

<b>PART A</b>	<b>INVITATION TO BID</b>	<b>SBD1</b>
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**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED**

BID NUMBER:	RFP057/2024	CLOSING DATE:	21 June 2024	CLOSING TIME:	23h55
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DESCRIPTION: **APPOINTMENT OF AN EPC CONTRACTOR TO CARRY OUT ENGINEERING, PROCUREMENT, CONSTRUCTION AND COMMISSIONING OF A 50 TON PER DAY BIODIGESTER PILOT PLANT AT ROBINSON DEEP LANDFILL SITE, JOHANNESBURG AND OPERATING AND MAINTAINING IT FOR A PERIOD OF 1 YEAR.**

**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

BID RESPONSE DOCUMENTS MAY BE SUBMITTED AT:

**Tender Box folder for RFP via Microsoft One Drive (Detailed on pg. 11)**

FOR ATTENTION: ZIPHO MOSELAKGOMO, **PROCUREMENT & TENDER OFFICER**

**SUPPLIER INFORMATION**

NAME OF BIDDER:					
POSTAL ADDRESS:					
STREET ADDRESS:					
TELEPHONE NUMBER:	CODE:		NUMBER:		
CELLPHONE NUMBER:					
FACSIMILE NUMBER:	CODE:		NUMBER:		
E-MAIL ADDRESS:					
VAT REGISTRATION NUMBER:					
	TCS PIN:		<b>AND/OR</b>	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

<p>ARE YOU THE ACCREDITED REPRESENTATIVE <b>IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <i>[IF YES ENCLOSE PROOF]</i></p>	<p>ARE YOU A FOREIGN BASED SUPPLIER FOR <b>THE GOODS /SERVICES /WORKS OFFERED?</b></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <i>[IF YES ANSWER PART B:3 BELOW]</i></p>
<p>SIGNATURE OF BIDDER</p>	<p>.....</p>		<p>DATE</p>
<p><b>CAPACITY UNDER WHICH THIS BID IS SIGNED</b> (<i>Attach proof of authority to sign this bid; e.g. resolution of directors, etc.</i>)</p>			
<p><b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b></p>		<p><b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b></p>	
<p>DEPARTMENT/ PUBLIC ENTITY:</p>	<p><b>DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED</b></p>		
<p>CONTACT PERSON:</p>	<p>As per Tender Notice</p>	<p>CONTACT PERSON:</p>	
<p>TELEPHONE NUMBER:</p>		<p>TELEPHONE NUMBER:</p>	
<p>FACSIMILE NUMBER:</p>		<p>FACSIMILE NUMBER:</p>	
<p>E-MAIL ADDRESS:</p>		<p>E-MAIL ADDRESS:</p>	



The Development Bank of Southern Africa has a Zero Tolerance on Fraud and Corruption. Report any incidents of Fraud and Corruption to Whistle Blowers on any of the following:

TollFree : 0800 20 49 33  
Email : [dbsa@whistleblowing.co.za](mailto:dbsa@whistleblowing.co.za)  
Free Post : Free Post KZN 665 | Musgrave | 4062  
SMS : 33490

**PART B**

**TERMS AND CONDITIONS FOR BIDDING  
SBD1**

**1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT MICROSOFT ONE DRIVE FOLDER AS PER LINK PROVIDED. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR **ONLINE**
- 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022 (PPR2022), THE **NEC 3 ENGINEERING AND CONSTRUCTION CONTRACTS I.E. OPTION A: PRICED CONTRACT WITH ACTIVITY SCHEDULE OF APRIL 2013 (INCLUDING AMENDMENTS) AND NEC3 TERM SERVICES AGREEMENT (MAINTENANCE)** AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

**2. TAX COMPLIANCE REQUIREMENTS**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?  YES  NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

**VOLUME 1 OF 3**

**THE TENDER**

**TENDER NO RFP057/2024**

**DEVELOPMENT BANK OF SOUTHERN AFRICA  
LIMITED**

**CLIENT: CITY OF JOHANNESBURG**

<b>Implementing Agent:</b>  Development Bank of Southern Africa Limited 1258 Lever Road Midrand Johannesburg Gauteng 1685  <b>Contact:</b> As per Tender Notice and Invitation	<b>Project Manager:</b>  Nonhle Dlamini 1258 Lever Road Midrand Johannesburg Gauteng 1685  <b>Contact:</b> As per Tender Notice and Invitation
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## TABLE OF CONTENTS

VOLUME 1 OF 3			
SECTION	DESCRIPTION	APPLICABLE	PAGE
	SUMMARY FOR TENDER OPENING PURPOSES		
	THE TENDER		
<b>PART T1</b>	<b>TENDERING PROCEDURES</b>		10
T1.1	Tender Notice and Invitation to Tender	Y	11
T1.2	Tender Data	Y	12

VOLUME 2 OF 3			
SECTION	DESCRIPTION	APPLICABLE	PAGE
	<b>RETURNABLE DOCUMENT CHECK LIST</b>		
<b>PART T2</b>	<b>RETURNABLE DOCUMENTS</b>		
<b>T2.1</b>	<b>Forms, Certificates and Schedules required for Evaluation of Tender Responsiveness</b>		5
T2.1.1	Tender Briefing / <del>Site Inspection Attendance Certificate</del>	Y	6
T2.1.2	Certificate of Authority for Signatory	Y	7
T2.1.3	Registration Certificates / Agreements / Identity Documents	Y	11
T2.1.4	Joint Venture Consortium / Disclosure Form	Y	12
T2.1.5	Tax Clearance Requirements	Y	21
T2.1.6	Proof of Registration with CIDB	Y	22
T2.1.7	Proof of Workmen's Compensation Registration	Y	23
<b>T2.2</b>	<b>Other Forms, Certificates and Schedules that will be Incorporated into the Contract</b>		24
T2.2.1	Record of Addenda to Tender documents	Y	25
T2.2.2	Local Employment & Sourcing	Y	26
T.2.3	Unemployment Insurance Fund (UIF) – Registration Certificate (Act 4 of 2002)	Y	27
T2.2.4	Form Concerning Fulfilment of the Construction Regulations, 2014	Y	28
T2.2.5	Bidder's Disclosure	Y	31
<del>T2.2.6</del>	<del>Declaration of Tenderers past Supply Chain Management Practices</del>	<del>Y</del>	34

