



TENDER DATA

PART T1: TENDERING PROCEDURES

T1.2 TENDER DATA9

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**T1.2 TENDER DATA**

The conditions of tender are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity in Construction Procurement as published in Board Notice 136 Government Gazette No 38960 of 10 July 2015 and Annex E of SANS 294:2004

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.

Each item of data given below is cross-referenced to the sub-clause in the Standard Conditions of Tender to which it mainly applies.

Clause	Addition or Variation to Standard Conditions of Tender
Sub-clause	Data
F.1	General
F.1.1	The employer is the Nala Local Municipality
F.1.2	<p>The Project Document issued by the employer consists of the following:</p> <p>THE TENDER</p> <p>Part T1: Tendering procedures:</p> <p style="padding-left: 20px;">T1.1 Tender notice and invitation to tender</p> <p style="padding-left: 20px;">T1.2 Tender Data</p> <p>Part T2: Returnable documents:</p> <p style="padding-left: 20px;">T2.1 Returnable Schedules Required for Tender Evaluation</p> <p style="padding-left: 20px;">T2.2 Other Documents Required for Tender Evaluation</p> <p style="padding-left: 20px;">T2.3 Returnable Schedules that will be incorporated into the contract</p> <p>THE CONTRACT</p> <p>Part C1: Agreements and contract data</p> <p style="padding-left: 20px;">C1.1 Form of Offer and Acceptance, MBD 7.1</p> <p style="padding-left: 20px;">C1.2 Agreement in terms of Occupation Health and Safety Act and Construction regulations 2014</p> <p style="padding-left: 20px;">C1.3 Form of Guarantee</p> <p style="padding-left: 20px;">C1.4 Contract Data</p> <p>Part 2: Pricing data</p> <p style="padding-left: 20px;">C2.1 Pricing instructions</p> <p style="padding-left: 20px;">C2.2 Bills of quantities</p> <p style="padding-left: 20px;">C2.3 BOQ Summary and Calculation of Tender Sum</p> <p>Part C3: Scope of work</p> <p>Part C4: Site information</p>



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Sub-clause	Data
F.1.4	<p>The employer's agent is:</p> <p>Name: BVi Consulting Engineers Central (Pty) Ltd Address: 17 President Steyn Ave Westdene Bloemfontein 9301</p> <p>Contact person: Jan-Louis Reynders Tel: (051) 447 2137 E-mail: janr@bvi.co.za</p>
F.1.6.4.3	<p>Right to approach the courts and rights in terms of Promotion of Administrative Justice Act, 3 of 2000 and Promotion of Access to Information Act, 2 of 2000</p> <p>The sub- clauses above do not influence any affected person's rights to approach the High Court at any time or its rights in terms of the Promotion of Administrative Justice Act and Promotion of Access to Information Act.</p>
F.1.8	<p>National Treasury Web Based Central Supplier Database (CSD) Registration</p> <p>Tenderers are required to be registered on the National Treasury Web Based Central Supplier Database (CSD) as a service provider. Tenderers must register as such upon being requested to do so in writing and within the period contained in such a request, failing which no orders can be raised or payments processed from the resulting contract. In the case of Joint Venture partnerships this requirement will apply individually to each party of the Joint Venture.</p> <p>Tenderers who wish to register on the National Treasury Web-Based Central Supplier Database (CSD) may do so via the web address https://secure.csd.gov.za.</p> <p>It is each tenderer's responsibility to keep all the information on the National Treasury Web-Based Central Supplier Database (CSD) updated.</p>
F.2	Tenderer's obligations
F.2.1	<p>Only those tenderers who are registered with the CIDB, prior to the evaluation of submissions, in 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) or 25 (7A) of the Construction Industry Development Regulations, for a CE class of construction work are eligible to have their tenders evaluated. For the sake of clarity and subject to satisfactory proof of a tenderer's ability to perform the work specified at the tendered value, the Employer requires the tenderer to have a 7CE CIDB rating.</p> <p>Joint ventures are eligible to submit tenders provided that:</p> <ul style="list-style-type: none"> every member of the joint venture is registered with the CIDB or is capable of being so registered, within 10 days from the closing date for tender; the lead partner has a Contractor grading designation in the 7CE class of construction work
F.2.7	<p>A compulsory site visit and clarification meeting will be held as follows:</p> <p>Refer to Tender Notice and Invitation to Tender (Section T1.1 of the document).</p> <p>Confirmation of attendance will be recorded, on site, in the Site Inspection Certificate included in Section T2.2.10 of the Document.</p> <p>Tender documents will not be made available at the site visit or clarification meeting. Details relating to the collection of tender documents are indicated in the Tender Notice and Invitation to Tender (Section T1.1 of the document).</p>
F.2.8	<p>Request clarification of the tender documents, if necessary, by notifying the Employer's official or the Employer's agent indicated in the tender notice and invitation to tender (section T1.1) in writing at least ten working days before the closing time stated in clause 2.15.</p>



