


NEC4: Design Build and Operate Contract TENDER NO. 280Q/2022/23		 CITY OF CAPE TOWN ISIXEKO SASEKAPA STAD KAAPSTAD	
SCM	Approved by Branch Manager	Version: 0	Page 1 of 236

COMPLETE TENDER AND CONTRACT PACKAGE

FOR THE

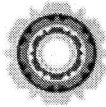
Engineering, Procurement, Construction, Operation and Maintenance of a 7 MW (AC to grid) Ground Mounted Solar PV Facility in Atlantis

Contract Period: From Contract Commencement to 30 June 2026

ISSUED BY:		COMPILED BY:	FOR OFFICIAL USE.
DIRECTOR: ENERGY : SUSTAINABLE ENERGY MARKETS CITY OF CAPE TOWN Electricity Head Office Bloemhof Complex Bloemhof Road, BELLVILLE 7530		MANAGER: GENERATION DEVELOPMENT AND ENERGY EFFICIENCY Electricity Head Office Bloemhof Complex Bloemhof Road, BELLVILLE 7530	Tender Serial No.:
			Signatures of City Officials at Tender Opening
			1.
			2.
			3.

MARCH 2023

Contents			
Number	Heading	Colour	Page No
VOLUME 1			
The Tender			
Part T1: Tendering Procedures and Conditions			
T1.1	Tender Notice and Invitation to Tender	White	2 to 4
T1.2	Conditions of Tender	Pink	5 to 36
VOLUME 2			
Part T2: Returnable documents			
T2.1	List of Returnable Documents	Yellow	39
T2.2	Returnable Schedules	Yellow	40 to 113
D1.1	Form of Offer and Acceptance	Yellow	114 to 119
D1.2	Contract Data (data provided by the <i>Contractor</i>)	Yellow	120 to 124
D2.2	Price List	Yellow	125 to 132
VOLUME 3			
Draft Contract			
Part D1: Agreements and Contract Data			
D1.2	Contract Data (data provided by the <i>Client</i>)	Yellow	136 to 145
D1.3	Form of Securities	White	155 to 164
D1.4	Occupational Health and Safety Agreement	White	165 to 170
D1.5	Protection of the Environment Declaration	White	171
D1.6	Insurance Broker's Warranty	White	172
D1.7	Contract of Temporary Employment as Community Liaison Officer	White	173 to 174
Part D2: Pricing data			
D2.1	Pricing Assumptions	Yellow	175
Part D3: Scope of Work			
D3.1	Description of the service	Blue	179 to 188
D3.2	<i>Contractor's</i> Design	Blue	189 to 200
D3.3	Procurement	Blue	201 to 202
D3.4	Construction	Blue	203 to 206
D3.5	Testing and Commissioning	Blue	207 to 213
D3.6	Operation and Maintenance	Blue	214 to 214
D3.7	Decommissioning Plan	Blue	215 to 218
D3.8	Management	Blue	219 to 224
D3.9	Annexes		225 to 233
Part D4: Site information			
D4	Site Information	Green	235

NEC4: Design Build and Operate Contract TENDER NO. 280Q/2022/23		 CITY OF CAPE TOWN ISIXEKO SASEKAPA STAD KAAPSTAD	
SCM	Approved by Branch Manager:	Version: 0	Page 3 of 236

CONTRACT DOCUMENT

FOR THE

Engineering, Procurement, Construction, Operation and Maintenance of a 7 MW (AC to grid) Ground Mounted Solar PV Facility in Atlantis

VOLUME 1: TENDERING PROCEDURES

NOTE:

- The Form of Offer and Acceptance (D1.1) is on **page 114** of this document
- Table 1: Tender preference indication (HDI contribution) is on **page 109** of this document

ISSUED BY:

**DIRECTOR: ENERGY
SUSTAINABLE ENERGY
MARKETS
CITY OF CAPE TOWN**
Electricity Head Office
Bloemhof Complex
Bloemhof Road,
BELLVILLE
7530

COMPILED BY:

**MANAGER: GENERATION
DEVELOPMENT AND
ENERGY EFFICIENCY**
Electricity Head Office
Bloemhof Complex
Bloemhof Road,
BELLVILLE
7530

FOR OFFICIAL USE.