T2.2.7	Certification of Independent Tender Determination	Y	37
T2.2.8	Service Provider Code of Conduct	Y	40
T2.2.9	RFP Declaration Form	Y	43
T2.2.10	Compulsory Enterprise Questionnaire	Y	45
T2.2.11	Certificate of Acquaintance with Tender Document	Y	48
<b>T2.3</b>	<b>Documentation, Forms and Schedules Required for Tender Evaluation Purposes</b>		<b>50</b>
T2.3.1	Related Experience of Tenderer	Y	51
T2.3.2	Management and CV's of Key Persons	Y	53
T2.3.3	Schedule of Plant and Equipment	Y	54
<del>T2.3.4</del>	<del>Schedule of Proposed Sub-Contractors/ Consultants</del>	<del>Y</del>	<del>56</del>
T2.3.5	Programme	Y	57
T2.3.6	Financial Standing / Bank Rating	Y	58
T2.3.7	Quality Plan	Y	59
T2.3.8	Health and Safety	Y	60
T2.3.9	Capacity and Ability to meet Delivery Schedule	Y	61
T2.3.10	Declaration of Citizenship	Y	62
<b>T2.4</b>	<b>Other Documentation, Forms and Schedules required for Tender Evaluation Purposes</b>		<b>63</b>
T2.4.1	Form of the Performance Guarantee	Y	64
T2.4.2	Subcontracting Schedule	Y	69
T2.4.3	SBD6.1: Broad Based Black Empowerment Status Level Certificate	Y	74
T2.4.4	SBD6.2: Declaration Certificate for Local Production and Content for Designated Sectors	Y	79

VOLUME 3 OF 3			
SECTION	DESCRIPTION	APPLICABLE	PAGE
	<b>THE CONTRACT</b>		
<b>PART C1:</b>	<b>AGREEMENT AND CONTRACT DATA</b>		<b>4</b>
C1.1	Form of Offer and Acceptance	Y	5
C1.2	Contract Data	Y	10
	Part One: Data Provided by The Employer - Contract 1 (ECC)	Y	11
	Part Two: Data Provided by The Contractor - Contract 1 (ECC)	Y	38
	Part One: Data Provided by The Employer - Contract 2 (TSC)	Y	41
	Part Two: Data Provided by The Contractor - Contract 2 (TSC)	Y	63
C1.3	Performance Guarantee	Y	68
<b>PART C2:</b>	<b>PRICING DATA</b>		<b>73</b>
C2.1	Pricing Assumptions - Option A	Y	74
C2.2	Pricing Instructions	Y	78
C2.3	Activity Schedule (Detailed by Contractor)	Y	79
C2.4	Amendments, Qualifications and Alternatives by Tenderer	Y	80
<b>PART C3:</b>	<b>SCOPE OF WORK</b>		<b>81</b>
C3.1	Employers Works Information	Y	82
C3.2	Contractors Works Information	Y	86
C3.3	Particular Specifications	Y	103
C3.4	Proposed Design Drawing Layouts	Y	104
<b>PART C4:</b>	<b>SITE INFORMATION</b>		<b>105</b>
C4.1	Locality Plan	Y	106

**THE TENDER**

<b>T1</b>	<b>:</b>	<b>TENDERING PROCEDURES</b>
<b>T1.1</b>	<b>:</b>	<b>TENDER NOTICE AND INVITATION TO TENDER</b>
<b>T1.2</b>	<b>:</b>	<b>TENDER DATA</b>



**PART T1: TENDERING PROCEDURES**

<b>TABLE OF CONTENTS</b>		<b>Page</b>
<b>T1.1</b>	<b>TENDER NOTICE AND INVITATION TO TENDER</b>	<b>11</b>
<b>T1.2</b>	<b>TENDER DATA</b>	<b>12</b>

### T1.1 TENDER NOTICE AND INVITATION TO TENDER

The Development Bank of Southern Africa Limited (DBSA) invites tenders for **RFP057/2024: APPOINTMENT OF AN EPC CONTRACTOR TO CARRY OUT ENGINEERING, PROCUREMENT, CONSTRUCTION AND COMMISSIONING OF A 50 TON PER DAY BIODIGESTER PILOT PLANT AT ROBINSON DEEP LANDFILL SITE, JOHANNESBURG AND OPERATING AND MAINTAINING IT FOR A PERIOD OF 1 YEAR.**

The Tender Document and Supporting Documents are attached on the tender invitation. DBSA will email addendums and responses to any queries related to this tender via the DBSA Commercial contact person below and only written correspondence will be accepted.

Queries may only be addressed to:

Procurement & Tender Officer: [ZiphoSCM@dbsa.org](mailto:ZiphoSCM@dbsa.org)

The cut-off date for tender enquiries is as detailed in the table on page 11.

MIN. CIDB GRADING REQUIRED	COMPULSORY TENDER BRIEFING	
	VENUE	DATE & TIME
8ME or Higher	Robinson Deep Landfill, CNR Turffontein & Marlborough road, Stafford Coordinates:	
	26°13'51.0"S	28°02'31.4"E
	-26.230829	28.042042
	28 May 2024, 11h00	

The closing time for receipt of tenders is **23H55 (Telkom time) on 21 June 2024** at the designated **Tender Box folder for RFP057/2024 via Microsoft One Drive.**

Tenders may only be submitted on the tender documentation that has been issued. Telegraphic, telephonic, telex, facsimile and late tenders will **not** be accepted. Tenderers should ensure that Bids are delivered timeously and to the correct address (reflected on the cover of this document). If the bid is late, or not submitted in the designated tender link, it will not be considered for evaluation.

- i. Tenderers are required to submit a fully populated and signed 6.2 (Declaration Certificate for Local Content) as per **T2.4.4 of Volume 2** of the Tender Document.
- ii. Tenderers are to ensure that they have a fully completed and signed Annexures C to the SBD6.2 fully populated and signed in line with the Designated Sectors stipulated in SBD6.2.
  - a. Annexure C to contain every product as listed in the Designated Sectors referred to under Tender Volume 2, T2.4.4 – SBD6.2 Local Production and Content.
- iii. Reference to the application of the **CIDB's B.U.I.L.D Programme**, in relation to the fact that this tender is estimated that tenderers must have a CIDB contractor grading designation of 8 ME or higher.
  - a. The CIDB **Standard for Developing Skills** through Infrastructure Contracts Gazette Notice No 36760 is applicable on the project in question and will apply.
  - b. The CIDB **Standard for Indirect Targeting** for Enterprise Development through Construction works Contracts Gazette Notice No 36190 of 25 February 2013 is applicable on the project in question and will apply.

**Instructions for TENDER BRIEF:**

- Tenderers to ensure on time arrival at site. Representative must be sufficiently qualified, to accurately relay and communicate brief discussions.