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F.2.9	The Employer does not provide insurance. The Contractor is responsible for providing full insurance cover for the contract.
F.10.5	A digital copy of the Bill of Quantities in spreadsheet format may be obtained from the Employer's official or the Employer's agent indicated in the tender notice and invitation to tender (section T1.1) upon sufficient notice.
F.2.11	The Procurement document as issued shall NOT be taken apart to submit the Tender.
F.2.12	<p>If the 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's Agent.</p> <p>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 reflect all design assumptions. Pricing Data must reflect all assumptions in the development of the pricing proposal.</p> <p>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, if 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.</p> <p>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.</p>
F.2.13	No claim will be entertained for faults in the tender price resulting from any discrepancies, omissions or indistinct figures.
F.2.13.1	Tenderers are to submit one tender only , either as a single tendering entity or as a member of a Joint Venture.
F.2.13.2	Return all volumes of the tender document to the Employer after completion of the relevant sections of each volume in their entirety, either electronically (if they were issued in electronic format) or by writing in black ink. All volumes are to be left intact in their original formats and no pages shall be removed or re-arranged.
F.2.13.3	No copies of the tender offer are required.
F.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, 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
F.2.13.5	<p>The employer's address for delivery of tender offers and identification details to be shown on each tender offer package are:</p> <p>Location of the tender box: in the foyer of NALA LOCAL MUNICIPALITY, 8 PRELLER STREET, BOTHAVILLE, 9660.</p> <p>Identification details: TENDER No. NLM/TS/014/2023-24: KGOTSONG/BOTHAVILLE: UPGRADING OF SEWER OUTFALL REMAINING PHASES</p>
F.2.13.6	A two-envelope procedure will NOT be followed.
F.2.14	<p>The Tenderer is required to enter information in the following sections of the document:</p> <p>Part T2: Returnable Schedules Part C1: Agreements and Contract Data Part C2: Pricing Data</p>



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	<p>The above sections shall be signed by the Tenderer (and witnesses where required). Individual pages should be initialed by the Tenderer and by the witnesses.</p> <p>The Tenderer shall complete and sign the Form of Offer before the submission of a Tender Offer.</p> <p>Accept that failure on the part of the Tenderer to submit any one of the Returnable Documents listed shall result in a tender offer being regarded as non-responsive.</p> <p>Accept that the Employer is restricted in accordance with clause 4(4) of the Construction Regulations, 2014, to only appoint a contractor whom he is satisfied has the necessary competencies and resources to carry out the work safely.</p>
F.2.15	The closing time for submission of tender offers is: 12H00 on 8 May 2024
F.2.16.1	<p>The tender offer validity period is ninety (90) days.</p> <p>If the tender validity expires on a Saturday, Sunday or public holiday, the tender shall remain valid and open for acceptance until the closure of business on the following working day.</p>
F.2.16.3	<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 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>
F.2.18.3	<p>Add the following new clause to Item 2.18:</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 each of the individual members of any joint venture that is constituted for purposes of this Contract, with a view to ascertaining 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 venture.</p>
F.2.20	<p>The Tenderer is required to submit with the tender a letter of intent from an approved guarantor undertaking to provide a guarantee in the format included in Part T2.2 of this document.</p>
F.2.23.1	<p>Evidence of tax compliance</p> <p>Tenderers shall be registered with the South African Revenue Service (SARS) and their tax affairs must be in order and they must be tax compliant. In this regard, it is the responsibility of the Tenderer to submit evidence in the form of a valid Tax Clearance Certificate issued by SARS to the Employer at the Supplier Management Unit located within the Supplier Management / Registration Office, 2nd Floor (Concourse Level), Civic Centre, 12 Hertzog Boulevard, Cape Town (Tel 021 400 9242/3/4/5) or included with this tender. The tenderer must also provide its Tax Compliance Status PIN number on the Compulsory Enterprise Questionnaire</p> <p>Each party to a Consortium/Joint Venture shall submit a separate Tax Clearance Certificate.</p> <p>Tenderers are to note that the Employer will not award a contract to a Tenderer whose tax matters are not in order.</p>



