T1.2: TENDER DATA

The conditions of tender are those contained in the latest edition of SANS 10845-3, *Construction Procurement – Part 3: Standard Conditions of Tender.*

SANS 10845-3 makes several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the provisions of SANS 10845-3.

Each item of data given below is cross-referenced to the clause in SANS 10845-3 to which it mainly applies.

Clause Number	Data
2.1	Wherever reference is made in the documentation to Bill of Quantities, it shall also mean Pricing Schedule.
2.7	Wherever reference is made in the documentation to contractor it shall also mean service provider
3.1	The Employer is **ELIAS MOTSOALEDI LOCAL MUNICIPALITY** The Employer's domicile citandi et executandi (permanent physical business address) is: 2 Grobler Avenue, Groblersdal, 0470 The Employer's address for communication relating to this project is: **POSTAL** **OR** **DELIVERY** P. O. Box 48 — 2 Grobler Avenue Groblersdal — Groblersdal 0470 — 0470
3.2	The tender documents issued by the employer comprise: **T1: Tendering Procedures** T1.1 Tender notice and invitation to tender T1.2 Tender data **T2: Returnable Schedules** T2.1 List of returnable documents T2.2 Returnable schedules **C1: Agreements and contract data** C1.1 Form of offer and acceptance C1.2 Contract data C1.3 Form of guarantee C1.4 Disclosure Statement C1.5 Adjudication Member Agreement C1.6 Agreement in terms of the Occupational Health and Safety Act **C2: Pricing data** C2.1 Pricing instructions C2.2 Activity schedules or bill of quantities **C3: Scope of work** **C4: Site information** C4.1 Locality Plan C4.2 Tender drawing
3.4	The language for communications is English.
3.4	**The Employer's agent is:** Name : **Marungane Projects (Pty) Ltd** Address : **10059, Mninginisi Village** **Block 3** **Giyani** **0826** Telephone : (012) 661 2059 E-Mail : technical3@marungane.co.za

3.5	The tender process may be cancelled if: (a) Due to changed circumstances, there is no longer a need for the goods or services specified in the invitation; (b) Funds are no longer available to cover the total envisaged expenditure; (c) No acceptable tender is received; or (d) There is a material irregularity in the tender process
3.6	The competitive selection procedure shall be applied in awarding the tender.
3.7	**Jurisdiction** Unless stated otherwise in the Tender Data, each tenderer and the Employer undertake to accept the jurisdiction of the courts of law of the Republic of South Africa.
4.1	Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders: (a) The Contractor submitting the tender is under restrictions or has principals who are under restriction to participate in the Employer's procurement due to corrupt of fraudulent practices; (b) The tenderer does not have the legal capacity to enter into the contract; (c) The Contractor submitting the tender is insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of the foregoing; (d) The tenderer does not comply with the legal requirements stated in the Employer's procurement policy; (e) The tenderer cannot demonstrate that he possesses the necessary professional and technical qualifications and competent, financial resources, equipment and other physical facilities, managerial capability, personnel, experience and reputation to perform the contract; (f) The Tenderer cannot provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the contract. Only those tenderers who are registered with the Construction Industry Development Board (CIDB) in a contractor-grading equal to or higher than a contractor grading designation **7CE** or higher or a combined grading (in the case of a joint venture) equal or higher than **7CE** as defined in the Regulations (09 August 2004 and 22 July 2005), in terms of the CIDB Act No 38 of 2000, are eligible to submit tenders for this contract. 1 Only those Tenderers who have in their employ management and supervisory staff satisfying the requirements of the scope of work for labour intensive competencies for Supervisory and management staff are eligible to submit tenders. 2 The Tenderer shall, when requested by the Employer to do so, submit the names of all management and supervisory staff that will be employed to supervise the labor-intensive portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirements.
4.6	Failure to apply instructions contained in addenda may render a tenderer's offer non-responsive in terms of Condition of Tender, Clause 5.8.
4.7	Compulsoy breifing is applicable and it is the bidder's responsibility to visit the site, located at the following coordinates: **Latitude: - 25°18'2.25"S and Longitude: 29°13'39.16"E** Enquiries and confirmation of attendance at least one full working day in advance regarding the meeting and site inspection may be directed to: **MARUNGANE PROJECTS (PTY0 LTD** **10059, Mninginisi Village** **Block 3** **Giyani** **0826**

