



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

## PTS: Telecoms

Electricity Generation and Distribution

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**229G/2024/25**

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**SUPPLY AND DELIVERY OF STM 16/4/1 & MPLS-  
TP FIBRE OPTIC MULTIPLEXER AND EXTENSION  
AND SUPPORT OF EXISTING MULTIPLEXER  
NETWORK MANAGEMENT SYSTEM**

**Non-Compulsory Tender Clarification**

**17 April 2025**

**Online Teams Meeting**

**(Tender Closing Date: 13 May 2025 10H00)**

# Outline

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- Introduction
- Tender clarification by City of Cape Town
- Questions from Tenderers

# Introduction

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- This is a **non-compulsory** but strongly recommended meeting.
- **Please ensure that you have introduced yourself in the Teams meeting Chat Field**, clearly indicated your name, company and tenderer name, your position / function in the company and your contact details (In a single chat message).
- Your attendance at this briefing session is deemed by the City to signify that your company is appropriately represented and has had its attention drawn to the specific issues raised.
- Any queries will be replied to via SCM rep.
- This is not a comprehensive discussion of the tender document. This is an opportunity to highlight some key points regarding the tender and to provide prospective tenderers with the opportunity to clarify any areas of uncertainty.
- This meeting is not intended to be a discussion of the merits of the Technical Content of the Tender Specification, and such discussions are not permitted.
- This meeting does not supersede the tender document and the requirements of the formal tender document will remain in force unless specifically clarified or amended in a formal Notice to Tenderers issued by the City.
- A formal Notice to Tenderers will be issued by the City in the event that ambiguity or errors in the tender document are noted that require correction.

# Tender Clarification by City of Cape Town

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## **Tenderer Requirements**

- Please read the tender document thoroughly and pay close attention to all aspects. Some clauses have changed in accordance with revised PPPFA and associated SCM policy updates.
- Tenderer must be registered as a Vendor with the City of Cape Town (SCM Supplier Management; 021 400 9250).
- Tenderer's must be registered with SARS and tax affairs must be in order, which will be confirmed by a Tax PIN provided by the Tenderer on the **Details of Tenderer** page (The Contract, Pg 22, **to be completed in full**) and a valid Tax PIN letter provided with the tender. These should also be lodged with the City at the time of registration as a vendor (and annually thereafter)(COT Tenderer's Obligations 2.2.19.2; SCC and GCC 32.3).
- Tenderers whose tax affairs are not in order should resolve immediately as limited time will be afforded if this needs to be requested after submission of tenders.
- Tender validity is mandatory 120 days, but will be deemed to be valid for longer (for a period of 12 months after this) if evaluation overruns this period, unless explicitly stated to the contrary in the tender submission (COT Tenderer's Obligations 2.2.15). This refers to tender validity. (Price validity is subject to CPA provisions and Schedule F.1, the CPA & ROE Schedule).
- Contract period is a period not exceeding thirty six (36 months) from date of commencement. Note existing contract expiry 2026/06/30, following a section 33 process if approved else a period not exceeding 36 months failing the section 33 process.
- Note the intention is to appoint two tenderers per Item for the contract, a Main Contractor & a Standby Contractor, with the Standby Contractor goods being from a different OEM, if possible.

