



public works
& infrastructure

Department:
Public Works and Infrastructure
REPUBLIC OF SOUTH AFRICA

Bid No:H26 /001PF

ADDENDUM

CLOSING DATE: 27 October 2026 @ 11:00 (Extended)

ADVERT DATE: 21 September 2026

Project Description: Appointment of Panel for Contractors CIDB Grade 4-5 EB (Electrical Engineering Building), EP (Electrical Engineering Works Infrastructure), for infrastructure projects relating to Stand-by Generators undertaken by the National Department of Public Works and Infrastructure for a period of 36 Months

Tender documents will be sold for a non-refundable amount of R700.00 if not downloaded from www.etenders.gov.za or alternatively www.publicworks.gov.za

This addendum communicates to the bidders to note the amendment on page 8 of 21 of the attached herein Terms of Reference for the above-mentioned tender.

NB: initial Terms of reference on page 7 of 21 bottom wrote "functionality criteria applicable for Grade 4-7 contractors" and has now been amended to the functionality criteria applicable for Grade 4-5 contractors on page 8 of 21 above (attached)

Enquiries: Mr. Robert Rono (Project Manager) 072 196 9367


14/10/2026

PA-06.1: ADDENDUM

NB: KINDLY TAKE NOTE OF THE ADDENDUM (REVISED TERMS OF REFERENCE ATTACHED HEREIN)

CATEGORY: CONSTRUCTION

Description:	Required at: (Town Name)	Bid No:	Closing:	Bids obtainable from:	Post or deliver bids to:
SERVICE DESCRIPTION: APPOINTMENT OF PANEL FOR CONTRACTORS CIDB GRADE 4-5 EB (ELECTRICAL ENGINEERING WORKS BUILDING), EP (ELECTRICAL ENGINEERING WORKS INFRASTRUCTURE), FOR INFRASTRUCTURE PROJECTS RELATING TO STAND-BY GENERATORS UNDERTAKEN BY THE NATIONAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE FOR A PERIOD OF 36 MONTHS This bid includes functionality which will be scored out of 100. Bidders must obtain a minimum of 70% BIDDERS WITH A VALID CIDB CONTRACTOR GRADING DESIGNATION CERTIFICATE OF 4EB OR 4EP OR 5EB OR 5EP ONLY WILL BE CONSIDERED FOR THIS BID. BIDDERS WHO HAVE CIDB GRADING OF 6 OR HIGHER WILL NOT BE CONSIDERED. <i>There will be a non-compulsory virtual briefing session on 30 September 2026 at 10:00.</i> Join: https://teams.microsoft.com/meet/386846632013838?p=m6rTutR0FIhSVrCnEb Meeting ID: 386 846 632 013 838 Passcode: Mp6Tt7cf NOTE: Documents will be sold at a non-refundable Card Payment of R700 per set. Contact for Bid information: Dora Phooko 012 406 1511 dora.phooko@dpw.gov.za Technical Enquiries: Mr. Robert Rono 072 196 9367/011 713 6035	PRETORIA	H26/001PF	27/10/2026 and 11:00	Room 121, Department of Public Works, Corner Madiba and Bosman, Pretoria Alternatively at www.etenders.gov.za or www.publicworks.gov.za	Reception area in the tender box, Corner Madiba and Bosman, Pretoria

NEW TERMS OF REFERENCE



**TERMS OF REFERENCE FOR THE
APPOINTMENT OF PANELS FOR CIDB GRADE 4-5 EB
(ELECTRICAL ENGINEERING WORKS BUILDING), EP
(ELECTRICAL ENGINEERING WORKS-INFRASTRUCTURE),
FOR INFRASTRUCTURE PROJECTS RELATING TO STAND-
BY GENERATORS UNDERTAKEN BY THE NATIONAL
DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE
FOR A PERIOD OF 36 MONTHS**

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LIST OF ABBREVIATIONS

BAC	Bid Adjudication Committee
BEC	Bid Evaluation Committee
B-BBEE	Broad Based Black Economic Empowerment
CIPC	Companies and Intellectual Property Commission
CSD	Central Supplier Database
EME	Emerging Micro Enterprise
QSE	Qualifying Small Enterprise
SANAS	South African National Accreditation System
SARS	South Revenue Services
SSA	Social Security Administration
CIDB	Construction Industry Development Board, established in terms of the Construction Industry Development Board Act of 2000 (Act 38 of 2000)
PMTE	Property Management Trading Entity
GB	General Building
CE	Civil Engineering
ME	Mechanical Engineering
EB	Electrical Engineering Building
EP	Electrical Engineering Infrastructure
EPWP	Expanded Public Works Programme
CIP	Contractor Incubator Programme
BOQ	Bill of Quantities
SACPCMP	South African Council for the Project and Construction Management Professions
OHS	Occupational Health and Safety Officer
RFP	Request for Proposal
Department	Department of Public Works
DTIC	Department of Trade and Industry and Competition

1. PURPOSE

1.1 The purpose of this document is to invite contractors from across all the nine (9) provinces for services required for infrastructure projects run by the Department of Public Works (Hereafter referred to as the Department) throughout the country. The purpose is to create a centre of excellence that works with key government stakeholders to improve the speed and quality of infrastructure delivery.

2. BACKGROUND

2.1 The National Department of Public Works and Infrastructure (hereafter referred to as the Department) is legislatively mandated as the custodian and portfolio manager of a significant portion of the National Government's immovable assets. This includes the provision of accommodation; rendering of expert built environment services to user departments at National Government level and the planning, acquisition, management and disposal of immovable assets under the custodianship of the Department, through its Property Management Trading Entity (PMTE).

2.2 In order to deliver on this mandate, the Department performs a wide range of activities including management of large portfolio of infrastructure projects often requiring the contractors to build the facilities.

2.3 The Department aims to contribute to sustainable livelihoods and economic growth by accelerating the delivery of quality social and economic infrastructure and promoting cost-effective, sustainable, integrated infrastructure planning and delivery to support government in accelerating the implementation of infrastructure programmes through the provision of project management support, in key priority sectors critical to the achievement of various national objectives for economic growth, job creation and infrastructure delivery.

2.4 THE INVITED CIDB CATEGORIES ARE LISTED IN TABLE 2.2.1. BELOW

TABLE 2.4.1. LIST OF INVITED CATEGORIES.

CONTRACTOR CATEGORY	CLASS OF WORKS	REQUIRED GRADES
Electrical Engineering Works - BUILDING	EB	Grade 4-5
Electrical Engineering Works - INFRASTRUCTURE	EP	Grade 4-5

3. OBJECTIVES OF ESTABLISHING THE PANELS

3.1 The Department will utilise the Panel of Contractors to source construction services in an accelerated manner. Sourcing through this manner, further supports:

- Best value for money;
- The sustainable supply of Services; and
- The meeting of Department's current requirements (at a minimum) and providing for flexibility to meet Department's future needs related to the scope.

4. SCOPE

4.1 The Department is legislatively mandated as the custodian and portfolio manager of a significant portion of the National Government's immovable assets. This included the provision of accommodation, rendering of expert-built environment services to user Departments at National Government level and the planning, acquisition, management and disposal of immovable assets under the custodianship of the Department through its PMTE.

4.2 In order to deliver on this mandate, the Department performs a wide range of activities including the management of large portfolio of infrastructure projects that often requires planning, leading, execution, supervision and inspection. The Department thus seeks to appoint pre – approved panel of Generator contractors in their respective CIDB designation and class of works.

4.3 The programme will invite bidders to an open procedure procurement process.

4.4 The Department intends to pre-approve Panels of Generator Contractors for a period not exceeding thirty-six (36) months.

