

REQUEST FOR PROPOSAL – APPOINTMENT FOR THE PROCUREMENT OF DESIGN AND CONSTRUCTION SERVICES OF STREET TO STREET FOOTBRIDGES ALONG THE MABOPANE CORRIDOR (BRIDGE 1 BETWEEN MABOPANE AND SOSHANGUVE: 25°30'43.56"S AND 28° 5'9.24"E), REFERRED TO AS: WORK PACKAGE 1.



TENDER NUMBER: HO/PT/ENG/SSP/202/09/2021

BID NUMBER:

HO/PT/ENG/SSP/202/09/2021

REQUEST FOR PROPOSAL – APPOINTMENT FOR THE PROCUREMENT OF DESIGN AND CONSTRUCTION SERVICES OF STREET TO STREET FOOTBRIDGES ALONG THE MABOPANE CORRIDOR (BRIDGE 1 BETWEEN MABOPANE AND SOSHANGUVE: 25°30'43.56"S AND 28° 5'9.24"E), REFERRED TO AS: WORK PACKAGE 1.

CLOSING DATE	28 October 2021
CLOSING TIME	12H00
BID DOCUMENTS DELIVERY ADDRESS	Passenger Rail Agency of South Africa, 30 Wolmarans Street Umjantshi House, Braamfontein
BIDDER NAME
BID RETURN ADDRESS (BIDDING ENTITY RETURN ADDRESS)	Contact Number..... Company Name.....

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Disclaimer

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

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

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

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

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

Each recipient of this RFP agrees to keep confidential any information of a confidential nature which may be contained in the information provided (the “Confidential Information Provided”).

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The Confidential Information provided may be made available to Bidder's subcontractors, employees and professional advisers who are directly involved in the appraisal of such information (who must be made aware of the obligation of confidentiality) but shall not, either in the whole or in part, be copied, reproduced, distributed or otherwise made available to any other party in any circumstances without the prior written consent of PRASA, nor may it be used for any other purpose than that for which it is intended.

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

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

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

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

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

- Modify the RFP's goods / service(s) / works and request Respondents to re-bid on any changes;

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- Withdraw, amend the RFP at any time without prior notice and liability to compensate or reimburse any respondent;
- Reject any Tender which does not conform to instructions and specifications which are detailed herein
- Disqualify Tenders submitted after the stated submission deadline;
- Call a respondent to provide additional documents which PRASA may require which have not been submitted to PRASA.
- Not necessarily accept the lowest priced Tender or alternative bid;
- Not accept any response to the RFP or appoint a final bidder;
- Reject all Tenders if so decides;
- Withdraw the RFP on good cause shown;
- Award a contract in connection with this Tender at any time after the RFP's closing date;
- Award a contract for only a portion of the proposed goods/ service/s/ works which are reflected in the scope of this RFP;
- Split the award of the contract between more than one Service Provider, should it at PRASA's discretion be more advantageous in terms of, amongst others, cost or development considerations;
- Make no award at all;
- Validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to PRASA to do so;
- Request annual financial statements prepared and signed off by a professional accountant or other documentation for the purposes of a due diligence exercise; and/or
- Not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provided for it.

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

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

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

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

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

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

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1 LIST OF ANNEXURES

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2 ACRONYMS

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

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3 INTERPRETATION


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

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

4 DEFINITIONS

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

- 4.1 “Accounting Authority” means the Board of PRASA;
- 4.2 “Contract” means the Contract to be entered between PRASA and the successful Bidder for the provision of the *services* procured in this RFP.
- 4.3 “Bid” means the Bid to the RFP submitted by Bidders;
- 4.4 “Bidders Briefing Session” means the compulsory briefing session to be held at the offices of PRASA, in order to brief the Bidders about this tender;
- 4.5 “Black Enterprise” means an enterprise that is at least 51% beneficially owned by Black People and in which Black People have substantial Management Control. Such beneficial ownership may be held directly or through other Black Enterprises;
- 4.6 “Black Equity” means the voting equity held by Black People from time to time;
- 4.7 “Black People” means African, Coloured and Indian South African citizens, and “Black Person” means any such citizen ;
- 4.8 “Black Woman” means African, Coloured and Indian South Africa Female citizen;
- 4.9 “Briefing Note” means any correspondence to Bidders issued by the PRASA;
- 4.10 “Business Day” means any day except a Saturday, Sunday or public holiday in South Africa;
- 4.11 “Bidders” means individuals, organisations or consortia that have been submitted responses to the RFP in respect of the tender;
- 4.12 “Consortium” means any group of persons or firms jointly submitting a Bid as Bid to this RFP and “Consortia” means more than one Consortium;
- 4.13 “Contractor” the successful Bidders who has signed a Contract with PRASA in terms of this RFP.
- 4.14 “Closing Date” means the closing date for submission of bids/ Tenders by Bidders which is **28 October 2021 @ 12h00;**
- 4.15 “Project” means this project for the **REQUEST FOR PROPOSAL – APPOINTMENT FOR THE PROCUREMENT OF DESIGN AND CONSTRUCTION SERVICES OF STREET TO STREET FOOTBRIDGES ALONG THE MABOPANE CORRIDOR (BRIDGE 1 BETWEEN MABOPANE AND SOSHANGUVE: 25°30'43.56"S AND 28° 5'9.24"E), REFERRED TO AS: WORK PACKAGE 1** “RFP” means the REQUEST FOR PROPOSALS issued by PRASA for this bid; and

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

**SECTION 1
NOTICE TO BIDDERS**

1 INVITATION TO BID

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

BID DESCRIPTION	REQUEST FOR PROPOSAL – APPOINTMENT FOR THE PROCUREMENT OF DESIGN AND CONSTRUCTION SERVICES OF STREET TO STREET FOOTBRIDGES ALONG THE MABOPANE CORRIDOR (BRIDGE 1 BETWEEN MABOPANE AND SOSHANGUVE: 25°30'43.56"S AND 28° 5'9.24"E), REFERRED TO AS: WORK PACKAGE 1
BID ADVERT	This RFP will be advertised on National Treasury’s e-Tender Publication Portal at www.etenders.gov.za with effect from 20 September 2021
ISSUE DATE	20 September 2021
COLLECTION DATE DEADLINE (if applicable)	N/A
BRIEFING SESSION	A compulsory Tender briefing will be held on the 28 September 2021 at 11h00 at Pretoria Station on the 2nd Floor Boardroom 25°45'23.48."S AND 28° 11'20.32"E . The briefing session will start punctually, and information will not be repeated for the benefit of Respondents joining late. The briefing session is compulsory and bidders that do not attend the briefing will be automatically disqualified. Bidders must ensure that Form D which forms part of this RFP document is

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	signed by the PRASA representative on site on the day of the briefing.
CLOSING DATE	28 October 2021 @ 12h00 Bidders must ensure that bids are delivered timeously to the correct address. As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.
VALIDITY PERIOD	90 Business Days from Closing Date Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period.
CLOSING DATE FOR QUESTIONS	05 October 2021
CLOSING DATE FOR RESPONSES	12 October 2021
CONTACT PERSON	Agnes Sekhuthu – asekhuthu@prasa.com and copy Rosemary Moagi at rmoagi@prasa.com

Any additional information or clarification will be emailed to all Respondents, if necessary.

2 FORMAL BRIEFING

A compulsory Tender briefing will be held on the **28 September 2021** at 11h00 at **Pretoria Station on the 2nd Floor Boardroom 25°45'23.48."S AND 28° 11'20.32"E**. The briefing session will start punctually, and information will not be repeated for the benefit of Respondents joining late. The briefing session is compulsory and bidders that do not attend the briefing will be automatically disqualified. Bidders must ensure that Form D which forms part of this RFP document is signed by a PRASA representative on site on the day of the briefing.

3 BRIEFING SESSION MINUTES AND NOTES

- 3.1 PRASA will issue briefing session minutes or notes within three working days from the date of the briefing session.
- 3.2 Bidders / Respondents are requested to promptly submit any clarifications on or before the deadline date stated.

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3.3 Responses to clarifications / questions will be provided on or before the deadline date stated.

4 TENDER SUBMISSION OF RFP RESPONSE

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

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Description of Bid **REQUEST FOR PROPOSAL – APPOINTMENT FOR THE PROCUREMENT OF DESIGN AND CONSTRUCTION SERVICES OF STREET TO STREET FOOTBRIDGES ALONG THE MABOPANE CORRIDOR (BRIDGE 1 BETWEEN MABOPANE AND SOSHANGUVE: 25°30'43.56"S AND 28° 5'9.24"E), REFERRED TO AS: WORK PACKAGE 1**

Closing date and time: **28 October 2021 @ 12H00**

Closing address *[Refer to options in 5 below]*

5 DELIVERY INSTRUCTION FOR RFP

Delivery of Bid

The Bid envelopes/packages must be submitted at PRASA, **Umjantshi House, 13th floor at 30 Wolmarans Street, Braamfontein – (There will be a tender Tender submission register which has to be completed by all the bidders submitting the tenders)**

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

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

Note: Failure to submit valid and original (or a certified copy of) proof of the Respondent’s compliance with the B-BBEE requirements stipulated in this RFP (the B-BBEE Preference

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Points Claim Form) at the Closing Date of this RFP, will result in a score of zero being allocated for B-BBEE.