Tender Serial No.:

Signatures of City Officials at Tender Opening

1.

2.

3.

ISSUE DATE: MARCH 2023

NAME OF TENDERING ENTITY	
EMAIL ADDRESS OF TENDERING ENTITY	
FAX NUMBER OF TENDERING ENTITY	
NATURE OF TENDER OFFER (please indicate below)	
Main Offer (see clause C.2.12)	
Alternative Offer (see clause C.2.12)	

FILE REFERENCE NO:

Making progress possible. Together.

General Tender Information

TENDER ADVERTISED	:	10 March 2023
ESTIMATED CIDB <i>CONTRACTOR</i> GRADING DESIGNATION	:	8EP or higher
SITE VISIT/CLARIFICATION MEETING	:	DAY 1 - 23 March 2023 , Online at 10h00 to 12h00 DAY 2 - 24 March 2023 , Site visit, Charell Uys Drive, Wesfleur, Atlantis at 10h00 to 11h00 (Non – Compulsory (attendance strongly recommended))
VENUE FOR SITE VISIT/CLARIFICATION MEETING	:	Online via Skype: https://meet.capetown.gov.za/marlyn.hendricks/9JTM8DH7 As per T 1.1 Locality Plan – Site Visit
CLOSING DATE	:	9 May 2023
CLOSING TIME	:	10h00
TENDER BOX & ADDRESS	:	Tender Box 132 at the Tender & Quotation Box Office, 2 nd Floor (Concourse Level), Civic Centre, 12 Hertzog Boulevard, Cape Town.

The Tender Document (which includes the Form of Offer and Acceptance) completed in all respects, plus any additional supporting documentation required, must be submitted in a sealed envelope with the name and address of the tenderer, the tender No. and title, the tender box No. and the closing date indicated on the envelope. The sealed envelope must be inserted into the appropriate official tender box before closing time.

If the tender offer is too large to fit into the abovementioned box or the box is full, please enquire at the public counter (Tender Distribution Office) for alternative instructions. The onus remains with the tenderer to ensure that the tender is placed in either the original box or as alternatively instructed.

TENDERERS MUST NOTE THAT WHEREVER THIS DOCUMENT REFERS TO ANY PARTICULAR TRADE MARK, BRAND NAME, PATENT, DESIGN, TYPE, SPECIFIC ORIGIN OR PRODUCER, SUCH REFERENCE SHALL BE DEEMED TO BE ACCOMPANIED BY THE WORDS ‘OR EQUIVALENT’

Part T1: Tendering procedures and conditions

T1.1 Tender Notice and Invitation to Tender.....	Pages 2 – 4
T1.2 Conditions of Tender	5 – 36

T1.1 Tender Notice and Invitation to Tender

The **CITY OF CAPE TOWN**, ENERGY: SUSTAINABLE ENERGY MARKETS, invites tenders for Tender No. **280Q/2022/23: Engineering, Procurement and Construction (EPC) of a 7MW Ground Mounted Solar PV Facility in Atlantis**

Tenderers must be registered on Supplier Databases as described in the Tender Data below.

Tenderers who are not registered on these Supplier Databases are not precluded from submitting tenders, but must however be registered upon being requested to do so in writing and within the period contained in such a request.

It is estimated that tenderers must have a CIDB *Contractor* grading designation of 8EP or higher.

Preferences are offered to tenderers who tender in accordance with the Preferential Procurement Regulations and the City of Cape Town's Supply Chain Management Policy (SCM Policy). Furthermore, in terms of these Regulations and the SCM Policy, tenderers are required to meet the HDI and/or RDP specific goals

The physical address for collection of tender documents is:

Tender Distribution Office, 2nd Floor (Concourse Level), Civic Centre, 12 Hertzog Boulevard, Cape Town.

Documents may be collected during working hours between 08:30 – 15:00 from **10 March 2023**.