4.5 Inclusion on the panels does not guarantee work as allocation of work will be based on demand for the services.

4.6 The work envisaged will include all the regions across the 9 provinces in South Africa.

5. LEGISLATIVE AND REGULATORY FRAMEWORK

5.1 Treasury Regulation published in terms of the Public Finance Management Act, 1999 (Act 1 of 1999) as well as the Preferential Procurement Policy Framework Act 2000 (PPPFA) with its latest 2022 Regulations.

5.2 The Special Conditions of Contract (SCC) are supplementary to the forms of contract. However, where the Special Conditions of Contract are in conflict with the forms of contract, the Special Conditions of Contract prevail.

6. SUBSTANTIVE RESPONSIVENESS CRITERIA

6.1 Failure to comply with criteria stated hereunder shall result in the tender offer being disqualified from further consideration

Responsiveness Criteria	Prequalifying Criteria
1) Only those tenderers who satisfy the eligibility criteria stated in the tender data may submit tenders	Pre - qualifier
2) Tender offer must be properly received on the tender closing date and time specified on the invitation and fully completed.	Pre - qualifier
3) Use of correction fluid is prohibited.	Pre - qualifier
4) Submission of DPW – 09 (EC): Particulars of Tenderer's projects.	Pre - qualifier
5) Bidders must submit a valid CIDB contractor grading designation certificate of 4EB or 4EP or 5EB or 5EP. - Active status in CIDB Register of Contractors. - No suspensions or Non-compliance History.	Pre - qualifier

7. ADMINISTRATIVE REQUIREMENTS

7.1 Tenderers may be required to submit the below documents where applicable

Administrative requirement
1) Submission of (PA – 11): Bidders disclosure
2) Submission of PA – 16.1: Ownerships particulars
3) Submission of PA 40: Declaration of Designated Groups
4) Submission of proof of registration on National Treasury's Central Supplier Database (CSD).

5) Upon requests, submission of fingerprints obtainable from local SAPS including any other additional documentation and information required for vetting purposes.
6) Upon request, submission of a fully completed security clearance application form with supporting documentation and information as required. The security clearance form will be provided by the employer for projects requiring a security clearance.
7) Submission of applicable PA 15.1, 15.2 or 15.3
8) Any correction to be initialled by the person authorised to sign the tender documentation as per PA15.1 or PA15.2 or PA15.3.
9) Submission of Annexure A1: Plant and equipment.
10) Sworn affidavit for the proposed workforce.
11) All parts of tender documents submitted must be fully completed in ink and signed where required.
12) Data provided by the tenderer in Part 2 of the DPW-05 Contract Data (GCC 2015) to be fully completed.

8. FUNCTIONALITY

8.1 The BEC will do Consensus scoring and the scores will be summarised in a consolidated document.

8.2 In order to qualify, **minimum points of 70 out of 100** must be obtained in total.

8.3 All supporting evidence must be relevant to the tender CIDB Category of **Electrical Engineering Works for Building (EB) and Electrical Engineering works for Infrastructure (EP)**

8.4 The following evaluation criteria will be applied in the **Functionality Evaluation** of tenders

1. Financial Capability
2. Experience on comparable projects during the past 10 years
3. Suitably qualified and appropriately experienced human resources
4. Plant and Equipment

Functionality criteria applicable for Grade 4-5 contractors

Functionality Criteria	Weight															
1. FINANCIAL CAPABILITY Adequate financial resources. Original / certified bank rating certificate of letter from the bank indicating the bank rating not older than 6 months. The bank rating should be clearly indicated on the certificate otherwise no point will be awarded. Points Allocation: <table><tr><td>i</td><td>Bank rating of "A"</td><td>= 5 Points</td></tr><tr><td>ii</td><td>Bank rating of "B"</td><td>= 4 Points</td></tr><tr><td>iii</td><td>Bank rating of "C"</td><td>= 3 Points</td></tr><tr><td>iv</td><td>Bank rating of "D"</td><td>= 2 Points</td></tr><tr><td>v</td><td>Bank rating of "E"</td><td>= 1 Point.</td></tr></table> The Department reserves the right to verify and validate the veracity of the bank rating	i	Bank rating of "A"	= 5 Points	ii	Bank rating of "B"	= 4 Points	iii	Bank rating of "C"	= 3 Points	iv	Bank rating of "D"	= 2 Points	v	Bank rating of "E"	= 1 Point.	15
i	Bank rating of "A"	= 5 Points														
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iii	Bank rating of "C"	= 3 Points														
iv	Bank rating of "D"	= 2 Points														
v	Bank rating of "E"	= 1 Point.														
2. Experience on comparable projects during the past 10 years. The tendering Service Provider's experience on supply and installation of generator set projects during the past 10 years. The list of all the successfully completed projects within the last 10 years of generators with a capacity of 30KVA and above, the service provider to provide an appointment letter and completion certificates or reference letter from client with contactable references for each project. Completed projects to be listed on the DPW 09 EC. Failure to submit contactable references will result in the bidder getting no score. Points Allocation: <table><tr><td>i</td><td>8 or more completed projects</td><td>= 5 Points</td></tr><tr><td>ii</td><td>6- 7 Completed projects</td><td>= 4 Points</td></tr><tr><td>iii</td><td>4-5 Completed projects</td><td>= 3 Points</td></tr><tr><td>iv</td><td>2-3 Completed projects</td><td>= 2 Points</td></tr><tr><td>v</td><td>1 - Completed projects</td><td>= 1 Point</td></tr></table>	i	8 or more completed projects	= 5 Points	ii	6- 7 Completed projects	= 4 Points	iii	4-5 Completed projects	= 3 Points	iv	2-3 Completed projects	= 2 Points	v	1 - Completed projects	= 1 Point	35
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ii	6- 7 Completed projects	= 4 Points														
iii	4-5 Completed projects	= 3 Points														
iv	2-3 Completed projects	= 2 Points														
v	1 - Completed projects	= 1 Point														
3. Suitable qualified and appropriately experienced human resources. Service Provider to provide proof of technical work force to execute projects. (CVs, ID copies, qualifications and registration certificates of	35															

proposed workforce). The service provider must submit a sworn affidavit for the employment of the proposed workforce. Allocation of suitably and appropriately experienced human resources: 1. Contract Manager(CM)/ Construction Foreman/ Construction Manager with valid professional registration with SACPCMP 2. Occupational Health and Safety Agent(OHSA)/ Manager/ Officers with valid professional registration with SACPCMP 3. Multi-Disciplinary Artisans with trade test certificate (Electrician and Milright) with at least ONE personnel for each trade to get a point) 4. Technical Workforce with valid registration with relevant (Electrical and Mechanical Engineers with valid registered with ECSA as PR Eng of Pr Eng Tech) Points allocation i 1 CM, 1 OHSA, 6 ARTISAN, 1 ENGINEER as listed above = 5 Points ii 1 CM, 1 OHSA, 5ARTISAN, 1 ENGINEER as listed above = 4 points iii 1 CM, 1 OHSA, 4 ARTISAN, 1 ENGINEER as listed above = 3 points iv 1 CM, 1 OHSA, 3 ARTISAN, 1 ENGINEER as listed above = 2 points v 1 CM, 1 OHSA, 2 ARTISAN, 1 ENGINEER as listed above = 1 points	
4. Plant and Equipment Bidders are required to submit an asset register indicating the machinery they own or rental agreements of the machinery as outlined in annexure A. The bidders are also required to fully complete the annexure A Points allocation: i Proof of ownership or rental agreement for all the 10 items listed= 5 Points ii Proof of ownership or rental agreement for any 8 -9 items listed in annexure A = 4 Points iii Proof of ownership or rental agreement for any 5 - 7 items listed in annexure A =3 Points iv Proof of ownership or rental agreement for any 3 - 4 items listed in annexure A = 2 Points v Proof of ownership or rental agreement for any 1-2 items listed in annexure A = 1 Point	15

9. ESTABLISHMENT OF THE PANEL

9.1 Bidders that are awarded, will be published on the Department's website (www.dpw.gov.za) under "Awarded Tenders", e-tender portal (www.etenders.gov.za), CIDB

9.2 Bidders that are not listed as stipulated above, will be deemed to be not awarded and will not receive Letters of Regret.