	Tel: (012) 661 2059 **Fax: 086 224 1969** **Email:** technical3@**marungane.co.za**
4.10	Tenderers are required to state the rates and currencies in Rand.
4.12	Alternative offers are generally not acceptable due to possible manipulation of the tender process and resulting complexity of the evaluation. ***Therefore, the submission of alternative tenders is strongly discouraged.*** The submission of alternative work will be considered as a non-responsive offer. However, a tenderer wishing to submit an alternative offer shall first apply to the Employer with full details of the principles of the alternative for confirmation that the Employer's standards and requirements are not compromised or reduced. Such confirmation must have been provided by the Employer in writing at least 5 (five) working days before the date and time of tender closing, or as extended by an addendum sent to all tenderers. The application shall not be submitted later than 7 (seven) working days before the date and time of tender closing given in Tender Data Clause 4.15.
4.13	Parts of each tender offer communicated on paper shall be submitted as an original, plus zero (0) copies.
4.13.4	The tenderer is required to submit with his tender the following Mandatory documents: • Electronic Valid Tax Clearance Certificate supplied with verification code; • Compensation Fund registration certificate • Certificate of Contractor Registration issued by the Construction Industry Development Board or a copy of the application Form for registration in terms of the Construction Industry Development Board Act (Form F006). A minimum grading of **7CE or Higher** is required In the event of a Joint Venture submitting a tender, every member of the joint venture must submit proof of registration with the CIDB within 10 days from the closing date for tenders; and the lead partner must have a minimum contract grading designation **Important Note:** Failure to provide the required particulars as per the above-listed certificates implies a non-responsive tender and warrants rejection of the tender on account of non-compliance with the requirements of the Tender Data
4.13.5	Wherever reference is made in the tender documentation for non-financial proposal it shall also mean technical proposal.
4.13.5	The Employer's address for delivery of tender offers and identification details to be shown on each tender package are: **Location of tender box: Elias Motsoaledi Local Municipality, 2 Grobler Avenue, Groblersdal, 0470** **Physical address: 2 Grobler Avenue, Groblersdal, 0470** **Postal Address: P. O. Box 48 Groblersdal 0470**
4.13.5	A two-envelope procedure is **NOT** required
4.13.6	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers shall **NOT** be accepted
4.15	The closing time for submission of tender offers is **11H00** hours on **Friday, 25 August 2023**
4.16.1	The tender validity period is **90 Days**
4.16.2	Where a tenderer, at any time after the opening of his tender offer but prior to entering into a contract based on his tender offer: (a) withdraws his tender; (b) gives notice of his inability to execute the contract in terms of his tender; or (c) fails to comply with a request made in terms of 4.17, 4.18 or 5.9; such tenderer shall be barred from tendering on any of the Employer's tenders for a period to be determined by the Employer, but not less than 6 (six) months from a date determined by the Employer. This sanction also applies to tenders under evaluation and not yet awarded. The Employer may fully or partly exempt a tenderer from the provisions of this conditions if he is of the opinion that the circumstances justify the exemption.
4.18	Any additional information requested under the clause must be provided within 5 (five) working days

