



Tender

MINOR WORKS CONTRACTS IN ZONE 1A OF THE ELIDZ

AT THE

EAST LONDON INDUSTRIAL DEVELOPMENT ZONE

CONTRACT NO: EB/MWC/05/23/Z1A

**MINOR WORKS CONTRACTS IN ZONE 1A OF THE
ELIDZ**

ENVELOPE A: TECHNICAL PROPOSAL

VOLUME 1 OF 2

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Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

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Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

PART T1: TENDERING PROCEDURES

CONTRACT NO: EB/MWC/05/23/Z1A

**MINOR WORKS CONTRACTS IN ZONE 1A OF THE
ELIDZ**

Tenderer ____ Witness 1 ____ Witness 2 ____ Employer ____ Witness 1 ____ Witness 2 ____

T1.1: TENDER NOTICE AND INVITATION TO TENDER

T.1.1: TENDER NOTICE AND INVITATION TO TENDER

INVITATION: MINOR WORKS CONTRACTS IN ZONE A1 OF THE EAST LONDON INDUSTRIAL DEVELOPMENT ZONE

The East London Industrial Development Zone SOC Ltd is the operator of the East London Industrial Development Zone (ELIDZ), an entity which exists to help manufacturers to become globally competitive through the development and efficient management of a modern, purpose built industrial location, which offers investing industries a streamlined business environment enhanced by a range of supporting services. The zone is already operational and currently houses a number of manufacturers that supply products for the local and international markets.

SCOPE OF WORK

Tenders are hereby invited by the East London Industrial Development Zone SOC Ltd from suitably qualified and experienced Building Contractors to undertake the certain minor works in Zone 1A of the East London Industrial Development Zone, located at our facilities within the West Bank area of the Buffalo City Metropolitan Municipality.

The successful tenderer will be required to enter into a Contract to undertake the construction.

Tender Reference No.	Tender Description / Name	Closing Date / Time
EB/MWC/05/23/Z1A	Minor Works Contracts in Zone 1A of the ELIDZ	20 October 2023 at 12h00

The scope of work comprises of work to two external delivery canopies and the creation of an undercover parking facility.

Construction of enclosed dispatch area:

- One new covered canopy (off loading/ loading).
- New access slipway.
- Extension on roof covering over refuse yard.
- Adjustment to in-situ concrete hardstand.
- Fire protection (sprinklers).
- External lighting

Enclose existing canopy:

- Additional vertical side cladding to existing covered canopy (off loading/loading).

Secured car park area:

- Existing Parking area requires security provisions
- Palisade security fencing with access control vehicle and pedestrian gates.
- Shade port structure for 14 parking bays.

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

BRIEFING MEETING (VIRTUAL):

A compulsory virtual **Tender Clarification Meeting** with representatives of the Employer will take place on the Microsoft Teams Platform on **04 October 2023 starting at 11h00**. Interested bidders may join the compulsory briefing session through the following:

Meeting ID: 395 702 600 028

Passcode: R2HhRy

BID CONDITIONS:

- Tenderers are required to submit a Valid SARS Tax Clearance Certificate with their tender, or the relevant SARS pin code which will allow the ELIDZ to confirm the tenderers tax status on-line.
- Tenderer must be registered on Central Supplier Database (CSD) from National Treasury and MAAA number must be provided.
- Tenderers should submit a Valid SANAS original or certified B-BBEE certification or Sworn Affidavit.
- Tenderers to provide certified copy of Company Registration Certificate
- The tenderer or any of its directors 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.
- The Tenderer is not insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing.
- The tenderer has a bank rating equal to and or better than a C. (Note letter from Bank to exclude tendered amount).
- The Tenderer has not abused the Employer’s Supply Chain Management System.
- The Tenderer has not failed to perform on any previous contract and has been given a written notice to this effect.
- The Tenderer complies with the legal requirements, stated in the Tender Data.
- Tenderers to provide Letter of Good Standing from Compensation Commissioner.
- Tenderers must submit technical and financial proposals in two slots which are clearly indicated on the system. The financial proposal will only be opened should the technical proposal be deemed responsive.
- Non-signed “Form of Offer” the financial proposal in “Envelope B” submission will result in the disqualification of the Tenderer.
- Inclusion of Price Offer and / or any other price related details in “Envelope A - Technical Proposal” will result in the disqualification of the Tenderer.
- The successful Tenderer will be required to have sufficient and competent staff available to commence full time operations in accordance with the contract with effect from the Commencement Date, failing which the contract will be awarded to the next most preferred Tender.
- Registration with the CIDB in the category **4 GB** is compulsory for companies wishing to submit tenders
- All returnable documents and schedules as listed in T2.1 of Volume 2 of 2: List of Returnable Documents.
- Valid Proof of Office Location (Municipality Bill or Lease agreement) for a registered operational office within the Buffalo City Metropolitan Municipality boundaries and the Eastern Cape Province will be given preference.
- Proof of registration on CSD – MAAA number.
- Submit signed declaration of 100% Local content and production, for Steel and Steel components.

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

- ❑ The successful tenderer will be encouraged to **sub-contract a minimum of 30%** of the value of the contract to designated SMME from within the BCMM area. SMME profile must meet **51% Black ownership**. Database for selection provided by ELIDZ.
- ❑ Submit signed declaration to **sub-contract a minimum of 30%** of the value of the contract to designated SMME from within the BCMM area. SMME profile must meet **51% Black ownership**.
- ❑ ELIDZ encourages contractors to joint venture between registered contractors or to those tenderers that particularly have lower contractor grading designations and are registered as potentially emerging contractors.

EVALUATION:

Two envelope procedure:

Method 2: Functionality, Price and Preference

In the case of functionality, price and preference:

- 1) Score functionality, rejecting all tender offers that fail to achieve the minimum number of points for functionality as stated in the tender data.
- 2) No tender must be regarded as an acceptable tender if it fails to achieve the minimum qualifying score for functionality as indicated in the tender invitation.
- 3) Tenders that have achieved the minimum qualification score for functionality must be evaluated further in terms of the preference points.

Tender evaluation will be carried out using the 80/20 preference point system where:

- A maximum of 80 points is allocated for financial offer.
- A maximum of 20 points is allocated for preference.

All tenders not providing compulsory responsive documentation and with functionality scoring less than 75 points, will not be considered for the next stage of tender evaluation

TENDER DOCUMENT & SUBMISSION:

The RFP documents will be available for download at no cost on **22 September 2023 at 12h00** (Noon) from the East London Industrial Development Zone website: www.elidz.co.za under Opportunities >> Tenders

It will be the responsibility of the respondent to ensure that the RFP reaches the ELIDZ. All tender documents are to be submitted online at <https://tenderportal.elidz.co.za> before the closing date and time of **12h00, 20 October 2023**.