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F.2.23	<p>Add the following:</p> <p>The Tenderer must fully complete and submit the compulsory MBD schedules attached.</p> <p>The following certificates/information are to be provided with the tender offer:</p> <ul style="list-style-type: none"> (a) Valid Tax Compliance Status/certificate (b) Certified copy of VAT Registration Certificate, (c) Certified copy of Company Registration Certificate (if the tenderer is a Company) (d) Certified copy of Company Registration Certificate (if the tenderer is a Closed Corporation) (e) Certified copy of Partnership Agreement (if the tenderer is a Partnership) (f) Certified copies of Identity Documents of all directors (g) Joint venture agreement (if the tenderer is a joint venture). (h) Proof of CIDB Registration. A contractor may not undertake, carry out or complete any construction works or portion thereof for public sector contracts, awarded in terms of competitive tender or quotation unless he or she is registered with the CIDB and holds a valid registration certificate issued by the Board. (i) Property Rates & Taxes Clearance Certificate, together with a copy of a Valid Lease Agreement (if renting) or letter of arrangement (j) Confirmation of bank account details on bank letterhead. To be attached to the relevant form for Banking Details in Part 2.2 Returnable Schedules. (k) Certified valid certificate of B-BBEE Status Level of Contributor as issued by an accredited body. If tendered as a Joint Venture a combined B-BBEE Status Level of Contributor must be submitted to qualify for evaluation points. To be attached to the relevant Form in Part 2.2 Returnable Schedules (l) Certified Qualifications and Registration documents at relevant authorities (m) Proof of registration on the national centralized supplier database (CSD certificate) (n) Valid letter of good standing (COIDA)
F.3	The Employer's undertakings
F.3.1.1	Respond to a request for clarification received up to ten working days before the Tender closing time stated in the Tender Data and notify all Tenderers who drew procurement documents within seven working days of the same date.
F.3.4	<p>Opening of tender submissions</p> <p>The time and location for opening of the tender offers are:</p> <p>Date and time: 8 May 2024 after closing</p> <p>Location: NALA LOCAL MUNICIPALITY, 8 PRELLER STREET, BOTHAVILLE 9660</p>
F.3.8.2	The Employer shall reject a non-responsive tender offer and not allow it to be subsequently made responsive by correction or withdrawal of non-conforming deviation or reservation.
F.3.9	<p>Check responsive tender offers for arithmetical errors.</p> <p>Correcting arithmetical errors in the following manner:</p> <ul style="list-style-type: none"> (a) If a bill of quantities (or schedule of quantities or schedule of rates) applies and there is an error in the line-item total resulting from the product of the unit rate and the quantity, the unit rate shall govern and the line-item total shall be corrected. (b) 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 corrected total of the prices shall govern. (c) Where there is a discrepancy between the amount indicated in the Tenderer's tender offer and the corrected amount obtained after completing the above steps, the tender offer shall govern.