**Instructions for TENDER SUBMISSION:**

- Bidders are required to issue Tender Submission Link requests and all other enquiries to [ziphoscm@dbsa.org](mailto:ziphoscm@dbsa.org) **ONLY**;
- Request must specify the relevant tender number of this specific tender (**RFP057/2024**)
- Tender Submission Link requests will **NOT** be accepted after **11h00 on the date of Tender Closing**. Any requests after the stipulated date and time will be disregarded.
- Bidders will thereafter receive a OneDrive Link to upload their tender submission documents electronically, no later than **11h00 on the date of Tender Closing**.
- Bidders to ensure the documents being loaded are correct and accurate – once they are loaded, they could possibly not be accessed again or deleted.
- If incorrect documents are loaded and could not be deleted, the new documents loaded must include the wording **“Corrected”**
- **Only Files can be loaded**, not folders
  - As such, Folders with all its required content should be created on the bidder’s system, then be converted to either a **Compressed or Zipped Folder**.
  - This will allow bidders to load the whole Compressed / Zipped Folder **as a file format** to the **Tender Submission Link**
- Once documents have been loaded, the Bidder will receive a confirmation email of the upload.
- Uploading of submission **must be in the structure and order** as prescribed in this tender.
- Bidders are requested to not create and submit excessively large files, but rather to break it up into its components.

**KEY DATES AND ACTIVITIES**

No	Description	Date/Time
1.	Tenders Invited	<b>08 May 2024</b>
2.	There will be a Compulsory Briefing Session	<b>28 May 2024 @ 11:00</b>
3.	Bidders to submit written questions/ clarifications. <ul style="list-style-type: none"> <li>• Each bidder is encouraged to submit <b>one (01) consolidated</b> questions/ clarifications <b>email</b>.</li> <li>• <b>No</b> questions will be entertained post the stipulated date.</li> </ul>	<b>6 June 2024 @ 16:00</b>
4.	DBSA to respond to written questions/ clarifications posed by bidders not prior to this date. <ul style="list-style-type: none"> <li>• Such response will be issued via email to all invited tenderers.</li> <li>• Bidders are required to stay updated with such communications for any additional communications / addenda being issued.</li> </ul>	<b>12 June 2024 @ 16:00</b>
5.	Bidders submit their Tender Submission Link request by	<b>18 June 2024 @ 16:00</b>
6.	Bidders to receive the OneDrive Link to upload tender submission documents electronically	<b>21 June 2024 @ 16:00</b>
7.	Tenders <b>Closing Date and Time</b>	<b>21 June 2024 @ 23:55</b>

**T.1.2 TENDER DATA**

The Conditions of Tender applicable to this contract are the Standard Conditions of Tender as contained in Annexure C of the CIDB Standard for Uniformity in Construction Procurement (August 2019) as published in Government Gazette No. 42622, Department of Public Works Notice 423 & SANS 10845. (See [www.cidb.org.za](http://www.cidb.org.za)), to which tenderers are referred to for their information purposes in relation to this Tender Data.

The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this Tender. Data shall have preference in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender. Each item of Tender Data given below is cross-referenced to the relevant clause in the Standard Conditions of Tender to which it mainly applies.

All references to the terms: "Tender" and "Tenders" and/or "Tenderer" and "Tenderers" in these documents and the Conditions of Tender shall have the same meaning as each other and shall be of equal force.

The following variations, amendments and additions to the Standard Conditions of Tender as set out in the Tender Data below shall apply to this tender:

Clause number	Tender Data
C.1.1	The employer for this Contract is <b>Development Bank of Southern Africa Limited</b> .
C.1.2	<p>The Tender Documents issued by the Employer comprise the following documents:</p> <p><b>THE TENDER</b></p> <p><b>Part T1: Tendering procedures</b> <span style="float: right;"><b>(Volume 1 of 3)</b></span>  T1.1 - Tender notice and invitation to tender  T1.2 - Tender data</p> <p><b>Part T2: Returnables documents</b> <span style="float: right;"><b>(Volume 2 of 3)</b></span>  T2.1 - List of returnable documents  T2.2 - Returnable schedules</p> <p><b>THE CONTRACT</b> <span style="float: right;"><b>(Volume 3 of 3)</b></span></p> <p><b>Part C1: Agreements and Contract data</b>  C1.1 - Form of offer and acceptance  C1.2 - Contract data  C1.3 - Performance Guarantee</p> <p><b>Part C2: Pricing data</b>  C2.1 - Pricing instructions  C2.2 - Activity Schedule (Detailed by Contractor)  C2.3 - Amendments, Qualifications and Alternatives by Tenderer <i>(Where applicable)</i></p> <p><b>Part C3: Scope of work</b>  C3.1 - Project Specifications  C3.2 - Particular Specifications  C3.3 - Drawings</p> <p><b>Part C4: Site information</b>  C4.1 - Site information</p>

	<p>This tender applies both the CIDB <b>(a) Skills Development Standard</b> and the <b>(b) Indirect Targeting Standard</b>. Although there are no returnable documents, tenderers are sensitised that the proforma documents as listed below, shall be completed by the successful contractor after award of the contract within the stipulated period. <i>(The proforma documents are provided in the tender data for information purposes only).</i></p> <ul style="list-style-type: none"> <li>Form A 1 List of Recognised Skills Development Agencies, Form A 2 Baseline Training Plan, Form A 3 Project Interim Report, Form A 4 Supervisor Agreement, Form A 5 Project Completion Report.</li> <li>Project Interim Report, Project Completion Report and Declaration.</li> </ul>
C.1.4	<p>The Employer is:</p> <p><b>Name:</b> Development Bank of Southern Africa Limited</p> <p><b>Address:</b> 1258 Lever Road, Headway Hill, Midrand, Gauteng, 1685</p> <p><b>Tel:</b> (011) 313 3911</p> <p><b>Attention is drawn to the fact that verbal information given by the Employer or any other person prior to the close of tenders will not be regarded as binding on the Employer. Only information issued formally by the employer in writing to tenderers will be regarded as amending the tender documents.</b></p>
C.1.5	<p>The employer reserves the right to reject award to the highest scoring tenderer (as calculated according to Clause C.3.11 should the offer pose a commercial and/ or delivery risk to the successful completion of the project and the Employer, or in line with PPR 2022 and Other Objective Criteria as detailed.</p>
C.1.6	<p>The competitive negotiation procedure <b>shall not be</b> applied.</p>
C.1.7	<p>A two-stage system <b>will not be</b> applied.</p>
C.2.1	<p>The following tenderers who are registered with the CIDB, or are capable of being so registered <b>prior to the evaluation of submissions</b>, are eligible to have their tenders evaluated:</p> <ol style="list-style-type: none"> <li>contractors who have a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) and 25(7A) of the Construction Industry Development Board Regulations, for a <b>8 ME</b> class or higher of construction work; and</li> <li>submit an offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with the employer</li> <li>the tenderer is registered on the National Treasury Central Supplier Data Base (<a href="https://secure.csd.gov.za">https://secure.csd.gov.za</a>)</li> <li>the tenderer accepts that documents that have correction fluid on them will be deemed non-responsive and the documents must remain intact</li> <li>tenderers adhere to the pre-qualification criteria stated in the tender document, if any.</li> <li><del>contractors registered as potentially emerging enterprises with the CIDB who are registered in one contractor grading designation lower than that required in terms of a) above and who satisfy the following criteria:</del> <ol style="list-style-type: none"> <li><del>the employer is satisfied that such a contractor has the potential to develop and qualify to be registered in that higher grade as determined in accordance with the provisions of the <i>CIDB Specification for Social and Economic Deliverables in Construction Works Contracts</i>; and</del></li> <li><del>the employer agrees to provide the financial, management or other support that is considered appropriate to enable the contractor to successfully execute that contract.</del></li> </ol> </li> </ol> <p>Joint ventures are eligible to submit tenders provided that:</p> <ol style="list-style-type: none"> <li>the entity is registered as a JV, on the approved DBSA panel invited from, if not advertised in the open market;</li> <li>every member of the joint venture is registered with the CIDB in the Mechanical Engineering (ME) class of work;</li> <li>the lead partner has a contractor grading designation in the <b>8 ME</b> class or higher of construction work; and</li> <li>the combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in</li> </ol>