Only PDF documents must be uploaded with a maximum size limit of 2GB per file.

Hard copy document submission will not be considered.

TENDER ENQUIRIES:

Queries relating to the issue of these documents may be addressed to Ms. Anathi Mzantsi, by email at anathi@elidz.co.za.

T1.2: TENDER DATA

Project title:	MINOR WORKS CONTRACTS IN ZONE 1A OF THE EAST LONDON INDUSTRIAL DEVELOPMENT ZONE		
Contract No:	EB/MWC/05/23/Z1A		
Advertising date:	22 September 2023	Closing date:	20 October 2023
Closing time:	12h00	Validity period:	120 Days
Clause number			
	<p>The Conditions of Tender applicable to this contract are the Standard Conditions of Tender as contained in Annexure F of the <u>CIDB Standard for Uniformity in Construction Procurement (10 July 2015)</u> as published in Government Gazette No. 38960, Board Notice 136 of 2015. This Annexure is reproduced hereafter as an Appendix for the convenience of Tenderers.</p> <p>The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard conditions of tender.</p> <p>Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.</p>		
F.1.1	The employer is the East London Industrial Development Zone SOC Ltd		
F.1.2	<p>The tender documents issued by the employer comprise:</p> <p>Envelope "A" Volume 1 of 2: TECHNICAL PROPOSAL</p> <p>Part T1: Tendering procedures T1.1 Tender Notice and Invitation to Tender T1.2 Tender Data T1.3 Functionality Scoring Criteria F Standard Conditions of Tender</p> <p>Part C3: Scope of work C3.1 Scope of Work C3.2 Design Specifications and Criteria C3.3 Health and Safety Specifications C3.4 Construction Environment Management Plan C3.5 HIV/AIDS Specification C3.6 National Treasury Designated Sectors Minimum Local Content Specification C3.7 SMME Specifications</p> <p>Part C4: Site information C4. Site Information</p> <p>Part C5: Geotechnical report C5. Geotechnical report</p> <p>Part D1: DRAWINGS D1. List of drawings included in the tender document</p>		

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

	<p>Envelope "A" Volume 2 of 2: TECHNICAL PROPOSAL: RETURNABLE SCHEDULES</p> <p>Part T2: Returnable documents T2.1 List of Returnable Documents T2.2 Returnable Documents (Compulsory Submissions) T2.3 Returnable Documents (Forms – Submissions for Evaluation) T2.4 Returnable Documents (For Functionality Scoring)</p> <p>Envelope "B" FINANCIAL PROPOSAL</p> <p>Part C1: Agreements and contract data C1.1 Contract Data C1.2 Form of Guarantee</p> <p>Part C2: Pricing data C2.1 Pricing Instructions C2.2 Provisional Bills of Quantities C2.3 Schedule for Imported Material and Equipment C2.4 Guarantor Proforma Letter of Intent C2.5 Form of Offer and Acceptance C2.6 Declaration Certificate for Local Production and Content for Designated Sectors</p>										
<p>F.1.4</p>	<p>The Employer's Agent is</p> <table border="1" data-bbox="312 1021 1406 1444"> <tr> <td data-bbox="312 1021 456 1077">Name:</td> <td data-bbox="456 1021 1406 1077">Pierre Webber</td> </tr> <tr> <td data-bbox="312 1077 456 1272">Address:</td> <td data-bbox="456 1077 1406 1272"> Latitude Quantity Surveyors Office 7F 123 Western Avenue Vincent East London </td> </tr> <tr> <td data-bbox="312 1272 456 1328">Tel:</td> <td data-bbox="456 1272 1406 1328">043 7422 884</td> </tr> <tr> <td data-bbox="312 1328 456 1384">Fax:</td> <td data-bbox="456 1328 1406 1384">N/A</td> </tr> <tr> <td data-bbox="312 1384 456 1444">E-mail:</td> <td data-bbox="456 1384 1406 1444">pwebber@latitudeqs.co.za</td> </tr> </table>	Name:	Pierre Webber	Address:	Latitude Quantity Surveyors Office 7F 123 Western Avenue Vincent East London	Tel:	043 7422 884	Fax:	N/A	E-mail:	pwebber@latitudeqs.co.za
Name:	Pierre Webber										
Address:	Latitude Quantity Surveyors Office 7F 123 Western Avenue Vincent East London										
Tel:	043 7422 884										
Fax:	N/A										
E-mail:	pwebber@latitudeqs.co.za										
<p>F.2.1</p>	<p>The following tenderers who are registered with the <u>CIDB</u>, or are capable of being so registered prior to submissions, are eligible to submit tenders:</p> <p>a) Contractors who have a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a 4 GB class of construction work.</p> <p>Joint Ventures are eligible to submit tenders providing that:</p> <p>Every member of the JV is registered with the <u>CIDB</u> the joint venture contractors are to comply with Table 9 of the <u>CIDB</u> Regulations. JV agreement is submitted indicating the participation split of members of JV</p>										

F.2.7	<p>Tender briefing meeting:</p> <p>A compulsory virtual Tender Clarification Meeting with representatives of the Employer will take place on the Microsoft Teams Platform on 04 October 2023 starting at 11h00. Interested bidders may join the compulsory briefing session through the following:</p> <p>Meeting ID: 395 702 600 028 Passcode: R2HhRy</p>
F.2.10.5	<p>Add the following Clause:</p> <p>Tenderers are to submit a fully completed schedule of rates with their tender, failure to do so will result in the tender being deemed non-responsive and disqualified.</p>
F.2.12.1	Alternative tender offer NOT permitted.
F2.13.2	The tender documents, Volume A and Volume B, fully completed are to be submitted online at https://tenderportal.elidz.co.za . Only PDF documents must be uploaded with maximum size limit of 2GB per file. Hard copy document submissions will not be considered.
F2.13.5	It will be the responsibility of the respondent to ensure that the RFP reaches the ELIDZ in accordance with Clause F2.13.2
F2.13.6	A two-envelope procedure will be followed.
F2.14	The ELIDZ will disqualify any submission which is not suitably endorsed or which is not comprehensively completed.
F2.15.1	Submissions that are not received on or before the closing time will, in terms of the ELIDZ procurement policy, not be considered.
F.2.16.1	The tender offer validity period is 120 days.
F2.16.5	<p>Add the following Clause:</p> <p>Accept that should the Tenderer unilaterally withdraw his tender during this period, the Employer shall, without prejudice to any other rights he may have, be entitled to accept any less favourable tender for the Works from those received, or to call for fresh tenders, or to otherwise arrange for the execution of the Works, and the Tenderer shall pay on demand any additional expense incurred by the Employer on account of the adoption of the said courses, as well as either the difference in cost between the tender withdrawn (as corrected in terms of Clause 3.9 of the Conditions of Tender) and any less favourable tender accepted by the Employer, or the difference between the tender withdrawn (as corrected) and the cost of execution of the Works by the Employer as well as any other amounts the Employer may have to pay to have the Works completed.</p>