A non-refundable tender fee of R300.00 payable at the City of Cape Town payment desk or via electronic funds transfer made out in favour of the City of Cape Town, is required on collection of the tender documents.

Queries relating to any issues in these documents may be addressed to

Name:	Garth Williams / Nicole Linnen
Tel No.:	021 400 3155 / 021 400 5581
E-mail:	Garth.Williams@capetown.gov.za / Nicole.Linnen@capetown.gov.za

The Employer's Information Officer who is responsible for overseeing questions in relation to data protection may be contacted at Popia@capetown.gov.za.

A non-compulsory but strongly recommended briefing session will be held on **23 March 2023** from **10h00 to 12h00** via **Skype: <https://meet.capetown.gov.za/marlyn.hendricks/9JTM8DH7>**

A site visit will also be held for all prospective tenderers to familiarise themselves with the site on 24 March 2023 from 10h00 to 11h00. The meeting point will be in front of the proposed solar PV plant site in Charel Uys Drive, Wesfleur, Atlantis. (Near MyCity Bus Depot).

The closing time for receipt of tenders is **10:00** on **09 May 2023**.

Telephonic, e-mail or other electronic forms and late tender submissions **will not be accepted**. Only completed, written submissions (hard copy) should be submitted, as per the Tender Data listed below.

Copies (only) can be delivered electronically via USB flash drive. In the case of discrepancies, the original hardcopy will take precedence

Tenders may only be submitted on the tender documentation that has been issued or in the same format. Printed Bills of Materials, in the same format (that is, layout, billed items and quantities) as those issued electronically by the Employer upon request, may be submitted as stated in the Tender Data below.

Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data.

CITY OF CAPE TOWN
ENERGY: SUSTAINABLE ENERGY MARKETS
TENDER NO. 280Q/2022/23
ENGINEERING, PROCUREMENT, CONSTRUCTION, OPERATION AND MAINTENANCE OF A 7 MW (AC TO GRID) GROUND MOUNTED SOLAR PV FACILITY IN ATLANTIS

By submitting a tender to the City of Cape Town, (and by concluding any ensuing related agreement with the City of Cape Town, if applicable), the Tenderer thereby acknowledges and unconditionally agrees:

- 1.1. that the tenderer has been informed of the purpose of the collection and processing of its personal information as defined in the Protection of Personal Information Act of 2013 ("POPIA"), which, for the avoidance of doubt is for, and in relation to, the tender process and the negotiation, conclusion, performance and enforcement of the ensuing agreement, if applicable, as well as for the City of Cape Town's reporting purposes;
- 1.2. to the collection and processing of the tenderer's personal information by the City of Cape Town and agrees to make available to the City of Cape Town, all information reasonably required by the City of Cape Town for the above purposes;
- 1.3. that the personal information the City of Cape Town collects from the tenderer or about the tenderer may be further processed for other activities and/or purposes which are lawful, reasonable, relevant and not excessive in relation to the purposes set out above, for which it was originally collected;
- 1.4. that, the tenderer indemnifies the City of Cape Town and its officials, employees, and directors and undertakes to keep the City of Cape Town and its officials, employees, and directors indemnified in respect of any claim, loss, demands, liability, costs and expenses of whatsoever nature which may be made against the City of Cape Town (including the costs incurred in defending or contesting any such claim) in relation to the tenderer or the tenderer's employees', representatives' and/or sub-Contractors' non-compliance with POPIA and/or the City of Cape Town's failure to obtain the tenderer's consent or to notify the tenderer of the reason for the processing of the tenderer's personal information;
- 1.5. to the disclosure of the tenderer's personal information by the City of Cape Town to any third party, where the City of Cape Town has a legal or contractual obligation to disclose such personal information to the third party (or a legitimate interest exists therein);
- 1.6. that, under POPIA, the tenderer may request to access, confirm, request the correction, destruction, or deletion of, or request a description of, personal information held by the City of Cape Town in relation to you, subject to applicable law; and
- 1.7. that under POPIA, subject to applicable law, the tenderer also has the right to be notified of a personal information breach and the right to object to, or restrict, the City of Cape Town's processing of its personal information.