	<p>accordance with the sum tendered for a <b>8 ME</b> class or higher of construction work or a value determined in accordance with Regulation 25 (1B) and 25(7A) of the Construction Industry Development Regulations</p> <p>5) The members / parties have signed a joint venture agreement</p> <p>6) A consolidated B-BBEE verification certificate in the name of the joint venture must be submitted in order to qualify for the preference points</p>														
C.2.7	<p>The arrangements for a <b>Compulsory Clarification Meeting</b> are as stated in the <b>Tender Notice and Invitation to Tender</b>.</p> <p><del>Tenderers must sign the attendance register in the name of the tendering entity. Addenda will be issued to and tenders will be received only from those tendering entities appearing on the attendance list.</del></p>														
C.2.8	Request clarification in line with the dates stipulated under “KEY DATES AND ACTIVITIES” on <b>page 11</b> .														
C.10.3	Rates and prices are the lump sum prices for each activity on the Activity Schedule unless later changed in accordance with this contract.														
C.2.12	Alternative tender offers or Qualified tenders will <b>not be</b> considered.														
<del>C.2.12</del>	<p><del>If a tenderer wishes to submit an alternative tender offer, the only criteria permitted for such alternative tender offer is that it demonstrably satisfies the Employer’s standards and requirements, the details of which may be obtained from the Employer.</del></p> <p><del>Calculations, drawings and all other pertinent technical information and characteristics as well as modified or proposed Pricing Data must be submitted with the alternative tender offer to enable the Employer to evaluate the efficacy of the alternative and its principal elements, to take a view on the degree to which the alternative complies with the Employer’s standards and requirements and to evaluate the acceptability of the pricing proposals. Calculations must be set out in a clear and logical sequence and must clearly reflect all design assumptions. Pricing Data must reflect all assumptions in the development of the pricing proposal.</del></p> <p><del>Acceptance of an alternative tender offer will mean acceptance in principle of the offer. It will be an obligation of the contract for the tenderer, in the event that the alternative is accepted, to accept full responsibility and liability that the alternative offer complies in all respects with the Employer’s standards and requirements.</del></p> <p><del>The modified Pricing Data must include an amount equal to 5% of the amount tendered for the alternative offer to cover the Employer’s costs in confirming the acceptability of the detailed design.</del></p>														
C.2.13.1	Where the tendering entity is a joint venture, it is recommended that the standard CIDB Joint Venture Agreement document be used.														
C.2.13.3	<p>Parts of each tender offer communicated on paper shall be submitted to the <b>Microsoft One Drive Tender Box</b> in the <b>following specific format only</b>:</p> <ol style="list-style-type: none"> <li>i. Your RFP submission must be filled in the exact order as stipulated in the below table.</li> <li>ii. All forms must be properly completed and signed as required and the document shall not be taken apart or altered in any way whatsoever.</li> <li>iii. All forms must be duly completed and signed as required.</li> </ol> <table border="1" data-bbox="223 1691 1548 2004"> <thead> <tr> <th>Section</th> <th>Description Contents &amp; Order for RFP Submission</th> </tr> </thead> <tbody> <tr> <td><b>1.</b></td> <td><b>Submission Folder Structure</b></td> </tr> <tr> <td><b>1.1</b></td> <td>Complete <b>Volume 1</b> – file clearly named</td> </tr> <tr> <td><b>1.2</b></td> <td>Complete <b>Volume 2</b> – file clearly named</td> </tr> <tr> <td><b>1.3</b></td> <td>Complete <b>Volume 3</b> – file clearly named</td> </tr> <tr> <td><b>1.4</b></td> <td><b>B-BBEE Certificate</b> – file clearly named</td> </tr> <tr> <td><b>1.5</b></td> <td><b>Supporting Evidence for Volume 2 with Index</b> – file clearly named</td> </tr> </tbody> </table>	Section	Description Contents & Order for RFP Submission	<b>1.</b>	<b>Submission Folder Structure</b>	<b>1.1</b>	Complete <b>Volume 1</b> – file clearly named	<b>1.2</b>	Complete <b>Volume 2</b> – file clearly named	<b>1.3</b>	Complete <b>Volume 3</b> – file clearly named	<b>1.4</b>	<b>B-BBEE Certificate</b> – file clearly named	<b>1.5</b>	<b>Supporting Evidence for Volume 2 with Index</b> – file clearly named
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	<p><b>1.5.1</b> Document order to be exactly as per <b>Table of Contents</b> in <b>Volume 2</b> – accurate Content List required.</p> <p><b>1.5.2</b> Tenderer may not scan submission in order other than specified in Volume 2.</p> <p><b>1.5.3</b> All other supporting documents for evaluation criteria to be included here as well.</p> <p><b>1.6</b> <b>Activity Schedule</b> – file clearly named</p> <p><b>NB: FAILURE TO SUBMIT IN THE FORMAT/ ORDER REQUIRED MAY RENDER THE BID INVALID.</b></p>
C.2.13.4	The tender shall be signed by a person duly authorized to do so. Tenders submitted by joint ventures of two or more firms shall be accompanied by the document of formation of the joint venture, authenticated by a notary public or other official deputed to witness sworn statements, in which is defined precisely the conditions under which the joint venture will function, its period of duration, the persons authorized to represent and obligate it, the participation of the several firms forming the joint venture, and any other information necessary to permit a full appraisal of its functioning.
C.2.13.5	The employer’s details and address for delivery of tender offers and identification details that are to be shown on each tender offer package are:  <b>Location of tender Folder:</b> Designated tender folder as per link provided. <b>Physical address:</b> Microsoft One Drive <b>Identification details:</b> Tenderers full name
C.2.13.6	A two-envelope system <b>is not</b> required.
C.2.13.9	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.
C.2.14	By signing the offer part of C1.1 Form of Offer and Acceptance the tenderer declares that all information provided in the tender submission is true and correct.
C.2.15	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.
C.2.16	The tender offer validity period is <b>90 days</b> from the closing time for submission of Tenders.
C.2.18	<del>The tenderer shall, when requested by the Employer to do so, submit the names of all management and supervisory staff that will be employed to supervise the Labour Intensive portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirements.</del>
C.2.19	Access shall be provided for inspections and testing by personnel acting on behalf of the Employer.
C.2.20	The tenderer is required to submit with his tender a letter of intent from an approved insurer or financial institution undertaking to provide the <b>Performance Bond</b> to the format included in <b>Part T2.2</b> of this procurement document.
C.2.23	The tenderer is <b>required to submit</b> with his tender: <ul style="list-style-type: none"> <li>a) A valid and active Tax Compliance Status Pin issued by the South African Revenue Services.</li> <li>b) An original/copy of the B-BBEE Certificate/ Affidavit.</li> <li>c) A copy of the entity’s Professional Indemnity Insurance (<i>where applicable</i>).</li> <li>d) A Valid Copy of the Tenderer’s Workmen’s Compensation Certificate, Act 4 of 2002.</li> <li>e) A Valid Copy of the Tenderer’s Unemployment Insurance Certificate, Act 4 of 2002.</li> <li>f) A Valid Copy of the Certificate of Incorporation (if Tenderer is a Company); or</li> <li>g) A Valid Copy of the Founding Statement (if Tenderer is a Closed Corporation); or</li> <li>h) A Valid Copy of the Partnership Agreement (if Tenderer is a Partnership); or</li> </ul>