6.1 B-BBEE Joint Ventures or Consortiums

Respondents who would wish to respond to this RFP as a Joint Venture [JV] or consortium with B-BBEE entities, must state their intention to do so in their RFP submission. Such Respondents must also submit a signed JV or consortium agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. If such a JV or consortium agreement is unavailable, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by PRASA through this RFP process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to PRASA.

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

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

7 COMMUNICATION

7.1 For specific queries relating to this RFP during the RFP process, bidders are required to adhere strictly to the communication structure requirements. An RFP Clarification Form should be submitted to asekhuthe@prasa.com and copy Rosemary Moagi at rmoagi@prasa.com on or before **05 October 2021**, substantially in the form set out in Annexure 2 hereto.

7.2 In the interest of fairness and transparency PRASA's response to such a query will be made available to the other Respondents who have attended a compulsory and a non-compulsory briefing session. For this purpose PRASA will

communicate with Respondents using the contact details provided at the non-compulsory briefing session.

- 7.3 After the closing date of the RFP, a Respondent may only communicate in writing with the Bid Secretariat, at telephone number [011 013 1594, email: asekhuthe@prasa.com on any matter relating to its RFP Tender.
- 7.4 Respondents are to note that changes to its submission will not be considered after the closing date.
- 7.5 Respondents are warned that a response will be liable for disqualification should any attempt be made by a Respondent either directly or indirectly to canvass any officer(s) or employee of PRASA in respect of this RFP between the closing date and the date of the award of the business. Furthermore, Respondents found to be in collusion with one another will automatically be disqualified and restricted from doing business with PRASA in future.

8 CONFIDENTIALITY

- 8.1 PRASA shall ensure all information related to this RFP is to be treated with strict confidence. In this regard Respondents / Bidders are required to certify that they have acquainted themselves with the Non-Disclosure Agreement All information related to a subsequent contract, both during and after completion thereof, will be treated with strict confidence. Should the need however arise to divulge any information gleaned from provision of the Services, which is either directly or indirectly related to PRASA's business, written approval to divulge such information must be obtained from PRASA.
- 8.2 Respondents must clearly indicate whether any information submitted or requested from PRASA is confidential or should be treated confidentially by PRASA. In the absence of any such clear indication in writing, PRASA shall deem the response to the RFP to have waived any right to confidentiality and treat such information as public in nature.

9 INSTRUCTIONS FOR COMPLETING THE RFP

9.1 All responses to the RFP must be submitted in two sealed envelopes/boxes; the first envelop/box shall have the technical, compliance and BBBEE response and the second envelop/box shall only have the financial response. Bidders must ensure that they do not indicate any financial information in the first envelop/box. PRASA may disqualify Bidders who fail to adhere to this requirement.

9.2

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

Volume 1 (Envelop 1/Package 1)

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

Volume 2 (Envelop 2/ Package 2)

- **Part C:** Financial Tender

Volume 2 Has to be submitted in a separate sealed envelope. Bidders must make their pricing offer in envelop 2/package 2, no pricing and pricing related information should be included in the Volume 1 envelop 1.

9.4 Bidders must submit 1 original response, 1 copy and two electronic version which must be contained in CDs or Memory Cards clearly marked as Volume 1 and Volume 2 in the Bidders name.

9.5 Bidders must ensure that their response to the RFP is in accordance with the structure of this document.

9.6 Where Bidders are required to sign forms, they are required to do so using a black ink pen.

9.7 Any documents forming part of the original responses to RFP, but which are not original in nature, must be certified as a true copy by a Commissioner of Oaths.

9.8 Each response to RFP must be in English and submitted in A4 format, except other graphic illustrations, which may not exceed A3 format, unless the contrary is

specifically allowed for in this RFP. Responses to RFP must be neatly and functionally bound, preferably according to their different sections.

- 9.9 The original responses to RFP must be signed by a person duly authorized by each consortium member and Subcontractor to sign on their behalf, which authorization must form part of the responses to RFP as proof of authorization. By signing the responses to RFP the signatory warrants that all information supplied by it in its responses to RFP is true and correct and that the responses to RFP and each party whom the responses to RFP signatory represents, considers themselves subject to and bound by the terms and conditions of this RFP.
- 9.10 The responses to RFP formulation must be clear and concise and follow a clear methodology which responses to RFP must explain upfront in a concise Executive Summary and follow throughout the responses to RFP.
- 9.11 Responses to RFP must provide sufficient information and detail in order to enable PRASA to evaluate the responses to RFP, but should not provide unnecessary detail which does not add value and detracts from the ability of PRASA to effectively evaluate and understand the responses to RFP. The use of numbered headings, bullet points, sections, appendices and schedules are encouraged.
- 9.12 Information submitted as part of a responses to RFP must as far as possible, be ordered according to the order of the required information requested by PRASA. All pages must be consecutively numbered.
- 9.13 Responses to RFP must ensure that each requirement contained in the RFP is succinctly addressed. Responses to RFP should as far as possible use the terms and definitions applied in this RFP and should clearly indicate its interpretation of any differing terminology applied.
- 9.14 Response to RFP documents are to be submitted to the address specified in item 5 above, and Bidders must ensure that the original and copies (where applicable) are identical in all respects as PRASA will not accept any liability for having disqualified a bidder for failing to provide a mandatory returnable document.

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- 9.15 Unless otherwise expressly stated, all Tenders furnished pursuant to this RFP shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated.
- 9.16 Any additional conditions must be embodied in an accompanying letter. Subject only to clause 16 [Alterations made by the Respondent to Bid Prices] of the General Bid Conditions, alterations, additions or deletions must not be made by the Respondent to the actual RFP documents.
- 9.17 Bidders are required to review the Contract. Bidders may further amend and or delete any part of the Draft Contract where they deem fit to do so. Where Bidders have amended and or deleted any part of the Contract, it must be clearly visible by using track changes and must ensure that the disc copy of their bid submission for the Draft Contract is in word version and not password protected. It must be noted that the marked-up Contract will form part of the evaluation.

10 RFP TIMETABLE

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

RFP PROCESS	MILESTONE DATES
Bid issue date	20 September 2021
Compulsory briefing	28 September 2021 @ 11h00
Closing date for Questions	05 October 2021
Closing date for Responses	12 October 2021
Closing Date for Submission of final Bid	28 October 2021 @ 12h00
Evaluation of Tenders (Bidders note that PRASA may call for Presentation of bidders offers at any stage of the evaluation process)	TBA
Appointment of the successful Bidder	TBA
Contract Negotiations	TBA
Signing of Contract	TBA

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Contract Commencement

TBA

11 CONTRACT DURATION

Contract period for the Contractor will be for a period of 6 Months. The planned timeframe for the implementation of this proposed project consisting of activities for the company to design and construct pedestrian bridges between Mabopane and Mabopane and in predetermined indicative location Gauteng North Region.

12 LEGAL COMPLIANCE


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

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

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

13 NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE

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

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

14 TAX COMPLIANCE

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

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

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

Respondents are required to be registered on the Central Supplier Database (CSD) as indicated in item 12 above and the National Treasury shall verify the Respondent’s tax compliance status through the Central Supplier Database (CSD).

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

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

New Tax Compliance Status (TCS) System

SARS has implemented a new Tax Compliance Status (TCS) system in terms of which a taxpayer is now able to authorise any 3rd party to verify its compliance status in one of two

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ways: either through the use of an electronic access PIN, or through the use of a Tax Clearance Certificate obtained from the new TCS system.

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

Tax Compliance Status (TCS) Pin: _____.

15 PROTECTION OF PERSONAL DATA

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

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SECTION 2

BACKGROUND OVERVIEW AND SCOPE REQUIREMENTS

1. INTRODUCTION

This document serves as a bid specification for the **appointment of a turnkey service provider for the design, fabrication and construction of pedestrian bridge (no. 1 between Mabopane And Soshanguve stations in the Gauteng north region.**

The scope of work entails the delivery of a pedestrian bridge from stages 1 to stage 6 (excluding the Documentation and Procurement stage 4) in accordance with the Engineering Council of South Africa (ECSA) guidelines.

2. BACKGROUND INFORMATION

The Passenger Rail Agency of South Africa (PRASA), have embarked on a multi-year renewal of their passenger trains rolling stock. It is envisaged that these trains will be travelling at improved higher speeds compared to the existing fleet. In its endeavor to maintain the corridors safe from accidents, PRASA has initiated sealing off corridors nationwide. This process has only commenced now with Mabopane and Central Lines in Gauteng North and Western Cape respectively.

The exercise will be extended to other PRASA corridors as the roll out spreads further to Gauteng South region and ultimately to the rest of the country's metropolis where exists PRASA passenger services.

This process of erecting walls along the corridor has subsequently led to some points of crossing by pedestrians and commuters being closed off. It is with the view of providing these crossing points maintained that PRASA intends to provide safe crossings over the railway lines and overhead traction equipment in the form of pedestrian bridges. The provision of the walls will reduce theft and vandalism occurring on the infrastructure, suicides by community members and hit-by-train incidents.