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<p>F.3.11</p>	<p>The procedure for evaluation of responsive tenders is Method 2 The financial offer will be scored using Formula 2 (option 1) where the value of W1 is: 1) 90/10 where the financial value inclusive of VAT of all responsive tenders received has a value in excess of R50 million, or 2) 80/20 where the financial value inclusive of VAT of one or more responsive tender offers has a value that equals or is between R 2 001 and R50 million.</p> <p>Financial offers from Tenderers who meet the minimum threshold for functionality will be evaluated.</p> <p>The Employer adheres to all relevant Acts, including Nala Local Municipality Preferential Procurement Policy, the Black Economic Empowerment Act no. 53 of 2003, the Preferential Procurement Policy Framework Act no. 5 of 2000, and Employment Equity Act no. 55 of 1998.</p> <p>In terms of the Preferential Procurement Regulations of 2022, the 80/20 preference point system is applicable. Broad-Based Black Economic Empowerment (B- BBEE) requires that bidders submit original and valid B-BBEE Status-Level Verification Certificates or certified copies thereof to substantiate their B-BBEE rating claims. Failure to submit such a certificate will result in the bidder not qualifying for preference points for B-BBEE. The bidders must submit verification certificates that are accredited by</p> <ul style="list-style-type: none"> • SANAS (South African National Accreditation System) • IRBA (Independent Regulatory Board of Auditors). <table border="1" data-bbox="422 840 1364 1198"> <thead> <tr> <th>B-BBEE Status Level of Contributor</th> <th>Number of Points (80/20 System)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>10</td> </tr> <tr> <td>2</td> <td>8</td> </tr> <tr> <td>3</td> <td>6</td> </tr> <tr> <td>4</td> <td>4</td> </tr> <tr> <td>5</td> <td>2</td> </tr> <tr> <td>6</td> <td>2</td> </tr> <tr> <td>7</td> <td>2</td> </tr> <tr> <td>8</td> <td>2</td> </tr> <tr> <td>Non-compliant contributor</td> <td>0</td> </tr> </tbody> </table> <p>Trust, Consortium or Joint Venture must obtain and submit a consolidated B-BBEE Status Level Verification Certificate with their bids.</p>	B-BBEE Status Level of Contributor	Number of Points (80/20 System)	1	10	2	8	3	6	4	4	5	2	6	2	7	2	8	2	Non-compliant contributor	0
B-BBEE Status Level of Contributor	Number of Points (80/20 System)																				
1	10																				
2	8																				
3	6																				
4	4																				
5	2																				
6	2																				
7	2																				
8	2																				
Non-compliant contributor	0																				
	<p>Eligibility for preference points is subject to the following conditions</p> <p>Tenderer's scorecard shall be based on the Construction Sector Codes of Practice promulgated in Government Gazette 32305 of 5 June 2009; The certificate shall be in accordance with Government Notice 754 issued by the Nala Local Municipality of Trade and Industry on 23 September 2011 under Government Gazette 34612; The date of issue of the certificate must be less than 12 (twelve) months before the advertised tender closing date. Failure to submit a valid verification certificate will result in the award of 0 (zero) points for preference; In the event of a joint venture (JV), a consolidated B-BBEE verification certificate in the name of the JV shall be submitted. A Trust, Consortium or Joint Venture must obtain and submit a consolidated B-BBEE Status Level Verification Certificate with their bids</p>																				
<p>F.3.11.3</p>	<p>Up to 10 tender evaluation points may be awarded to tenderers for suitable B-BBEE certification of Status Level of contributor and who are found to be eligible for the preference claimed.</p> <p>Unless stated otherwise, and where not in conflict with this Tender Data, the Preferential Procurement Policy of the Nala Local Municipality bound in this document as Part T1.4, shall also apply.</p> <p>Only tenders that pass the eligibility criteria shall be evaluated. Evaluation shall be done in terms of Method 2 (Financial Offer and Preferences).</p>																				



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FUNCTIONALITY CRITERIA

**NB: Bidders are required to submit supporting documents to score full points
Bidder must score at least 70 POINTS for quality, to qualify for further evaluation**