	<p>i) A Valid Copy of Identity Document (if Tenderer is a Sole Proprietor); or j) A signed Joint Venture Agreement (if Tenderer is a Joint Venture). k) Letter of Intent for Performance Bond.</p>																				
C.3.1.1	The Employer will respond to requests for clarification received as stipulated on <b>page 11</b> before the tender closing time.																				
C.3.4	Tenders will not be opened in public. Tenders will be opened immediately after the closing time (23:55hrs Telkom Time) for receipt of tenders as stated in the Tender Notice and Invitation to Tender, or as stated in any Addendum extending the closing date.																				
C.3.11	<p>The procedure for the evaluation of responsive tenders is <b>Method 1: Price and Preference</b></p> <p>Evaluation will be in <del>three</del> stages modified to comply with the Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2022, namely:</p> <ul style="list-style-type: none"> <li>• <del>Stage 1:</del> Responsiveness Evaluation</li> <li>• <del>Stage 2:</del> Financial Offer and Preference Evaluation</li> <li>• <del>Stage 3:</del> Objective Criteria &amp; Risk Analysis</li> </ul>																				
C.3.11.3	<p>The procedure for the evaluation of responsive tenders is <b>Method 2: Functionality, Price and Preference.</b></p> <p>Evaluation will be in <b>four</b> stages modified to comply with the Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2022 namely:</p> <ul style="list-style-type: none"> <li>• <b>Stage 1:</b> Responsiveness Evaluation</li> <li>• <b>Stage 2:</b> Functionality Evaluation</li> <li>• <b>Stage 3:</b> Financial and Preferential Evaluation</li> <li>• <b>Stage 4:</b> Risk Analysis &amp; Objective Criteria</li> </ul>																				
	<p><b><u>Stage 1: Responsiveness Evaluation</u></b></p> <p>The Tenderer should be able to provide all the relevant information required in the Supplier Information Form (SIF) which will include but not limited criteria selected in below table.</p> <p><b>A. Tenderers who do not adhere to those criteria listed as <b>PRE-QUALIFIER</b>, will be <b>disqualified immediately</b>;</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 70%;">Responsiveness Criteria</th> <th style="width: 15%;">Prequalifying Criteria</th> <th style="width: 10%;">Applicable to this Tender (Y/N)</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Attendance of a <b>Compulsory Onsite</b> tender briefing.</td> <td>Pre-Qualifier</td> <td>Y</td> </tr> <tr> <td>2.</td> <td>Completed and signed <b>Declaration of Default and Termination</b></td> <td>Pre-Qualifier</td> <td>Y</td> </tr> </tbody> </table> <p><b>B. Tenderers who do not adhere to the response time indicated for clarification inquiries by the Employer will be deemed non-responsive and not be evaluated further.</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 70%;">Responsiveness Criteria</th> <th style="width: 15%;">Clarification Time</th> <th style="width: 10%;">Applicable to this Tender (Y/N)</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>Adherence to the <b>Standard Conditions of Tender</b> as required (No deviations, qualifications &amp; alternatives).</td> <td>48 hours</td> <td>Y</td> </tr> </tbody> </table>		Responsiveness Criteria	Prequalifying Criteria	Applicable to this Tender (Y/N)	1.	Attendance of a <b>Compulsory Onsite</b> tender briefing.	Pre-Qualifier	Y	2.	Completed and signed <b>Declaration of Default and Termination</b>	Pre-Qualifier	Y		Responsiveness Criteria	Clarification Time	Applicable to this Tender (Y/N)	3	Adherence to the <b>Standard Conditions of Tender</b> as required (No deviations, qualifications & alternatives).	48 hours	Y
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4	<b>Returnable Documents</b> completed and signed	48 hours	Y
5	Submission of Registration with <b>National Treasury Central Supplier Database (CSD) Summary Report:</b> - Bidder must be registered in order to do business with the DBSA.	7 days	Y
6	A <b>Tax Pin</b> issued by SARS.	48 hours	Y
7	Valid letter of good standing (COIDA).	48 hours	Y
8	Proof of Professional Indemnity Insurance to the value of <b>minimum R15 million.</b>	48 hours	Y
9	Proof of Letter of Intent for Performance Guarantee or retention amount to the value of <b>10% of the Contract Sum.</b> – refer to Volume 2 & 3.	48 hours	Y
10	<b>BBBEE Certificate/ Affidavit.</b> (Consortiums, Joint Venture Companies and Partnership must submit a <b>consolidated</b> BBBEE Certificate) Bidder will score 0 points for preference if not responded to.	48 hours	Y
11	Valid & Active CIDB contractor grading designation of <b>8ME or higher.</b> – refer F2.1 of the Tender Data and Returnable <b>T2.1.6.</b> (CIDB application needed if update in progress)	48 hours	Y
12	<b>Recent 2 Years (3 Years view)</b> Audited Financial Statements or Financial Statements signed off by an Accountant	48 hours	Y