2.1.1 PEDESTRIAN BRIDGES

- 2.1.2** The City of Tshwane has been developing new communities' settlements along the railway lines. The community needs to cross the rail infrastructure at various locations.
- 2.1.3** It is normally the prerogative of the local authority/ municipality to provide safe crossing structures across roads, rivers, and rail infrastructure for pedestrians to always use. Discussions between PRASA and City of Tshwane (CoT) have revealed that the CoT has no immediate plans or budget to install pedestrian bridges.
- 2.1.4** As PRASA is in the process of building walls along the rail in the Gauteng North Region corridor of Mabopane, they are now obliged to provide such infrastructure.
- 2.1.5** The structures must be designed for possible relocation and re-use at a different location in the future.
- 2.1.6** The bridge structure designs must restrict pedestrians from throwing missiles/objects onto the railway.
- 2.1.7** PRASA will be installing pedestrian bridges as a response to enabling free flow of pedestrian movement across the PRASA rail line. These pedestrian Bridges make it affordable, durable, and faster to build.
- 2.1.8** Site visits were conducted to assess the pattern of how the people cross over the railway lines. This was performed by driving and walking along the corridor to pick the most frequented crossing points.
- 2.1.9** The crossing points were noted and marked on google maps which show tracks crossing the railway infrastructure.
- 2.1.10** To determine what spot was more favoured to place a crossing point, open areas like road connections leading into settlements and visibly trafficked footpath were taken into consideration. In some cases, crossing points were placed at edges of settlements to avoid features such as wetlands.

2.1.11 STATUS QUO

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The proposed area is located between Mabopane And Soshanguve Stations as seen on schematic diagram below.

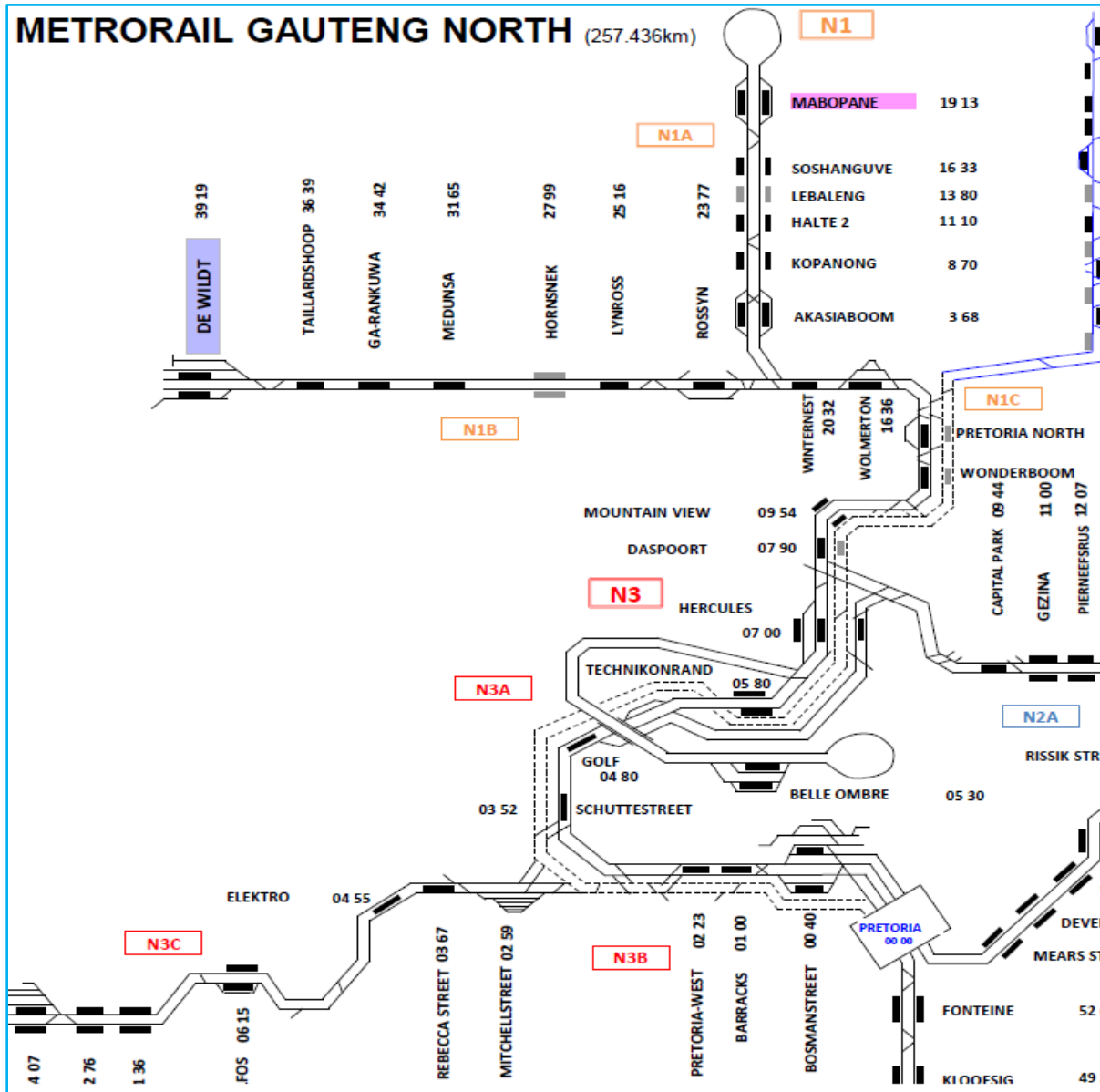


Figure. 1: Mabopane And Soshanguve Rail Layout Map

The google image below shows the GPS location coordinates; (25°30'43.56"S and 28° 5'9.24"E) of the proposed location.

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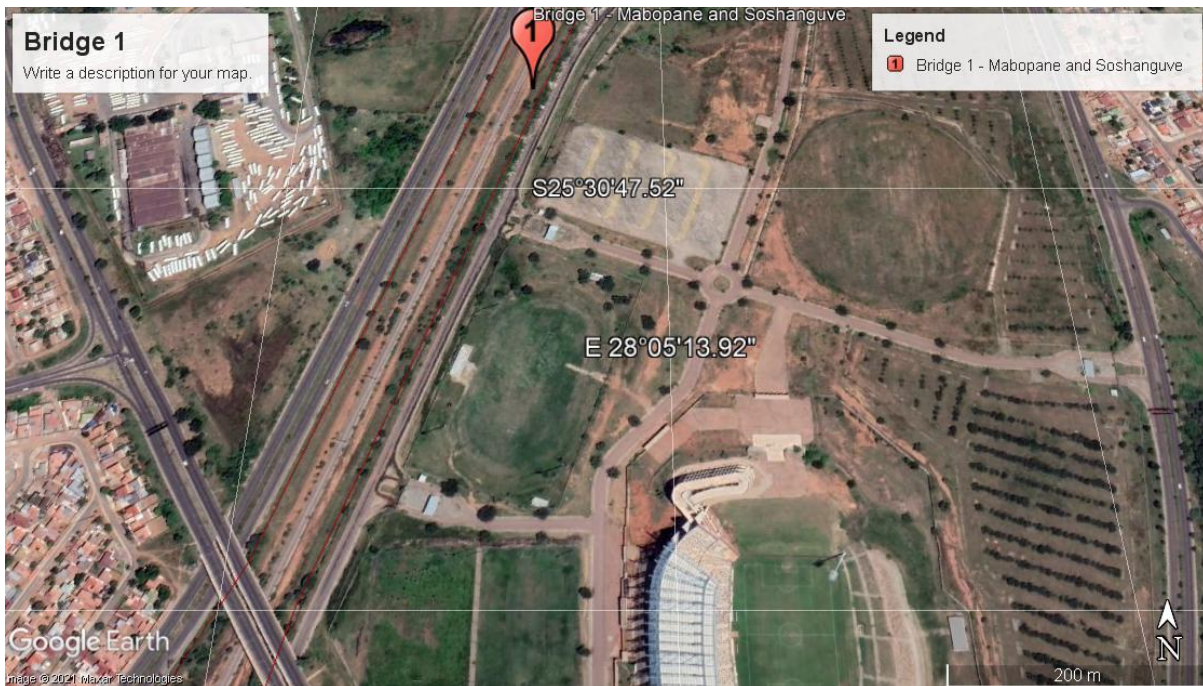


Figure 2: Approximate Location of Bridge 1 between Mabopane and Soshanguve

2.1.12 PROBLEM STATEMENT

PRASA has suffered severe theft and vandalism of its infrastructure, therefore a decision was taken to construct a perimeter wall along the Mabopane Corridor to protect its infrastructure. In addition, the existing unauthorized crossing points led to damage to the railway formation, hit-by-train incidents, and frequent suicides on the railway line.

With the construction of corridor wall there will be a need to provide adequate crossing points over its infrastructure to enable communities to safely cross the railway lines.

2.1.13 PICTORIALS

The following pictures depict the areas around the proposed location where bridge No. 1 will be constructed.