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

F2.20	<p>Add the following to the Clause:</p> <p>Accept that the Employer or his Agent, reserves the right to approach the Tenderer's banker or guarantor(s) as indicated in the tender document, or the bankers of the individual members of any joint venture that is constituted for purposes of this Contract, with a view to ascertain whether the required guarantee will be furnished, and for purposes of ascertaining the financial strength of the Tenderer or of the individual member of such joint venture. Only guarantees that are submitted in the format provided will be accepted.</p>
F2.23	<p>The tenderer is required to submit with his tender:</p> <ul style="list-style-type: none"> • Tenderers are required to submit a Valid SARS Tax Clearance Certificate with their tender, or the relevant SARS pin code which will allow the ELIDZ to confirm the tenderers tax status on-line. • Tenderers should submit a Valid SANAS original or certified B-BBEE certification or Sworn Affidavit. • Tenderers to provide certified copy of Company Registration Certificate • Tenderers to provide Letter of Good Standing from Compensation Commissioner. • Tenderers must submit technical and financial proposals in two slots which is clearly indicated on the system The financial proposal will only be opened should the technical proposal be deemed responsive. • Non- signed "Form of Offer" the financial proposal in "Envelope B" submission will result in the disqualification of the tender. • Inclusion of Price Offer and/ or any other price related details in "Envelope A - Technical Proposal "will result in the disqualification of the tender. • Valid Proof of Office Location (Municipality Bill or Lease agreement) for a registered operational office within the Buffalo City Metropolitan Municipality boundaries and the Eastern Cape Province will be given preference. • Proof of Registration with the CIDB in the category 4 GB. • Proof of registration on CSD – MAAA number. • The tenderer must submit a bank rating equal to and or better than a C. (Note letter from Bank to exclude tendered amount). • All returnable documents and schedules as listed in T2.1of Volume 2 of 2: List of Returnable Documents. • Submit signed declaration of 100% Local content and production, for Steel and Steel components. • The successful tenderer will be encouraged to sub-contract a minimum of 30% of the value of the contract to designated SMME from within the BCMM area. SMME profile must meet 51% Black ownership. Database for selection provided by ELIDZ. • Submit signed declaration to sub-contract a minimum of 30% of the value of the contract to designated SMME from within the BCMM area. SMME profile must meet 51% Black ownership. • Unincorporated Joint Ventures are required to compile a consolidated verified BBEE certificate in order to achieve Preferential Points.
F3.11.1	<p>Method 2: Functionality, Price and Preference</p> <p>The procedure of the evaluation of tenders is the two-envelope system.</p> <p>In the case of a functionality, price and preference;</p>

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

1) Score functionality, rejecting all tender offers that fail to achieve the minimum number of points for functionality as stated in the tender data.
 2) No tender must be regarded as an acceptable tender if it fails to achieve the minimum qualifying score for functionality as indicated in the tender invitation.

Tenders that have achieved the minimum qualification score for functionality must be evaluated further in terms of the preference points system.

The evaluation will be guided by the ELIDZ procurement policy. Points will be awarded on the basis of Price and Specific goals.

Score breakdown:

- 80 Points for Price
- 20 Points for Specific goals

The above-mentioned evaluation will be subject to offers being responsive and passing the functionality criteria prescribed in the attached schedule.

Financial Offer Evaluation

The score achieved for financial offer will be determined using formula 2 (option 1) as follows:

$$\text{Points awarded} = 80 \left[1 - \frac{P - P_m}{P_m} \right] \qquad \text{Points awarded} = 90 \left[1 - \frac{P - P_m}{P_m} \right]$$

Where P = the comparative offer of the tender offer under consideration
 P_m = the comparative offer of the lowest responsive tender

Preference Evaluation Criteria

- A maximum of twenty (20) points will be awarded to a tenderer for achieving Specific goals objectives. Specific goals points shall be computed using a relevant scorecard as guided by the company's annual turnover. This is in accordance with the new Codes of Good Practice. Specific goals evaluation shall be done based only on the information submitted requested under the returnable documents
- All tenders with functionality less than 75% of the total functional requirements will not be considered for the next stage of tender evaluation. ELIDZ reserves the right to negotiate if preferred bidder's proposal exceeds ELIDZ project estimate.
- The tender will be awarded to the bid with the highest number of points. A tender may be awarded to a bidder that did not score the highest number of points if reasonable and justifiable grounds exist.
- Any contract offered by the ELIDZ will be based on the correctness of information submitted by the service providers. Any misrepresentation of facts by a service provider may lead to disqualification. Should such misrepresentation be uncovered after the commencement of the contracted work, the ELIDZ reserves the right to terminate the contract and recover all payments made to that service provider and any costs that may have been incurred in the process.
- ELIDZ reserves the right to have the tenderer's Black Economic Empowerment Credentials verified by an independent agency. (Procurement Handbook – Annexure: 1 must be fully completed and supplementary information may be completed by service providers with a turnover of less than R10m and be accompanied by sworn affidavit turnover is less than R10m).

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

Tender evaluation will be carried out using the 80/20 preference point system, where:

- A maximum of 80 points are allocated for financial offer.
- A maximum of 20 points are allocated for preference.

The above-mentioned evaluation will be subject to offers being responsive and passing the functionality criteria prescribed in the attached schedule.

Table: Specific Goals Points Conversion

Estimated Rand Value inclusive of Vat	Specific Goals and Point allocation
Above R1 000 000 up to R50 000 000	80 points for price
	15 points - 51% and above Black owned suppliers
	5 points - 25% up to 50% Black owned suppliers
	0 points below 25% Black owned suppliers
	1 point for 51% and above Youth owned suppliers
	1 point for 51% and above Women owned suppliers.
3 points for SMME's (EME or QSE)	

	<p>Tender offers will only be considered if:</p> <ul style="list-style-type: none"> a) The tenderer has in his or her possession an original valid Tax Clearance Certificate issued by the South African Revenue Services. b) The tenderer or any of its directors 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. c) The tenderer is not insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing. d) The tenderer complies with the legal requirements, stated in the Tender data, e) The tenderer has not: <ul style="list-style-type: none"> i) abused the Employer’s Supply Chain Management System; or ii) failed to perform on any previous contract and has been given a written notice to this effect. f) Proof of registration with the Compensation Commissioner is submitted with this tender. g) Proof of Company Registration is submitted with this tender. h) Proof of of Registration with the <u>CIDB</u> in the category 4 GB is submitted with this tender. i) The tenderer has a bank rating equal to and or better than a C. (Note letter from Bank to exclude tendered amount). j) The successful Tenderer will be required to have sufficient and competent staff available to commence full time operations in accordance with the contract with effect from the Commencement Date, failing which the contract will be awarded to the next most preferred Tender. k) Proof of registration on CSD – MAAA number. l) All returnable documents and schedules as listed in T2.1 of Volume 2 of 2: List of Returnable Documents have been completed and submitted with this document.
F.3.18	The number of paper copies of the signed contract to be provided by the employer is 1 (one).

