON AN AS AND WHEN BASIS




HO/CRES/REAM /01/09/2022

BID NUMBER: HO/CRES/REAM /01/09/2022

REQUEST FOR PROPOSAL FOR APPOINTMENT OF A PANEL OF TOWN PLANNING CONSULTANTS TO UNDERTAKE LAND USE MANAGEMENT SERVICES FOR SELECT PROPERTIES OWNED BY PRASA NATIONALLY FOR A PERIOD OF THIRTY-SIX (36) MONTHS ON AN AS AND WHEN BASIS

CLOSING DATE	14 OCTOBER 2022 @12:00
CLOSING TIME	12:00
BID DOCUMENTS DELIVERY ADDRESS	PASSENGER RAIL AGENCY OF SOUTH AFRICA Umjantshi House 30 Wolmarans Street Braamfontein
BIDDER NAME	
BID RETURN ADDRESS	PASSENGER RAIL AGENCY OF SOUTH AFRICA Umjantshi House 30 Wolmarans Street Braamfontein

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Disclaimer

This document is provided solely for the purpose set out in this RFP and is not intended to form any part or basis of any investment decision by Bidders. The recipient should not consider the document as an investment recommendation by PRASA or any of its advisers.


Each person to whom this document (and other later documents) is made available must make his own independent assessment of the Project after making such investigation and taking such professional advice as he/she or it deems necessary. Neither the receipt of this document or any related document by any person, nor any information contained in the documents or distributed with them or previously or subsequently communicated to any Bidder or its advisers, is to be taken as constituting the giving of an investment advice by PRASA or its advisers.

Whilst reasonable care has been taken in preparing this RFP and other documents, they do not purport to be comprehensive or true and correct. Neither PRASA nor any of its advisers accept any liability or responsibility for the adequacy, accuracy or completeness of any of the information or opinions stated in any document.

They acquaint themselves with this RFP and take note that no representation or warranty, express or implied, is or will be given by PRASA, or any of its officers, employees, servants, agents or advisers with respect to the information or opinions contained in any document or on which any document is based. Any liability in respect of such representations or warranties, howsoever arising is hereby expressly disclaimed.

If any recipient, or its employees, advisers or agents make or offers to make any gift to any of the employees of PRASA or consultant to PRASA on the RFP either directly or through an intermediary then such recipient, Bidder will be disqualified forthwith from participating in the RFP.

Each recipient of this RFP agrees to keep confidential any information of a confidential nature which may be contained in the information provided (the "Confidential Information Provided"). The Confidential Information provided may be made available to Bidder's subcontractors, employees and professional advisers who are directly involved in the appraisal of such information (who must be made aware of the obligation of confidentiality) but shall not, either in the whole or in part, be copied, reproduced,

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distributed or otherwise made available to any other party in any circumstances without the prior written consent of PRASA, nor may it be used for any other purpose than that for which it is intended.

These requirements do not apply to any information, which is or becomes publicly available or is shown to have been made available (otherwise than through a breach of a confidentiality obligation). Bidders, Key Contractors and their constituent members, agents and advisers, may be required to sign confidentiality Contracts/undertakings (in such form as PRASA may require from time to time).


All Confidential Information Provided (including all copies thereof) remains the property of PRASA and must be delivered to PRASA on demand. Further, by receiving this RFP each Bidder and each of its members agrees to maintain its submission in Bid to this RFP confidential from third parties other than PRASA and its officials, officers and advisers who are required to review the same for the purpose of procurement of the RFP.

Any recipient residing outside the Republic of South Africa is urged to familiarise themselves with and to observe any regulatory requirements relevant to the proposed transaction (whether these derive from a regulatory authority within or outside the Republic of South Africa).

Any requirement set out in this RFP regarding the content of a response to the RFP is stipulated for the sole benefit of PRASA, and serves as expressly stated to the contrary, may be waived at its discretion at any stage in the procurement process.

PRASA is not committed to any course of action as a result of its issuance of this RFP and/or its receipt of a Proposal in response to it. Please note that PRASA reserves the right to:

- Modify the RFP's goods / service(s) / works and request Respondents to re-bid on any changes;
- Withdraw, amend the RFP at any time without prior notice and liability to compensate or reimburse any respondent;
- Reject any Proposal which does not conform to instructions and specifications which are detailed herein
- Disqualify Proposals submitted after the stated submission deadline;
- Call a respondent to provide additional documents which PRASA may require which have not been submitted to PRASA.


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- Not necessarily accept the lowest priced Proposal or alternative bid;
- Not accept any response to the RFP or appoint a final bidder;
- Reject all proposals if it so decides;
- Withdraw the RFP on good cause shown;
- Award a contract in connection with this Proposal at any time after the RFP's closing date;
- Award a contract for only a portion of the proposed goods/ service/s/ works which are reflected in the scope of this RFP;
- Split the award of the contract between more than one Service Provider, should it at PRASA's discretion be more advantageous in terms of, amongst others, cost or development considerations;
- Make no award at all;
- Validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to PRASA to do so;
- Request annual financial statements prepared and signed off by a professional accountant or other documentation for the purposes of a due diligence exercise; and/or
- Not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provided for it.

To adopt any proposal made by any bidder at any time and to include such proposal in any procurement document which may or may not be made available to other bidders.

All costs and expenses incurred by Bidders in submitting responses to this RFP shall be borne by the Bidders and PRASA shall not be liable for any costs or expenses whatsoever or any claim for reimbursement of such costs or expenses.

Should a contract be awarded on the strength of information furnished by the Respondent, which after conclusion of the contract, is proved to have been incorrect, PRASA reserves the right to cancel the contract and/or place the Respondent on PRASA's list of Restricted Suppliers.


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PRASA reserves the right to negotiate market-related price with the bidder scoring the highest points or cancel the bid; if the bidder does not agree to a market related price, negotiate a market related price with the bidder scoring the second highest points or cancel the bid; if the bidder scoring the second highest points does not agree to a market related price, negotiate a market related price with the bidder scoring the third highest points or cancel the bid. If the market related price is not agreed as envisaged in this paragraph, PRASA will cancel the bid.

PRASA reserves the right to negotiations Best and Final Offer (BAFO) with selected Respondents where none of the Proposals meet RFP requirement, are affordable and demonstrate value for money and there is no clear preferred response to the RFP

Should the preferred bidder fail to sign or commence with the contract within a reasonable period after being requested to do so, PRASA reserves the right to award the business to the next ranked bidder, provided that he/she is still prepared to provide the required goods at the quoted price. Under such circumstances, the validity of the bids of the next ranked bidder(s) will be deemed to remain valid, irrespective of whether the next ranked bidder(s) were issued with a Letter of Regret. Bidders may therefore be requested to advise whether they would still be prepared to provide the required goods at their quoted price, even after they have been issued with a Letter of Regret.

PRASA will not reimburse any Respondent for any preparatory costs or other work performed in connection with its Proposal, whether or not the Respondent is awarded a contract.


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1 LIST OF ANNEXURES

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2 ACRONYMS


BBBEE	Broad Based-Black Economic Empowerment
CIDB	Construction Industries Development Board
DTiC	The Department of Trade and Industry and Competition
PPPFA	Preferential Procurement Policy Framework Act 5 of 2000 (as amended from time to time)
PFMA	Public Finance Management Act No.1 of 1999 (as amended from time to time)
PRASA	Passenger Rail Agency of South Africa
RFP	Request for Proposal
SANAS	South African National Accreditation System

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Interpretation

In this RFP, unless inconsistent with or otherwise indicated by the context –

- 4.1 headings have been inserted for convenience only and should not be taken into account in interpreting the RFP;
- 4.2 any reference to one gender shall include the other gender;
- 4.3 words in the singular shall include the plural and vice versa;
- 4.4 any reference to natural persons shall include legal persons and vice versa;
- 4.5 words defined in a specific clause have the same meaning in all other clauses of the RFP, unless the contrary is specifically indicated;
- 4.6 any reference to the RFP, schedule or appendix, shall be construed as including a reference to any RFP, schedule or appendix amending or substituting that RFP, schedule or appendix;
- 4.7 the schedules, appendices and Briefing Notes issued pursuant to this RFP, form an indivisible part of the RFP and together with further clarifying and amending information provided by PRASA, constitute the body of RFP documentation which must be complied with by Bidders;
- 4.8 in the event of any inconsistency between this RFP or other earlier information published with regard to the Project, the information in this RFP shall prevail; and
- 4.9 this RFP shall be governed by and applied in accordance with South African law.

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5. DEFINITIONS

In this RFP and in any other project documents (as defined below) which so provides, the following words and expressions shall have the meaning assigned to them below and cognate expressions shall have a corresponding meaning, unless inconsistent with the context:


- 5.1 “Accounting Authority” means the Board of PRASA;
- 5.2 “Contract” means the Contract to be entered between PRASA and the successful Bidder for the provision of the *services* procured in this RFP.
- 5.3 “Bid” means the Bid to the RFP submitted by Bidders;
- 5.4 “Bidders Briefing Session” means the compulsory briefing session to be held at the offices of PRASA, in order to brief the Bidders about this tender;
- 5.5 “Black Enterprise” means an enterprise that is at least 51% beneficially owned by Black People and in which Black People have substantial Management Control. Such beneficial ownership may be held directly or through other Black Enterprises;
- 5.6 “Black Equity” means the voting equity held by Black People from time to time;
- 5.7 “Black People” means African, Coloured and Indian South African citizens, and “Black Person” means any such citizen ;
- 5.8 “Black Woman” means African, Coloured and Indian South Africa Female citizen;
- 5.9 “Briefing Note” means any correspondence to Bidders issued by the PRASA;
- 5.10 “Business Day” means any day except a Saturday, Sunday or public holiday in South Africa;
- 5.11 “Bidders” means individuals, organisations or consortia that have been submitted responses to the RFP in respect of the tender;
- 5.12 “Consortium” means any group of persons or firms jointly submitting a Bid as Bid to this RFP and “Consortia” means more than one Consortium;
- 5.13 “Contractor” the successful Bidders who has signed a Contract with PRASA in terms of this RFP.