# Tender Clarification by City of Cape Town

## Forms (Conditions of Tender, Tenderer's Obligations 2.2.12)

- **Tenderers may submit one tender only.** Multiple, competing, responsive tender submissions from a single Tenderer are not permitted. (Note conditions for Alternative Offers (COT 2.2.11))
- The tender offer, including *Details of Tenderer (Pg 22)*, *Form of Offer and Acceptance (Pg 22)* and *Price Schedule (Pg 29 to 42)* must be completed and on the original tender documents as issued by the City. Note Pricing Instructions (Pg 43).
- All documents must be filled in clearly (non-erasable, printed or clearly handwritten) and signed by hand (with black non-erasable ink) on the original tender offer and by a person authorised to do so. Refer Section 2.2.12 of the COT.
- Tenders must be submitted in the designated Tender Box on or before the closing date and time. Late Tenders are not acceptable and will not be considered.
- Schedule of Deviations (Vol 2, Pg 25) in the Form of Offer and Acceptance **IS NOT** to be filled in at time of tender submission. This is filled in by CCT after award to record any approved, non-material deviations.
- Ensure prices in Pricing Schedule are listed **excluding VAT but including Offloading**, as specified.
- All schedules must be completed in full and returned with your Tender. These may be printed, but must be on original CoCT forms. Please do not remove pages from the returnable schedules. Additional pages required to amplify information provided in the schedules may be appended at the end (and must be clearly referenced), but schedules must be fully complete.
- Failure to provide compulsory information and provide all the data or information requested completely and in the form required may render the tender Non-Responsive.

# Tender Clarification by City of Cape Town

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## **Tender Responsiveness Criteria (Conditions of Tender)**

- Please refer to COT Tenderer's Obligations Section 2.2.1, Eligibility Criteria, for details regarding what constitutes a Responsive Tender.
- Clause 2.2.1.1.1 details the requirements establishing a clear, irrevocable and unambiguous offer.
- Clause 2.2.1.1.2 lists commercial and administrative requirements to be met in order for the tender to be considered provisionally responsive (prior to technical evaluation).
- Note Test for Responsiveness (COT The CCT's Undertakings 2.3.7) and the requirements for a Responsive Tender.
- Note definitions of a Responsive Tender and a Material Deviation (COT 2.3.7.2).
- Tenders that materially or substantially deviate from the terms, conditions and specification of the tender document will be considered non-responsive.
- Tenders not responsive at time of tender (due to material deviations, materially amended clauses, specifically and substantively non-responsive equipment, etc) cannot be subsequently made responsive, so please take care in your tender submission.
- CoCT may seek post tender clarification (2.2.16; 2.3.9) on matters affecting the evaluation of the bid offer or matters that could give rise to ambiguity in the subsequent contract, but such clarification cannot change the substance of the offer of the particular tenderer or their competitive position.

# Tender Clarification by City of Cape Town

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## **Conditions of Tender (General Comments)**

- Pay close attention to Conditions of Tender, Evaluation Criteria, Special Conditions of Contract (SCC), General Conditions of Contract (GCC), etc.
- Beware of standardised Covering Letters with “standard clauses” that may actually be inherently Non-Responsive.
- In regard to risk of material non-responsiveness ensure that you **do not**:
  - Impose commercial conditions or clauses that are in conflict with the GCC or SCC, and do not propose contract conditions that are different from those specified (eg NT GCC 2010). These will not be accepted and may be materially non-responsive.
  - Do not impose customised Force Majeure, Limitation of Liability or Consequential Damages Clauses. The specified GCC and SCC clauses forming part of the specification protect both contractor and CoCT and form the specification basis.
  - Do not specify minimum order quantities. The CoCT will order as required from time to time and will not accept minimum order quantities that may result in overstocking.
  - Do not specify conditional pricing (eg. based upon order quantities). Pricing basis must comply with the specification and particularly Schedule F.8 (CPA).
  - Do not amend the penalty clauses or tolerances relating to late deliveries. The tender requirements are binding and amendment will render the tender Non-Responsive as are considered to affect pricing and competitiveness.