T1.3: FUNCTIONALITY SCORING CRITERIA

T1.3: FUNCTIONALITY SCORING CRITERIA

Tenderers scoring less than 75 points for Functionality will not be considered further and the envelope containing their Financial Proposal will be returned unopened.		
Tenderers are to submit information in respect of the following criteria upon which they will be scored for Functionality. Provision is made for Tenderers to submit this information in Envelope A Technical Proposal, Volume 2 of 2 - Returnable Schedules. Failure to submit the relevant information will result in zero scores in the applicable categories.		
DETAILED BREAKDOWN OF FUNCTIONALITY POINTS		
Details	Points Score	Max. Points
Criteria 1: Approach		20
<u>1.1 Construction Programme</u>		
Draft a Detailed Construction programme, which shall be in the form of a bar chart and shall be drawn to a horizontal time scale. relevant to the Scope of Work. The Programme must demonstrate the Tenderer's approach and allocation of resources to achieve activities within timeframes and clearly indicate the critical path as well as integrate the Tenant installation requirements:		
Good (Submitted a construction programme acceptable for approval by the Principal Agent with innovative programming interventions to accelerate project objectives.)		10
Acceptable (Provided a detailed and convincing construction programme and demonstrated implementability to meet project objectives.)		5
Poor (Provided a construction programme but details are missing.)		2,5
Unacceptable (Does not demonstrate basic programming techniques & capabilities to meet project objectives.)		0
<u>1.2 Methodology and Execution Strategy</u>		
Tenderer demonstrates the ability to implement the Construction Programme and have a work implementation strategy assigned to the respective tasks for the optimization of resources and activities incorporating the Tenant installation requirements:		
Good (Submitted a methodology and execution strategy that demonstrates clearly how the project objectives will be met along with a clear risk management plan. An innovative approach is to be presented that ensures successful implementation of critical activities.)		10
Acceptable (Provided a detailed methodology and execution strategy with associated activities and resource optimization synchronized to meet the project objectives. A multi-disciplinary approach is to be documented with special emphasis on the management of all subcontractors and the accommodation of direct contractors. The methodology is to include a schedule of required construction plant and resources required for the successful implementation of the project.)		5
Poor (Provided a basic implementation strategy but lacks a clear understanding of the project scope and detailed deliverables (multi-disciplinary).)		2,5

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

Unacceptable (Does not demonstrate a basic implementation strategy linked with the construction programme and project objectives.)		0
Criteria 2: Tenderer's Expertise and Resources		45
2.1 Management Organogram and Key Staff		
2.1.1 Provide an adequately resourced project organogram with supporting CV's and qualifications and professional registrations (where required):		
Good (Submitted a comprehensive and detailed organogram and including the necessary mechanisms to ensure that staff performs at the required levels. The plan is to demonstrate that all disciplines, activities and sub-contractors will be managed and implemented successfully. Key team members are to have performed work of a similar nature.)		5
Acceptable (Provided a detailed organogram with appropriately qualified and experienced key team members. The project team is to be able to implement a multi-disciplinary project including management of domestic, selected and direct subcontractors. Key team members are to have performed work of a similar nature and be professionally registered where required.)		4
Poor (Provided a basic project organogram but are not convincing that the project team is capable of meeting the project objectives. Comprehensive CV's and qualifications of key team members are not adequate.)		2
Unacceptable (Does not demonstrate that the project organogram and project team will be able to meet the project objectives.)		0
2.1.2 Contractor Contracts Manager (CCM) (10 years minimum experience)		
If CCM has ≥ 20 years' appropriate experience and has completed similar projects successfully in the last 5 years.		10
If CCM has ≥ 15 years' appropriate experience and has completed similar projects successfully in the last 5 years.		8
If CCM has ≥ 10 years' appropriate experience and has completed similar projects successfully in the last 5 years.		4
If CCM has < 10 years' appropriate experience		0
2.1.3 Site Agent (SA) (7 years minimum experience):		
If SA has ≥ 15 years' appropriate experience and has completed similar projects successfully in the last 5 years.		10
If SA has ≥ 10 years' appropriate experience and has completed similar projects successfully in the last 5 years.		8
If SA has ≥ 7 years' appropriate experience and has completed similar projects successfully in the last 5 years.		6
If SA has < 7 years' appropriate experience		0

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

2.2 Relevant Experience		
5 points to a maximum of 20 points can be scored for each confirmed similar (size, type and timeframes) project in progress or carried out in the last 5 years: Alterations of industrial buildings in a live environment		20
If no similar successful projects in the last 5 years.		0
Criteria 3: Health, Safety and Environment		10
OHS and CEMP performance:		
Acceptable (Over and above the abovementioned the Tenderer submitted a Health and Safety File adequate for approval by the ELIDZ's OHS Agent and for submission to the Department of Labour for the issue of a Construction Work Permit.)		5
Unacceptable (Does not demonstrate a basic OHS and CEMP implementation strategy linked with the construction programme and project objectives.)		0
Acceptable Proof of registration details of OHS practitioner		5
Unacceptable No proof of registration		0
Criteria 4: Local Operational Office		15
4.1 Local Operation Office		
Office to consist of; <ul style="list-style-type: none"> • fully functional office, • adequate administrative staff and • adequate equipment. Yard to consist of; <ul style="list-style-type: none"> • functional workshop and • functional supporting infrastructure. Above facilities are to be adequate for relevant CIDB tender grade. Tenderers are to submit adequate supporting documentation to enable assessment and scoring for the above-mentioned office and yard requirements. The ELIDZ reserves the right to visit the premises prior to scoring.		
Proof of a local operational office (incl. yard) within the confines of the BCM Municipal area		15
Proof of an operational office (incl. yard) within the confines of the Eastern Cape area		10
No local office in operation		0
Criteria 5: Financials		10
Audited financial statements for the past three (3) years		5
No proof of audited financials for the past three financial years		0

Tenderer ____ Witness 1 ____ Witness 2 ____ Employer ____ Witness 1 ____ Witness 2 ____

Bank rating of C or higher		5
Bank rating lower than C		0
TOTAL EVALUATION SCORE FOR FUNCTIONALITY		100
TENDERERS WITH A SCORE OF LESS THAN 75 OUT OF 100 WILL NOT BE CONSIDERED FURTHER		

F: STANDARD CONDITIONS OF TENDER

F: STANDARD CONDITIONS OF TENDER



CIDB Standard Conditions of Tender

(July 2015 edition) Update?