“Project” means this project for **REQUEST FOR PROPOSAL FOR APPOINTMENT OF A PANEL OF TOWN PLANNING CONSULTANTS TO UNDERTAKE LAND USE MANAGEMENT SERVICES FOR SELECT PROPERTIES OWNED BY PRASA NATIONALLY FOR A PERIOD OF THIRTY-SIX (36) MONTHS ON AN AS AND WHEN BASIS**

“RFP” means the Request for Proposals issued by PRASA for this tender; and

- 5.14 “Scope of Work” means the scope of work for this project as detailed out in the RFP technical specifications.

SECTION 1


REQUEST FOR PROPOSAL FOR APPOINTMENT OF A PANEL OF TOWN PLANNING CONSULTANTS TO UNDERTAKE LAND USE MANAGEMENT SERVICES FOR SELECT PROPERTIES OWNED BY PRASA NATIONALLY FOR A PERIOD OF THIRTY-SIX (36) MONTHS ON AN AS AND WHEN BASIS	
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NOTICE TO BIDDERS

1 INVITATION TO BID

You are hereby invited to submit a bid to meet the requirements of the Passenger Rail Agency of South Africa. Responses to this RFP [hereinafter referred to as a **Bid** or a **Proposal**] are requested from persons, companies, close corporations, or enterprises [hereinafter referred to as an **entity**, **Bidder**].

BID DESCRIPTION	REQUEST FOR PROPOSAL FOR APPOINTMENT OF A PANEL OF TOWN PLANNING CONSULTANTS TO UNDERTAKE LAND USE MANAGEMENT SERVICES FOR SELECT PROPERTIES OWNED BY PRASA NATIONALLY FOR A PERIOD OF THIRTY-SIX (36) MONTHS ON AN AS AND WHEN BASIS
BID ADVERT	This RFP may be downloaded directly from National Treasury's e-Tender Publication Portal at www.etenders.gov.za free of charge. With effect from 15 September 2022
ISSUE DATE	15 September 2022
COMPULSORY VIRTUAL BRIEFING WILL BE HELD VIA TEAMS ATTENDANCE REGISTER WILL BE CONDUCTED DURING THE BRIEFING SESSION	22 SEPTEMBER 2022 @10:00
CLOSING DATE AND TIME	At 12h00 on 14 October 2022 @12:00 Bidders must ensure that bids are delivered timeously to the correct address. As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.
VALIDITY PERIOD	90 working Days from Closing Date Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period.
CLOSING DATE FOR QUESTIONS	29 SEPTEMBER 2022 @14:00
CLOSING DATE FOR RESPONSES	04 October 2022 @16:00
CONTACT PERSON	Tshifularo Nematatani

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2 FORMAL BRIEFING

A Compulsory (pre-proposal) Teams RFP briefing session will be held on the 22 September 2022, at 10:00 via Microsoft Team. The briefing session will start punctually at 10h00, and formation will not be repeated for the Respondents joining late.

Teams Link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmZhMmE2ZTYtOTewMC00NDImLWFmMDEtNTZmZjY4Mzk1ZTBk%40thread.v2/0?context=%7b%22Tid%22%3a%22ef089e05-fa66-4ce1-99c1-feb47ce02989%22%2c%22Oid%22%3a%2235e728b2-8a16-43aa-8eb5-e50092cd7c43%22%7d

[Respondents to provide own transportation and accommodation]. The briefing session will start punctually, and information will not be repeated for the benefit of Respondents arriving late.

3 BRIEFING SESSION MINUTES AND NOTES

3.1 PRASA will provide clarification answers to the questions asked via Annexure 2 on the date stipulated in the RFP document.

Clarifications will be issued to all Respondents to this RFP utilizing the contact details provided at receipt of the responses to the RFP documentation, after submission to the authorised representative.

3.2 Bidders / Respondents are requested to promptly confirm receipt of any clarifications sent to them.


3.3 Bidders / Respondents must ensure responses to the clarifications are received on or before the deadline date stated.

4 PROPOSAL SUBMISSION OF RFP RESPONSE

Proposal Responses must be submitted to PRASA in a sealed envelope addressed as follows:

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Description of Bid: REQUEST FOR PROPOSAL FOR APPOINTMENT OF A PANEL OF TOWN PLANNING CONSULTANTS TO UNDERTAKE LAND USE MANAGEMENT SERVICES FOR SELECT PROPERTIES OWNED BY PRASA NATIONALLY FOR A PERIOD OF THIRTY-SIX (36) MONTHS ON AN AS AND WHEN BASIS

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Closing date and time: 14 OCTOBER 2022 at 12h00

Closing address: Umjantshi House 30 Wolmarans Street Braamfontein

5 DELIVERY INSTRUCTION FOR RFP

Delivery of Bid

The sealed bid envelopes must be deposited in the PRASA tender box which is located at the main entrance of Umjantshi House 30 Wolmarans Street Braamfontein and must be addressed as follows:

THE SECRETARIAT / TENDER OFFICE
PRASA ADJUDICATION COMMITTEE TENDER BOX
UMJANTSHI HOUSE 30 WOLMARANS STREET BRAAMFONTEIN

6 BROAD-BASED BLACK ECONOMIC EMPOWERMENT AND SOCIO-ECONOMIC OBLIGATIONS

As explained in more detail in the attached SBD 6.1 (BBBEE Preference Points Claim Form) in and as prescribed in terms of the Preferential Procurement Policy Framework Act (PPPFA), Act 5 of 2000 and its Regulations, Respondents are to note that PRASA will award “preference points” to companies who provide valid proof of their B-BBEE status using either the latest version of the generic Codes of Good Practice or Sector Specific codes)if applicable).

Note: Failure to submit valid and original (or a certified copy of) proof of the Respondent’s compliance with the B-BBEE requirements stipulated in this RFP (the B-BBEE Preference Points Claim Form) at the Closing Date of this RFP, will result in a score of zero being allocated for B-BBEE.

6.1 B-BBEE Joint Ventures or Consortiums

Respondents who would wish to respond to this RFP as a Joint Venture [JV] or consortium with B-BBEE entities, must state their intention to do so in their RFP submission. Such Respondents must also submit a signed JV or consortium agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. If such a JV or

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consortium agreement is unavailable, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by PRASA through this RFP process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to PRASA.

Respondents are to note the requirements for B-BBEE compliance of JVs or consortiums as required by **SBD 6.1** [the B-BBEE Preference Point Claim Form] and submit it together with proof of their B-BBEE Status as stipulated in the Claim Form in order to obtain preference points for their B-BBEE status.

Note: Failure to submit a valid and original B-BBEE certificate for the JV or a certified copy thereof at the Closing Date of this RFP will result in a score of zero being allocated for B-BBEE.

7 COMMUNICATION

- 7.1 For specific queries relating to this RFP during the RFP process, bidders are required to adhere strictly to the communication structure requirements. An RFP Clarification Form should be submitted to **tnematatani@prasa.com Tshifularo Nematatani** before **29 September 2022**, substantially in the form set out in **Section 6** hereto.
- 7.2 In the interest of fairness and transparency PRASA's response to such a query will be made available to the other Respondents who have attended a compulsory and a non-compulsory briefing session. For this purpose PRASA will communicate with Respondents using the contact details provided at the compulsory and a non-compulsory briefing session.
- 7.3 After the closing date of the RFP, a Respondent may only communicate in writing with the Bid Secretariat, at telephone number **011 013 7428**, email **tnematatani@prasa.com** on any matter relating to its RFP Proposal.
- 7.4 Respondents are to note that changes to its submission will not be considered after the closing date.

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7.5 Respondents are warned that a response will be liable for disqualification should any attempt be made by a Respondent either directly or indirectly to canvass any officer(s) or employee of PRASA in respect of this RFP between the closing date and the date of the award of the business. Furthermore, Respondents found to be in collusion with one another will automatically be disqualified and restricted from doing business with PRASA in future.

8 CONFIDENTIALITY

8.1 PRASA shall ensure all information related to this RFP is to be treated with strict confidence. In this regard Respondents / Bidders are required to certify that they have acquainted themselves with the Non-Disclosure Agreement All information related to a subsequent contract, both during and after completion thereof, will be treated with strict confidence. Should the need however arise to divulge any information gleaned from provision of the Services, which is either directly or indirectly related to PRASA's business, written approval to divulge such information must be obtained from PRASA.

8.2 Respondents must clearly indicate whether any information submitted or requested from PRASA is confidential or should be treated confidentially by PRASA. In the absence of any such clear indication in writing, PRASA shall deem the response to the RFP to have waived any right to confidentiality and treat such information as public in nature.


9 INSTRUCTIONS FOR COMPLETING THE RFP

9.1 All responses to the RFP must be submitted in one sealed envelopes/boxes; the envelop/box shall have the technical, compliance and BBBEE response. PRASA shall disqualify Bidders who fail to adhere to this requirement.