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Figure 3: Open area at location of bridge 1 location




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Figure 4: Open area adjacent to the Giant Stadium

3. OBJECTIVES OF THE PROPOSED PROJECT

The objectives of the proposed project are outlined in detail under the following sections:

3.1.1 DESIRED OUTCOMES FOR CARRYING OUT THE PROPOSED PROJECT

3.1.2 The desired outcomes for a successful implementation of this project shall yield the following benefits.

- a. Compliance with Rail safety Regulator and Occupational Health and Safety Act regulations
- b. Safe crossing of the rail lines by pedestrians. This reduces the following risks:
 - i. Hit-by-train accidents
 - ii. Theft, damage and vandalism of railway infrastructure

3.1.3 PROJECT BENEFITS TO PRASA

PRASA as a business shall realise the following benefits.

- Maintain the Rail Safety Regulator licence to operate trains
- Commuter / Community safety
- Alleviate claims due to injuries when crossing the rails and getting hit by trains
- Reduced train service disruptions resulting from theft and damage to rail infrastructure
- Reduced infrastructure maintenance costs.

3.1.4 CURRENT MECHANISMS IN PLACE TO ADDRESS THE PROBLEM

There is currently no rail crossing facility where the bridges are to be built.

4. SCOPE OF WORKS AND AREAS OF FOCUS

4.1.1 SCOPE OF THE DESIRED SOLUTION

4.1.2 The scope of work shall include the planning, design, approval, construction, handing over and close out of a universal accessible bridge at position (No. 1 between Mabopane and Soshanguve Stations Stations).

The proposed user requirements for the bridge are as follows.

Bridge span	Approximate walkway width	Bridge soffit clearance over OHTE
30m approx.	2.80 m	Minimum 1.0 m

NB:

- a. Final details to be determined by the contractor for PRASA approval
- b. Actual position to be determined on site after surveys
 - a) Carry out Topographical Surveys, Environmental Basic Assessments (BAR), Water Use Licence (WULA), Geotechnical Surveys, Transportation and Pedestrian Surveys where applicable around the bridge position.
 - b) Excavations, construction of reinforced concrete bases and structural frames for the new bridge. Bridge parapet materials, (weatherproofed where applicable), to be proposed by the bidder and approved by PRASA.
 - c) Provision of a temporary rail level pedestrian crossing for the duration of the planning to construction period of the new bridge. This level crossing shall be approved for use by the Rail Safety Regulator, RSR.
 - d) Electrical reticulation for illumination around the bridge
 - e) Overhead Transmission Equipment reticulation (including profiling) on either side of the proposed bridge structure’s approaches. This portion of works to be carried out under supervision of PRASA, who will also approve the designs.

- f) Liaison with stakeholders for approval of different works' packages of the project; PRASA Operations, City of Tshwane Municipal Roads Department, Environmental Requirements.
- g) As part of skills transfer, successful bidders shall employ a minimum of two graduates from technical fields for each work package. Proof of employment and a training plan shall be presented within 30 days of formal award of tender. A PRASA community liaison representative shall be available to guide the bidders on target localities for selecting graduate candidates.
- h) Successful bidders shall confirm the final footbridge location within a maximum of 14 calendar days from the date of appointment. This requirement is to enable the wall alignment design to be amended to suit the bridge location. PRASA will assist this process by providing a May 2021 route aerial topographical survey covering all proposed bridge locations. PRASA takes no liability for the use of the aerial survey provided.
- i) The commencement of the construction is dependent on the approval of the drawings or issuing of authority to proceed by the City of Tshwane.
- j) Design drainage structures to avoid standing water around the bridge location.
- k) Prasa will provide details of the proposed wall (height, geometry, and type etc) once the Bidder has finalised the bridge location.

4.1.3 TARGETED AREAS BY THIS PROJECT

This project shall be executed within the confines of the PRASA corridor, as well as adjacent land portions that share a boundary with PRASA land.

4.1.4 OTHER RELATED PROJECTS

Several other pedestrian bridges are envisaged to be undertaken along the corridor during the design and construction of this bridge. Other PRASA infrastructure related works which will be taking place simultaneously include:

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- New wall along the corridor perimeter.
- Refurbishment of Electrical substations.
- Rehabilitation Overhead Transmission Equipment (OHTE);
- Ballast Tamping works, and
- Re-signalling works.
- Routine signalling, track and OHTE maintenance activities by PRASA staff

5. SPECIFICATION OF THE WORK OR PRODUCTS OR SERVICES REQUIRED

5.1.1 NOTE FOR MULTIPLE BID SUBMISSIONS

5.1.1.1 Bidders should note that this project is part of the Mabopane Service Recovery Programme that contains the design and construction of eight (8) street to street footbridges work packages. The work packages are to be executed simultaneously.

5.1.1.2 The construction teams working on each work packages shall be independent of each other. PRASA prohibits the use of the same construction team and/or to be used in more than one work package. In cases where a bidder bids for more than one work package, different construction teams shall be used for each work package.

5.1.2 PROFESSIONAL TECHNICAL STAFF MINIMUM REQUIREMENTS

Service Provider/Bidders shall provide qualified and experienced professional staff for the following positions:

- Team Leader/Project Director
- Geotechnical Engineer
- Structural Engineer
- Construction Project Manager
- Quantity Surveyor
- Electrical Engineer
- Environmental Assessment Practitioner

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- Construction Health and Safety Agent
- Flagmen

Details of the minimum qualifications for the above professional staff are outlined below.

5.1.3 TEAM LEADER/PROJECT DIRECTOR

The minimum qualifications for the Team Leader/Project Director are as outlined below:

- BSc. Degree / B.Tech in Civil Engineering
- ECSA registered as Professional Engineer/Technologist, valid at the time of tender closure
- 3 years and above post- registration experience,
- Project Management qualification.
- South African Council for the Project and Construction Management Professions (SACPCMP) Registration and /or Project Management Professional (PMP) Certification
- 3 years and above experience in the planning and design of multi-disciplinary similar or related projects.

5.1.4 GEOTECHNICAL ENGINEER

The minimum qualifications for the Geotechnical Engineer are as outlined below:

- BSc. Degree / B. Tech in Geotechnical Engineering,
- Registered with the relevant Geotechnical Professional body, valid at the time of tender closure
- 3 years and above relevant work experience in managing and conducting Geotechnical studies and assessments.

5.1.5 STRUCTURAL DESIGN ENGINEER/BRIDGE ENGINEER

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The minimum qualifications for the Structural Design Engineer are as outlined below:

- BSc. Degree / B.Tech in Structural Engineering
- ECSA registered as Professional Engineer/Technologist, valid at the time of tender closure
- 3 years and above years post-graduate experience

5.1.6 QUANTITY SURVEYOR

The minimum qualifications for the Quantity Surveyor are as outlined below:

- BSc. Degree/B.Tech. in Quantity Surveying
- Professional Registration, (Pr.QS) with the South African Council of the Quantity Surveying Profession (SACQSP) body, valid at the time of tender closure
- 3 years and above post-graduate experience.

5.1.7 ELECTRICAL ENGINEER

The minimum qualifications for the Electrical Engineer are as outlined below:

- BSc. Degree/B.Tech. in Electrical Engineering
- ECSA registered as a professional Engineer/Technologist, valid at the time of tender closure
- 3 years and above post-graduate **railway** experience

5.1.8 ENVIRONMENTAL ASSESSMENT PRACTITIONER

The minimum qualifications for the Environmental Practitioner are as outlined below:

- BSc/ B Tech in Environmental Science Management or a related discipline,
- Registered with the relevant environmental professional body
- 3 years and above related work experience in environmental Assessment (applications for

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- Environmental Authorisation (EA), Water Use Licence (WULA), Basic Assessment Reports
- (BAR) and or any other specialist studies) Environment Management Programme (EMPr).

5.1.9 CONSTRUCTION PROJECT MANAGER

The minimum qualifications for the Construction Project Manager are as outlined below:

- National Diploma in Civil Engineering
- ECSA or SACPCMP registered as Construction Project Manager or Construction Manager, valid at the time of tender closure
- 3 years and above post-graduate experience

5.1.10 CONSTRUCTION HEALTH AND SAFETY AGENT (PrCHSA)

The minimum qualifications for the Agent are as outlined below:

- B.Tech in Safety Management,
- 3 years or more post-graduation related experience,
- South African Council for the Project and Construction Management Professions (SACPCMP) Registration.

5.1.11 FLAGMEN

- Competent Flagmen with a minimum of 1-year industry experience

5.1.12 EXPECTED PROJECT MILESTONES

The successful bidder shall deliver the project scope as defined above including the following.

- Carry out surveys, geotechnical studies, traffic studies, environmental studies, and other required mandatory studies.

- Consult and adhere to Local Authorities' bridge structural design, bridge maintenance requirements and standards relating to pedestrian bridges. The City may require standardisation of all new pedestrian bridges.
- Carry out conceptual designs, preliminary designs, detail designs, and technical specifications production as well as Bills of Quantities for a fully compliant universal access bridge
- Carry out required drainage designs around the bridge and rail infrastructure
- Carry out design certification by appropriate professionals not necessarily listed above
- Preparation and delivery of a Quality Assurance Plan
- Project Execution Plan encompassing liaison with all internal and external stakeholders including appointing the Community Liaison Officer/s.
- Handover certification, commissioning, and testing
- As built drawings and close-out report.
- Provision of a Maintenance Plan as per Occupational Health and Safety Regulations Act (Act 85 of 1993), as amended and Local Authority requirements.