As published in Annex F of the CIDB Standard for Uniformity in Construction Procurement in Board Notice 136 Government Gazette No 38960 of 10 July 2015

F.1 General

F.1.1 Actions

F.1.1.1 The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in F.2 and F.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.

F.1.1.2 The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict, and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

Note: 1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.

2) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.

F.1.1.3 The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract.

F.1.2 Tender Documents

The documents issued by the employer for the purpose of a tender offer are listed in the Tender data.

F.1.3 Interpretation

F.1.3.1 The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender.

F.1.3.2 These conditions of tender, the tender data and tender schedules which are only required for tender evaluation purposes, shall not form part of any contract arising from the invitation to tender.

F.1.3.3 For the purposes of these conditions of tender, the following definitions apply:

a) **conflict of interest** means any situation in which:

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

- i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfil his or her duties impartially;
 - ii) an individual or organisation is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
 - iii) incompatibility or contradictory interests exist between an employee and the organisation which employs that employee.
- b) **comparative offer** means the price after the factors of a non-firm price and all unconditional discounts it can be utilised to have been taken into consideration;
- c) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process;
- d) **fraudulent practice** means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels;
- e) **organization** means a company, firm, enterprise, association or other legal entity, whether incorporated or not, or a public body; and
- f) **functionality** means the measurement according to the predetermined norms of a service or commodity designed to be practical and useful, working or operating, taking into account quality, reliability, viability and durability of a service and technical capacity and ability of a tenderer.

F.1.4 Cancellation and Re-Invitation of Tenders

Each communication between the employer and a tenderer shall be to or from the Principal Agent only, and in a form that can be readily read, copied and recorded. Communications shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the Principal Agent are stated in the tender data.

F.1.5 The employer's right to accept or reject any tender offer

F.1.5.1 An organ of state may, prior to the award of the tender, cancel a tender if:

- a) due to changed circumstances, there is no longer a need for the services, works or goods requested; or
- b) funds are no longer available to cover the total envisaged expenditure; or I no acceptable tenders are received.

F1.5.2 The decision to cancel a tender must be published in the CIDB website and in the government Tender Bulletin for the media in which the original tender invitation was advertised.

F.1.6 Procurement procedures

F.1.6.1 General

Unless otherwise stated in the tender data, a contract will, subject to F.3.13, be concluded with the tenderer who in terms of F.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.

F.1.6.2 Competitive negotiation procedure

F.1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of F.3.4, the employer shall

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

announce only the names of the tenderers who make a submission. The requirements of F.3.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.

F.1.6.2.2 All responsive tenderers, or not less than three responsive tenderers that are highest ranked in terms of the evaluation method and evaluation criteria stated in the tender data, shall be invited in each round to enter into competitive negotiations, based on the principle of equal treatment and keeping confidential the proposed solutions and associated information. Notwithstanding the provisions of F.2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer’s competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

F.1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to make a fresh tender offer, based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer.

F.1.6.2.4 The contract shall be awarded in accordance with the provisions of F.3.11 and F.3.13 after tenderers have been requested to submit their best and final offer.

F.1.6.3 Proposal procedure using the two stage-system

F.1.6.3.1 Option 1

Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender.

F.1.6.3.2 Option 2

F.1.6.3.2.1 Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents.

F.1.6.3.2.2 The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data, and award the contract in terms of these conditions of tender.

F.2 Tenderer’s obligations

F.2.1 Eligibility

F.2.1.1 Submit a tender 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 employer.

F.2.1.2 Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer’s written approval to do so prior to the closing time for tenders.

F.2.2 Cost of tendering

F2.2.1 Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer comply with requirements.

F2.2.2 The cost of the tender documents charged by the employer shall be limited to the

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

actual cost incurred by the employer for printing the documents. Employers must attempt to make available the tender documents on its website so as not to incur any costs pertaining to the printing of the tender documents.

F.2.3 Check documents

Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.

F.2.4 Confidentiality and copyright of documents

Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.

F.2.5 Reference documents

Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.

F.2.6 Acknowledge addenda

Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.

F.2.7 Clarification meeting

Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.

F.2.8 Seek clarification

Request clarification of the tender documents, if necessary, by notifying the employer at least five working days before the closing time stated in the tender data.

F.2.9 Insurance

Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

F.2.10 Pricing the tender offer

F.2.10.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable 14 days before the closing time stated in the tender data.

F.2.10.2 Show VAT payable by the employer separately as an addition to the tendered total of the prices.

F.2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.

F.2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

F.2.11 Alterations to documents

Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations.

F.2.12 Alternative tender offers

F.2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.

F.2.12.2 Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.

F.2.12.3 An alternative tender offer may only be considered in the event that the main tender offer is the winning tender.

F.2.13 Submitting a tender offer

F.2.13.1 Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.

F.2.13.2 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.

F.2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.

F.2.13.4 Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.

F.2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

F.2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

F.2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.

F.2.13.8 Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.

F.2.13.9 Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

F.2.14 Information and data to be completed in all respects

Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

F.2.15 Closing time

F.2.15.1 Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery.

F.2.15.2 Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.

F.2.16 Tender offer validity

F.2.16.1 Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.

F.2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.

F.2.16.3 Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the Principal Agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted.

F.2.16.4 Where a tender submission is to be substituted, submit a substitute tender in accordance with the requirements of F.2.13 with the packages clearly marked as "SUBSTITUTE".

F.2.17 Clarification of tender offer after submission

Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.

Note: Sub-clause F.2.17 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Employer elect to do so.

F.2.18 Provide other material

F.2.18.1 Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment. Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.

F.2.18.2 Dispose of samples of materials provided for evaluation by the employer, where required.

F.2.19 Inspections, tests and analysis

Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.

F.2.20 Submit securities, bonds, policies

If requested, submit for the employer's acceptance before formation of the contract, all

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

F.2.21 Check final draft

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

F.2.22 Return of other tender documents

If so instructed by the employer, return all retained tender documents within 28 days after the expiry of the validity period stated in the tender data.

F.2.23 Certificates

Include in the tender submission or provide the employer with any certificates as stated in the tender data.

F.3 The employer’s undertakings

F.3.1 Respond to requests from the tenderer

F.3.1.1 Unless otherwise stated in the tender Data, respond to a request for clarification received up to five working days before the tender closing time stated in the Tender Data and notify all tenderers who drew procurement documents.

F.3.1.2 Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

- a) an individual firm, or a joint venture as a whole, or any individual member of the joint venture fails to meet any of the collective or individual qualifying requirements;
- b) the new partners to a joint venture were not prequalified in the first instance, either as individual firms or as another joint venture; or
- c) in the opinion of the Employer, acceptance of the material change would compromise the outcome of the prequalification process.