9.2 Bidders are required to package their response/Bid as follows to avoid disqualification:

Volume 1 (Envelop 1/Package 1)

- **Part A:** Compliance Response and B-BBEE Response
- **Part B:** Technical or Functional Response (response to scope of work)

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- 9.3 Bidders must submit 1 original response and an electronic version which must be contained in a USB clearly marked with the Bidders name.
- 9.4 Bidders must ensure that their response to the RFP is in accordance with the structure of this document.
- 9.5 Where Bidders are required to sign forms, they are required to do so using a black ink pen.
- 9.6 Any documents forming part of the original responses to RFP but which are not original in nature, must be certified as a true copy by a Commissioner of Oaths.
- 9.7 Each response to RFP must be in English and submitted in A4 format, except other graphic illustrations, which may not exceed A3 format, unless the contrary is specifically allowed for in this RFP. Responses to RFP must be neatly and functionally bound, preferably according to their different sections.
- 9.8 The original responses to RFP must be signed by a person duly authorized by each consortium member and Subcontractor to sign on their behalf, which authorization must form part of the responses to RFP as proof of authorization. By signing the responses to RFP the signatory warrants that all information supplied by it in its responses to RFP is true and correct and that the responses to RFP and each party whom the responses to RFP signatory represents, considers themselves subject to and bound by the terms and conditions of this RFP.
- 9.9 The responses to RFP formulation must be clear and concise and follow a clear methodology which responses to RFP must explain upfront in a concise Executive Summary and follow throughout the responses to RFP.
- 9.10 Responses to RFP must provide sufficient information and detail in order to enable PRASA to evaluate the responses to RFP but should not provide unnecessary detail which does not add value and detracts from the ability of PRASA to effectively evaluate and understand the responses to RFP. The use of numbered headings, bullet points, sections, appendices and schedules are encouraged.
- 9.11 Information submitted as part of a responses to RFP must as far as possible, be ordered according to the order of the required information requested by PRASA. All pages must be consecutively numbered.
- 9.12 Responses to RFP must ensure that each requirement contained in the RFP is succinctly addressed. Responses to RFP should as far as possible use the terms and definitions applied in this RFP and should clearly indicate its interpretation of any differing terminology applied.


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- 9.13 Response to RFP documents are to be submitted to the address specified in paragraph 5 above, and Bidders must ensure that the original and copies (where applicable) are identical in all respects as PRASA will not accept any liability for having disqualified a bidder for failing to provide a mandatory returnable document.
- 9.14 Unless otherwise expressly stated, all Proposals furnished pursuant to this RFP shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated.
- 9.15 Any additional conditions must be embodied in an accompanying letter. Subject only to clause 16 [Alterations made by the Respondent to Bid Prices] of the General Bid Conditions, alterations, additions or deletions must not be made by the Respondent to the actual RFP documents.
- 9.16 Bidders are required to review the Contract. Bidders may further amend and or delete any part of the Draft Contract where they deem fit to do so. Where Bidders have amended and or deleted any part of the Contract, it must be clearly visible by using track changes and must ensure that the disc copy of their bid submission for the Draft Contract is in word version and not password protected.

10 RFP TIMETABLE

PRASA may at its sole discretion amend any of the milestone dates indicated in the table below. Bidders will be informed of any amendments to the timeline through the issue of the Addendum.

RFP PROCESS	MILESTONE DATES
Bid issue date	15 September 2022
Compulsory Virtual briefing session	22 September 2022 @10:00
Closing date for Questions	29 September 2022 @ 14:00
Closing date for Responses	04 October 2022 @ 16:00
Closing Date for Submission of final Bid	14 October 2022 @12:00
Evaluation of Proposals (Bidders note that PRASA may call for Presentation of bidders offers at any stage of the evaluation process)	17 October 2022
Appointment of the successful Bidder	TBA
Contract negotiations	TBA

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Contract signing	TBA
Contract Commencement	TBA

11 LEGAL COMPLIANCE

Bidders must ensure that they comply with all the requirements of the RFP and if Bidders fail to submit any of the required documents, such Bids shall, at the sole discretion of PRASA, be disqualified the Bidder. PRASA reserves the right to call a Bidder to provide additional documents which PRASA may require from a Bidder which have not been submitted to PRASA.

Respondents must ensure that they comply with all the requirements of the RFP and if Bidders fail to submit any of the required documents, such Bids shall, at the sole discretion of PRASA, be disqualified.

The successful Bidder [hereinafter referred to as the **Service Provider**] shall be in full and complete compliance with any and all applicable laws and regulations.

12 NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE


Respondents are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. Only foreign suppliers with no local registered entity need not register on the CSD. The CSD can be accessed at <https://secure.csd.gov.za>. Respondents are required to provide the following to PRASA in order to enable it to verify information on the CSD:

Supplier Number: _____ **Unique registration reference number:** _____.

13 TAX COMPLIANCE

Respondents must be compliant when submitting a proposal to PRASA and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).

It is a condition of this RFP that the tax matters of the successful bidder be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

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The Tax Compliance status requirements are also applicable to foreign Respondents/ individuals who wish to submit bids.

Respondents are required to be registered on the Central Supplier Database (CSD) as indicated in paragraph 16 and the National Treasury shall verify the Respondent's tax compliance status through the Central Supplier Database (CSD).

Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database (CSD) and their tax compliance status will be verified through the Central Supplier Database (CSD).

For this purpose, the attached SBD 1 marked Annexure B must be completed and submitted as an essential returnable document by the closing date and time of the bid.

New Tax Compliance Status (TCS) System


SARS has implemented a new Tax Compliance Status (TCS) system in terms of which a taxpayer is now able to authorise any 3rd party to verify its compliance status in one of two ways: either through the use of an electronic access PIN, or through the use of a Tax Clearance Certificate obtained from the new TCS system.

Respondents are required to provide the following to PRASA in order to enable it to verify their tax compliance status:

Tax Compliance Status (TCS) Pin:_____.

14 PROTECTION OF PERSONAL DATA

In responding to this bid, PRASA acknowledges that it may obtain and have access to personal data of the Respondents. PRASA agrees that it shall only process the information disclosed by Respondents in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law. Furthermore, PRASA will not otherwise modify, amend or alter any personal data submitted by Respondents or disclose or permit the disclosure of any personal data to any Third Party without the prior written consent from the Respondents. Similarly, PRASA requires Respondents to process any personal information disclosed by PRASA in the bidding process in the same manner.

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SECTION 2

1. INTRODUCTION

PRASA CRES is a Division of the Passenger Rail Agency of South Africa and is responsible for the management of PRASA's property portfolio across various provinces such as Gauteng, KZN, Eastern Cape; Northern Cape and Western Cape.

PRASA CRES has embarked on commercialisation of various properties through Concession Leases, Station Upgrade Programme and Property Developments. This is to be achieved primarily through unlocking the value of the rail property portfolio that resides under the Division's management.

In April 2019 and December 2021, PRASA advertised sites (land parcels and/or buildings) to either be leased, developed, and upgraded. PRASA called for Requests for Proposals (RFP) by advertising this set of opportunities in various newspapers.

Advertised properties are in various state of readiness for development. Some properties have land use rights in place, but most properties' land use rights are still to be secured. In order to enable development, properties need to be surveyed (subdivided/consolidated), rezoned and registered. In some cases, township needs to be established.

PRASA CRES requires a panel of town planning consultants to assist in procuring the requisite development rights for various property sites within the real estate portfolio.

2. BACKGROUND INFORMATION

In April 2019 and recently in December 2021, PRASA advertised sites (land parcels and/or buildings) to either be leased, developed or upgraded. Where a proposed development is not permissible in terms of the prevailing land use management scheme (usually PRASA's properties zoned for transport use), then permission is required from the relevant jurisdiction or land use regulator in terms of the relevant legislative framework.

PRASA properties are generally located in rail precincts and previously not subjected to Municipal Zoning schemes and classified under South African Railway (SAR) or Transport depending on a jurisdictional condition. This zoning status is restrictive to PRASA intentions of optimising and growing its property portfolio.

Furthermore, the zoning status varies from site-to-site, however bidders are required to verify this status with the local municipal offices in order to evaluate and match the proposed highest and best use with the local authority by-laws.

2.1 PROBLEM STATEMENT


PRASA properties are generally located within station precincts and are mostly zoned for railway transport purposes and classified under South African Railway (SAR) or Transport 1 in cities like Cape Town. This zoning status is restrictive to PRASA's intentions of optimising and growing its property portfolio as these properties are without commercial or residential rights; thus, impacting negatively on the directive of sweating the assets and yielding maximum value thereof.

Therefore, the appointment of the panel of Town Planners will ensure that the commercialisation process is fast tracked by obtaining these 'rights' and ensure readiness and timeous delivery on implementation of secondary mandate.

3. OBJECTIVE OF THE PROPOSED PROJECT

PRASA needs to assemble a panel of town planning consulting firms in order to obtain the necessary land use rights to prepare land for future developments and this involves preparation of sketch plans per land parcels for municipal approval in terms of SPLUMA or applicable legislation; drafting of subdivisional consolidation diagrams and General Plans for lodgment with the Office of the Surveyor General to approve diagrams and/ general plans.

Further to that, PRASA will instruct an attorney to register newly surveyed properties under its name. All portions/erven that are in line with definition of Investment Property (IP), will then be reclassified as IP for further optimisation and development.

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3.1 CURRENT MECHANISMS IN PLACE TO ADDRESS THE PROBLEM

Currently, properties are offered to the market “as is” without commercial or residential rights. Prospective developers that PRASA contracts with, often take a risk to prepare land for development which often take long for development to come to fruition, thereby impacting negatively on the fulfillment of the secondary mandate.

3.2 DESIRED OUTCOMES FOR CARRYING OUT THE PROPOSED PROJECT

Survey, rezoning and registration as well as subsequent reclassification of properties identified for commercial developments will allow PRASA to increase property value offered to the market resulting in higher returns to be negotiated for PRASA and speed up development approval by the local authorities which allows for earlier returns on the property.


3.2.1 Panel Selection and appointment

Once consultants have been appointed into the panel, PRASA will endeavour to run a competitive process within the established panel by calling on the selected panel to submit quotations/pricing schedules per priority project to be undertaken. The appointment into the Panel of Town Planners does and will not guarantee that the consultant will receive actual appointment for the project that are being implemented.

The appointment will be made in accordance with PRASA’s standard conditions of contract.