6. TECHNICAL SPECIFICATIONS RELATED TO THIS PROJECT

The design for this project shall meet technical capabilities & performance requirements for all specifications and standards approved and adopted by PRASA.

6.1.1 GENERAL

6.1.2 All structural steelwork shall be carried out in accordance with SABS 1200H and 1200HC.

6.1.3 Each part of the structural installation shall be correctly designed, constructed and erected. The construction and design shall comply with the SABS specifications covering structural steelwork.

6.1.4 Where applicable allowance shall be made for expansion and contraction of structural steel members to prevent undue stresses due to thermal variations in the environmental conditions.

6.1.5 All steel grade shall be 350W grade.

6.1.6 Tubular steel shall comply with the relevant requirements of BS 4848, Hot Rolled Structural Steel Sections, Part 2: Hollow Sections, and BS 6363, Welded Cold Formed Steel Structural Hollow Sections.

6.1.7 OTHER TECHNICAL SPECIFICATIONS

- SABS 0162-2:1993 – The Structural Use of Steel Part 2: Limit-States Design of Cold-Rolled Steelwork
- SANS 2001-CS1: 2005 Construction works Part CS1: Structural steelwork
- Manual for Track Maintenance (2000).
- S410: Specification for Railway Earthworks (December 2003)
- Code of Practice for the Design of Highway Bridges and Culverts in South Africa: February 2002, as amended.
- South African Transport Services Bridge Code 1983
- Safety Arrangements and Procedural Compliance with the Occupational Health and Safety Act (Act 85 of 1993) and Applicable Regulations (E4E).
- Specification for Works On, Over, Under or Adjacent to Railway Lines and Near High Voltage Equipment (SPK7/1).
- Construction Industries Development Board Act (Act 38 of 2000).
- Railway Safety Regulator Act (Act 16 of 2002), as amended.
- SANS 3000: Rail Safety Management.
- SANS 10400: Building Regulations
- SABS 0400 – 1990
- SABS 1200
- Specification for Works On, Over, Under or Adjacent to Railway Lines and Near High Voltage Equipment (SPK7/1)

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- Occupational Health and Safety Act (Act No. 85 of 1993)
- Safety Arrangements and Procedural Compliance with the Occupational Health and Safety Act (Act 85 of 1003) and Applicable Regulations (E4E)
- SANS ARP 084 - 1:2009 / RSR84 – 1:2009 (Railway stations – passenger platforms) {PART 1: Clearances on ballast-less track – 1065mm track gauge}

7. TIME FRAMES

The program of the works from Bid Spec Approval until project close out is as per below.

Task No.	Task Name	Duration	Start	Finish
1.	CFST Approval	Ongoing		
2.	Tender documentation packaging	1 Days		
3.	Tender Advertising	21 Days		
4.	Bid Evaluation	20 Days		
5.	Bid Adjudication	10 Days		
6.	Tender Award	10 Days		
7.	Site Access Certificate	10 Days		
8.	Construction Works	6 months		
9.	Practical Completion	1 Day		

7.1.1 CONTRACT PERIOD

The period from tender award to delivery of the project shall be 6 months, inclusive of all requisite approvals.

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8. NEW PREFERENTIAL PROCUREMENT REGULATIONS

(NOT APPLICABLE IN THIS TENDER)

9. NATIONAL TREASURY STIPULATED MINIMUM THRESHOLDS FOR LOCAL PRODUCTION AND CONTENT AND NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME

9.1.1 LOCAL CONTENT

Bids will be subject to local content requirements in terms of Regulation 8(1) of the Preferential Procurement Regulations, 2017.

Only locally produced or manufactured goods with a stipulated minimum threshold as stated in table 10.1 below for local production and content will be considered. Bidders who do not meet the stipulated minimum threshold will be automatically disqualified and not be considered further for evaluation.

Bidders may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

The exchange rate to be used for the calculation of local content (local content and local production are used interchangeably) must be the exchange rate published by the SARB on the date of the advertisement of the tender.

The Declaration Certificate for Local Content (SBD 6.2) must be completed and duly signed.

Bidders who do not complete this form will automatically be disqualified.

No	Some equipment and materials against which the local content must be discharged	
	Equipment	% local content
1	Steel Products and components for construction	100%
2	Steel Cladding Components for Construction	100%

Table 10.1: Minimum local content required per equipment and materials

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For further guidance with the above requirements, bidders may refer to National Treasury Designated Sectors Instruction Numbers 15 of 2016/17.

9.1.2 REQUESTS FOR EXEMPTIONS

If the quantity of the components to be used for this work as listed in Figure 8.1 cannot wholly be sourced from South African based manufacturers, bidders should obtain written exemption from the **DTi** to supply the remaining portion of the components at a lower content threshold. The **DTi**, in consultation with the procuring organ of state, will grant exemption on a case-by-case basis and will consider the following.

- a. Required volumes in the particular tender.
- b. Available collective SA industry manufacturing capacity at that time.
- c. Delivery times.
- d. Availability of input material and components.
- e. Security of supply and emergencies.
- f. Materials of construction.
- g. Technical considerations including operating conditions.
- h. Localization plans aimed at establishing and / or increasing local manufacturing capacity through ramping-up of capital investments in the initial phase; and
- i. Replacement of components on the existing infrastructure to honor the warranties and guarantees.

9.1.3 PROCESS FOR REQUESTING EXEMPTIONS

The following tender information must be provided on the bidder's letterhead when requesting an exemption letter:

- a) Procuring entity.
- b) Tender description.

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- c) Bid reference number.
- d) Closing date of bid.
- e) Detailed specifications of items for which the exemption is requested for (kindly attach specifications).
- f) Products / inputs / components to be imported.
- g) Reasons for the request; and
- h) Supporting letters from local bidders' suppliers and manufacturers.

NB: The turnaround time for processing of exemption requests is 10 working days from the date of receipt.

10. THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME


The National Industrial Participation (NIP) Programme, which is applicable to all government procurement contracts that have an imported content, became effective on the 1 September 1996. The NIP policy and guidelines were fully endorsed by Cabinet on 30 April 1997. In terms of the Cabinet decision, all state and parastatal purchases / lease contracts (for goods, works and services) entered after this date, are subject to the NIP requirements. NIP is obligatory and therefore must be complied with. The Industrial Participation Secretariat (IPS) of the Department of Trade and Industry (DTI) is charged with the responsibility of administering the programme.

Bidders are therefore required to complete SBD 5 to give effect to the above.

Bidders who do not complete this form will automatically be disqualified.

11. EVALUATION CRITERIA

Over and above the above listed Specifications, it is imperative that the bidders acquaint themselves with the requirements of the bid under the Evaluation Criteria. The bidders will be technically evaluated based on their responses to the below listed criteria ranging from Personnel Qualifications and Experience, Organisational Experience, Work Plan to show

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understanding of the task at hand, Technical Approach and Methodology, as well as Occupational Health and Safety requirements related to execution of works within a railway environment.

The evaluation committee shall use the following Evaluation Criteria as depicted in Table 12.1 below for the selection of the preferred bidder that shall render the design, fabrication, and installation execution services in the project.

The evaluation will be carried out in three stages as follows:


Evaluation criteria	Weighting
Stage 1: Compliance Requirements	
Stage 2: Technical / Functionality Requirements	
Technical	Threshold of 70%
Stage 3: Pricing and BBBEE	
BBBEE	20 points
Price	80 points
TOTAL	100

Table 12.1: Evaluation Criteria for the selection of a potential bidder

- The required CIDB grading for this request is specialised and only companies with **6SL or higher will bid.**
- The 70% threshold is recommended because it is still not low that it increases the risk of obtaining an unsuitable supplier that might compromise safety however it will ensure that maximum participation from bidders. It is also a rounded number that will enable the evaluation scoring to be much easier.

11.1.1 STAGE 1A: COMPLIANCE REQUIREMENTS

12.1.1 Mandatory Compliance Requirements

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If you do not submit the following documents, your proposal will be automatically disqualified:

No.	Description of Requirement
a)	Completion of ALL RFP documentation (includes ALL declarations and Commissioner of Oath signatures required)
b)	Valid CIDB certificate – 6SL and above
c)	Briefing session Form D and submitted with RFP
d)	The Declaration Certificate for National Industrial Participation Programme (SBD5) and Local Content (SBD 6.2 and Annexure C) must be completed and duly signed
e)	Signed Joint Venture, Consortium Agreement or Partnering Agreement (whichever is applicable)
f)	Security Plan to be submitted by the bidder as part of the accepting protection responsibility for the entire work area in line with PRASA’s social facilitation initiative.
g)	Professional Body Registration and Qualifications (refer to section 5 for more requirements)

Table 12.1.1: Mandatory compliance requirements


11.1.2 Stage 1B – Technical Mandatory Requirements

If you do not submit the following documents your tender will be disqualified automatically:

Table 11: Technical Mandatory Requirements

No.	Description of Requirement
a)	Overall key Professional and Construction staff (Provide CV’s and Organogram showing “ <i>Key Staff</i> ” as defined in section 5.1.5)

If you do not submit the following basic compliance documents, your bid may be disqualified, and these documents must be made available within 7 calendar days from the date of tender award:

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No.	Description of requirement
a)	Letter of Good Standing: COID
b)	Supply a Tax compliance Status Pin
c)	Company registration documents
d)	Certified copies of Directors' ID documents not later than three (3) months
e)	CSD supplier registration number
f)	UIF Proof of Registration


Table 12.1.2: Basic Compliance

11.1.3 STAGE 2: TECHNICAL / FUNCTIONALITY REQUIREMENTS

Qualifying bidders shall then be evaluated on functionality after meeting all compliance requirements outlined above. The minimum threshold for the technical/functionality requirements is 70% as per the standard Evaluation Criteria presented in table above. Bidders who score below this minimum requirement shall not be considered for further evaluation in stage 3.