F.3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify all tenderers who drew documents.

F.3.3 Return late tender offers

Return tender offers received after the closing time stated in the Tender Data, unopened, (unless it is necessary to open a tender submission to obtain a forwarding address), to the tenderer concerned.

F.3.4 Opening of tender submissions

F.3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers’ agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

F.3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, number of points claimed for its BBEE status level and time for completion for the main tender offer only.

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

F.3.4.3 Make available the record outlined in F.3.4.2 to all interested persons upon request.

F.3.5 Two-envelope system

F.3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

F.3.5.2 Evaluate functionality of the technical proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the functionality evaluation more than the minimum number of points for functionality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any points claimed on BBBEE status level. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for functionality.

F.3.6 Non-disclosure

Not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer.

F.3.7 Grounds for rejection and disqualification

Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.

F.3.8 Test for responsiveness

F.3.8.1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:

- a) complies with the requirements of these Conditions of Tender,
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the tender documents.

F.3.8.2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
- b) significantly change the Employer's or the tenderer's risks and responsibilities under the contract, or
- c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified

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

F.3.9 Arithmetical errors, omissions and discrepancies

F.3.9.1 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with F.3.11 for:

- a) the gross misplacement of the decimal point in any unit rate;
- b) omissions made in completing the pricing schedule or bills of quantities; or

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

- c) arithmetic errors in:
- i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
 - ii) the summation of the prices.

F.3.9.2 The employer must correct the arithmetical errors in the following manner:

- a) Where there is a discrepancy between the amounts in words and amounts in figures, the amount in words shall govern.
- b) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.
- c) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

Consider the rejection of a tender offer if the tenderer does not correct or accept the correction of the arithmetical error in the manner described above.

F.3.10 Clarification of a tender offer

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.

F.3.11 Evaluation of tender offers

F.3.11.1 General

Appoint an evaluation panel of not less than three persons. Reduce each responsive tender offer to a comparative offer and evaluate them using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

F.3.11.2 Method 1: Price and Preference

In the case of a price and preference:

- a) Score tender evaluation points for price
- b) Score points for BBBEE contribution
- c) Add the points scored for price and Specific Goals scoring

F.3.11.3 Methods 2: Functionality, Price and Preference

In the case of a functionality, price and preference:

- 1) Score functionality, rejecting all tender offers that fail to achieve the minimum number of points for functionality as stated in the Tender Data.
- 2) No tender must be regarded as an acceptable tender if it fails to achieve the minimum qualifying score for functionality as indicated in the tender invitation.
- 3) Tenders that have achieved the minimum qualification score for functionality must be evaluated further in terms of the preference points system prescribed in paragraphs 4 and 4 and 5 below.

- 4)(a)(i) The following formula must be used to calculate the points for price in respect of tenders (including price quotation) with a rand value equal to, or above R 30 000 and up to Rand value of R 50 000 000 (all applicable taxes included):

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

Where

- P_s = Points scored for price of tender under consideration;
 P_t = Price of tender under consideration; and
 P_{\min} = Price of lowest acceptable tender.

- 4)(a)(ii) An employer of state may apply the formula in paragraph (i) for price quotations with a value less than R30 000, if and when appropriate:

- 4)(b) Subject to subparagraph(4)(c), points must be awarded to a tender for attaining the scores for Specific goals in accordance with the table below:

Table: Specific Goals Points Conversion

Estimated Rand Value inclusive of Vat	Specific Goals and Point allocation
Above R1 000 000 up to R50 000 000	80 points for price
	15 points - 51% and above Black owned suppliers 5 points - 25% up to 50% Black owned suppliers 0 points below 25% Black owned suppliers
	1 point for 51% and above Youth owned suppliers
	1 point for 51% and above Women owned suppliers.
	3 points for SMME's (EME or QSE)

- 4)l A maximum of 20 points may be allocated in accordance with subparagraph (4)(b).
- 4)(d) The points scored by tender in respect of Specific goals contemplated in subparagraph (4) (b) must be added to the points scored for price as calculated in accordance with subparagraph (4)(a).
- 4)l Subject to paragraph 4.3.8 the contract must be awarded to the tender who scores the highest total number of points.

90/10 system for requirements with a Rand value above R 50 million (all applicable taxes included).

- 5)(a) The following formula must be used to calculate the points for price in respect of tenders with a Rand value above R50 000 000 (all applicable taxes included):

$$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

Where

- P_s* = Points scored for price of tender under consideration;
- P_t* = Price of tender under consideration; and
- P_{min}* = Price of lowest acceptable tender.

5)(b) Subject to subparagraph(5)(c), points must be awarded to a tender for attaining the score for Specific Goals in accordance with the table below:

Table: Specific Goals Points Conversion

Estimated Rand Value inclusive of Vat	Specific Goals and Point allocation
Above R50 000 0003	90 points for price
	3 points - 51% and above Black owned suppliers 1 points - 25% up to 50% Black owned suppliers 0 points below 25% Black owned suppliers
	2 points for Eastern Cape Based suppliers 0 points outside Eastern Cape
	1 point for 51% and above Youth owned suppliers
	1 point for 51% and above Women owned suppliers.
	3 points for subcontracting a 51% Black owned SMME

5)l A maximum of 10 points may be allocated in accordance with subparagraph (5)(b).

5)(d) The points scored by tender in respect of Specific Goals contemplated in subparagraph (5) (b) must be added to the points scored for price as calculated in accordance with subparagraph (5)(a).

5)l Subject to paragraph 4.3.8 the contract must be awarded to the tender who scores the highest total number of points.

F.3.11.6 Decimal places

Score price, preference and functionality, as relevant, to two decimal places.

F.3.11.7 Scoring Price

Score price of remaining responsive tender offers using the following formula:

$$N_{FO} = W_1 \times A$$

Where N_{FO} is the number of tender evaluation points awarded for price.

W_1 is the maximum possible number of tender evaluation points awarded for price as stated in the Tender Data.

A is a number calculated using the formula and option described in Table F.1 as stated in the Tender Data.

Table F.1: Formulae for calculating the value of A

Formula	Comparison aimed at achieving	Option 1 ^a	Option 2 ^a
1	Highest price or discount	$A = (1 + \frac{(P - P_m)}{P_m})$	$A = P / P_m$
2	Lowest price or percentage commission / fee	$A = (1 - \frac{(P - P_m)}{P_m})$	$A = P_m / P$
A	P_m is the comparative offer of the most favourable comparative offer. P is the comparative offer of the tender offer under consideration.		