9.3 Appointment to the panel is neither a binding contract nor does it place an obligation on the Department to procure services from the contractors.

9.4 The services shall be on an as and when required basis, at the discretion of the Department.

9.5 The Department will not be held liable if a contractor does not receive a tender invitation due to incorrect contact information, or CIDB Grading.

9.6 Contractors will be approached via a RFP ("Request for Proposal") process: For specific works, with project specific evaluation and competitive bidding.

9.7 Scope of work is to be provided on a case-by-case basis at the time of requirement. Contractors with the closest proximity to the province where services are to be rendered will be granted preference, where available unless there are any known non-performance, litigation or any other legal concerns apply.

9.8 Joint ventures are eligible to submit tenders.

9.9 Bidders may apply for more than 1 classifications and grading of works in line with their respective grading and registration with CIDB. Bidders to Tick on which grade and classification they are applying for by completing the table below.

CIDB AND GRADE FOR	CLASSIFICATION AND GRADE APPLIED	Grade	
		4	5
	EB		
	EP		



9.10 Bidders to indicate which cluster or province they intend to be part of by completing the below table:

Bidder Information

Bidders are to populate the below table in full, with accurate and valid information. Any incorrect information resulting in the bidder being disqualified or not contactable is the responsibility of the bidder and the Department will not be held liable in any manner.

Registered Company Name	
Company Registration #	
Head Office Physical Address	
Contact Person	
Telephone & Cellphone #	
Email (for enquiries)	
CIDB CRS #	
CSD MAAA #	
Tax Pin #	

Bidder Footprint

Tick in which Province you intend to tender for

Provinces	
1) LIMPOPO	☐
2) MPUMALANGA	☐
3) NORTH WEST	☐
4) GAUTENG	☐
5) KWA ZULU NATAL	☐
6) EASTERN CAPE	☐
7) FREE STATE	☐
8) NORTHERN CAPE	☐
9) WESTERN CAPE	☐

10. PROJECT ALLOCATION PROCEDURE

- 10.1 Security Clearance will form a mandatory part of selection process as bidders will be screened as the Department hosts National Key Point Projects and bidders are to remain compliant with security screening until such time where projects are allocated
- 10.2 Once the qualifying service providers (contractors) are listed on the panel, a minimum of 3 contractors will be invited from the relevant panel in the applicable Cluster, thereafter contractors will compete on the basis of price and Preference.
- 10.3 After the nomination procedure the normal SCM process applies in line with the Department's circulars
- 10.4 The evaluation of these tenders will be in accordance with the tailored departmental procurement strategy. The tender will be awarded based on the assessment of the risks of the highest scoring bidders.
- 10.5 In the event of non-validity of compulsory documents of the recommended bidder, the Department reserves the right to re-allocate the project to another qualifying bidder.
- 10.6 The bidders will be required to participate in the empowerment initiatives of the Department such as EPWP, contract participation goal targets and CIDB B.U.I.L.D programme.

11. SPECIAL CONDITIONS OF BID

- 11.1 Prospective Bidders who cannot, or do not, satisfy all of the conditions contained in paragraphs 6.1. should not submit Tenders. If a Bidder is found not to meet any one of the requirements listed in paragraphs 6.1. Then that Bidder's Tender will be rejected without any further consideration, at the Department's sole discretion.
- 11.2 The Department is only interested in organisations that take accountability for service delivery.
- 11.3 A Bidder must be a South African entity (Company, Close Corporation, Sole Proprietor or individual) or have a local branch office in South Africa.

11.4 The Bidder must be fully tax compliant. The Bidder's attention is further drawn to the requirement that the successful Bidder must ensure that it remains compliant with all South African Tax and Customs laws and regulations throughout the Term, and failure to do so will result in the contractor's registration being suspended until compliant.

11.5 The Bidder must comply with all applicable legislation in the Republic of South Africa in the performance of its daily activities, including but not limited to labour legislation and bargaining council agreements, health and safety regulations and environmental laws.

11.6 The Department may **disqualify** a Bidder :

11.6.1 Whose Tender contains a negligent misrepresentation which is materially incorrect or misleading;

11.6.2 Who had access to any of the Department's proprietary information or any other matter that may have unfairly placed that Bidder in a preferential position in relation to any of the other Bidders

11.6.3 Who materially fails to comply with any conditions or requirements of this RFP.

11.6.4 Who in the Department's opinion has either materially failed to comply with any of the conditions of any existing or past agreement between such Bidder and the Department or who has performed unsatisfactorily under any such agreement or Who fails to respond as required to written notices given by the Department in connection with its Tender under this RFP.

11.6.5 Where a director of a bidder has directorship in one or more other bidding entities. The submission may be disqualified at any other time after appointment, when this information comes to light.

11.6.6 Where a bidder was terminated by the Department, or any other State Entity for non-performance on a project in the last 5 years.

11.6.7 Where there is conflict between the Specification and / or any documentation published along with this document. The Provisions of this document take precedence overall.

11.7 **Reservation of Rights**

11.7.1 The Department reserves the right in its discretion to:

11.7.2 Make no award, withdraw, suspend or cancel this RFP or the RFP process at any time and without providing reasons.

11.7.3 Not provide reasons for its rejection or the failure of any Bidder or Tender, save on application and in terms of applicable legislation.

11.7.4 Change any of its requirements as set out in this RFP by giving Bidders reasonable notice.

11.7.5 Change any condition, procedure or rule of the RFP by giving Bidders reasonable notice.

11.7.6 Amend, vary, or supplement any of the information, terms or requirements contained in this RFP, any information or requirements delivered pursuant to this RFP, or the structure of the RFP process.

11.8 Re-advertise for Tenders;

11.8.1 Provide further information in respect of, and modify the provisions of, this RFP at any time prior to the Closing Date by notice to all prospective Bidders

11.8.2 Conduct site visits and/or perform audits whenever the Department deems it prudent to do so during RFP evaluation or post award

11.8.3 Undertake further checks on Bidders, which may include information on public record or In the public domain, information contained in internal the Department records or Information received from other government institutions.

11.8.4 No longer consider a Bidder's Tender where adverse information about the Bidder or its Tender submission has come to the attention of the Department, provided that such Bidder is informed accordingly and invited to comment.

11.9 RFP not an Offer

11.9.1 This RFP does not constitute an offer to do business with the Department, but merely serves as an invitation to Bidders to facilitate a requirements-based decision process.

11.9.2 Nothing in this RFP or any other communication made between the Department (including its officers, directors, employees, advisers and representatives) is a representation that the Department will offer, award or enter into a contract with the Bidder.

11.10 Preparation Costs

11.10.1 The Bidder will bear all its costs in preparing, submitting and presenting any response or tender to this RFP and all other costs incurred by it throughout the RFP process. Furthermore, no statement in this RFP will be construed as placing the Department, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the Bidders in the preparation of their response to this RFP.

11.11 Confidentiality

11.11.1 Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information



contained in or relating to this RFP or a Bidder's Tender(s) will be disclosed by any Bidder or other person not officially involved with the Department's examination and evaluation of a Tender.