**Stage 2: Functional Criteria**

The following main criteria with detailed score breakdown will be used to score functionality:

CATEGORY	FUNCTIONALITY CRITERIA	POINTS (MAXIMUM)
1	<b>Experience of Tenderer (Bidding Entity Track Record)</b>	35
2	<b>Key Team / Personnel (Experience) &amp; Availability/ allocation of Resources (organogram)</b>	30
3	<b>Construction Methodology &amp; Timeframes (Detailed Implementation Schedule)</b>	35
<b>Total</b>		<b>100</b>

Bidders must meet a minimum Total Threshold of **65 points.**

Only bidders who score a minimum 65 will proceed to the next stage of (**Stage 3: Financial Offer and Preference**).

**Criteria 1: Experience of Tenderer**

1. Service provider should briefly describe company experience and attach these in their response.
  - a. The list of references and similar or relevant assignments completed should be defined as listed under (e) below.
  - b. Contractors and/or Consortium partners should have a proven track record in related/similar works (obtained within the past 15 (fifteen) years), related/similar works as described in e below.
  - c. There should be at least one biogas plant or equivalent(see e below) Operations and Maintenance contract reference for any bidder.
  - d. The Bidders should supply signed copies of previous related Appointment Letter accompanied by Completion Certificate or Client Reference Letter for each project submitted. (Reference information should include details of Appointment and Completion including Project Value, Date of commissioning, Plant Size and Location). Appointment Letter not accompanied by Completion Certificate or Client Reference Letter will not be considered for our evaluation.
  - e. Experience and references in any of the following:
    - Construction, installation and commissioning of operational gas power plants, including biogas and landfill gas (>500 kW), **or**
    - Construction, installation and commissioning of operational waste transfer stations (>50 ton per day input design capacity), **or**
    - Construction, installation and commissioning of operational composting plants (>50 ton per day input design capacity), **or**
    - Construction, installation and commissioning of operational anaerobic digestion plants (>50 ton per day input design capacity).

- f. The experience submitted by parties to a Joint Venture or members of a Consortium will be evaluated as combined experience and scored as for one entity.

1	Experience of Tenderer	Score (Max 35)
1.1	3 (Three) or more completed projects, within the past 15 (fifteen) years	35
1.2	2 (Two) completed projects, within the past 15 (fifteen) years	25
1.3	1 (One) completed project, within the past 15 (fifteen) years	15
1.4	None	0

**Criteria 2: Key Team / Personnel (Experience) & Availability/ allocation of Resources (organogram)**

The tender is for the Engineering, Procurement and Construction (EPC) of the Biodigester Pilot Plant for the City of Johannesburg. The Bidder (EPC contractor) is expected to provide the complete project on a turnkey basis; therefore, the Bidder will have to procure and coordinate professional services necessary to detail the current concept design and produce drawings approved for construction. On this basis, CV's of all professionals proposed for the project submitted by the Bidding entity will be evaluated under functionality. In accordance with the Council for the Built Environment (CBE) Act, 2000, the professions' Acts referred to therein, require that relative councils be formed who will identify work to be performed by registered persons in terms of a respective profession Act relevant to their field of practice. The Bidder is expected to ensure that all professionals forming part of their teams and contracted by it are registered with the relevant councils as legislated.

**CV's with detailed experience, copies of qualification certificates and the certified Proof of Registration with recognized professional bodies / institutions must be submitted for evaluation. CV's for Resources Required (Min. 10 years' post professional registration experience for the Project/Construction Manager, Mechanical Engineer and Electrical Engineer, and 5 years for the rest). All resources should be professionally registered as stipulated and valid.**

An organogram indicating the allocation of resources should be included in the submission.

- **The minimum required resources for the project are listed below:**
  - a) Project / Construction Manager – (SACPCMP registered – PrCPM/PrCM)
  - b) Mechanical & Fire Engineer – (ECSA registered - Pr. Eng / Pr. Tech. Eng) with experience as per “1e” in Criteria 1
  - c) Electrical & Electronics/Instruments Engineer – (ECSA registered - Pr. Eng / Pr. Tech. Eng) with experience as per “1e” in Criteria 1
  - d) Gas practitioner – (SAQCC GAS registered -SAGA)
  - e) Construction Health and Safety Manager – (SACPCMP registered – PrCHSM)
  - f) Plant Manager (Process Engineer) – (GCC)
  - g) Operations Health, Safety, Environment and Quality Officer – (SACPCMP registered)

2	Key Personnel Experience (Bidder's Proposed Professional Team)	Score (Max 30)
2.1	Project / Construction Manager	<10 years (Score 0) 10 ≥< 15 Years (Score 3) 15 and above (Score 5)
2.2	Mechanical & Fire Engineer	<10 years (Score 0) 10 ≥< 15 Years (Score 3) 15 and above (Score 5)

2.3	<b>Electrical &amp; Electronics/Instruments Engineer</b>	<10 years (Score 0) 10 ≥< 15 Years (Score 3) 15 and above (Score 5)
2.4	<b>Gas Practitioner</b>	<5 years (Score 0) 5 ≥< 10 Years (Score 2) 10 and above (Score 4)
2.5	<b>Construction Health and Safety Manager</b>	<5 years (Score 0) 5 ≥< 10 Years (Score 1.5) 10 and above (Score 3)
2.6	<b>Plant Manager</b>	<5 years (Score 0) 5 ≥< 10 Years (Score 3) 10 and above (Score 5)
2.7	<b>Operations Health, Safety, Environment and Quality Officer</b>	<5 years (Score 0) 5 ≥< 10 Years (Score 1.5) 10 and above (Score 3)

**Criteria 3: Construction Methodology & Timeframes (Implementation Schedule) :**

As part of the proposal the Bidder shall provide a document that describes in detail how the Bidder proposes to undertake the scope of work, i.e. detailed design, construction, installation, operations and maintenance of the proposed biogas plant. This should include, but not be limited to:

**A. Technical Approach and Timeframe:**

- A technical proposal in the form of an approach and methodology submission that details how the bidder intends to undertake the scope of work and deliver the plant;
- Detailed Project timeframe / schedule should be part of the methodology / technical proposal;
- A description of the proposed services addressing the following requirements; (detailed design, construction, installation, operations and maintenance of the proposed biogas plant);
- Bidder must provide DBSA with any value-added services that they provide outside the scope of work.
- Contractor's own block flow diagram and mass and energy balance.
- Technical Description of Offer.