	of date of request.
4.19	Access shall be provided for inspections and testing by personnel acting on behalf of the Employer
5.1	The Employer shall respond to clarifications received up to 7 (seven) working days before tender closing time.
5.2	The Employer shall issue addenda until 5 (five) working days before tender closing time.
5.4	The time and location for opening of the tender offers are: **Date : Friday, 25 August 2023 at 11h00** **Location : Elias Motsoaledi Local Municipality, 2 Grobler Avenue, Groblersdal, 0470**
5.5	The minimum percentage of evaluation points for quality is 70%.
5.7	Prior to disqualification, the Employer shall inform the tenderer and give the tenderer an opportunity to make representations within 14 days as to why the tender submitted should not be disqualified and as to why the tenderer should not be restricted by the National Treasury from conducting any business with any organ of state for a period not exceeding 10 years. In the event of disqualification, the Employer may, at its sole discretion, claim damages from the tenderer and impose a specified period during which tender offers will not be accepted from the offending tenderer and, the Employer shall inform the National Treasury in writing.
5.8	**Arithmetical errors, omissions, discrepancies and imbalanced unit rates** Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount appearing in the summary to the Pricing Schedule shall govern. Check responsive tender offers for: a) the gross misplacement of the decimal point in any unit rate; b) omissions made in completing the Pricing Schedule or Bills of Quantities; or c) arithmetic errors in: i) line-item totals resulting from the product of a unit rate and a quantity in Bills of Quantities or Schedules of Prices; or ii) the summation of the prices; d) Imbalanced unit rates. Notify shortlisted tenderers of all errors, omissions or imbalanced rates that are identified in their tender offers. Where the tenderer elects to confirm the errors, omissions or re-balancing of imbalanced rates the tender offer shall be corrected as follows: a) If Bills of Quantities or Pricing Schedules apply and there is an error in the line-item total resulting from the product of the unit rate and the quantity, the unit rate shall govern, and the line-item total shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted, and the unit rate shall be corrected. b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall be corrected. c) Where the unit rates are imbalanced, adjust such rates by increasing or decreasing them and selected others while retaining the total of the prices derived after any other corrections made under (a) and (b) above. Where there is an omission of a line item, no correction is possible, and the offer may be declared non-responsive. Declare as non-responsive and reject any offer from a tenderer who elects not to accept the corrections proposed and subject the tenderer to the sanction under 4.16.2. The tenderer is required to submit balanced unit rates for Rate Only items in the Pricing Schedule.

	The rates submitted for these items will be taken into account in the evaluation of tenders.
5.11	The procedure for the evaluation of responsive tenders is **Method 4.**
5.11.5	**Method 4: Financial offer, quality and preferences** In this case of a financial offer, quality and preferences; a) score each tender in respect of the financial offer made, the preference claimed, if any, and the quality offered in accordance with the provisions of 5.11.7 to 5.11.9, rejecting all tender offers that fail to score the minimum number of points for quality stated in the tender data, if any, b) calculate the total number of tender evaluation points (T_{EV}) in accordance with the following formula; $T_{EV} = N_{FO} + N_P + N_Q$ Where; N_{FO} is the number of tender evaluation points awarded for the financial offer made in accordance with 5.11.7 N_P is the number of tender evaluation points awarded for preferences claimed in accordance with 5.11.8; N_Q is the number of tender evaluation points awarded for quality offered in accordance with 5.11.9, c) rank tender offers from the highest number of tender evaluation points to the lowest, and d) recommend the tenderer with the highest number of tender evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so. Rescore and re-rank all tenderers should there be compelling and justifiable reasons not to recommend the tenderer with the highest number of tender evaluation points and recommend the tenderer with the highest number of tender evaluation points, unless there are compelling and justifiable reasons not to do so, in which case the process set out in this sub clause shall be repeated. If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for preference. If functionality / quality is, part of the evaluation process and two or more tenderers score equal total points and equal preference points, the contract must be awarded to the tenderer that scored the highest points for functionality/ quality. If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.
5.11.6	Scores of financial offers, preferences and quality, as relevant, to be given to two (2) decimal places

5.11.7

Scoring Financial Offers

Score the financial offers using the following formula:
$N_{FO} = W_1 \times A$
where

N_{FO} is the number of tender evaluation points awarded for the financial offer;

W_1 is the maximum possible number of tender evaluation points awarded for the financial offer as stated below

A is the number calculated using the relevant formula described below

The value of W_1 is:

80 where the financial value, inclusive of VAT, of the lowest responsive tender offer has a value that equals or is less than R50 000 000.00.