- 11.11.2 No part of the RFP may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a Tender. This RFP and any other documents supplied by the Department remain proprietary to the Department and must be promptly returned to the Department upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived from.
- 11.11.3 Throughout this RFP process and thereafter, Bidders must secure the Department's written approval prior to the release of any information that pertains to (i) the potential work or activities to which this RFP relates; or (ii) the process which follows this RFP. Failure to adhere to this requirement may result in disqualification from the RFP process and civil action.
- 11.11.4 After the Closing Date, no confidential information relating to the process of evaluating or adjudicating Tenders or appointing a Bidder will be disclosed to a Bidder or any other person not officially involved with such process.

11.12 Limitation of Liability

- 11.12.1 A Bidder participates in this RFP process entirely at its own risk and cost. The Department shall not be liable to compensate a Bidder on any grounds whatsoever for any costs incurred or any damages suffered as a result of the Bidder's participation in this RFP process.

11.13 Tax Compliance

- 11.13.1 No tender shall be awarded to a Bidder (or any of its members, directors, partners or trustees) whose names appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers.
- 11.13.2 The Department reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a Bidder has been blacklisted with National Treasury by another government institution.

11.14 Screening and Vetting of Service Provider

- 11.14.1 Acceptance of this tender is subject to the condition that both the contracting firm and its personnel providing the service may be screened and cleared by the appropriate authorities to the grade of clearance in line to classified information, intelligence in the possession of the Department and



areas designated as National Key points that they may have (as and when required per RFP). Obtaining a positive recommendation is the responsibility of the contracting firm concerned. If the principal contractor appoints a subcontractor, the same provisions and measures will apply to the subcontractor.

- 11.14.2 Bidders are not allowed to subcontract with their subsidiary companies as this may be interpreted as subcontracting with themselves and/or using their subsidiaries for fronting.
- 11.14.3 The Department supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the Department does not support any form of fronting.
- 11.14.4 The Department in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in this bid document. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the DTI, be established during such enquiry / investigation, the onus will be on the bidder to prove that fronting does not exist. Failure to do so by the bidder within a period of fourteen (14) calendar days from date of notification by the Department may invalidate the bid / contract and may also result in the restriction of the bidder to conduct business with the public sector for a period not exceeding ten (10) years, in addition to any other remedies the Department may have against the bidder concerned.
- 11.15 Interpretation
- 11.15.1 The word "Bidder" in these conditions shall mean and include any firm of Contractors, Services Providers or any company or body incorporated or unincorporated or any other legal entities.
- 11.15.2 The word "The Department" in these conditions shall mean the Department of Public Works and Infrastructure
- 11.15.3 Any reference to words "Bid" or "bidder" herein and or any other documentation shall be construed to have the meaning as the words "Tender" or Tenderer".



11.16 Precedence

11.17 The "Special Conditions of Bid" can only be amended by an official addendum before the closing date of the bid.

11.18 If any other condition (bid rule) in the bid document is in contradiction with the "Special Conditions of Bid" the "Special Conditions of Bid" will take preference.

11.19 General Bid Rules

11.20 "Written" or "in writing" means hand-written in non-erasable ink or any form of electronic or digital writing and or a combination thereof.

11.21 The digital and or electronic completion and signing of documents is permitted.

11.22 A bidder participates in this bid process entirely at its own risk and cost.

11.23 The Department may accept or reject any bid offer and may cancel the bid process (or reject all bid offers at any time) prior to the formation of a contract, due to the following:

11.24 Due to changed circumstances, there is no longer a need for the goods or services specified in the invitation.

11.24.1 Funds are no longer available to cover the total envisaged expenditure

11.24.2 No acceptable tender is received.

11.24.3 There is a material irregularity in the tender process or there is material change in the scope of works.

11.24.4 The Department shall not accept or incur any liability for such cancellation or rejection or acceptance, but will give written reasons for such action upon receiving a written request to do so.

11.25 Ambiguities/ Contradictions / Omissions

11.26 If a bidder becomes aware of any ambiguities or contradictions or omissions in the bid document or the specifications, drawings or descriptions or functionality or quality, or any part of the bid document, this should be clarified with the Department, at least five (5) working days before the closing time stated in the tender data.

11.27 If the Department found, after the closing date of the bid, that there is an ambiguity/ contradiction or omission in the bid document, the Department reserves the right to:

11.28 If the ambiguity or contradiction or omission in the bid document is of an administrative nature, request bidders to correct any non-compliances caused by the ambiguity or contradiction or omission or If the ambiguity or contradiction or omission is immaterial, proceed to finalise the procurement process and notify the delegated authority in the submission of the ambiguity

or contradiction or omission for the consideration of the approving authority or cancel the bid and process.

11.29 Period of Validity for Bids after Closing Date

11.30 Validity not applicable.

11.31 Authority to Sign Bid Documents

11.32 No authority to sign (PA 15.1: Resolution of Board of Directors) is required from an enterprise which has only one director or is a sole ownership.

11.33 In the case of a bid being submitted on behalf of a company, close corporation or partnership, evidence should be submitted with the bid at the closing time, that the Bid has been signed by a person properly authorised by resolution of the directors or under the articles of the entity. For that purpose, forms PA-15.1-15.3 (Resolution of Board of Directors) are included in the bid document for completion by the relevant Board(s) of Directors.

11.34 The Department further accepts that, in the absence of a PA 15.1: Resolution of Board of Directors, any director or any member of the enterprise may have the authority to bind the enterprise. Therefore the following will apply when only one director or one member of the enterprise signed the bid documents:

11.35 The signature of any one of the directors or any one of the members of the enterprise will bind the enterprise and all the directors/ members of the enterprise. This condition will therefore render the bid valid; and

11.36 The Department will verify the authority to sign (if deemed necessary) and where possible, may request proof of such authority of the relevant director or relevant member to act on behalf of the enterprise in the form of a "Resolution of the Board of Directors", if such " (PA 15.1: Resolution of Board of Directors)," was not submitted with the bid or was not completed or was incorrectly completed.

11.37 Contract Period

11.38 The expected contract period is as stipulated in the Contract Data. The construction period is as stipulated within the Contract Data from date of handing over of site in the case of contractors.

11.39 Award of Contracts to Tenderers Not Scoring Highest Points

11.40 Not applicable as it is not a contract.

11.41 Right of Award

11.42 The State reserves its following rights:



- To award the bid in part or in full.
- Not to make any award in this bid.
- Award the bid to more than one (1) bidder for the same item;
- Request further technical information from any bidder after the closing date;
- Verify information and documentation of the service provider;
- Not to accept any of the bids submitted;
- To withdraw or amend any of the bid conditions by notice in writing to all bidders prior to closing of the bid and post award; and
- In the event that an incorrect award has been made to remedy the matter in any lawful manner it may deem fit.

11.43 Multiple Award

11.43.1 The State reserves the right to issue multiple awards, to ensure availability of service. Due diligence will be applied to ensure that pricing is affordable, market related and aligned to end-user requirements.

11.44 The following shall be taken into consideration when contemplating a multiple-award:

- Capacity to meet the expected demand according to the end-user requirements;
- Mitigation of risk if the item is unavailable.

11.45 A bid should be submitted in a sealed envelope or sealed suitable cover on which the name and address of the bidder, the bid number and the closing date must be clearly visible.

11.46 In the event that a hard copy of the bid document and the electronic response are not received on or before the closing date and time, the bid will be invalidated.