F.3.11.8 Scoring preferences

Confirm that tenderers are eligible for the preferences claimed in accordance with the provisions of the tender data and reject all claims for preferences where tenderers are not eligible for such preferences.

Calculate the total number of tender evaluation points for preferences claimed in accordance with the provisions of the tender data.

F.3.11.9 Scoring functionality

Score each of the criteria and sub criteria for quality in accordance with the provisions of the Tender Data.

Calculate the total number of tender evaluation points for quality using the following formula:

$$N_Q = W_2 \times S_O / M_S$$

where: S_O is the score for quality allocated to the submission under consideration;

M_S is the maximum possible score for quality in respect of a submission; and

W_2 is the maximum possible number of tender evaluation points awarded for the quality as stated in the tender data.

F.3.12 Insurance provided by the employer

If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide.

F.3.13 Acceptance of tender offer

Accept the tender offer, if in the opinion of the employer, it does not present any risk and only if the tenderer:

- a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement,
- b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,
- c) has the legal capacity to enter into the contract,
- d) is not insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,
- e) complies with the legal requirements, if any, stated in the tender data, and
- f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

F.3.14 Prepare contract documents

F.3.14.1 If necessary, revise documents that shall form part of the contract and that were issued by the employer as part of the tender documents to take account of:

- a) addenda issued during the tender period,
- b) inclusion of some of the returnable documents, and
- c) other revisions agreed between the employer and the successful tenderer.

F.3.14.2 Complete the schedule of deviations attached to the form of offer and acceptance, if any.

F.3.15 Complete adjudicator's contract

Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.

F.3.16 Notice to unsuccessful tenderers

F.3.16.1 Notify the successful tenderer of the employer's acceptance of his tender offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated in the tender data, or agreed additional period.

F.3.16.2 After the successful tenderer has been notified of the employer's acceptance of the tender, notify other tenderers that their tender offers have not been accepted.

F.3.17 Provide copies of the contracts

Provide to the successful tenderer the number of copies stated in the Tender Data of the signed copy of the contract as soon as possible after completion and signing of the form of offer and acceptance.

F.3.18 Provide written reasons for actions taken

Provide upon request written reasons to tenderers for any action that is taken in applying these conditions of tender, but withhold information which is not in the public interest to be divulged, which is considered to prejudice the legitimate commercial interests of tenderers or might prejudice fair competition between tenderers.

F.3.19 Transparency in the procurement process

F.3.19.1 The CIDB prescripts require that tenders must be advertised and be registered on the CIDB Tender system.

F.3.19.2 The employer must adopt a transparency model that incorporates the disclosure and accountability as transparency requirements in the procurement process.

F.3.19.3 The transparency model must identify the criteria for selection of projects, project information template and the threshold value of the projects to be disclosed in the public domain at various intervals of delivery of infrastructure projects.

F.3.19.4 The client must publish the information on a quarterly basis which contains the following information:

- Procurement planning process
- Procurement method and evaluation process
- Contract type
- Contract status
- Number of firms tendering
- Cost estimate
- Contract title
- Contract firm(s)
- Contract price

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

- Contract scope of work
- Contract start date and duration
- Contract evaluation reports

F.3.19.5 The employer must establish a Consultative Forum which will conduct a random audit in the implementation of the transparency requirements in the procurement process.

F.3.19.6 Consultative Forum must be an independent structure from the bid committees.

F.3.19.7 The information must be published on the employer's website.

F.3.19.8 Records of such disclosed information must be retained for audit purposes.

PART C3: SCOPE OF WORK

C3.1: SCOPE OF WORK

C3.1: SCOPE OF WORK

1. DESCRIPTION OF THE WORKS

1.1. Employer's objectives

The Employer wishes to make available to the ELIDZ tenants the most up to date manufacturing facilities and is desirous of engaging a suitably competent Building Contractor to carry out minor building works in Zone 1A at the East London Industrial Development Zone.

1.2. Overview of the works

The scope of work comprises of work to two external delivery canopies and the creation of an undercover parking facility – all in a live environment with no disruption to Tenant operations

Construction of enclosed dispatch area:

- One new covered canopy (off loading/ loading).
- New access slipway.
- Extension on roof covering over refuse yard.
- Adjustment to in-situ concrete hardstand.
- Fire protection (sprinklers).
- External lighting

Enclose existing canopy:

- Additional vertical side cladding to existing covered canopy (off loading/loading).

Secure car park area:

- Palisade security fencing with access control vehicle and pedestrian gates.
- Shade port structure for 14 parking bays.

1.3. Location of the Works

Zone 1A of the East London Industrial Development Zone situated on the West Bank.

Tenderer ____ Witness 1 ____ Witness 2 ____ Employer ____ Witness 1 ____ Witness 2 ____

1.4. Temporary works

Refer to the image here below for the location and the extent of the site camp area which is reserved for the Contractor.

As the Contractors yard is located within Zone 1A of the ELIDZ, the contractor will be required to take care not to damage any existing buildings and paving in and around the zone. The site is located within an open field on the corner of Ikhala Road and Mdubla Road, within Zone 1 of the ELIDZ. The contractor is expected to provide, install and maintain the necessary accommodation of traffic signage (speed restriction, plant and workman ahead, speed bump ahead and other) and flagmen during peak traffic periods and deliveries where disruption could be caused to traffic flow.

The above will be required for the duration of construction, to minimize disruption to adjoining and neighbouring production facilities and road users, but more importantly, to ensure the safety of road users, both vehicular and pedestrian traffic.

All site establishment, offices and storage of materials will be strictly limited to the area demarcated, which must be suitably fenced with 1,8m high 'Bonnox' fencing covered with shade cloth to the satisfaction of the Principal Agent. The Contractor shall be responsible for keeping the Site Camp and Construction Site areas in a clean, sanitary and orderly condition.

In addition to the above, the Contractor shall also comply with the following arrangements;

- The Contractor shall make arrangements with the Employer for a temporary water and electrical supply to the site camp as well as the respective construction sites, if required (two different points of supply), and
- The Contractor must price for reinstating the site camp area to its original status and condition on completion of the works.

2. CONSTRUCTION PROGRAMME

The construction programme shall be in the form of a bar chart and shall be drawn to a horizontal time scale. It shall be activity based, showing interdependencies and the critical path, clearly related to the items or groups of items reflected on the working drawings, as measured in the Bill of Quantities. It shall also indicate the quantity of work that will be carried out each month and shall include a schedule of resources, clearly indicating what resources have been assigned to these works.

If, during the progress of the Works, the actual quantities of work performed fall below those shown on the programme, or if the sequence of operations is altered, or if the programme is deviated from in any other way, the Contractor shall submit a revised programme clearly indicating how he intends to regain lost time to ensure completion of the Works by the due completion date.