**B. Quality Management Plan:**

- Quality Assurance Plan split into:
  - EPC (Part 1)
  - Operations (Part 2)

**C. Resources and organogram:**

- An organogram (responsibility assignment / allocation matrix) clearly demonstrating the roles and responsibilities of the above resources for the duration of the entire project (detailed design, construction, installation, operations and maintenance of the proposed biogas plant);
- Staffing plan and organogram.
  - During EPC (include consortium members and subcontractors if applicable)
  - During Operations and Maintenance (include consortium members and subcontractors if applicable)

**D. Operations Management Plan:**

- Operations plan with envisaged schedules for waste delivery, compost removal, digestate management, and biogas supply.
- Consumable's list and quantities required.
- Critical spares list and normal spares list.

- Confirmation of Performance Guarantees of the plant:
  - Minimum **on-specification** Biogas produced per week - 450 GJ/week based on LHV.
  - Minimum weekly organic waste processing – 350 tons/week.
  - Maximum moisture content of digestate solids – <77%.
  - Maximum solids concentration in digestate liquid – <5%.
  - Minimum availability of Biogas plant – 95%.
- Resolution to enter into required agreements with Municipal owned Entity's and the energy supplier to operate the facility.

3	Construction Methodology & Timeframes (Implementation Schedule)	Score (Max 35)
3.1	Over and above the preceding criteria the important issues are approached in a logical efficient way, indicating that the respondent has outstanding knowledge of state-of-the-art approaches. The approach paper details ways to improve the facility performance and the quality of the outputs. The bidder suggests cost saving and revenue generating options for the client.	35
3.2	The approach is specifically tailored to address the design, construction and operation of the plant meeting the performance specifications listed above, and methodology and is sufficiently flexible to accommodate the accelerated nature of the programme and the implied challenges. The quality plan and approach to managing risk etc. is specifically tailored to the critical characteristics of the biodigester plant	25
3.3	The approach is generic and not tailored to address the specific programme objectives and methodology. The approach deals superficially with the critical characteristics of the project. The quality plan, risk management, etc. is too generic.	15
3.4	The approach and / or methodology is poor / is unlikely to satisfy programme objectives or requirements. The Respondent has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the project.	5
3.5	No response. Failed to address the question / issue	0

**Stage 3: Financial Offer and Preference**

With reference to the PPR2022, the evaluation shall be based on the **90/10** Principle and the points for evaluation criteria are as follows: (~~Where it is unclear which preference point system will be applicable, either the 80/20 or 90/10 preference point system will apply, and the lowest acceptable tender will be used to determine the applicable preference point system).~~

Evaluation Criteria		Points
1.	Price	90
2.	Specific Goals (namely, BBBEE status level of contributor)	10
3.	<b>Total</b>	<b>100</b>

**Stage 4: Risk Analysis & Other Objective Criteria**

- a)** Firstly, in addition to the financial offer and preference evaluation, the Tenderers having the highest ranking / number of points, will additionally be reviewed against the following points listed as “**Other Objective Criteria**” in terms of the PPR2022, in order to ascertain suitability for award – we reserve the right to clarify any aspects listed hereunder where applicable.
- i) If having passed Responsiveness, the tenderer will again be checked in terms of having a Compliant Tax Status at time of recommendation to confirm that the status has not changed, based on an active and Tax Complaint Pin issued by the South African Revenue Services.
  - ii) Fully compliant and registered with the National Treasury Central Supplier Database.

- iii) No misrepresentation in the tender information submitted.
  - iv) The tenderer or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector; and
  - v) The tenderer has completed the Compulsory Enterprise Questionnaire and there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are permitted to submit tenders or participate in the contract.
  - vi) Convicted by a court of law for fraud and corruption
  - vii) Removed from a contract between them and any organ of state on account of failure to perform on or comply with the contract.
  - viii) Financial health of the bidder may be assessed if deemed necessary, to ensure that the service provider will be able to operate as per required deliverables (Ratios: Accounts Receivable & Payable Turnover, Liquidity & Solvency).
  - ix) Unduly high or unduly low Tendered rates in the Tender offer. In this regard, a financial risk analysis will be performed to verify that the costs are reasonable and balanced. Tenders may be disqualified if tendered rates are found to be distorted. The market average of received bid prices excluding Outliers, as well as the DBSA QS estimate will be used as a guide to indicate financial risk.
  - x) In terms of unduly high Tendered amounts in the Tender offer, refer to the PPR2022.
  - xi) PEP Check and Procure Check to be initiated and if negative, may result in exclusion.
  - xii) A check against any other requirement as stipulated in the **Additional Conditions of Tender**.
  - xiii) Use of adherence to the stipulated requirement of **Local Content Declaration** and **Mandatory Subcontracting** as Objective Criteria.
  - xiv) Any bidder who has had a tender award terminated by the DBSA for non-performance during the 18 months preceding the closing date of this RFP will not be eligible for award under this RFP. In addition, any bidder who has received a written notice of non-performance in the twelve-month period preceding the award of this RFP, may in the discretion of the DBSA, be excluded from recommendation for further awards until the non-performance, or the circumstance giving rise to the non-performance, has been remedied to the satisfaction of the DBSA.
- b) Secondly, a further risk analysis may be performed on the Tenderers having the highest ranking / number of points to ascertain if any of the following, as relevant, presents an unacceptable commercial risk to the employer in terms of:**
- i) The contents of project specific tender returnable will be assessed i.e. project specific resources, professional indemnity insurance other insurance required, professional registration, approach and methodology which are to be included in the contract.
  - ii) The placement of tendered resources will be assessed to ensure that resources indicated by CV's and tendered to work on the project will indeed work on the program and will not be replaced by more junior or less competent resources.
  - iii) Bidder must provide a price breakdown and schedule with activity list and pricing, programme of works.

C.3.11.1 The financial offer may be reduced to a comparative basis using the Tender Assessment Schedule.

C.3.17 The number of paper copies of the signed contract to be provided by the employer is **one (1)**.