11.47 The bid will accessible on the below listed links:

<https://etenders.treasury.gov.za/content/advertised-tenders>

<http://www.treasury.gov.za/divisions/ocpo/ostb/CurrentTenders.aspx>

11.48 Communication and Confidentiality

11.31. The Department may communicate with bidders where clarity is sought after the closing date and time of the bid and prior to the award of the contract.

11.49 Disclaimer



- 11.49.1 It is impractical and cumbersome for the Department to communicate with all qualifying bidders to correct/ ratify all eligible matters as articulated in this "Special Conditions of Bid". The Department therefore reserves the right and discretion, during its evaluation and other administrative processes to:
- 11.49.2 Limit its correspondences for corrections/ ratifications/ clarities to potential higher point scoring bidders only and to further evaluate any potential qualifying lower scoring bidder(s) as "deemed responsive" or giving points, etc, without requesting the corrections/ ratifications of a matter which is eligible as per the "Special Conditions of Bid".

12. TENDER SUBMISSION

- 12.1 Bids must be properly received and deposited in the below mentioned tender box on or before the closing date and time at the Tender Submission Office situated at: 256 Corner Madiba/Bosman street, Pretoria Central, 0001. If the bid document is late, or not submitted in the designated tender box, it will not be considered for evaluation.
- 12.2 Tender validity is not applicable due to no price inclusion, therefore the tender will remain valid until concluded.
- 12.3 Tender advertisement period is 21 calendar days.
- 12.4 The non - compulsory tender clarification meeting will be conducted virtually. The link can be found in the tender document or tender advertisement.

OLD TERMS OF REFERENCE



**TERMS OF REFERENCE FOR THE
APPOINTMENT OF PANELS FOR CIDB GRADE 4-5 EB
(ELECTRICAL ENGINEERING WORKS BUILDING), EP
(ELECTRICAL ENGINEERING WORKS-INFRASTRUCTURE),
FOR INFRASTRUCTURE PROJECTS RELATING TO STAND-
BY GENERATORS UNDERTAKEN BY THE NATIONAL
DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE
FOR A PERIOD OF 36 MONTHS**



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LIST OF ABBREVIATIONS

BAC	Bid Adjudication Committee
BEC	Bid Evaluation Committee
B-BBEE	Broad Based Black Economic Empowerment
CIPC	Companies and Intellectual Property Commission
CSD	Central Supplier Database
EME	Emerging Micro Enterprise
QSE	Qualifying Small Enterprise
SANAS	South African National Accreditation System
SARS	South Revenue Services
SSA	Social Security Administration
CIDB	Construction Industry Development Board, established in terms of the Construction Industry Development Board Act of 2000 (Act 38 of 2000)
PMTE	Property Management Trading Entity
GB	General Building
CE	Civil Engineering
ME	Mechanical Engineering
EB	Electrical Engineering Building
EP	Electrical Engineering Infrastructure
EPWP	Expanded Public Works Programme
CIP	Contractor Incubator Programme
BOQ	Bill of Quantities
SACPCMP	South African Council for the Project and Construction Management Professions
OHS	Occupational Health and Safety Officer
RFP	Request for Proposal
Department	Department of Public Works
DTIC	Department of Trade and Industry and Competition

1. PURPOSE

1.1 The purpose of this document is to invite contractors from across all the nine (9) provinces for services required for infrastructure projects run by the Department of Public Works (Hereafter referred to as the Department) throughout the country. The purpose is to create a centre of excellence that works with key government stakeholders to improve the speed and quality of infrastructure delivery.

2. BACKGROUND

2.1 The National Department of Public Works and Infrastructure (hereafter referred to as the Department) is legislatively mandated as the custodian and portfolio manager of a significant portion of the National Government's immovable assets. This includes the provision of accommodation; rendering of expert built environment services to user departments at National Government level and the planning, acquisition, management and disposal of immovable assets under the custodianship of the Department, through its Property Management Trading Entity (PMTE).

2.2 In order to deliver on this mandate, the Department performs a wide range of activities including management of large portfolio of infrastructure projects often requiring the contractors to build the facilities.

2.3 The Department aims to contribute to sustainable livelihoods and economic growth by accelerating the delivery of quality social and economic infrastructure and promoting cost-effective, sustainable, integrated infrastructure planning and delivery to support government in accelerating the implementation of infrastructure programmes through the provision of project management support, in key priority sectors critical to the achievement of various national objectives for economic growth, job creation and infrastructure delivery.

2.4 THE INVITED CIDB CATEGORIES ARE LISTED IN TABLE 2.2.1. BELOW

TABLE 2.4.1. LIST OF INVITED CATEGORIES.

CONTRACTOR CATEGORY	CLASS OF WORKS	REQUIRED GRADES
Electrical Engineering Works - BUILDING	EB	Grade 4-5
Electrical Engineering Works - INFRASTRUCTURE	EP	Grade 4-5

3. OBJECTIVES OF ESTABLISHING THE PANELS

3.1 The Department will utilise the Panel of Contractors to source construction services in an accelerated manner. Sourcing through this manner, further supports:

- Best value for money;
- The sustainable supply of Services; and
- The meeting of Department's current requirements (at a minimum) and providing for flexibility to meet Department's future needs related to the scope.

4. SCOPE

4.1 The Department is legislatively mandated as the custodian and portfolio manager of a significant portion of the National Government's immovable assets. This included the provision of accommodation, rendering of expert-built environment services to user Departments at National Government level and the planning, acquisition, management and disposal of immovable assets under the custodianship of the Department through its PMTE.

4.2 In order to deliver on this mandate, the Department performs a wide range of activities including the management of large portfolio of infrastructure projects that often requires planning, leading, execution, supervision and inspection. The Department thus seeks to appoint pre – approved panel of Generator contractors in their respective CIDB designation and class of works.

4.3 The programme will invite bidders to an open procedure procurement process.

4.4 The Department intends to pre-approve Panels of Generator Contractors for a period not exceeding thirty-six (36) months.

4.5 Inclusion on the panels does not guarantee work as allocation of work will be based on demand for the services.

4.6 The work envisaged will include all the regions across the 9 provinces in South Africa.

5. LEGISLATIVE AND REGULATORY FRAMEWORK

5.1 Treasury Regulation published in terms of the Public Finance Management Act, 1999 (Act 1 of 1999) as well as the Preferential Procurement Policy Framework Act 2000 (PPPFA) with its latest 2022 Regulations.

5.2 The Special Conditions of Contract (SCC) are supplementary to the forms of contract. However, where the Special Conditions of Contract are in conflict with the forms of contract, the Special Conditions of Contract prevail.

6. SUBSTANTIVE RESPONSIVENESS CRITERIA

6.1 Failure to comply with criteria sated hereunder shall result in the tender offer being disqualified from further consideration

Responsiveness Criteria	Prequalifying Criteria
1) Only those tenderers who satisfy the eligibility criteria stated in the tender data may submit tenders	Pre - qualifier
2) Tender offer must be properly received on the tender closing date and time specified on the invitation and fully completed.	Pre - qualifier
3) Use of correction fluid is prohibited.	Pre - qualifier
4) Submission of DPW – 09 (EC): Particulars of Tenderer's projects.	Pre - qualifier
5) Bidders must submit a valid CIDB contractor grading designation certificate of 4EB or 4EP or 5EB or 5EP. - Active status in CIDB Register of Contractors. - No suspensions or Non-compliance History.	Pre - qualifier

7. ADMINISTRATIVE REQUIREMENTS

7.1 Tenderers may be required to submit the below documents where applicable

Administrative requirement
1) Submission of (PA – 11): Bidders disclosure
2) Submission of PA – 16.1: Ownerships particulars
3) Submission of PA 40: Declaration of Designated Groups
4) Submission of proof of registration on National Treasury's Central Supplier Database (CSD).