# Tender Clarification by City of Cape Town

## Conditions of Tender (Cont'd)

- **Do not (Cont'd):**

- Do not provide qualified delivery conditions. Deliveries must be as per specification for the duration of the contract, not subject to manufacturer's programme, and late deliveries will be subject to the specified penalties.
  - Conditions that delivery will vary in accordance with manufacturer's / supplier's factory loading are not acceptable. Delivery periods are a contract condition and will not be negotiated after contract award.
  - Staggered deliveries for large orders are to the approval of the Engineer, and contractors will be held to the agreed delivery schedule once approved.
- Do not amend CPA base month. The CPA Base Month is **March 2025**(See Schedule F.1). Applicable CPA indices must be as outlined in the specification. Where space is provided for indices to be filled in, kindly provide a thorough unambiguous description in accordance with the SEIFSA table and item descriptions.
- Do not amend the CPA basis from that laid out in Schedule F.1 as this may be deemed to affect the tendered price and therefore may render your tender Non-Responsive. (Again beware of standard Covering Letter Clauses).
- Do not offer fixed prices. Follow the basis laid out in the CPA Schedule, Sch F.1.
- Do not exclude off-loading at Stores. This is a contract requirement and excluding this will render the tender Non-responsive.

# Tender Clarification by City of Cape Town

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## Conditions of Tender (Cont'd)

- Please note the conditions relating to the submission of Alternative Tender Offers that do not comply fully with the Specification (COT Tenderer's Obligations 2.2.11).
- An Alternative Tender Offer is an offer differing from the Tender Specification.
- Submit Alternative Tender Offers only if a main offer strictly in accordance with the requirements of the tender docs is also submitted.
- Note that **multiple responsive bids may not be submitted** (ie a single tender only)
- Compliance with all applicable law is required.

## Preference Schedule (Schedule 3)

- Sub-Contracting: Kindly note the BBEE conditions relating to Sub-Contracting as laid out in Schedule F.4.
- Kindly note that in accordance with 2.2.19.1 of the COT the applicable B-BBEE code is the **Amended Codes of Good Practice (Generic Scorecard)**.
- Note that the 80/20 Price / Preference Points system will be applied to this tender.

## Attachments

- All attachments appended by the Tenderer, including the Covering Letter, must be clearly listed in Schedule F.11 and referenced in the tender submission.

# Tender Clarification by City of Cape Town

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## **Tender Pricing**

- Avoid overpricing Tender Items. CCT is obliged by law (PPPFA) to award only to market related priced tenders, and is obliged to challenge excessive pricing prior to tender award.
- If so, a Preferred Bidder process would be followed with the highest ranked tenderers to require pricing to be improved. Failure to achieve market pricing could result in tender not being awarded.

## **Independent Bid Determination**

- Tenderers shall pay close attention to the requirements for Independent Bid Determination as detailed in Clause 2.2.1.1.2 (f) of the Conditions of Tender and in Schedule F.9, and shall complete Schedule F. 9.
- Tenderers cannot collude in determining their tender prices and cannot be aware of the tendered prices or contents of the offer of other Tenderers.
- Where there is evidence of collusion this may result in disqualification of both tenderers and the issue would be handed to legal services for forensic investigation and further action as indicated.

# Tender Clarification by City of Cape Town

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## **Technical Specification**

- Tenderers to pay close attention to the Technical Specification and are to ensure that all items are fully compliant.

## **Particulars and Returnables**

Tenderers must pay close attention to all sections of the Specification are to comply fully with all requirements and provide the required documentation and particulars with their tenders.

- Tenderers must fill in all returnable schedules **in full**. Do not leave any particulars blank and in Schedules F.13 do not simply refer to a standard or attachment or just state "Complies". Input the particular applicable value / dimension. The info is required to verify compliance and needs specific answers.
- Sufficient details shall be provided of the experience and qualifications of the tenderer and manufacturer so as to allow the merits of the tenderer and OEM to be assessed.
- Sufficient technical data, and other relevant supporting technical information must be provided to enable the characteristics and merits of the equipment offered to be determined and evaluated.

# Tender Clarification by City of Cape Town

## Particulars and Returnables (Cont'd)

- OEM authorisation letters as specified in Clause **2.2.1.1.3** of the detailed Specification are required to verify the tenderer as an authorised reseller or distributor for the specific manufacturer(s) and of the specified goods for the full duration of the contract, and to confirm full compliance with the specification. This should be provided for each manufacturer (ie. all Items tendered) and should also cover suppliers and the OEM's behind them (ie. the full supply chain for the goods).
- Technical Data, Tenderer and Manufacturer Organigrams, and all other Particulars required in terms of Section 12 of the detailed Specification 2 must be provided in order to allow the technical merits and characteristics of the goods offered to be ascertained and the tender to be evaluated.