3.3 PROJECT BENEFITS TO PRASA

Implementation of this project will allow PRASA to improve management of its property portfolio, command financial benefits, have individual properties correctly zoned, classified and registered. Upon completion of Town Planning processes including survey, registration and rezoning, all affected assets will be reclassified as Investment portfolio and thus improve PRASA’s financial standing. Furthermore, this exercise will appreciate the value of the real estate portfolio.

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- *Table 1: Benefit Tracking*

No	Benefit	Beneficiaries	Attained By	Sources to Measure	Key Strategic Objective Supported
Financial					
1.	Increased value of PRASA's investment portfolio	PRASA	Group Finance	IP portfolio value	Improving financial performance of PRASA
2.	Improved lease value	PRASA CRES	REAM	Income statement	Improving financial performance of PRASA
Non-Financial					
3.	Readiness of properties to be taken to a market for development	PRASA	PRASA CRES	Less delays in the process of property development	Operational Effectiveness
4.	Opportunity to correctly manage and classify properties identified for future commercial use.	PRASA	Group Finance	Number of audit findings Reliable information base	Risk Management


4. SCOPE OF WORK AND AREAS OF FOCUS

4.1 SCOPE OF THE DESIRED SOLUTION

The scope of work for this bid entails the obtaining all the necessary land use rights for each proposed site as well as submission of all diagrams in the Surveyor- General's office for registration and approval as informed by market and revenue generation needs of the organisation. The work will include but not limited to:

Preparation of an Application to the relevant local authority for approval, in terms of Spatial Planning and Land use management Act and/or any other applicable legislation.

- Facilitate comments from external affected, interested or impacted parties,
- Undertake relevant studies in relation to a land use application,
- Preparation of a Site Development Plan, Consolidation Plan, and subdivision plan.
- Prepare conditions of establishment for subdivisions or townships
- Advertising the application on the local newspaper as required by the Spatial Planning and Land Use Management Act and or relevant By-law.

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- Preparation of a Survey and Draft General Plan.
- Submission of a General Plan for final Approval to the Surveyor General.
- Obtain and submission of Surveyor General (“SG”) Approved diagrams to the municipality.
- Facilitate approval of condition of establishment,
- Facilitate Certificate of Registered Title and Title Deeds registration.

4.2 GEOGRAPHIC SCOPE

The following inconclusive list of properties are located within the Republic South Africa and mostly in major PRASA regions and have been categorised as Investment properties.

Region	Station/Site	# of Land Parcels	Subdivision	Consolidation	Rezoning	Township Establishment
SITES ALREADY OFFERED TO MARKET						
NGR	Geo-Strata Lab in Hatfield	1	✓	-	✓	✓
KZN	Umbongitiwini	3	✓	✓	✓	✓
ECR	Port Elizabeth Station (Homie Building)	1	✓	-	✓	-
NGR	Capital Park	1	✓	✓	✓	✓
KZN	Springfield	3	✓	✓	✓	-
WCR	Belhar	2	✓	✓	✓	✓
SGR	Germiston	3	✓	✓	✓	✓
WCR						

Table 1: The list above is not exhaustive, PRASA Cres has a prerogative to remove or add a site informed by market needs from time to time.

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4.3 TYPE OF SERVICES REQUIRED


The following services will be undertaken in preparation for the proposed envisaged commercial developments:

- a) Rezoning (Amendment of land use scheme)
- b) Township Establishment
- c) Application for Consent Use
- d) Consolidation and/Subdivision
- e) Removal of Restrictive Conditions
- f) Site Identification and/investigation
- g) Building line relaxation application
- h) Representation at Municipal Planning Tribunal Hearings
- i) Feasibility Studies
- j) Site Development Plans
- k) Town Planning Assessment Reports
- l) Spatial Planning Reports

4.4 TARGETED AREA AND BENEFITS OF THIS PROJECT

There are numerous benefits which are related to proposed implementation of the project. Some of them are listed below:

- Increased value of PRASA's real estate portfolio
- Readiness of properties for development
- Significant reduction of development times span

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- Increased leverage ratio
- Earlier return on investment as properties are ready for development
- Understanding of the property potential, opportunities and restrictions

4.5 CONTRACT PERIOD

Contract period will be 36 months from the appointment date.

5. SPECIFICATION OF THE SERVICES REQUIRED –

The required service provider will ensure that the following are in line with the National/ Provincial required land development legislation and municipal town planning schemes and by-laws:

- Do due diligence to determine the land development rights process to be undertaken


Where it is clear:

- Proceed with the required zoning; subdivision or removal of restrictive conditions to ensure that the land is developable as required

Where a township establishment process is required, it shall be undertaken up to proclamation to include:

- Township establishment application with layout plan for consideration and approval by the relevant local authority engineering services designs and agreement as per applicable Ordinances
- Service level agreements, surveying of township and submission of Surveyor diagrams for approval,
- The required service certificates as per Ordinance

The Town Planner will act as a Principal Agent and will be responsible for facilitating all professional and legal service providers on all work required in line with the respective deliverable below.

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5.1 Professional Registered Town Planner for which among others includes at least the following:

- a) Preparation of a township establishment application. The motivational memorandum must include all required documentation/studies and submission to relevant municipality.
- b) Facilitation of public participation process.
- c) Preparation of notice for advertisement;
- d) Circulation of application for the attainment of comments from various stakeholders.
- e) Address comments received and resolve objections.
- f) Participation in any hearing that may be necessitated by the process
- g) Community Facilitation processes.
- h) Prepare draft conditions of establishment incorporating all conditions imposed by municipality.
- i) Submit documentary evidence to Deeds Office that all conditions of establishment have been complied with.
- j) Compile and lodge all documentation required for the opening of township register including approved general plan.
- k) Analysis of all specialists' studies undertaken by sub-consultants.
- l) Preparation and submission of Site Audit Report.
- m) Attending all project meetings as and when required.

5.2 Professional Registered Land Surveyor which duties includes the following Task Based Deliverables/Activities:

- a) Mapping of the property area / cadastral boundaries.
- b) Preparation of a Land Surveyor Certificate detailing all servitudes affecting properties affected by the proposed development.

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- c) Preparation of a detailed topographical survey (data must be prepared in DWG format. The CAD drawings must have a coordinate system assigned to it, which can be imported into GIS, at the relevant location or be used as an Autocad drawing).
- d) Calculate and place pegs for all cadastral boundaries of the new township.
- e) Prepare final General Plan and compile all survey records.
- f) Submission of General Plan to Surveyor General for approval.
- g) Attend all project meetings as and when required.

5.3 Professional Registered Environmentalist which includes:

- a) Undertaking of environmental screening to determine all activities triggering an environmental impact assessment (EIA) process.
- b) Undertaking of specialist studies excluding heritage assessment.
- c) Application to the Department of Environmental Affairs (DEA) for the undertaking of the of EIA (if applicable)
- d) Undertaking scoping process of EIA
- e) Submission and approval of scoping report.
- f) Preparation of EIA report.
- g) Preparation of the environmental management programme (EMPr)
- h) Submission and approval of EIA.
- i) Follow up on responses from competent authority.
- j) Attainment of environmental authorisation.

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5.4 Professional Registered Civil Engineer/ Technologist

The main function is to carry out an investigation and prepare a "Civil Engineering Services Report" complying with the following guidelines:


5.1.1 Water Supply (Domestic and Fire)

- *Sewage / Wastewater*
- *Solid Waste*
- *Storm Water*

5.5 Professional Registered Electrical Engineer/Technologist

The electrical engineer scope of work at site clearance phase shall be limited to report on the following:

- a) Give a brief description of the site and the conditions.
- b) Obtain or determine the capacity of the existing electrical connection on site.
- c) Get confirmation from the local supply authority regarding type and size of electrical supply and what type of measurement and costing system are used.
- d) Indicate if spare capacity exists on the electrical network. Indicate the condition of the existing network and if the existing network complies with the relevant acts, standards and regulations i.e., SANS 10142 and OHS ACT.
- e) Determine the closest supply point to the site.
- f) Determine the total load required for the existing and new installation (additional accommodation).
- g) Get confirmation from the local supply authority in writing that they will be able to provide the total new load required. Obtain estimated cost from the local supply authority regarding the new connection.
- h) Obtain confirmation from the local supply authority regarding the voltage the connection will be provided. (MV or LV)

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5.6 Professional Registered Person (Geotechnical Specialist) with Dolomite experience.

a. Desk study

- a. Topographical maps and aerial photographs should be consulted to gain information on the general topography and prominent features. Geological maps should be consulted to gain information on the basic geology and possible dolomite areas.
- b. Local authorities and other organizations should be approached to establish whether they know about and/or have records available on investigations conducted in the area. The government mining engineer should be approached for information on mining operations where such operations are known to have been undertaken.

The study of overlapping aerial photographs through a stereoscope may be of value in identifying geological features such as faults, dykes, geological boundaries, dolomite, etc. as well as soil types and drainage patterns. These features are often not apparent in the field.

experience as well as the authority to decide on variations to the investigation when required, is essential in order to obtain the greatest benefit from the investigation.

6. DELIVERABLES AND OUTPUT

- a. Final layouts (including re-layouts)
- b. Registrations and condonation of encroachments
- c. opening of Township Registers
- d. Approved SG diagrams for consolidations/subdivisions

In addition to the above, the service provider shall provide the following:

- a. Reports to be provided in editable Microsoft Word and a stable PDF document formats
- b. with inter alia executive summary, table of contents, acronyms, list of tables
- c. diagrams etc.
- d. An A0 map size with an overlay of these land parcels/projects.

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e. 2x copies of DVDs/ CDs with GIS spatial data sets (WGS84 ESRI shapefiles/and related drawing files).

f. Photographs and other graphics are to be supplied separately in high resolution jpeg

Further, the professional service provider will submit the work as outlined on the scope of work and in a format that is possible to calibrate and manipulate with other GIS related tools and CAD software (DWG/DXF). Soft copies of all reports are also required.