- | |
|--|
| 5) Upon requests, submission of fingerprints obtainable from local SAPS including any other additional documentation and information required for vetting purposes. |
| 6) Upon request, submission of a fully competed security clearance application form with supporting documentation and information as required. The security clearance form will be provided by the employer for projects requiring a security clearance. |
| 7) Submission of applicable PA 15.1, 15.2 or 15.3 |
| 8) Any correction to be initialled by the person authorised to sign the tender documentation as per PA15.1 or PA15.2 or PA15.3. |
| 9) Submission of Annexure A1: Plant and equipment. |
| 10) Sworn affidavit for the proposed workforce. |
| 11) All parts of tender documents submitted must be fully completed in ink and signed where required. |
| 12) Data provided by the tenderer in Part 2 of the DPW-05 Contract Data (GCC 2015) to be fully completed. |

8. FUNCTIONALITY

8.1 The BEC will do Consensus scoring and the scores will be summarised in a consolidated document.

8.2 In order to qualify, **minimum points of 70 out of 100** must be obtained in total.

8.3 All supporting evidence must be relevant to the tender CIDB Category of **Electrical Engineering Works for Building (EB) and Electrical Engineering works for Infrastructure (EP)**

8.4 The following evaluation criteria will be applied in the **Functionality Evaluation** of tenders

- | |
|--|
| 1. Financial Capability |
| 2. Experience on comparable projects during the past 10 years |
| 3. Suitably qualified and appropriately experienced human resources |
| 4. Plant and Equipment |

Functionality criteria applicable for Grade 4 – 7 contractors



Functionality Criteria	Weight															
1. FINANCIAL CAPABILITY Adequate financial resources. Original / certified bank rating certificate of letter from the bank indicating the bank rating not older than 6 months. The bank rating should be clearly indicated on the certificate otherwise no point will be awarded. Points Allocation: <table><tr><td>i</td><td>Bank rating of "A"</td><td>= 5 Points</td></tr><tr><td>ii</td><td>Bank rating of "B"</td><td>= 4 Points</td></tr><tr><td>iii</td><td>Bank rating of "C"</td><td>= 3 Points</td></tr><tr><td>iv</td><td>Bank rating of "D"</td><td>= 2 Points</td></tr><tr><td>v</td><td>Bank rating of "E"</td><td>= 1 Point.</td></tr></table> The Department reserves the right to verify and validate the veracity of the bank rating	i	Bank rating of "A"	= 5 Points	ii	Bank rating of "B"	= 4 Points	iii	Bank rating of "C"	= 3 Points	iv	Bank rating of "D"	= 2 Points	v	Bank rating of "E"	= 1 Point.	15
i	Bank rating of "A"	= 5 Points														
ii	Bank rating of "B"	= 4 Points														
iii	Bank rating of "C"	= 3 Points														
iv	Bank rating of "D"	= 2 Points														
v	Bank rating of "E"	= 1 Point.														
2. Experience on comparable projects during the past 10 years. The tendering Service Provider's experience on supply and installation of generator set projects during the past 10 years. The list of all the successfully completed projects within the last 10 years of generators with a capacity of 30KVA and above, the service provider to provide an appointment letter and completion certificates or reference letter from client with contactable references for each project. Completed projects to be listed on the DPW 09 EC. Failure to submit contactable references will result in the bidder getting no score. Points Allocation: <table><tr><td>i</td><td>8 or more completed projects</td><td>= 5 Points</td></tr><tr><td>ii</td><td>6- 7 Completed projects</td><td>= 4 Points</td></tr><tr><td>iii</td><td>4-5 Completed projects</td><td>= 3 Points</td></tr><tr><td>iv</td><td>2-3 Completed projects</td><td>= 2 Points</td></tr><tr><td>v</td><td>1 - Completed projects</td><td>= 1 Point</td></tr></table>	i	8 or more completed projects	= 5 Points	ii	6- 7 Completed projects	= 4 Points	iii	4-5 Completed projects	= 3 Points	iv	2-3 Completed projects	= 2 Points	v	1 - Completed projects	= 1 Point	35
i	8 or more completed projects	= 5 Points														
ii	6- 7 Completed projects	= 4 Points														
iii	4-5 Completed projects	= 3 Points														
iv	2-3 Completed projects	= 2 Points														
v	1 - Completed projects	= 1 Point														
3. Suitable qualified and appropriately experienced human resources. Service Provider to provide proof of technical work force to execute projects. (CVs, ID copies, qualifications and registration certificates of proposed workforce). The service provider must submit a sworn affidavit for the employment of the proposed workforce.	35															



Allocation of suitably and appropriately experienced human resources:

- 1. Contract Manager(CM)/ Construction Foreman/ Construction Manager with valid professional registration with SACPCMP**
- 2. Occupational Health and Safety Agent(OHSA)/ Manager/ Officers with valid professional registration with SACPCMP**
- 3. Multi-Disciplinary Artisans with trade test certificate (Electrician and Milright) with at least ONE personnel for each trade to get a point)**
- 4. Technical Workforce with valid registration with relevant (Electrical and Mechanical Engineers with valid registered with ECSA as PR Eng or Pr Eng Tech)**

Points allocation

- i 1 CM, 1 OHSA, 6 ARTISAN, 1 ENGINEER as listed above = 5 Points**
- ii 1 CM, 1 OHSA, 5ARTISAN, 1 ENGINEER as listed above = 4 points**
- iii 1 CM, 1 OHSA, 4 ARTISAN, 1 ENGINEER as listed above = 3 points**
- iv 1 CM, 1 OHSA, 3 ARTISAN, 1 ENGINEER as listed above = 2 points**
- v 1 CM, 1 OHSA, 2 ARTISAN, 1 ENGINEER as listed above = 1 points**

4. Plant and Equipment

15

Bidders are required to submit an asset register indicating the machinery they own or rental agreements of the machinery as outlined in annexure A. The bidders are also required to fully complete the annexure A

Points allocation:

- i Proof of ownership or rental agreement for all the 10 items listed= 5 Points**
- ii Proof of ownership or rental agreement for any 8 -9 items listed in annexure A = 4 Points**
- iii Proof of ownership or rental agreement for any 5 - 7 items listed in annexure A =3 Points**
- iv Proof of ownership or rental agreement for any 3 - 4 items listed in annexure A = 2 Points**
- v Proof of ownership or rental agreement for any 1-2 items listed in annexure A = 1 Point**

9. ESTABLISHMENT OF THE PANEL

9.1 Bidders that are awarded, will be published on the Department's website (www.dpw.gov.za) under "Awarded Tenders", e-tender portal (www.etenders.gov.za), CIDB

9.2 Bidders that are not listed as stipulated above, will be deemed to be not awarded and will not receive Letters of Regret.

9.3 Appointment to the panel is neither a binding contract nor does it place an obligation on the Department to procure services from the contractors.

9.4 The services shall be on an as and when required basis, at the discretion of the Department.

9.5 The Department will not be held liable if a contractor does not receive a tender invitation due to incorrect contact information, or CIDB Grading.

9.6 Contractors will be approached via a RFP ("Request for Proposal") process: For specific works, with project specific evaluation and competitive bidding.

9.7 Scope of work is to be provided on a case-by-case basis at the time of requirement. Contractors with the closest proximity to the province where services are to be rendered will be granted preference, where available unless there are any known non-performance, litigation or any other legal concerns apply.

9.8 Joint ventures are eligible to submit tenders.

9.9 Bidders may apply for more than 1 classifications and grading of works in line with their respective grading and registration with CIDB. Bidders to Tick on which grade and classification they are applying for by completing the table below.