The following formula shall be used to calculate the points for price (***A***):

$$A = \left(1 - \frac{P - P_m}{P_m}\right) W_1$$

Where:
P is the comparative offer of the tender offer under consideration and
P_m is the comparative offer of the most favourable comparative offer
W_1 is the maximum number of points for price (in this case 80)
In the event that the calculated value is negative, the allocated score shall be 0 (zero).

5.11.8

Scoring Preferences

For quotes with a Rand value up to R50 000 000, the preference point system of 80/20 will apply, where 80 points will be for **(Price)** and 20 points will be for **Specific Goals** (Black, Women, Disability & people living in rural underdeveloped areas) in terms of section 2(1)(d)of the Preferential Procurement Policy Framework Act, 2000, (Act No 5 0f 2000)

Price	**=**	**80 Points**
Specific Goals	**=**	**20 Points**
Total	**=**	**100 Points**

The specific goals allocated points in terms of this tender	**Number of points allocated (80/20 system) (To be completed by the organ of state)**	**Number of points claimed (80/20 system) (To be completed by the tenderer)**
▪ 51% Black owned Company	**10**	
▪ Company which 51% is owned by people living in rural underdeveloped areas	**10**	
TOTAL POINTS	**20**	

5.11.9

Scoring Quality
Score each of the criteria and sub criteria for quality in accordance with the provisions of the tender data. Calculate the total number of tender evaluation points for quality (N_Q) using the following formula:

$N_Q = W_2 \times S_O/M_S$

where

W_2 is the maximum possible number of tender evaluation points awarded for the quality
S_O is the score for quality allocated to the submission under consideration;
M_S is the maximum possible score for quality in respect of a submission (using the table given below)

5.11.9.1

The functionality criteria (**as part of quality**) and maximum score in respect of each of the sub criteria are as follows:

Functionality Criteria	**Maximum Number of Points**
Relevant Past Experience	50
Bank Rating	10
Key Personnel	20
Plant and Equipment	20
Maximum possible score for functionality	**100**

Tenderers must meet the minimum points of 70 points on functionality to be considered for further evaluation.

Functionality Scorecard

Criteria	**Scoring guide**	**Maximum Weights**
Company Experience: NB: The Tender must submit similar and successfully completed projects to qualify for maximum points. No points will be allocated for repair and maintenance projects **Note 1:** Tenderers to submit names of the completed projects with valid contact details, appointment letters and completion certificates. **Non-submission will result in loss of points.**		**50**
Financial Capacity- Tenderer to submit proof of bank rating not older than three (3) months. Bank rating and bank statements should be of the Lead Partner in case of Joint Venture.		**10**
	Designation / Designation / Points	Total

No	Scoring Criteria	Weight	Score
1	Road Construction projects above R20 Million (per Appointment Letter & completion certificates)	**25**	
2	Road Construction projects above R10mil to R20mil (per Appointment Letter & completion certificates)	**10**	
3	Road Construction projects R5mil to R10mil (per Appointment Letter & completion certificates)	**5**	
	MAXIMUM	**50**	

Bank Rating	**Weighting**	**Score**
Bank Rating = A	10	
= B	08	
= C	05	
MAXIMUM	**10**	

Note: Points will not be allocated if proof not attached.