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5. EVALUATION METHODOLOGY

The evaluation of Bids will be based on the information contained in Bids received in RFP and, which may be further supplemented by presentations and clarification information provided, if required. All Bids shall be equally evaluated by various committees involved in the evaluation process in accordance with stated Evaluation Criteria. Procurement integrity and fairness, transparency, competitiveness and full accountability will at all times be paramount.

6. EVALUATION AND SCORING METHODOLOGY

The evaluation of the Bids by the evaluation committees will be conducted at various levels. The following levels will be applied in the evaluation:

LEVEL	DESCRIPTION
Verify completeness	The Bid is checked for completeness and whether all required documentation, certificates; verify completeness warranties and other Bid requirements and formalities have been complied with. Incomplete Bids will be disqualified.
Verify compliance	The Bids are checked to verify that the essential RFP requirements have been met. Non-compliant Bids will be disqualified.
Detailed Evaluation of Technical	Detailed analysis of Bids to determine whether the Bidder is capable of delivering the Project in terms of business and technical requirements. The minimum threshold for technical evaluation is 70%, any bidder who fails to meet the minimum requirement will be disqualified and not proceed with the evaluation of Price and B-BBEE.
B-BBEE	Evaluate B-BBEE
Price Evaluation	Bidders will be evaluated on price offered.
Scoring	Scoring of Bids using the Evaluation Criteria.
Recommendation	Report formulation and recommendation of Preferred and Reserved Bidders
Best and Final Offer	PRASA may go into the Best and Final Offer process in the instance where no bid meets the requirements of the RFP and/or the Bids are too close in terms of points awarded.
Approval	Approval and notification of the final Bidder.


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EVALUATION PROCESS	
Stage 1A	
Administrative and Substantive Responsiveness	Mandatory /Compliance Checklist Requirements for all Services/Goods and works
Stage 1B	
Compliance	Non-Mandatory / Essential Returnable Documents
Stage 2	
Technical / Functionality Requirements	Testing of capacity – meet minimum threshold of 70% points
Stage 3	
Price	80
BBBEE	20
TOTAL	100

7.1.1 STAGE 1A – Mandatory: Administrative and Substantive Responsiveness

For all Services/Goods and works, the following documents must be submitted, failure to do so will deem the submission disqualified automatically:

No.	Description of requirement	
a)	Completion of ALL RFP documentation (includes ALL declarations and Commissioner of Oath signatures required) (includes All declarations, All Standard Bidding Documents (SBD), and Commissioner of Oath signatures required) Bidders must ensure all documents are completed in full and signed.	
b)	Bidders to fill and sign the closing/ Submission register on submission of tender documents, failure to comply will result into disqualification	
c)	Joint Venture / Consortium agreement / Trust Deed/ JV or consortium agreement signed by all parties (if applicable)	
d)	Compulsory briefing session will be held on Microsoft Teams meetings (a Microsoft Teams link will be created) NB: (Form D) is a compulsory document & Bidders will be required to complete and sign the certificate of compulsory briefing, which shall be returned with the Bid document.	

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Note: In the case of a Consortium/Joint Venture each member must submit a separate required compliance document.


- SDB 4 must be signed by all the members of the Joint Venture or Consortium.
- Joint Venture or Consortium Agreement must be signed by all parties
- Security screening form (form H) must be signed by all parties.

STAGE 1B: non-Mandatory

The following documents are non-mandatory and where not submitted, PRASA may request the documents and must be made available at the time of request:

No.	Description of requirement	
a)	Company Registration Documents (Proof of Registration), Certificate of Incorporation or CK1.	
b)	Valid B-BBEE certificate from SANAS accredited rating agency (Original or Certified copy)/DTI / Companies and Intellectual Property Commission B-BBEE Certificate (Original or Certified copy) or Sworn Affidavit signed and stamped by the commissioner of Oath.	
c)	Copies of Directors' ID documents	
d)	Valid Tax Clearance Certificate and Valid Tax Pin letter (must be valid on closing date of submission of the proposal) issued by SARS.	
e)	CSD Summary report / CSD reference number	
f)	Letter of Good Standing (i.e., COID);	
g)	Proof of UIF registration	
h)	Proof of Bank Account (i.e., cancelled cheque or Letter issued by the Bank)	

Note: In the case of a Consortium/Joint Venture each member must submit a separate above required non-mandatory documents.

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Summary of the technical/functional requirements are presented in the table 7.2 below.

Table 7.2: Technical Evaluation Criteria

Qualifying bidders will be evaluated against the technicality / functionality criteria after meeting all compliance requirements outlined above. The minimum threshold for the technical/functionality requirements is 70%. Bidders who score below the minimum requirement shall not be considered for further evaluation in stage 3.

Summary of the technical/functional requirements are presented in the table 7.2 below.

- *Table 2 Technical Evaluation Criteria*

ITEM	CRITERIA	WEIGHT
1	Company Experience and Track record	30
2	Qualification and Experience of key personnel	40
3	Demonstration of Town Planning and Survey process	20
4	Financial Capability	10
	TOTAL	100

CRITERIA	WEIGHT	SCORES
1. Company Experience and Track record: <ul style="list-style-type: none"> Bidder to provide a list of completed projects (Complete Table 10.2A) with a copy of reference letters of completed work (in years/projects completion) 	30	<i>(Town Planning related projects in land use management and planning completed in the past 10 years)</i> 0: No submission 1: 1 Project completed in the past 10 years 2: 2 to 3 projects completed in the past 10 years 3: 4 to 5 projects completed in the past 10 years 4: 6 to 7 projects completed in the past 10 years 5: 8 and more projects completed in the past 10 years
	20	

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<ul style="list-style-type: none"> Bidder to provide a list of completed <i>projects</i> (Complete Table 10.2A) with a copy of reference letters of completed work <i>to a combined contract value of a minimum of R1 million and above.</i> 	<p>10</p>	<p><i>The prospective bidder must provide a list of related projects to a combined contract value of a minimum of R1 million and above.</i></p> <ol style="list-style-type: none"> No information submitted A contracts value of R1 million or below Contracts value above R1 million to below R1.5 million Contracts value above R1.5 million to below R3 Million Contracts value above R 3 million to below R3.5 million Contracts value above R3.5 million and above
<p>2. Professional staff Experience and Qualifications</p> <p>(Bidder to submit comprehensive CV's, proof of certified qualifications and professional certificates (not more than 6 months)</p>	<p>40</p>	<p>Score will be based on technical qualifications of core professionals: Land surveyor, Town Planner, (Relevant Professional Bodies: SACPLAN, SAGC)</p> <p>Professional Town Planner (SACPLAN) <i>(With a relevant qualification and experience in land use management i.e., rezoning, township establishment, Site development plans, restrictive conditions)</i></p> <ol style="list-style-type: none"> No submission received No relevant qualification and experience Below 3 years of relevant experience Above 3 to 5 years of post-professional registrations experience Above 5-7 years of post-professional registrations experience Above 7 years of post-professional registrations experience <p>Professional Land Survey (SAGC)</p> <ol style="list-style-type: none"> No submission received No relevant qualification and experience Below 3 years of relevant experience

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		<p>3. Above 3 to 5 years of post-professional registrations experience</p> <p>4. Above 5-7 years of post-professional registrations experience</p> <p>5. Above 7 years of post-professional registrations experience</p>
<p>3. Demonstration of Town Planning and Survey process</p> <p><i>Bidder to outline a process involved in approval, proclamation and registration process of the following applications</i></p> <p><i>a. Township Establishment process</i> <i>- Subdivision/Consolidation</i> <i>- removal of restrictive conditions of title</i></p> <p><i>b. Rezoning process</i></p> <p><i>c. Survey General's diagram approval</i></p> <p><i>d. Conveyancing and registration at deeds office</i></p>	20	<p>Bidder to demonstrate the understanding of the town planning process and the applicable legislative framework for land use management</p> <p>0: No submission</p> <p>1: No understanding of legislative framework and technical process outlined</p> <p>2. Legislative framework and technical process outlined indicating one (1) application</p> <p>3. Legislative framework and technical process outlined indicating two (2) applications</p> <p>4. Legislative framework and technical process outlined indicating three (3) applications</p> <p>5. Legislative framework and technical process outlined all four (4) applications</p>
<p>4. Financial Capability</p> <p>Operating Cashflow</p>	10	<p>Operating cash flow ratio measures a company's short-term liquidity. Formula: Operating Cash Flows</p> <p>Ratio = Cash Flows from Operations/Current Liabilities</p> <p>0. No Submission of financial Statement</p> <p>1 = Operating Cash Flows Ratio $X < 0$</p> <p>2 = Operating Cash Flows Ratio $0 > X < 0.5$</p> <p>3 = Operating Cash Flows Ratio $0.5 > X < 1$</p> <p>4 = Operating Cash Flows Ratio $1 > X < 1.5$</p> <p>5 = Operating Cash Flows Ratio $X \geq 1.5$</p>
TOTAL	100	

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7. VALIDITY PERIOD

This RFP shall be valid for *90 days* calculated from Bid closing date.

8. B-BBEE REQUIREMENTS

A Bidder must submit proof of its B-BBEE status level contributor, a Bidder failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE may not be disqualified and will score 0 points out of 20 for B-BBEE.

9. POST TENDER NEGOTIATION (IF APPLICABLE)

PRASA reserves the right to conduct post tender negotiations with a shortlist of Respondent(s). The shortlist could comprise of one or more Respondents. Should PRASA conduct post tender negotiations, Respondents will be requested to provide their best and final offers to PRASA based on such negotiations. A final evaluation will be conducted in terms of 80/20.

10. BEST AND FINAL OFFER


PRASA reserves the right to embark on the Best and Final Offer (BAFO) Process where:

- a) None of the proposals meet the RFP requirements;
- b) None of the responses to RFP are affordable and demonstrate value for money; and
- c) There is no clear preferred Response to this RFP.