CIDB AND FOR	CLASSIFICATION AND GRADE APPLIED	Grade	
		4	5
	EB		
	EP		



9.10 Bidders to indicate which cluster or province they intend to be part of by completing the below table:



Bidder Information

Bidders are to populate the below table in full, with accurate and valid information. Any incorrect information resulting in the bidder being disqualified or not contactable is the responsibility of the bidder and the Department will not be held liable in any manner.

Registered Company Name	
Company Registration #	
Head Office Physical Address	
Contact Person	
Telephone & Cellphone #	
Email (for enquiries)	
CIDB CRS #	
CSD MAAA #	
Tax Pin #	

Bidder Footprint

Tick in which Province you intend to tender for

Provinces	
1) LIMPOPO	☐
2) MPUMALANGA	☐
3) NORTH WEST	☐
4) GAUTENG	☐
5) KWA ZULU NATAL	☐
6) EASTERN CAPE	☐
7) FREE STATE	☐
8) NORTHERN CAPE	☐
9) WESTERN CAPE	☐



10. PROJECT ALLOCATION PROCEDURE

- 10.1 Security Clearance will form a mandatory part of selection process as bidders will be screened as the Department hosts National Key Point Projects and bidders are to remain compliant with security screening until such time where projects are allocated
- 10.2 Once the qualifying service providers (contractors) are listed on the panel, a minimum of 3 contractors will be invited from the relevant panel in the applicable Cluster, thereafter contractors will compete on the basis of price and Preference.
- 10.3 After the nomination procedure the normal SCM process applies in line with the Department's circulars
- 10.4 The evaluation of these tenders will be in accordance with the tailored departmental procurement strategy. The tender will be awarded based on the assessment of the risks of the highest scoring bidders.
- 10.5 In the event of non-validity of compulsory documents of the recommended bidder, the Department reserves the right to re-allocate the project to another qualifying bidder.
- 10.6 The bidders will be required to participate in the empowerment initiatives of the Department such as EPWP, contract participation goal targets and CIDB B.U.I.L.D programme.

11. SPECIAL CONDITIONS OF BID

- 11.1 Prospective Bidders who cannot, or do not, satisfy all of the conditions contained in paragraphs 6.1. should not submit Tenders. If a Bidder is found not to meet any one of the requirements listed in paragraphs 6.1. Then that Bidder's Tender will be rejected without any further consideration, at the Department's sole discretion.
- 11.2 The Department is only interested in organisations that take accountability for service delivery.
- 11.3 A Bidder must be a South African entity (Company, Close Corporation, Sole Proprietor or individual) or have a local branch office in South Africa.



- 11.4 The Bidder must be fully tax compliant. The Bidder's attention is further drawn to the requirement that the successful Bidder must ensure that it remains compliant with all South African Tax and Customs laws and regulations throughout the Term, and failure to do so will result in the contractor's registration being suspended until compliant.
- 11.5 The Bidder must comply with all applicable legislation in the Republic of South Africa in the performance of its daily activities, including but not limited to labour legislation and bargaining council agreements, health and safety regulations and environmental laws.
- 11.6 The Department may **disqualify** a Bidder :
- 11.6.1 Whose Tender contains a negligent misrepresentation which is materially incorrect or misleading;
 - 11.6.2 Who had access to any of the Department's proprietary information or any other matter that may have unfairly placed that Bidder in a preferential position in relation to any of the other Bidders
 - 11.6.3 Who materially fails to comply with any conditions or requirements of this RFP.
 - 11.6.4 Who in the Department's opinion has either materially failed to comply with any of the conditions of any existing or past agreement between such Bidder and the Department or who has performed unsatisfactorily under any such agreement or Who fails to respond as required to written notices given by the Department in connection with its Tender under this RFP.
 - 11.6.5 Where a director of a bidder has directorship in one or more other bidding entities. The submission may be disqualified at any other time after appointment, when this information comes to light.
 - 11.6.6 Where a bidder was terminated by the Department, or any other State Entity for non-performance on a project in the last 5 years.
 - 11.6.7 Where there is conflict between the Specification and / or any documentation published along with this document. The Provisions of this document take precedence overall.
- 11.7 **Reservation of Rights**
- 11.7.1 The Department reserves the right in its discretion to:
 - 11.7.2 Make no award, withdraw, suspend or cancel this RFP or the RFP process at any time and without providing reasons.
 - 11.7.3 Not provide reasons for its rejection or the failure of any Bidder or Tender, save on application and in terms of applicable legislation.
 - 11.7.4 Change any of its requirements as set out in this RFP by giving Bidders reasonable notice.



11.7.5 Change any condition, procedure or rule of the RFP by giving Bidders reasonable notice.

11.7.6 Amend, vary, or supplement any of the information, terms or requirements contained in this RFP, any information or requirements delivered pursuant to this RFP, or the structure of the RFP process.

11.8 Re-advertise for Tenders;

11.8.1 Provide further information in respect of, and modify the provisions of, this RFP at any time prior to the Closing Date by notice to all prospective Bidders

11.8.2 Conduct site visits and/or perform audits whenever the Department deems it prudent to do so during RFP evaluation or post award

11.8.3 Undertake further checks on Bidders, which may include information on public record or In the public domain, information contained in internal the Department records or Information received from other government institutions.

11.8.4 No longer consider a Bidder's Tender where adverse information about the Bidder or its Tender submission has come to the attention of the Department, provided that such Bidder is informed accordingly and invited to comment.

11.9 RFP not an Offer

11.9.1 This RFP does not constitute an offer to do business with the Department, but merely serves as an invitation to Bidders to facilitate a requirements-based decision process.

11.9.2 Nothing in this RFP or any other communication made between the Department (including its officers, directors, employees, advisers and representatives) is a representation that the Department will offer, award or enter into a contract with the Bidder.

11.10 Preparation Costs

11.10.1 The Bidder will bear all its costs in preparing, submitting and presenting any response or tender to this RFP and all other costs incurred by it throughout the RFP process. Furthermore, no statement in this RFP will be construed as placing the Department, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the Bidders in the preparation of their response to this RFP.

11.11 Confidentiality

11.11.1 Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information



contained in or relating to this RFP or a Bidder's Tender(s) will be disclosed by any Bidder or other person not officially involved with the Department's examination and evaluation of a Tender.

- 11.11.2 No part of the RFP may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a Tender. This RFP and any other documents supplied by the Department remain proprietary to the Department and must be promptly returned to the Department upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived from.
- 11.11.3 Throughout this RFP process and thereafter, Bidders must secure the Department's written approval prior to the release of any information that pertains to (i) the potential work or activities to which this RFP relates; or (ii) the process which follows this RFP. Failure to adhere to this requirement may result in disqualification from the RFP process and civil action.
- 11.11.4 After the Closing Date, no confidential information relating to the process of evaluating or adjudicating Tenders or appointing a Bidder will be disclosed to a Bidder or any other person not officially involved with such process.

11.12 Limitation of Liability

- 11.12.1 A Bidder participates in this RFP process entirely at its own risk and cost. The Department shall not be liable to compensate a Bidder on any grounds whatsoever for any costs incurred or any damages suffered as a result of the Bidder's participation in this RFP process.

11.13 Tax Compliance

- 11.13.1 No tender shall be awarded to a Bidder (or any of its members, directors, partners or trustees) whose names appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers.
- 11.13.2 The Department reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a Bidder has been blacklisted with National Treasury by another government institution.