Details of the technical/functional requirements are presented in the table below. A minimum score above 50% shall be attained in each evaluation criterion stated below for a bidder to be evaluated further.

ITEM	CRITERIA	WEIGHT
1	Track Record of Tenderer design team on similar type and sizes (or more) of projects previously executed	20
2	Qualifications of Key Design Staff	20
3	Project Methodology	10
4	Concept Design	10

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5	Construction Organisational Experience Projects	10
6	Experience Key Construction Staff in relation to the scope of work	20
7	Project Schedule	5
8	Health and Safety	5
	TOTAL	100

Table 12.2: Technical Evaluation Criteria

11.1.4 FUNCTIONAL EVALUATION CRITERIA

Details of the scoring methodology presented above are outlined below: (Note a clear distinction has been made between the design and Construction teams and roles)

MULTI-DISCIPLINARY DESIGN TEAM EVALUATION			
CRITERIA	SUB-CRITERIA	SCORING	MAXIMUM POINTS
Track Record of Tenderer on similar type and sizes of projects previously executed	Full points are allocated for track record of 5 or more projects of similar type and scale (with some rail) executed by tenderer in consideration. All items 1 to 2 below must be provided for all projects presented under the scoring. 1. Appointment letter from client. 2. Practical Completion certificates	5 = proof of 5 projects or more of similar type of scope or more and rail experience. 4 = Proof of up to 4 projects of similar type of scope and rail experience 3 = Proof of up to 4 projects of similar type of scope 2 = Proof of up to 3 projects of similar type of scope 1 = Proof of 1 to 2 projects of similar type of scope	20%

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<p>Qualifications and Competencies of Key Staff</p>	<p>Provide project team organograms that includes, Names, ID Numbers and Qualifications: Points allocated for qualifications and professional registration for each professional. Category listed below. 1. Team Leader/Project Director 2. Geotechnical Engineer 3. Structural Engineer 4. Quantity Surveyor 5. Electrical Engineer 6. Environmental Assessment Practitioner (Evidence is CV + certified proof of qualifications + certified proof of valid professional registration) with SACPCMP and/or SACQSP and/or ECSA. (Professional Registration verification and validity will be done during the Evaluation Stage.)</p>	<p>Score will be allocated based number of key staff with more than 3 years of post-professional registration experience in the listed fields: 5: All six (6) listed key staff team members have more than 3 years' post-professional registration experience 4: Only five (5) of listed key staff team members have more than 3 years' post-professional registration experience 3: Only four (4) listed key staff team members have more than 3 years' post-professional registration experience 2: Only three (3) of listed key staff team members have more than 3 years' post-professional registration experience 1: Only two (2) or less of the listed key staff team members have more than 3 post-professional registration experience (only one registered professional member is counted per category field)</p>	<p>20%</p>
<p>Construction Approach and Methodology</p>	<p>Provide detailed technical construction approach / methodology that is aligned to the scope of work/ highlighting the risk/s and mitigation measures associated with working within the rail environment.</p>	<p>5 - Provided a detailed technical approach and methodology that is aligned to the scope of work highlighting the risks and mitigation measures associated with working within the Rail Environment showing how quality will be monitored. 4 - Provided a detailed technical approach and methodology that is aligned to the scope of work/ highlighting the risk/s of the work and mitigation measures. 3 - Provided a detailed technical approach and methodology that is aligned to the scope of work. 2 - Provided a generic technical approach project methodology that is not aligned to scope. 1 - Inadequate / unrelated methodology provided.</p>	<p>10%</p>
<p>Concept Design</p>	<p>Bridge Concept Design and brief report covering the following areas:</p>	<p>5- Concept site master plan and brief report submitted covering all 80 to 100%) areas listed. 4 - Concept site masterplan and brief report submitted covering 60 to 79% of areas listed.</p>	<p>10%</p>

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	<p>a. Existing platforms, OHTE and rail, as well as other infrastructure within and adjacent to the rail reserve.</p> <p>b. User requirements, maintenance, environmental, safety and security related issues.</p>	<p>3- Concept site masterplan and brief report submitted covering 50 to 59% of areas listed.</p> <p>2- Only concept master plan or brief report submitted or both covering 40 to 49% of areas listed;</p> <p>1- Only concept master plan or brief report submitted or both covering less than 40% of areas listed;</p>	
Professional Team Sub-Total			60%
CONSTRUCTION EVALUATION			
CRITERIA	SUB-CRITERIA	SCORING	MAXIMUM POINTS
Construction Organisational Experience on Projects	<p>Full points are allocated for track record of 5 projects of similar type and scale executed by tenderer in consideration: All the below items 1- 3 must be provided for all projects presented under the scoring.</p> <p>1. Appointment letter from client.</p> <p>2. Final Account</p> <p>3. Practical Completion certificates/Reference letter Similar Type of scope – execution or construction of pedestrian bridges</p>	<p>5 = proof of 5 projects or more</p> <p>4 = Proof of 4 Projects</p> <p>3 = Proof of 3 Projects</p> <p>2 = Proof of 2 Projects</p> <p>1 = Proof of 1 Project</p>	20%
Experience key construction staff (assigned site personnel).	<p>Submit proof of:</p> <p>1. At least one registered professional Construction Manager with more than 3 years' post qualification experience with CVs and qualification details</p> <p>2. at least one registered construction health and safety agent with more than 3 years' post qualification</p>	<p>5 = Average experience of 5 years and above post-registration experience.</p> <p>4 = Average experience of above 4 years and below 5 years post-registration experience.</p> <p>3 = Average experience of 3 to 4 years post-registration experience</p>	10%

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	<p>experience with CVs and qualification details</p> <p><i>Average will be calculated based on the following formula – (number of post registration years for 1 + number of post - registration years for 2)/2</i></p>		
Project Schedule	<p>Provide a project schedule in Ms Project or Excel that meets the client's timeline requirements and the schedule to cover the following key Milestones:</p> <ul style="list-style-type: none"> - Design timelines including reviews. - Submission to Municipality and obtain Approval of Site Development Plan and Building Plans - Site establishment - Works commencement - Ordering of equipment/materials - Equipment installations - Practical completion - Final Works Completion - The overall schedule should clearly indicate sequencing of activities with clear understanding of scope. 	<p>5 = Schedule with 80 to 100% of all key milestones on required format clearly indicating sequencing of activities and commitment to practical and final works completion.</p> <p>4 = Schedule with 70 to 79% of key milestones on required format</p> <p>3 = Schedule with 60 to 69% of key milestones on required format</p> <p>2 = Schedule with 50 to 59 % of key milestones on required format</p> <p>1 = Schedule with Less than 50% of key milestones on required format or not on required format</p>	5%
Health and Safety	<p>1. Provide a competent Safety Officer with a minimum of 3 years industry experience and registered with the SACPCMP (Attach CV and qualifications)</p> <p>2. Provide a project specific and comprehensive baseline risk assessment aligned to scope and the rail environment.</p>	<p>5 = All required information</p> <p>4 = 1,2,3 and 4 without the registration with the SACPCMP</p> <p>3 = Provision of item 1 and 2, without 3 and/or 4.</p> <p>2 = Provision of 2 and 3 without 1 and / or 4</p> <p>1 = Provision of only 1 requirement</p> <p><i>"Kindly note that Bidders are required to submit a comprehensive safety file for approval on appointment as the preferred bidder."</i></p>	5%

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	3. Provide Risk Mitigation plan to address identified Risks. 4. Provide a Safety Plan based on PRASA's Health and Safety specification.		
Construction Evaluation Sub-Total			40%
TOTAL			100%

11.1.5 STAGE 3: PRICING AND BBBEE

The formula for calculating price scores is as follows:

11.1.6 Pricing Evaluation:

Only Service Provider who have achieved the 70% threshold for Technical evaluation will be evaluated for the Price component which is 80 points of the Evaluation Criteria.

A maximum of 80 points is allocated for price. The evaluation for price will be done based on the following formula:

$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where:

P_s = Points scored for price of tender under consideration.


P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender.

11.1.7 BEE Evaluation:

The B-BBEE component of evaluation is weighted at 20 points of the evaluation criteria.

Calculation of points for B-BBEE – RATINGS is as per table below.