# Tender Clarification by City of Cape Town

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## **Particulars and Returnables (Cont'd)**

- Any departures from the requirements of the Specification are to be detailed in full in Schedule F.13. of the Tender Submission and further supporting documentation to be provided. Departures that are not declared will be deemed to not exist, ie. The tendered goods will be deemed to be compliant and the Contractor required to comply with the specification.
- Departures that are declared will be considered during the tender evaluation to determine whether they are fundamental and material non-compliances or not. Material non-compliances will lead to the Tender being deemed Non-Responsive.
- BBEE Certificates and Tax Clearance Certificates / PINs are to be attached. The BBEE Certificate valid at the time of tender closing is applicable for purposes of tender evaluation, not any subsequent certificate.
- Financial statements are to be attached as and where required in terms of 2.2.17.2 and Schedule F.3.

# Tender Clarification by City of Cape Town

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## **Contract Award**

- Contract award is per Item, on a 80/20 price and preference points basis.
- Tender will be awarded to a single Main (and a Alternative ) Contractor per Item, as per Pricing Instructions (5.8), Section 2.1.5.1 of the COT
- Pay close attention to the Pricing Instructions and ensure you comply.
- Note conditions relating to invoking and activation of Standby Contractor, Section 2.1.5.1 of the COT .
- Tenderers are to ensure cost effective and competitive pricing. Item pricing considered not to be cost effective will be challenged via Preferred Bidder negotiations.
- Full compliance with all relevant Labour Legislation is required and will be verified prior to Contract Signing and Commencement.

## **Delivery Period**

- Note the requirements relating to Delivery Periods detailed in Section 10 of the Specification. Deliveries that exceed the Contract Delivery Period will be subject to penalties in accordance with Clause 22 of the Special Conditions of Contract.

# Tender Clarification by City of Cape Town

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## **Contract Price Adjustment (Predictive CPA)**

- This is a 36 month (max) tender and CPA is applicable.
- Schedule F.1 (Contract Price Adjustment) must be read carefully and fully understood.
- Schedule F.1 must be completed in full and must clearly and unambiguously set out the Tenderer's CPA basis. Do not include CPA clauses in Covering Letter in conflict with Sch F.1.
- Initial Purchase Order price will be based upon the price approved in accordance with the process laid out in Schedule F.1.



# Tender Clarification by City of Cape Town

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## **Contract Price Adjustment (Predictive CPA) (Continued)**

- The Supplier's / Manufacturer's Price Lists (where applicable) **must** be attached to the tender submission, and must be on the Supplier's Letterhead, dated, addressed to the Tenderer, signed and with unique Reference Number specifically applicable to the quotation.
- Note that the Employer will thoroughly review all Price List based CPA applications during the course of the contract and reserves the right to request auditor's certificates or other such documentary proof as required.
- Note that failure to submit proposed adjusted prices for the following period within the stipulated timeframes will result in the City calculating and applying an adjustment or maintaining the previous month's prices, whichever is in the City's favour.

# Tender Clarification by City of Cape Town

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## **Amendments to Tender**

- Tenderers will be notified formally with Notice to Tenders of any amendments or formal clarification required. These will be posted on the City's Tender Portal and National Treasury's eTenders website and generally also emailed to tenderers on the contact details provided when receiving tender docs.
- No Notices to Tenderers have been issued prior to the time of this meeting.

## **Clarification by Tenderer**

- Tenderers should seek clarification of any aspects of the tender document that are unclear, in writing to the CCT's representative and in good time (Refer COT 2.2.8 & 2.3.1).
- Last date for clarification is one week prior to tender closing

# Questions from Tenderers

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- Floor is open for questions.



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Thank You

Making progress possible. Together.