11.14 Screening and Vetting of Service Provider

- 11.14.1 Acceptance of this tender is subject to the condition that both the contracting firm and its personnel providing the service may be screened and cleared by the appropriate authorities to the grade of clearance in line to classified information, intelligence in the possession of the Department and



areas designated as National Key points that they may have (as and when required per RFP). Obtaining a positive recommendation is the responsibility of the contracting firm concerned. If the principal contractor appoints a subcontractor, the same provisions and measures will apply to the subcontractor.

- 11.14.2 Bidders are not allowed to subcontract with their subsidiary companies as this may be interpreted as subcontracting with themselves and/or using their subsidiaries for fronting.
- 11.14.3 The Department supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the Department does not support any form of fronting.
- 11.14.4 The Department in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in this bid document. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the DTI, be established during such enquiry / investigation, the onus will be on the bidder to prove that fronting does not exist. Failure to do so by the bidder within a period of fourteen (14) calendar days from date of notification by the Department may invalidate the bid / contract and may also result in the restriction of the bidder to conduct business with the public sector for a period not exceeding ten (10) years, in addition to any other remedies the Department may have against the bidder concerned.
- 11.15 Interpretation
- 11.15.1 The word "Bidder" in these conditions shall mean and include any firm of Contractors, Services Providers or any company or body incorporated or unincorporated or any other legal entities.
- 11.15.2 The word "The Department" in these conditions shall mean the Department of Public Works and Infrastructure
- 11.15.3 Any reference to words "Bid" or "bidder" herein and or any other documentation shall be construed to have the meaning as the words "Tender" or Tenderer".



11.16 Precedence

11.17 The "Special Conditions of Bid" can only be amended by an official addendum before the closing date of the bid.

11.18 If any other condition (bid rule) in the bid document is in contradiction with the "Special Conditions of Bid" the "Special Conditions of Bid" will take preference.

11.19 General Bid Rules

11.20 "Written" or "in writing" means hand-written in non-erasable ink or any form of electronic or digital writing and or a combination thereof.

11.21 The digital and or electronic completion and signing of documents is permitted.

11.22 A bidder participates in this bid process entirely at its own risk and cost.

11.23 The Department may accept or reject any bid offer and may cancel the bid process (or reject all bid offers at any time) prior to the formation of a contract, due to the following:

11.24 Due to changed circumstances, there is no longer a need for the goods or services specified in the invitation.

11.24.1 Funds are no longer available to cover the total envisaged expenditure

11.24.2 No acceptable tender is received.

11.24.3 There is a material irregularity in the tender process or there is material change in the scope of works.

11.24.4 The Department shall not accept or incur any liability for such cancellation or rejection or acceptance, but will give written reasons for such action upon receiving a written request to do so.

11.25 Ambiguities/ Contradictions / Omissions

11.26 If a bidder becomes aware of any ambiguities or contradictions or omissions in the bid document or the specifications, drawings or descriptions or functionality or quality, or any part of the bid document, this should be clarified with the Department, at least five (5) working days before the closing time stated in the tender data.

11.27 If the Department found, after the closing date of the bid, that there is an ambiguity/ contradiction or omission in the bid document, the Department reserves the right to:

11.28 If the ambiguity or contradiction or omission in the bid document is of an administrative nature, request bidders to correct any non-compliances caused by the ambiguity or contradiction or omission or If the ambiguity or contradiction or omission is immaterial, proceed to finalise the procurement process and notify the delegated authority in the submission of the ambiguity



or contradiction or omission for the consideration of the approving authority or cancel the bid and process.

11.29 Period of Validity for Bids after Closing Date

11.30 Validity not applicable.

11.31 Authority to Sign Bid Documents

11.32 No authority to sign (PA 15.1: Resolution of Board of Directors) is required from an enterprise which has only one director or is a sole ownership.

11.33 In the case of a bid being submitted on behalf of a company, close corporation or partnership, evidence should be submitted with the bid at the closing time, that the Bid has been signed by a person properly authorised by resolution of the directors or under the articles of the entity. For that purpose, forms PA-15.1-15.3 (Resolution of Board of Directors) are included in the bid document for completion by the relevant Board(s) of Directors.

11.34 The Department further accepts that, in the absence of a PA 15.1: Resolution of Board of Directors, any director or any member of the enterprise may have the authority to bind the enterprise. Therefore the following will apply when only one director or one member of the enterprise signed the bid documents:

11.35 The signature of any one of the directors or any one of the members of the enterprise will bind the enterprise and all the directors/ members of the enterprise. This condition will therefore render the bid valid; and

11.36 The Department will verify the authority to sign (if deemed necessary) and where possible, may request proof of such authority of the relevant director or relevant member to act on behalf of the enterprise in the form of a "Resolution of the Board of Directors", if such ", (PA 15.1: Resolution of Board of Directors)," was not submitted with the bid or was not completed or was incorrectly completed.

11.37 Contract Period

11.38 The expected contract period is as stipulated in the Contract Data. The construction period is as stipulated within the Contract Data from date of handing over of site in the case of contractors.

11.39 Award of Contracts to Tenderers Not Scoring Highest Points

11.40 Not applicable as it is not a contract.

11.41 Right of Award

11.42 The State reserves its following rights:



- To award the bid in part or in full.
- Not to make any award in this bid.
- Award the bid to more than one (1) bidder for the same item;
- Request further technical information from any bidder after the closing date;
- Verify information and documentation of the service provider;
- Not to accept any of the bids submitted;
- To withdraw or amend any of the bid conditions by notice in writing to all bidders prior to closing of the bid and post award; and
- In the event that an incorrect award has been made to remedy the matter in any lawful manner it may deem fit.

11.43 Multiple Award

11.43.1 The State reserves the right to issue multiple awards, to ensure availability of service. Due diligence will be applied to ensure that pricing is affordable, market related and aligned to end-user requirements.

11.44 The following shall be taken into consideration when contemplating a multiple-award:

- Capacity to meet the expected demand according to the end-user requirements;
- Mitigation of risk if the item is unavailable.

11.45 A bid should be submitted in a sealed envelope or sealed suitable cover on which the name and address of the bidder, the bid number and the closing date must be clearly visible.

11.46 In the event that a hard copy of the bid document and the electronic response are not received on or before the closing date and time, the bid will be invalidated.

11.47 The bid will accessible on the below listed links:

<https://etenders.treasury.gov.za/content/advertised-tenders>

<http://www.treasury.gov.za/divisions/ocpo/ostb/CurrentTenders.aspx>

11.48 Communication and Confidentiality

11.31. The Department may communicate with bidders where clarity is sought after the closing date and time of the bid and prior to the award of the contract.

11.49 Disclaimer



- 11.49.1 It is impractical and cumbersome for the Department to communicate with all qualifying bidders to correct/ ratify all eligible matters as articulated in this "Special Conditions of Bid". The Department therefore reserves the right and discretion, during its evaluation and other administrative processes to:
- 11.49.2 Limit its correspondences for corrections/ ratifications/ clarities to potential higher point scoring bidders only and to further evaluate any potential qualifying lower scoring bidder(s) as "deemed responsive" or giving points, etc, without requesting the corrections/ ratifications of a matter which is eligible as per the "Special Conditions of Bid".

12. TENDER SUBMISSION

- 12.1 Bids must be properly received and deposited in the below mentioned tender box on or before the closing date and time at the Tender Submission Office situated at: 256 Corner Madiba/Bosman street, Pretoria Central, 0001. If the bid document is late, or not submitted in the designated tender box, it will not be considered for evaluation.
- 12.2 Tender validity is not applicable due to no price inclusion, therefore the tender will remain valid until concluded.
- 12.3 Tender advertisement period is 21 calendar days.
- 12.4 The non - compulsory tender clarification meeting will be conducted virtually. The link can be found in the tender document or tender advertisement.