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B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-Compliant Contributor	0

Table 12.4.2: Points awarded for B-BBEE rating

12. PREFERENTIAL PROCUREMENT REGULATIONS

The Preferential Procurement Regulations, issued by the Minister of Finance in 2017, were revised to align with certain changes to the Broad-Based Black Economic Empowerment (B-BBEE) legislation. They encourage procurement from Small Enterprises, particularly through sub-contracting if a tender is set above the R30 million thresholds.

If it is feasible to subcontract for a contract above R30 million, an organ of state must apply subcontracting to advance designated groups.

In compliance with the new regulation, this project will require that a minimum of 30% be subcontracted to one of the following types of enterprises:

- an EME or QSE which is at least 51% owned by black people;
- an EME or QSE which is at least 51% owned by black people who are youth;
- an EME or QSE which is at least 51% owned by black people who are women;
- an EME or QSE which is at least 51% owned by black people with disabilities;

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- an EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
- a cooperative which is at least 51% owned by black people; or
- an EME or QSE which is at least 51% owned by black people who are military veterans.

Before contracting with the successful Bidder, PRASA will insist on being provided with copies of formal signed subcontracting agreements that make up the legislated 30% of the contract value. The subcontractors shall be registered on the National Treasury Central Supplier Database (CSD). All agreements to state that PRASA will not be held responsible or liable should the successful Bidder breach contract with the subcontracted companies.

13. VALIDITY PERIOD

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

14. B-BBEE REQUIREMENTS

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

15. THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME

5.1

National Industrial Participation Programme (NIPP) Requirements:

The National Industrial Participation (NIP) Programme, which is applicable to all government procurement contracts that have an imported content, became effective on the 1 September 1996. The NIP policy and guidelines were fully endorsed by Cabinet on 30 April 1997. In terms of the Cabinet decision, all state and parastatal purchases / lease contracts (for goods, works and services) entered into after this date, are subject to the NIP requirements. NIP is obligatory and therefore must be complied with. The Industrial Participation Secretariat (IPS) of the Department of Trade and Industry (DTI) is charged with the responsibility of administering the programme.

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Bidders are therefore required to complete SBD 5 to give effect to the above. Bidders who do not complete this form will be automatically disqualified.


16. NATIONAL TREASURY STIPULATED MINIMUM THRESHOLDS FOR LOCAL PRODUCTION AND CONTENT AND NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME

16.1 LOCAL CONTENT

- 5.1.1 Bids pertaining to this submission is subject to local content requirements in terms of Regulation 8(1) of the Preferential Procurement Regulations, 2017.
- 5.1.2 Only locally produced or manufactured goods with a stipulated minimum threshold, as stated in the Table below for local production and content, will be considered. Bidders who do not meet the specified minimum threshold will be automatically disqualified and not be considered further for evaluation.
- 5.1.3 Bidders may not sub-contract in a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 5.1.4 The exchange rate to be used for the calculation of local content (local content and local production are used interchangeably) must be the exchange rate published by the SARB on the date of the advertisement of the tender.
- 5.1.5 Declaration forms for Local Content (6.2) must be completed and duly signed.
Bidders who do not complete this form will be disqualified accordingly with a minimum Local Content threshold for the specified mechanical equipment/s and material listed in the tender document.
- 5.1.6 Sectors / products (not limited to) listed below are subjected to local content requirements.

No	Some equipment and materials against which the local content must be discharged	
	Equipment	% local content
1	Steel Products and components for construction	100%
2	Steel Cladding Components for Construction	100%

For further guidance with the above requirements, bidders may refer to National Treasury

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Designated Sectors Instruction Numbers 15 of 2016/17.

17. POST TENDER NEGOTIATION (IF APPLICABLE)

PRASA reserves the right to conduct post tender negotiations with a shortlist of Respondent(s). The shortlist could comprise of one or more Respondents. Should PRASA conduct post tender negotiations, Respondents will be requested to provide their best and final offers to PRASA based on such negotiations. A final evaluation will be conducted in terms of 90/10.

18. BEST AND FINAL OFFER

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

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

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

19. FINAL CONTRACT AWARD

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

20. FAIRNESS AND TRANSPARENCY

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

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

SECTION 3

PRICING AND DELIVERY SCHEDULE

Respondents are required to complete the Pricing Schedule/ BOQ **Form C:** (Volume 2 /Envelope 2)

1 PRICING

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

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2 DISCLOSURE OF PRICES QUOTED

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

3 PERFORMANCE BOND

The Preferred Bidder shall provide PRASA with a performance bond which shall be 10% of the value of the entire Project price offered by the Preferred Bidder and it shall be issued within 30 days of receipt of notice of appointment as Preferred Bidder. The Performance Bond shall be valid for the Contract period. The format of the Performance Bond is attached as Annexure 3.

4 OWNERSHIP OF DESIGN

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

5 SERVICE LEVEL AGREEMENT

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

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- 5.5 The Service provider must provide a telephone number for customer service calls.
- 5.6 Failure of the Service provider to comply with stated service level requirements will give PRASA the right to cancel the contract in whole, without penalty to PRASA, giving 30 [thirty] calendar days' notice to the Service provider of its intention to do so.

Acceptance of Service Levels:

YES	
-----	--

6 TOTAL COST OF OWNERSHIP (TCO)

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

7 FINANCIAL STABILITY

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

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

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____



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2 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

NAME: _____

DESIGNATION: _____

8 VALIDITY OF RETURNABLE DOCUMENTS

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

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

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

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2 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

NAME: _____

DESIGNATION: _____

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

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

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

Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in the RFP unacceptable, it should indicate which conditions are unacceptable and offer alternatives by written submission on its company letterhead, attached to its submitted Bid. Any



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such submission shall be subject to review by PRASA's Legal Counsel who shall determine whether the proposed alternative(s) are acceptable or otherwise, as the case may be. A material deviation from the Standard terms or conditions could result in disqualification.

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

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

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

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

NAME: _____

DESIGNATION: _____

10 GENERAL CONDITIONS

10.1 Alternative Bids

Please note that alternative Bids will not be accepted.

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10.2 Prasa's Tender Forms

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

10.3 Precedent

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

10.4 Response to RFP-Confidentiality

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

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

- PRASA shall confirm with the Bidder whether the raising of confidentiality applies to the entire response to the RFP or only specific elements or sections of the response;
- Where confidentiality is maintained by the Bidder and PRASA is of the opinion that the information or response to RFP if made publicly available would affect the commercial interests of the Bidder or is commercially sensitive information, PRASA shall not release

such information to other Bidders if providing such information or response to the RFP would prejudice the competitiveness and transparency of the RFP Process;

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

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

10.5 Response to the RFP – RFP Disqualification

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

In particular (but without prejudice to the generality of the foregoing) PRASA may disqualify, at its sole discretion and without prejudice to any other remedy it may have, a Bidder where the Bidder, or any of its consortium members, subcontractors or advisors have committed any act

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of misrepresentation, bad faith or dishonest conduct in any of its dealings with or information provided to PRASA.

10.6 Corruption, Gifts and Payments

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

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

10.7 Insurance

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

10.8 No Contact Policy

Bidders may only contact **Agnes Sekhuthé** at (011) 013 1594 or email asekhuthé@PRASA.com and copy **Rosemary Moagi** email rmoagi@PRASA.com of PRASA as per the terms of the Communication Structure established by this RFP, except in the case of pre-existing commercial relationships, in which case contact may be maintained

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only with respect thereto and, in making such contact, no party may make reference to the Project or this RFP.

10.9 Conflict of Interest

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

10.10 Collusion and Corruption

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

- communicates to a person other than persons nominated by PRASA a material part of its response to RFP; or
- Enters into any Contract or arrangement with any other person or entity that it shall refrain from submitting a response to RFP to this RFP or as to any material part of its Response to RFP to this RFP (refer the prohibition contained in Section 4(1)(b)(iii) of the Competition Act 89 of 1998). . The Bidders represents that the Bidder has not, directly or indirectly,

entered into any agreement, arrangement or understanding or any such like for the purpose of, with the intention to, enter into collusive Biding or with reasonable appreciation that, collusive any agreement, arrangement or understanding or any such like may result in or have the effect of collusive Biding. The Bidder undertakes that in the process of the Bid but prior to PRASA awarding the Bid to a preferred bidder become involved in or be aware of or do or caused to be done any agreement, arrangement or understanding or any such like for the purpose of or which may result in or have the effect of a collusive Bid, the Bidder will notify PRASA of such any agreement, arrangement or understanding or any such like.; or

- offers or agrees to pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done, or causing, or having caused to be done any act or omission in relation to the RFP Process or any proposed response to RFP (provided nothing contained in this paragraph shall prevent a response to RFP from paying any market-related commission or bonus to its employees or contractors within the agreed terms of their employment or contract).

10.11 Consortium Changes

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

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

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

10.12 Costs of Response to the RFP Submission

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

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

10.13 Response to the RFP Warranty

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

11 CONDITIONS OF TENDER

General

- | | | |
|----------------|----------|--|
| Actions | 1 | PRASA's <i>Representative</i> and each <i>tenderer</i> submitting a tender shall act as stated in these Conditions of Tender and in a manner |
|----------------|----------|--|

which is fair, equitable, transparent, competitive and cost-effective.