Upon the decision by PRASA to embark on a BAFO process it shall notify the response to RFP.

11. FINAL CONTRACT AWARD

PRASA will negotiate the final terms and condition the contract with the successful Respondent(s). This may include aspects such as Supplier Development, the B-BBEE Improvement Plan, price and delivery. Thereafter the final contract will be awarded to the successful Respondent(s).

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12. FAIRNESS AND TRANSPARENCY

PRASA views fairness and transparency during the RFP Process as an absolute on which PRASA will not compromise. PRASA will ensure that all members of evaluation committees declare any conflicting or undue interest in the process and provide confidentiality undertakings to PRASA.

The evaluation process will be tightly monitored and controlled by PRASA to assure integrity and transparency throughout, with all processes and decisions taken being approved and auditable.


SECTION 3

PRICING AND DELIVERY SCHEDULE

Respondents are required to complete the Pricing Schedule/ BOQ

Prices must be quoted in South African Rand, inclusive of VAT.

- 1.1. Price offer is firm and clearly indicate the basis thereof.
- 1.2. Pricing Bill of Quantity is completed in line with schedule if applicable.
- 1.3. Cost breakdown must be indicated.
- 1.4. Price escalation basis and formula must be indicated.
- 1.5. To facilitate like-for like comparison bidders must submit pricing strictly in accordance with this price schedule and not utilise a different format. Deviation from this pricing schedule could result in a bid being declared non-responsive.
- 1.6. Please note that should you have offered a discounted price(s), PRASA will only consider such price discount(s) in the final evaluation stage on an unconditional basis.
- 1.7. Respondents are to note that if price offered by the highest scoring bidder is not market related, PRASA may not award the contract to the Respondent. PRASA may:
 - 1.8.1. negotiate a market-related price with the Respondent scoring the highest points or cancel the RFP;
 - 1.8.2. if that Respondent does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the second highest points or cancel the RFP; and
 - 1.8.3. if the Respondent scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the third highest points or cancel the RFP.
 - 1.8.4. If a market-related price is not agreed with the Respondent scoring the third highest points, PRASA must cancel the RFP.

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2 DISCLOSURE OF PRICES QUOTED

Respondents are to note that, on award of business, PRASA is required to publish the tendered prices and preferences claimed of the successful and unsuccessful Respondents inter alia on the National Treasury e-Tender Publication Portal, (www.etenders.gov.za), as required per National Treasury Instruction Note 01 of 2015/2016.

3 PERFORMANCE AND BID BONDS (NOT APPLICABLE)


- 3.1. The preferred Bidder shall where applicable provide PRASA with a performance bond which shall be 10% of the value of the entire Project price offered and it shall be issued with 30 days of receipt of notice of appointment. The Performance Bond shall be valid for the Contract period.

4 OWNERSHIP OF DESIGN

- 4.1. The plans and design developed and to be provided by PRASA shall at all times remain the property of PRASA.]

5 SERVICE LEVELS

- 5.1. An experienced national account representative(s) is required to work with PRASA's procurement department. [No sales representatives are needed for individual department or locations]. Additionally, there shall be a minimal number of people, fully informed and accountable for this agreement.
- 5.2. PRASA will have quarterly reviews with the Service provider's account representative on an on-going basis.
- 5.3. PRASA reserves the right to request that any member of the Service provider's team involved on the PRASA account be replaced if deemed not to be adding value for PRASA.
- 5.4. The Service provider guarantees that it will achieve a 100% [hundred per cent] service level on the following measures:
 - a) Random checks on compliance with quality/quantity/specifications
 - b) On time delivery.

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5.5. The Service provider must provide a telephone number for customer service calls.

5.6. Failure of the Service provider to comply with stated service level requirements will give PRASA the right to cancel the contract in whole, without penalty to PRASA, giving 30 [thirty] calendar days' notice to the Service provider of its intention to do so.

Acceptance of Service Levels:

YES	
-----	--

6.TOTAL COST OF OWNERSHIP (TCO)

- 6.1. PRASA will strive to procure goods, services and works which contribute to its mission. In order to achieve this, PRASA must be committed to working with suppliers who share its goals of continuous improvement in service, quality and reduction of Total Cost of Ownership (TCO).
- 6.2. Respondents shall indicate whether they would be committed, for the duration of any contract which may be awarded through this RFP process, to participate with PRASA in its continuous improvement initiatives to reduce the total cost of ownership [TCO], which will reduce the overall cost of transportation services and related logistics provided by PRASA's operating divisions within South Africa to the ultimate benefit of all end-users.

6 FINANCIAL STABILITY

Respondents are required to submit their latest financial statements prepared and signed off by a professional accountant for the past 2 years with their Proposal in order to enable PRASA to establish financial stability.

SIGNED at _____ on this _____ day of _____ 20.....

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

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Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

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7 VALIDITY OF RETURNABLE DOCUMENTS

The successful Respondent will be required to ensure the validity of all returnable documents, including but not limited to its Tax Clearance Certificate and valid B-BBEE Verification Certificate, for the duration of any contract emanating from this RFP. Should the Respondent be awarded the contract [the Agreement] and fail to present PRASA with such renewals as and when they become due, PRASA shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate such Agreement forthwith without any liability and without prejudice to any claims which PRASA may have for damages against the Respondent.

SIGNED at _____ on this _____ day of _____ 20.....

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____


2 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

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8 CERTIFICATE OF ACQUAINTANCE WITH RFP TERMS & CONDITIONS & APPLICABLE DOCUMENTS

By signing this certificate the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with, and agrees with all the conditions governing this RFP, including those contained in any printed form stated to form part hereof, including but not limited to the documents stated below and PRASA will recognise no claim for relief based on an allegation that the Respondent overlooked any such condition or failed properly to take it into account for the purpose of calculating tendered prices or any other purpose:

1. PRASA's General Bid Conditions*
2. Standard RFP Terms and Conditions for the supply of Goods or Services or Works to PRASA

Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in the RFP unacceptable, it should indicate which conditions are unacceptable and offer alternatives by written submission on its company letterhead, attached to its submitted Bid. Any such submission shall be subject to review by PRASA's Legal Counsel who shall determine whether the proposed alternative(s) are acceptable or otherwise, as the case may be. A material deviation from the Standard terms or conditions could result in disqualification.

Bidders accept that an obligation rests on them to clarify any uncertainties regarding any bid to which they intend to respond, before submitting the bid. The Bidder agrees that he/she will have no claim based on an allegation that any aspect of this RFP was unclear but in respect of which he/she failed to obtain clarity.

The bidder understands that his/her Bid will be disqualified if this Certificate of Acquaintance with RFP documents included in the RFP as a returnable document, is found not to be true and complete in every respect.

SIGNED at _____ on this _____ day of _____ 2....

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

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Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

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9 GENERAL CONDITIONS

9.1 ALTERNATIVE BIDS

Bidders may submit alternative Bid only if a main Bid, strictly in accordance with all the requirements of the RFP is also submitted. The alternative Bid is submitted with the main Bid together with a schedule that compares the requirements of the RFP with the alternative requirements the Bidders proposes. Bidders must note that in submitting an alternative Bid they accept that PRASA may accept or reject the alternative Bid and shall be evaluated in accordance with the criteria stipulated in this RFP.

9.2 PRASA’S TENDER FORMS

Bidders must sign and complete the PRASA’s Bid Forms and attach all the required documents. Failure by Bidders to adhere to this requirement may lead to their disqualification.

9.3 PRECEDENT


In case of any conflict with this RFP and Bidders response, this RFP and its briefing notes shall take precedence.

9.4 RESPONSE TO RFP-CONFIDENTIALITY

Response to RFPs must clearly indicate whether any information conveyed to or requested from PRASA is confidential or should be treated confidentially by PRASA. In the absence of any such clear indication in writing from a response to RFP, PRASA shall deem the response to RFP to have waived any right to confidentiality and treat such information as public in nature.

Where a Bidder at any stage during the RFP Process indicates to PRASA that information or any response to RFP requested from PRASA is or should be treated confidentially, PRASA shall treat such information or response to RFP confidentially, unless PRASA believes that to ensure the transparency and competitiveness of the RFP Process the content of the information or response to RFP should be conveyed to all Bidders, in which event it shall apply the following process:

- PRASA shall confirm with the Bidder whether the raising of confidentiality applies to the entire response to the RFP or only specific elements or sections of the response;
- Where confidentiality is maintained by the Bidder and PRASA is of the opinion that the information or response to RFP if made publicly available would affect the commercial interests of the Bidder

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or is commercially sensitive information, PRASA shall not release such information to other Bidders if providing such information or response to the RFP would prejudice the competitiveness and transparency of the RFP Process;

- Where PRASA is of the opinion that information provided is not commercially sensitive or would have no impact on the commercial interests of the relevant Bidder if released and fairness and transparency requires that such information be released to all Bidders, PRASA may:
 - i. inform the relevant Bidder of the necessity to release such information and/or response to RFP and request the Bidder to consent to the release thereof by PRASA; or
 - ii. obtain legal advice regarding the confidentiality of the relevant information and/or response to RFP and the legal ability of PRASA to release such information; or
 - iii. refrain from releasing the information and/or response to RFP, in which event PRASA shall not take account of the contents of such information in the evaluation of the relevant response to RFP.

The above procedures regarding confidentiality shall not apply to any information which is already public knowledge or available in the public domain or in the hands of PRASA or is required to be disclosed by any legal or regulatory requirements or order of any competent court, tribunal or forum.


9.5 RESPONSE TO THE RFP – RFP DISQUALIFICATION

Responses to RFP which do not comply with the RFP requirements, formalities, terms and conditions may be disqualified by PRASA from further participation in the RFP Process.