1. Application of Subcontracting as an *Objective Criteria*..:

**Additional information to subcontracting requirement:**

- i. It is the responsibility of the tenderer to select competent subconsultants that meet all the requirements of the tender. The fact that the DBSA/Employer may make a list of potential subcontractors available as registered on the National Treasury CSD or on a DBSA Client database does not result in any liability of the DBSA/Employer or a warranty that the listed suppliers are competent.
- ii. Subcontractors may not be allocated work which contradicts any regulations, regulatory body and/or compliance requirements relevant to the work being sub-contracted for i.e., requirements by CIDB Regulations, accreditations, and registrations to professional / regulatory institutions in the case of professional services etc.
- iii. The lead tenderer will be responsible for all due diligence on the selected subconsultants and will be held liable for any non-performance.
- iv. *A person awarded a contract may not subcontract more than 25% of the value of the contract to any other enterprise, that does not have an equal or higher B-BBEE status level of contributor than the person concerned.*
  - *“Unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract”.*
  - Or the tenderer may not be awarded points for B-BBEE status level of contribution.
- v. The Tenderer, if successful in this bid offer, will be provided a specific time stipulated in the Conditional Appointment Letter from communication of the Conditional Appointment Letter, to provide the Signed/ Proposed Subcontracting Agreement(s) and Supporting Documents, in line with the information detailed in this Returnable. Failure to adhere to this will result in the immediate retraction of the Conditional Appointment Letter, without an option to rectify.
- vi. The successful tenderer is to provide the following documentation for each of the relevant subcontractors, as a minimum, in support of the Signed/ Proposed Subcontracting Agreement(s):

<b>Supporting Documents to Subcontracting Agreement/s</b>
Certified Copy of valid B-BBEE Certificate/ Affidavit.
Copy of valid/ active CIDB registration in the case of construction work.
Copy of valid/ active registration to application regulatory institutions (where stipulated) in the case of professional services work.
A valid and active Tax Compliance Status Pin issued by SARS.
Submission of National Treasury Central Supplier Database (CSD) Summary Report.

**Note:** It is incumbent and expected that the Tenderer will apply the same due care and diligence in selecting and managing its sub-consultants / joint venture partner as would have been the case in their own appointment.

**The Additional Conditions of Tender are:**

- i. The offer of award will be informed by the best Value for Money, Risk Allocation and Risk Profile of the bidder.
  - **Value for Money** = Improved total cost.
  - **Risk Allocation** = Considering other awards made, including the logistical allocation of other projects.
  - **Risk Profile** = Considering the profiles of entities, such as but not limited to Procure Check, PEP Checks, Directorship and DBSA Project non-performance concerns etc.
- ii. The DBSA reserves the right to not award any bidder that has a **cumulative** order book totalling to **8GB=R200m** and **9GB=R500m**.
- iii. The DBSA reserves the right to not award any bidder that has a **total of three (3)** active awards/ orders with an outstanding value, if the outstanding value is 10% or less, indicating the project is nearing completion, or reached practical completion, the bidder may be recommended.
- iv. The DBSA reserves the right to negotiate to ensure the value for money principle is not compromised.
- v. The DBSA reserves the right to award the scope in full or part thereof, subject to budget availability.
- vi. In the event of a partial award, the DBSA reserves the right for items excluded from the award, to be retendered in a new tender process.
- vii. All subcontractors need to be from the local area, i.e. to be sourced through a localised procurement process post award. Subcontract more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that can execute the subcontract.
- viii. For security reasons, all resources shall be South African born citizens or naturalized South African citizens. This is applicable to all individuals related to the Turnkey Contractor (company owners, directors, members of the professional team and construction teams).
- ix. The resources tendered will be assessed to ensure to verify that they are not offered on another project with less than 85% completion. Should such an occurrence transpire, a clarification will be issued to allow the tenderer to replace the applicable resource/s within 48 hrs, failing which, the bid will be excluded from further evaluation due to material risk.

**The following circumstances may deem a bid invalid if not addressed:**

- a) If the tender offer is not submitted on the Form of Offer and Acceptance bound into this tender document (form C1.1, Part C1: Agreements and Contract Data);
- b) If the tender is not completed in non-erasable ink;
- c) If the Form of Offer and Acceptance has not been signed;
- d) If the Form of Offer and Acceptance is signed, but the name of the tenderer is not stated or is indecipherable.

**Negotiations with preferred tenderers**

The Employer may negotiate the final terms of a contract with tenderers identified through the competitive tendering process as preferred tenderers, provided that such negotiation:

- a) does not allow any preferred tenderer a second or unfair opportunity;
- b) is not to the detriment of any other tenderer; and
- c) Does not lead to a higher price than the tender as submitted.

Minutes of any such negotiations shall be kept for record purposes.

The following documents are relevant to this Tender and Tenderers are advised to obtain their own copies thereof:

#	Document	Applicable (Y/N)
1.1	<b>NEC 3 Engineering and Construction Contract Option A:</b> Priced Contract with Activity Schedule of April 2013 (including amendments).	Y
1.2	<b>NEC 3 Term Service Contract Option A:</b> Priced Contract with Price List of April 2013 (including amendments)	Y
2	Standardized Specifications for Civil Engineering Construction SANS 1200	Y
3	Code of Practice for the application of the National Building Regulations" SABS 0400-1990	Y
4	The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, Edition 23 (latest edition) including the Code of Practice: Managing exposure to SARS-CoV-2 in the workplace.	Y
5	Safety, Health, Environmental and Quality Policy for Construction and Maintenance Programmes, Health and Safety Baseline Specification, Baseline Risk Assessment.	Y
6	The Standard Conditions of Tender to follow is obtained from Annexure F of CIDB Standard for Uniformity in Construction Procurement, Board Notice 136 Government Gazette No. 38960 of 10 July 2015, which contains references to the Tender Data for details that apply specifically to the Tender.	Y
7	In addition, Tenderers are advised, in their own interest, to obtain their own copies of the following acts, regulations and standards referred to this document as they are essential for the Tenderer to get acquainted with the basics of construction management, the implementation of preferential construction procurement policies and participation of targeted enterprise and labour.	Y
7.1	The Construction Industry Development Board Act No 38 of 2000 and the Regulations in terms of the CIDB Act 38/2000, Government Gazette Notice No 33239 of 28 May 2010	Y
7.2	SANS 1921:2004 Construction and Management:	Y
7.2.1	Part 1: General Engineering and Construction Works;	Y
7.2.2	Part 2: Accommodation of Traffic on Public Roads occupied by the Contractor;	N
7.2.3	Part 3: Structural Steelwork;	Y
7.2.4	Part 5: Earthworks Activities which are to be performed by hand.	Y
7.3	Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and its its Regulations as published in the Government Gazette No. 47452 of Vol. 689 4 November 2022	Y