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

Tenderer's obligations

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

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

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

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with the alternative requirements the *tenderer* proposes. (N/A for this tender)

- 17 Accept that an alternative tender may be based only on the criteria stated in the Scope of work/ specification and as acceptable to PRASA. (N/A for this tender)

Submitting tender

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

NOTE:

- 19 **Return the completed and signed *PRASA Tender Forms and SBD forms provided with the tender. Failure to submit all the required documentation will lead to disqualification***
- 20 **Submit the tender as an original plus 1 copy and two electronic version which must be contained in CDs or Memory Cards clearly marked as Volume 1 and Volume 2 in the Bidders name as stated in the RFP and provide an English translation for documentation submitted in a language other than English. Tenders may not be written in pencil but must be completed in ink.**
- 21 Sign and initial the original and all copies of the tender where indicated. PRASA will hold the signatory duly authorised and liable on behalf of the *tenderer*.
- 22 Seal the original and each copy of the tender as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside PRASA's address and invitation to tender number stated in the Scope of work/ specification, **as well as the *tenderer's* name and contact address**. Where the tender is based on a two envelop system tenderers must further indicate in the package whether the document is **envelope / box 1 or 2**.
- 23 Seal original and copies together in an outer package that states on the outside only PRASA's address and invitation to tender number as stated in the Scope of work/ specification. The outer package must be marked "CONFIDENTIAL"

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

Note:

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

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

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

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

Closing time

- 25 Ensure that PRASA has received the tender at the stated address with the Scope of work / specification no later than the *deadline for tender submission*. Proof of posting will not be taken by PRASA as proof of delivery. PRASA will not accept a tender submitted telephonically, by Fax, E-mail or by telegraph unless stated otherwise in the Scope of work/ specification.

- 26 Accept that, if PRASA extends the *deadline for tender submission* for any reason, the requirements of these Conditions of Tender apply equally to the extended deadline.

Tender validity

- 27 Hold the tender(s) valid for acceptance by PRASA at any time within the *validity period* after the *deadline for tender submission*.

- 28 Extend the *validity period* for a specified additional period if PRASA requests the *tenderer* to extend it. A *tenderer* agreeing to the request will not be required or permitted to modify a tender, except to the extent PRASA may allow for the effects of inflation over the additional period.

REQUEST FOR PROPOSAL – APPOINTMENT FOR THE PROCUREMENT OF DESIGN AND CONSTRUCTION SERVICES OF STREET TO STREET FOOTBRIDGES ALONG THE MABOPANE CORRIDOR (BRIDGE 1 BETWEEN MABOPANE AND SOSHANGUVE: 25°30'43.56"S AND 28° 5'9.24"E), REFERRED TO AS: WORK PACKAGE 1.



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| Clarification of tender submission | 29 | Provide clarification of a tender in response to a request to do so from PRASA's <i>Representative</i> during the evaluation of tenders. This may include providing a breakdown of rates or Prices. No change in the total of the Prices or substance of the tender is sought, offered, or permitted except as required by PRASA's <i>Representative</i> to confirm the correction of arithmetical errors discovered in the evaluation of tenders. The total of the Prices stated by the <i>tenderer</i> as corrected by PRASA's <i>Representative</i> with the concurrence of the <i>tenderer</i> , shall be binding upon the <i>tenderer</i> |
| Submit bonds, policies etc. | 30 | If instructed by PRASA's <i>Representative</i> (before the formation of a contract), submit for PRASA's acceptance, the bonds, guarantees, policies and certificates of insurance required to be provided by the successful <i>tenderer</i> in terms of the <i>conditions of contract</i> . |
| | 31 | Undertake to check the final draft of the contract provided by PRASA's <i>Representative</i> , and sign the Form of Agreement all within the time required. |
| | 32 | Where an agent on behalf of a principal submits a tender, an authenticated copy of the authority to act as an agent must be submitted with the tender. |
| Fulfil requirements | BEE 33 | Comply with PRASA's requirements regarding BBBEE Suppliers. |

PRASA'S UNDERTAKINGS

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

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| Respond to clarification | 1 | Respond to a request for clarification received earlier than the <i>closing time for clarification of queries</i> . The response is notified to all <i>tenderers</i> . |
| Issue Addenda | 2 | If necessary, issue to each <i>tenderer</i> from time to time during the period from the date of the Letter of Invitation until the <i>closing time for clarification of queries</i> , Addenda that may amend, amplify, or add to the <i>tender documents</i> . If a <i>tenderer</i> applies for an extension to the <i>deadline for tender submission</i> , in order to take Addenda into account in preparing a tender, PRASA may |

grant such an extension and PRASA's *Representative* shall notify the extension to all *tenderers*.

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| Return late tenders | 3 | Return tenders received after the <i>deadline for tender submission</i> unopened to the <i>tenderer</i> submitting a late tender. Tenders will be deemed late if they are not in the designated tender box at the date and time stipulated as the deadline for tender submission. |
| Non-disclosure | 4 | Not disclose to <i>tenderers</i> , or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tenders and recommendations for the award of a contract. |
| Grounds for rejection | 5 | Consider rejecting a tender if there is any effort by a <i>tenderer</i> to influence the processing of tenders or contract award. |
| Disqualification | 6 | Instantly disqualify a <i>tenderer</i> (and his tender) if it is established that the <i>tenderer</i> offered an inducement to any person with a view to influencing the placing of a contract arising from this invitation to tender. |
| Test for responsiveness | 7 | Determine before detailed evaluation, whether each tender properly received <ul style="list-style-type: none"> • meets the requirements of these Conditions of Tender, • has been properly signed, and • is responsive to the requirements of the <i>tender documents</i>. |
| | 8 | Judge a responsive tender as one which conforms to all the terms, conditions, and specifications of the <i>tender documents</i> without material deviation or qualification. A material deviation or qualification is one which, in PRASA 's opinion would <ul style="list-style-type: none"> • detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Contract Data, • change PRASA's or the <i>tenderer's</i> risks and responsibilities under the contract, or |

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- affect the competitive position of other *tenderers* presenting responsive tenders, if it were to be rectified.

Non-responsive tenders 10 Reject a non-responsive tender, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

Arithmetical errors 11 Check responsive tenders for arithmetical errors, correcting them as follows:

- Where there is a discrepancy between the amounts in figures and in words, the amount in words shall govern.
- If a bill of quantities applies and there is a discrepancy between the rate and the line item total, resulting from multiplying the rate by the quantity, the rate as quoted shall govern. Where there is an obviously gross misplacement of the decimal point in the rate, the line item total as quoted shall govern, and the rate will be corrected.
- Where there is an error in the total of the Prices, either as a result of other corrections required by this checking process or in the *tenderer's* addition of prices, the total of the Prices, if any, will be corrected.

12 Reject a tender if the *tenderer* does not accept the corrected total of the Prices (if any).

Evaluating the tender 13 Evaluate responsive tenders in accordance with the procedure stated in the RFP / Scope of work/ specification. The evaluated tender price will be disclosed only to the relevant PRASA tender committee and will not be disclosed to *tenderers* or any other person.

Clarification of a tender 14 Obtain from a *tenderer* clarification of any matter in the tender which may not be clear or could give rise to ambiguity in a contract arising from this tender if the matter were not to be clarified.

REQUEST FOR PROPOSAL – APPOINTMENT FOR THE PROCUREMENT OF DESIGN AND CONSTRUCTION SERVICES OF STREET TO STREET FOOTBRIDGES ALONG THE MABOPANE CORRIDOR (BRIDGE 1 BETWEEN MABOPANE AND SOSHANGUVE: 25°30'43.56"S AND 28° 5'9.24"E), REFERRED TO AS: WORK PACKAGE 1.



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| Acceptance tender | of | 15 | Notify PRASA's acceptance to the successful <i>tenderer</i> before the expiry of the <i>validity period</i> , or agreed additional period. Providing the notice of acceptance does not contain any qualifying statements, it will constitute the formation of a contract between PRASA and the successful <i>tenderer</i> . |
| Notice unsuccessful tenderers | to | 16 | After the successful <i>tenderer</i> has acknowledged PRASA's notice of acceptance, notify other <i>tenderers</i> that their tenders have not been accepted, following PRASA's current procedures. |
| Prepare contract documents | | 17 | Revise the contract documents issued by PRASA as part of the <i>tender documents</i> to take account of <ul style="list-style-type: none"> • Addenda issued during the tender period, • inclusion of some of the <i>tender returnables</i>, and • other revisions agreed between PRASA and the successful <i>tenderer</i>, before the issue of PRASA's notice of acceptance (of the tender). |
| Issue final contract | | 18 | Issue the final contract documents to the successful <i>tenderer</i> for acceptance within one week of the date of PRASA's notice of acceptance. |
| Sign Form Agreement | of | 19 | Arrange for authorised signatories of both parties to complete and sign the original and one copy of the Form of Agreement within two weeks of the date of PRASA's notice of acceptance of the tender. If either party requires the signatories to initial every page of the contract documents, the signatories for the other party shall comply with the request. |
| Provide copies of the contracts | | 20 | Provide to the successful <i>tenderer</i> the number of copies stated in the Scope of work/ specification of the signed copy of the contracts within three weeks of the date of PRASA's acceptance of the tender. |