In particular (but without prejudice to the generality of the foregoing) PRASA may disqualify, at its sole discretion and without prejudice to any other remedy it may have, a Bidder where the Bidder, or any of its consortium members, subcontractors or advisors have committed any act of misrepresentation, bad faith or dishonest conduct in any of its dealings with or information provided to PRASA.

9.6 CORRUPTION, GIFTS AND PAYMENTS

Neither the Bidders to RFPs, its equity members, the sub-contractors, consortium members nor any of their agents, lenders or advisors shall directly or indirectly offer or give to any person in the employment of PRASA or any other Government official or any of the Advisory Team any gift or consideration of any kind as an inducement or reward for appointing a particular Bidder, or for showing or omitting to show favour or disfavour to any of the Bidders, its equity members or the sub-contractors in relation to the Project.

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In the event that any of the prohibited practices contemplated under the above paragraph is committed, PRASA shall be entitled to terminate any Response to RFP's status and to prohibit such Response to RFP, its equity members, its SPV members, its Sub Contractors and their agents, lenders and advisors from participating in any further part of the procurement of the Project.

9.7 INSURANCE

Unless specifically provided for in this RFP or draft contracts, Bidders will be required to submit with their Bid for services professional indemnity insurance and works insurance to an extent (if any) if insurance provided by PRASA may not be for the full cover required in terms of the relevant category listed in this RFP. The Bidder is advised to seek qualified advice regarding insurance.

9.8 NO CONTACT POLICY

Bidders may only contact the bid administrator of PRASA as per the terms of the Communication Structure established by this RFP, except in the case of pre-existing commercial relationships, in which case contact may be maintained only with respect thereto and, in making such contact, no party may make reference to the Project or this RFP.


9.9 CONFLICT OF INTEREST

No Bidder member, subcontractor or advisor of the response to RFP may be a member of or in any other way participate or be involved, either directly or indirectly in more than one response to RFP or response to RFP during any stage of the Project procurement process, but excluding specialist suppliers of systems and equipment, non-core service providers or financial or commercial institutions whose role is limited purely to lending money or advancing credit to the response to RFP. Bidders are to sign the declaration of interest form. In order to prevent the conflict or potential conflict of interest between Lenders and Bidders to RFP, no advisors or the Contractor/s or Consortium/s to any response to RFP, consortium member or subcontractor may fulfil the role of arranger, underwriter and/or lead bank to the response to RFP. PRASA may disqualify the response to RFP from further participation in the event of a failure to comply with this provision. PRASA views the potential conflict of interest so great as to warrant the reduction of competition for advisory services.

9.10 COLLUSION AND CORRUPTION

Any Bidder shall, without prejudice to any other remedy available to PRASA, be disqualified, where the response to RFP –

- communicates to a person other than persons nominated by PRASA a material part of its response to RFP; or

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- Enters into any Contract or arrangement with any other person or entity that it shall refrain from submitting a response to RFP to this RFP or as to any material part of its Response to RFP to this RFP (refer the prohibition contained in Section 4(1)(b)(iii) of the Competition Act 89 of 1998).
The Bidders represents that the Bidder has not, directly or indirectly, entered into any agreement, arrangement or understanding or any such like for the purpose of, with the intention to, enter into collusive Bidding or with reasonable appreciation that, collusive any agreement, arrangement or understanding or any such like may result in or have the effect of collusive Bidding. The Bidder undertakes that in the process of the Bid but prior to PRASA awarding the Bid to a preferred bidder become involved in or be aware of or do or caused to be done any agreement, arrangement or understanding or any such like for the purpose of or which may result in or have the effect of a collusive Bid, the Bidder will notify PRASA of such any agreement, arrangement or understanding or any such like.; or
- offers or agrees to pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done, or causing, or having caused to be done any act or omission in relation to the RFP Process or any proposed response to RFP (provided nothing contained in this paragraph shall prevent a response to RFP from paying any market-related commission or bonus to its employees or contractors within the agreed terms of their employment or contract).

9.11 CONSORTIUM CHANGES

If exceptional circumstances should arise in which a after the submission to the bid and after closing date of submission of bids, there is change in the composition of the Bidder, either through substitution or omission of any member of the Bidder:

- The Response to RFP must notify PRASA in writing of the proposed changes supported by complete details of the material reasons for the changes, the parties impacted by the changes and the impact on the response to RFP.
- PRASA shall evaluate the reasons advanced by the Bidder for the requested changes to the Bidder structure and where PRASA is not satisfied that the reasons advanced are reasonable or material, refuse to accept the change and disqualify the response to RFP, or notify the Bidder in writing of its non-acceptance of the changes and require the Bidder to propose a suitable alternative to PRASA within 10 (TEN) days of its receipt of the decision of PRASA, upon receipt of which PRASA shall -

- i. Evaluate the alternative proposed for suitability to PRASA, and where the alternative is accepted by PRASA, inform the Bidder in writing of such acceptance and PRASA shall reassess the response to RFP against the RFP requirements and criteria; or
- ii. Where the alternative is not accepted by PRASA, inform the Bidder in writing of such non-acceptance as well as its disqualification from the RFP Process.
- iii. Where PRASA is satisfied that the changes requested under (i) above are reasonable and material, the response to RFP, shall be allowed to effect the required changes and PRASA shall reassess the response to RFP against the RFP requirements and criteria.


9.12 COSTS OF RESPONSE TO THE RFP SUBMISSION

All costs and expenses associated with or incurred by the Bidder in relation to any stage of the Project, shall be borne by the Bidder. PRASA shall not be liable for any such costs or expenses or any claim for reimbursement of such costs or expenses.

To avoid doubt, PRASA shall not be liable for any samples submitted by the Bidder in support of their Responses to RFP and reserves the right not to return to them such samples and to dispose of them at its discretion.

9.13 RESPONSE TO THE RFP WARRANTY


Bidders must provide a warranty as part of their Responses to RFP that their Responses to RFP are true and correct in all respects, that it does not contain a misrepresentation of any kind and that the taxes of all members of the Bidder company, consortium members and or subcontractors are in order and none of the members are undergoing corruption or any criminal-related investigations or have any past convictions for fraud or corruption.

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10 CONDITIONS OF TENDER

General


Actions	1 PRASA's <i>Representative</i> and each <i>tenderer</i> submitting a tender shall act as stated in these Conditions of Tender and in a manner which is fair, equitable, transparent, competitive and cost-effective.
Interpretation	<p>2 Terms shown in <i>italics</i> vary for each tender. The details of each term for this tender are identified in the Request for Tender / Scope of work/ specification. Terms shown in capital initials are defined terms in the appropriate conditions of contract.</p> <p>3 Any additional or amended requirements in the Scope of work/ specification, and additional requirements given in the Schedules in the <i>tender returnables</i> are deemed to be part of these Conditions of Tender.</p> <p>4 The Conditions of Tender and the Scope of work/ specification shall form part of any contract arising from this invitation to tender.</p>
Communication	5 Each communication between PRASA and a <i>tenderer</i> shall be to or from PRASA's <i>Representative</i> only, and in a form that can be read, copied and recorded. Communication shall be in the English language. PRASA takes no responsibility for non-receipt of communications from or by a <i>tenderer</i> .
PRASA's rights to accept or reject any tender	<p>6 PRASA may accept or reject any variation, deviation, tender, or alternative tender, and may cancel the tender process and reject all tenders at any time prior to the formation of a contract. PRASA or PRASA's <i>Representative</i> will not accept or incur any liability to a <i>tenderer</i> for such cancellation and rejection, but will give reasons for the action. PRASA reserves the right to accept the whole or any part of any tender.</p> <p>7 After the cancellation of the tender process or the rejection of all tenders PRASA may abandon the proposed work and services, have it performed in any other manner, or re-issue a similar invitation to tender at any time.</p>

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Tenderer's obligations

The *tenderer* shall comply with the following obligations when submitting a tender and shall:

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| Eligibility | 1 | Submit a tender only if the <i>tenderer</i> complies with the criteria stated in the Scope of work/ specification. |
| Cost of tendering | 2 | Accept that PRASA will not compensate the <i>tenderer</i> for any costs incurred in the preparation and submission of a tender. |
| Check documents | 3 | Check the <i>tender documents</i> on receipt, including pages within them, and notify PRASA's <i>Representative</i> of any discrepancy or omissions in writing. |
| Copyright of documents | 4 | Use and copy the documents provided by PRASA only for the purpose of preparing and submitting a tender in response to this invitation. |
| Standardised specifications and other publications | 5 | Obtain, as necessary for submitting a tender, copies of the latest revision of standardised specifications and other publications, which are not attached but which are incorporated into the <i>tender documents</i> by reference. |
| Acknowledge receipt | 6 | Preferably complete the Receipt of invitation to submit a tender form attached to the Letter of Invitation and return it within five days of receipt of the invitation. |
| | 7 | Acknowledge receipt of Addenda / Tender Briefing Notes to the <i>tender documents</i> , which PRASA's <i>Representative</i> may issue, and if necessary apply for an extension to the <i>deadline for tender submission</i> , in order to take the Addenda into account. |
| Site visit and / or clarification meeting | 8 | Attend a site visit and/or clarification meeting at which <i>tenderers</i> may familiarise themselves with the proposed work, services or supply, location, etc. and raise questions, if provided for in the Scope of work/ specification. Details of the meeting are stated in the RFP document, i-tender website and CIDB website. |

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| Seek clarification | 9 | Request clarification of the <i>tender documents</i> , if necessary, by notifying PRASA's <i>Representative</i> earlier than the <i>closing time for clarification of queries</i> . |
| Insurance | 10 | Be informed of the risk that needs to be covered by insurance policy. The <i>tenderer</i> is advised to seek qualified advice regarding insurance. |
| Pricing the tender | 11 | Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except VAT), and other levies payable by the successful <i>tenderer</i> . Such duties, taxes and levies are those applicable 14 days prior to the <i>deadline for tender submission</i> . |
| | 12 | Show Value Added Tax (VAT) payable by PRASA separately as an addition to the tendered total of the prices. |
| | 13 | Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the <i>conditions of contract</i> . |
| | 14 | State the rates and Prices in South African Rand unless instructed otherwise as an additional condition in the Scope of work/ specification. The selected <i>conditions of contract</i> may provide for part payment in other currencies. |
| Alterations to documents | 15 | Not make any alterations or an addition to the tender documents, except to comply with instructions issued by PRASA's <i>Representative</i> or if necessary to correct errors made by the <i>tenderer</i> . All such alterations shall be initialled by all signatories to the tender. Corrections may not be made using correction fluid, correction tape or the like. |
| Alternative tenders | 16 | Submit alternative tenders only if a main tender, strictly in accordance with all the requirements of the <i>tender documents</i> is also submitted. The alternative tender is submitted with the main tender together with a schedule that compares the requirements of the <i>tender documents</i> with the alternative requirements the <i>tenderer</i> proposes. |
| | 17 | Accept that an alternative tender may be based only on the criteria stated in the Scope of work/ specification and as acceptable to PRASA. |

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Submitting a tender 18 Submit a tender for providing the whole of the works, services or supply identified in the Contract Data unless stated otherwise as an additional condition in the Scope of work/ specification.