	Specific Personnel Knowledge – Well detailed curriculum vitae and original certified copies of academic qualification certificates need to be attached for functionality points scoring otherwise no points will be allocated ***(Certified copies should not be older than 3 months)***	**Project Manager**	**Project Manager: Experience in Road Construction Points: 10** • B-Tech: Civil Engineering certificate or higher with more than 9 years' exp. • N. Dip: Civil Engineering certificate or higher with 7 - 8 years' exp. • N. Dip: Civil Engineering certificate or higher with 5 - 6 years' exp. • N. Dip: Civil Engineering certificate or higher with 3 to 5 years' exp.	**10** **8** **6** **3**	**20**
		Contraction Manager (Site Agent)	**Construction Manager (Previously known as Site Agent): Experience in Road Construction - Points: 7** • N. Dip: Civil Engineering or higher with more than 9 years' exp. • N. Dip: Civil Engineering or higher with 5 - 8 years' exp. • N. Dip: Civil Engineering or higher with 3 - 5 years' exp. • N. Dip: Civil Engineering or higher with 1 to 3 years' exp	**7** **5** **3** **1**	
		Safety Officer	**Safety Officer - Points: 3** • National Diploma Safety Management or Environmental Health / Higher with more than 4 Years exp • National Diploma Safety Management or Environmental Health / Higher 1 – 3 Years exp	**3** **2**	
	List of plant- 1. Tenderer to submit proof of ownership with original certified copies not older than three months. 2. And in case of hiring, a letter of intent must be submitted with proof of ownership with original certified copies not older than three months.				**20**

Required plant	**Points**	**Owned**	**Hired**
1 x Excavator	5		
1 x Grader	5		
2 x Roller	2		
2 x water Tanker	2		
2 x TLB	1		
5 x Tipper Truck (10cm^3)	1 point each (Max 5)		
Maximum points	**20**		

Functionality Threshold (Minimum score)	**70**
Total Points for Functionality	**100**

5.13 Tender offers will only be accepted if:

a) the tenderer is registered on the Central Supplier Database (CSD) for the South African government (see https://secure.csd.gov.za/) unless it is a foreign supplier with no local

	registered entity b) the tenderer is in good standing with SARS according to the Central Supplier Database; c) the tenderer submits a letter of intent from an approved insurer undertaking to provide the Performance Bond to the format included in Part C1.3 of this procurement document d) the tenderer is registered with the Construction Industry Development Board in an appropriate contractor grading designation; e) the tenderer or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector; f) the tenderer has not: i) abused the Employer's Supply Chain Management System; or ii) failed to perform on any previous contract and has been given a written notice to this effect; g) the tenderer has completed the Compulsory Declaration and there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer or potentially compromise the tender process; h) the tenderer is registered and in good standing with the compensation fund or with a licensed compensation insurer; i) the employer is reasonably satisfied that the tenderer has in terms of the Construction Regulations, 2003, issued in terms of the Occupational Health and Safety Act, 1993, the necessary competencies and resources to carry out the work safely.
5.13.1	**Acceptance of a tender offer (Additional Conditions)** The Employer shall accept a tender offer should it be considered not to present any unacceptable commercial risk, only if the tenderer a) is not under restrictions, or has principals who are under restrictions, preventing participation in the employer's procurement, b) can, as necessary and in relation to the proposed contract, demonstrate the possession of the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and personnel, to perform the contract, c) has the legal capacity to enter into the contract, d) is not insolvent, in receivership, bankrupt or being liquidated, does not have affairs administered by a court or a judicial officer, does not have suspended business activities, or is subject to legal proceedings with respect to any of the foregoing, e) complies with the legal requirements, if any, stated in the tender data, and f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.
5.17	The number of paper copies of the signed contract to be provided by the employer is **ONE (1)**
5.18	**Preparing Tender Documents** If necessary, the documents that shall form part of the contract and that were issued by the employer as part of the tender documents, shall be revised to take account of; a) addenda issued during the tender period, b) inclusion of some of the returnable documents, and c) other revisions agreed between the employer and the successful tenderer during the process of offer and acceptance. The schedule of deviations attached to the form of offer and acceptance, if any, shall be completed.
5.19	All communication shall be done in writing