2.1 Sectional Completion

The works is to be completed as a whole by the indicated completion date. Although each site will be treated independently from one another for completion purposes, no sectional completion is expected.

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

C3.2: PARTICULAR SPECIFICATIONS CONSTRUCTION WORK

C3.3: HEALTH AND SAFETY SPECIFICATIONS

- **ELIDZ Standard OHS Specifications**

Tenderer ____ Witness 1 ____ Witness 2 ____ Employer ____ Witness 1 ____ Witness 2 ____

C3.4: CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

C3.5: HIV/AIDS SPECIFICATION

C3.6: NATIONAL TREASURY DESIGNATED SECTORS MINIMUM LOCAL CONTENT SPECIFICATION

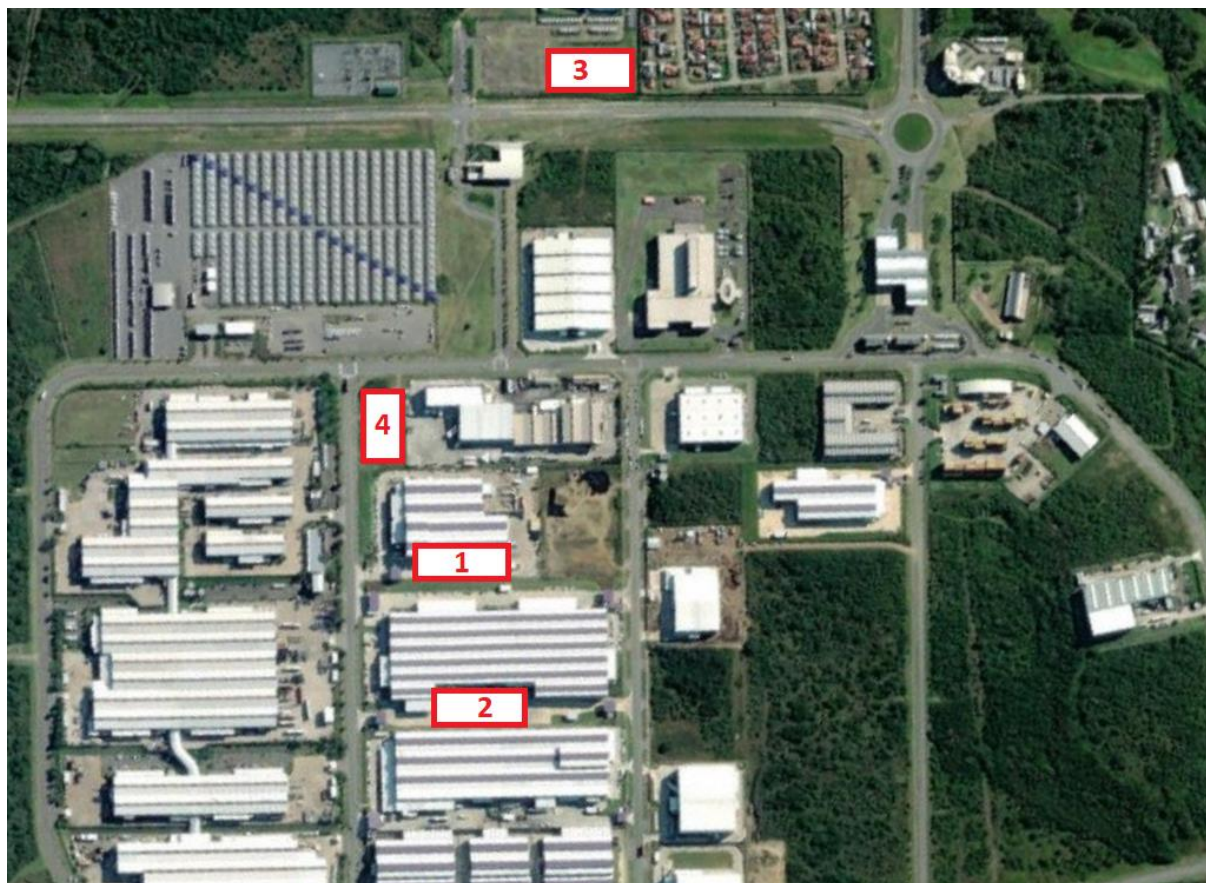
Tenderer ____ Witness 1 ____ Witness 2 ____ Employer ____ Witness 1 ____ Witness 2 ____

C3.7: SMME SPECIFICATION

C3.8 : STANDARD FOR DEVELOPING SKILLS

C4: SITE INFORMATION

C4: SITE INFORMATION



C4.1 Site information

Key:

1. New dispatch area
2. Enclosing of existing dispatch area
3. Secure car park area
4. Builders temporary site area

The project is scheduled for construction on existing plots in the East London Industrial Development (ELIDZ), Zone 1A. Access is to be through the main entrance gate of the East London IDZ zone 1A and all incoming traffic should adhere to the ELIDZ security protocols.

Existing infrastructure exists and services should be reinstated to the conditions established before the use thereof. The Contractor must ensure that the roads around the site remains operational with the minimum disruption. The Contractor must ensure noise and dust pollution is minimised during the course of the project.

Current services existing on site include water, electrical, telecom, sewer and stormwater reticulation networks. The Contractor must determine the locality of these services in proximity to the works areas and exercise due caution not to damage or disrupt any of these services. The Contractor will be held accountable for any damages to the services for which they are responsible.

The Tenderer is encouraged to arrange for a site visit before tender closing. As the tender briefing meeting will be a virtual meeting, there will be no site visit on the day of the tender briefing meeting.

The Tenderer must also assess the access road to site and in his tender must allow for the delivery of materials on site. No claims will be entertained for the double handling of materials if required.

Tenderer _____ Witness 1 _____ Witness 2 _____ Employer _____ Witness 1 _____ Witness 2 _____

C4.2 Site Photos



New enclosed dispatch canopy (site information ref 1)



Enclose existing canopy (site information ref 2)



Secured parking (site information ref 3)

**C5: GEOTECHNICAL REPORT
(Not required)**

PART D1: DRAWINGS
(See soft copies attached)

D1: DRAWING AND DOCUMENT REGISTER

The following drawings are included in the tender documents:

Drawing Number		Drawing Name	
Discipline:	Architecture	Issued:	BNM Architects
3244-ARC-PJT01-101		Canopy addition	
3244-ARC-PJT02-101		Canopy alterations	
3244-ARC-PJT03-101		Secure parking area	
Drawing Number		Drawing Name	
Discipline:	Civils	Issued:	ZNM Consulting Engineers
Drawing Number		Drawing Name	
Discipline:	Structural	Issued:	
Drawing Number		Drawing Name	
Discipline:	Electrical	Issued:	
Drawing Number		Drawing Name	
Discipline:	Mechanical	Issued:	