NOTE: 19 **Return the completed and signed *PRASA Tender Forms and SBD forms provided with the tender. Failure to submit all the required documentation will lead to disqualification***

20 **Submit the tender as an original and an electronic version which must be contained in USB, clearly marked in the Bidders name as stated in the RFP and provide an English translation for documentation submitted in a language other than English. Tenders may not be written in pencil but must be completed in ink.**

21 Sign and initial the original and all copies of the tender where indicated. PRASA will hold the signatory duly authorised and liable on behalf of the *tenderer*.


22 Seal the original of the tender as separate packages marking the packages as "ORIGINAL". Each package shall state on the outside PRASA's address and invitation to tender number stated in the Scope of work/ specification, **as well as the *tenderer's* name and contact address**. Where the tender is based on a two envelop system tenderers must further indicate in the package whether the document is **envelope / box 1 or 2**.

23 Seal original and copies together in an outer package that states on the outside only PRASA's address and invitation to tender number as stated in the Scope of work/ specification. The outer package must be marked "CONFIDENTIAL"

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

Note:

PRASA prefers not to receive tenders by post, and takes no responsibility for delays in the postal system or in transit within or between PRASA offices.


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PRASA prefers not to receive tenders by fax, PRASA takes no responsibility for difficulties in transmission caused by line or equipment faults.

Where tenders are sent via courier, PRASA takes no responsibility for tenders delivered to any other site than the tender office.

PRASA employees are not permitted to deposit a tender into the PRASA tender box on behalf of a tenderer, except those lodged by post or courier.

Closing time	<p>25 Ensure that PRASA has received the tender at the stated address with the Scope of work / specification no later than the <i>deadline for tender submission</i>. Proof of posting will not be taken by PRASA as proof of delivery. PRASA will not accept a tender submitted telephonically, by Fax, E-mail or by telegraph unless stated otherwise in the Scope of work/ specification.</p> <p>26 Accept that, if PRASA extends the <i>deadline for tender submission</i> for any reason, the requirements of these Conditions of Tender apply equally to the extended deadline.</p>
	<p>27 Hold the tender(s) valid for acceptance by PRASA at any time within the <i>validity period</i> after the <i>deadline for tender submission</i>.</p> <p>28 Extend the <i>validity period</i> for a specified additional period if PRASA requests the <i>tenderer</i> to extend it. A <i>tenderer</i> agreeing to the request will not be required or permitted to modify a tender, except to the extent PRASA may allow for the effects of inflation over the additional period.</p>
Clarification of tender after submission	<p>29 Provide clarification of a tender in response to a request to do so from PRASA's <i>Representative</i> during the evaluation of tenders. This may include providing a breakdown of rates or Prices. No change in the total of the Prices or substance of the tender is sought, offered, or permitted except as required by PRASA's <i>Representative</i> to confirm the correction of arithmetical errors discovered in the evaluation of tenders. The total of the Prices stated by the <i>tenderer</i> as corrected by PRASA's <i>Representative</i> with the concurrence of the <i>tenderer</i>, shall be binding upon the <i>tenderer</i></p>


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Submit bonds, policies etc.	<p>30 If instructed by PRASA's <i>Representative</i> (before the formation of a contract), submit for PRASA's acceptance, the bonds, guarantees, policies and certificates of insurance required to be provided by the successful <i>tenderer</i> in terms of the <i>conditions of contract</i>.</p> <p>31 Undertake to check the final draft of the contract provided by PRASA's <i>Representative</i>, and sign the Form of Agreement all within the time required.</p> <p>32 Where an agent on behalf of a principal submits a tender, an authenticated copy of the authority to act as an agent must be submitted with the tender.</p>
Fulfil BEE requirements	<p>33 Comply with PRASA's requirements regarding BBBEE Suppliers.</p>


PRASA'S UNDERTAKINGS

PRASA, and PRASA's *Representative*, shall:

Respond to clarification	<p>1 Respond to a request for clarification received earlier than the <i>closing time for clarification of queries</i>. The response is notified to all <i>tenderers</i>.</p>
Issue Addenda	<p>2 If necessary, issue to each <i>tenderer</i> from time to time during the period from the date of the Letter of Invitation until the <i>closing time for clarification of queries</i>, Addenda that may amend, amplify, or add to the <i>tender documents</i>. If a <i>tenderer</i> applies for an extension to the <i>deadline for tender submission</i>, in order to take Addenda into account in preparing a tender, PRASA may grant such an extension and PRASA's <i>Representative</i> shall notify the extension to all <i>tenderers</i>.</p>
Return late tenders	<p>3 Return tenders received after the <i>deadline for tender submission</i> unopened to the <i>tenderer</i> submitting a late tender. Tenders will be deemed late if they are not in the designated tender box at the date and time stipulated as the deadline for tender submission.</p>
Non-disclosure	<p>4 Not disclose to <i>tenderers</i>, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tenders and recommendations for the award of a contract.</p>

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Grounds for rejection	5	Consider rejecting a tender if there is any effort by a <i>tenderer</i> to influence the processing of tenders or contract award.
Disqualification	6	Instantly disqualify a <i>tenderer</i> (and his tender) if it is established that the <i>tenderer</i> offered an inducement to any person with a view to influencing the placing of a contract arising from this invitation to tender.
Test for responsiveness	7	Determine before detailed evaluation, whether each tender properly received <ul style="list-style-type: none"> • meets the requirements of these Conditions of Tender, • has been properly signed, and • is responsive to the requirements of the <i>tender documents</i>.
	8	Judge a responsive tender as one which conforms to all the terms, conditions, and specifications of the <i>tender documents</i> without material deviation or qualification. A material deviation or qualification is one which, in PRASA 's opinion would <ul style="list-style-type: none"> • detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Contract Data, • change PRASA's or the <i>tenderer's</i> risks and responsibilities under the contract, or • affect the competitive position of other <i>tenderers</i> presenting responsive tenders, if it were to be rectified.
Non-responsive tenders	10	Reject a non-responsive tender, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.
Arithmetical errors	11	Check responsive tenders for arithmetical errors, correcting them as follows: <ul style="list-style-type: none"> • Where there is a discrepancy between the amounts in figures and in words, the amount in words shall govern. • If a bill of quantities applies and there is a discrepancy between the rate and the line item total, resulting from multiplying the rate by the quantity, the rate as quoted shall govern. Where there is an obviously gross misplacement of the decimal point in the rate, the line item total as quoted shall govern, and the rate will be corrected. • 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

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tenderer's addition of prices, the total of the Prices, if any, will be corrected.

	12	Reject a tender if the <i>tenderer</i> does not accept the corrected total of the Prices (if any).
Evaluating the tender	13	Evaluate responsive tenders in accordance with the procedure stated in the RFP / Scope of work/ specification. The evaluated tender price will be disclosed only to the relevant PRASA tender committee and will not be disclosed to <i>tenderers</i> or any other person.
Clarification of a tender	14	Obtain from a <i>tenderer</i> clarification of any matter in the tender which may not be clear or could give rise to ambiguity in a contract arising from this tender if the matter were not to be clarified.
Acceptance of tender	15	Notify PRASA's acceptance to the successful <i>tenderer</i> before the expiry of the <i>validity period</i> , or agreed additional period. Providing the notice of acceptance does not contain any qualifying statements, it will constitute the formation of a contract between PRASA and the successful <i>tenderer</i> .
Notice to unsuccessful tenderers	16	After the successful <i>tenderer</i> has acknowledged PRASA's notice of acceptance, notify other <i>tenderers</i> that their tenders have not been accepted, following PRASA's current procedures.
Prepare contract documents	17	Revise the contract documents issued by PRASA as part of the <i>tender documents</i> to take account of <ul style="list-style-type: none"> • Addenda issued during the tender period, • inclusion of some of the <i>tender returnables</i>, and • other revisions agreed between PRASA and the successful <i>tenderer</i>, before the issue of PRASA's notice of acceptance (of the tender).
Issue final contract	18	Issue the final contract documents to the successful <i>tenderer</i> for acceptance within one week of the date of PRASA's notice of acceptance.
Sign Form of Agreement	19	Arrange for authorised signatories of both parties to complete and sign the original and one copy of the Form of Agreement within two weeks of the date of PRASA's notice of acceptance of the tender. If either

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party requires the signatories to initial every page of the contract documents, the signatories for the other party shall comply with the request.

Provide copies of the contracts

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Provide to the successful *tenderer* the number of copies stated in the Scope of work/ specification of the signed copy of the contracts within three weeks of the date of PRASA's acceptance of the tender.