SCHEDULE FOR EVALUATING FUNCTIONALITY

Criteria	Evaluation Indicators	Points Allocated	Weight
<p>Number of similar type and size of projects completed by the company [Specifically in RSA local government sphere]</p> <p>The evaluation shall be based on the projects provided above, executed in the past 5 years. Only experience from the tendering entity, and not by staff members, shall be taken into account.</p>	<p>Civil-related projects –Appointment Letters and Signed Completion Certificates as proof of projects successfully.</p>	<p>Maximum of 30 points for civil-related projects: (At least 1 project >R20m)</p> <p>Each project > R20m = 7 points Each project > R17m = 5 points Each project > R15m = 3 points</p>	30
<p>Key Personnel that will be involved in the successful completion of the project</p>	<p>Contracts Manager must as a minimum have a B Tech Eng. / B Eng. Degree (civil or mech) to qualify for any points - Attach CV and proof of Qualifications</p>	<p>Maximum of 12 points for relevant experience of Contracts Manager:</p> <p>> 10 years' experience = 12 points > 5 years' experience = 8 points < 5 years' experience = 5 points</p>	25
	<p>Site Agent must as a minimum have a NDip: Engineering (civil or mech) to qualify for any points - Attach CV and proof of Qualifications</p>	<p>Maximum of 7 points for relevant experience of Site Agent:</p> <p>> 10 years' experience = 7 points > 5 years' experience = 4 points < 5 years' experience = 2 points</p>	
	<p>Attach CV and proof of NQF Management of Engineering Projects</p>	<p>Maximum of 6 points for relevant experience of Site Foreman:</p> <p>> 10 years' experience = 6 points > 5 years' experience = 4 points < 5 years' experience = 2 points</p>	

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<p>Bank Rating</p>	<p>Submit proof on the letterhead of a financial institution, completed and stamped by them. [With JV only the bank rating of the lead partner will be considered]</p>	<p>Points will be allocated for bank ratings issued by registered financial institutions: Rating better than "B" = 10 points Rating equal to "B" = 7 points Rating worse than "B" = 4 points</p>	<p>10</p>
<p>Plant & Equipment that will be used in the successful completion of the project</p>	<p>Submit a list of plant/equipment, including proof of ownership or a commitment letter from the rental company. [Bidders will score full points for plant/equipment owned, but only qualify for 50% of the points for rental plant/equipment.]</p>	<p>Points will be allocated per plant/equipment list below. Multiple scores for one type of plant will not be allowed: 1 x Water Truck = 3 points 1 x Excavator (≥ 20T) = 5 points 1 x Tipper Truck = 3 points 1 x Hydro jetter machine = 4 points 1 x 12 T Vibratory Roller = 3 points 2 x TLB = 4 points 2 x Pneumatic tamper, engine-driven rammer, vibratory pedestrian roller (Bomag 75 or equivalent) = 3 points</p>	<p>25</p>
<p>Methodology to be implemented during the successful completion of the project</p>	<p>Methodology paper (not more than 3 pages long) to be attached, highlighting the following issues:</p> <ul style="list-style-type: none"> • Site establishment • Labour management • Subcontractors • Procurement • Community liaison • Quality management • Risk management • H&S management 	<p>Must be specifically tailored to address the specific project objectives, flexible to accommodate changes and tailored to the critical characteristics of the project: Understand very good = 10 points Good understanding = 8 points Understand satisfactory = 6 points Poor understanding = 5 points No response to the above = 0 points</p>	<p>10</p>
<p>TOTAL</p>			<p>100</p>

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F3.11.8

The tenderer is required to submit a B-BBEE Verification Certificate in accordance with the Construction Sector Codes of The Preferential Procurement Regulations 2022 states that from 16 January 2023, the following is applicable for state tenders:

Tenders of above R2 000 and below R50 million in value are adjudicated according to the 80/20 preference point system. Tenders above R50 million in value are adjudicated according to the 90/10 preference point system. (see relevant form in Returnable Schedules). See also www.sanas.co.za for details of accredited Verification Agencies.

Scoring Preferences

The score for preferences will be calculated using the specific goals of the contributor for each responsive tender under consideration.

The B-BBEE status level of the contributor must be included on the valid, original or certified copy of the B-BBEE certificate of the contributor that is to be submitted with bid documentation should the bidder wish to claim preference points for the specific bid.

F.3.11.2 Specified Contract Participation Goals

The tendering conditions will stipulate the specific goals, as contemplated in section 2(1) (d) (ii) of the Preferential Procurement Act, to be attained.

For any other tenders a maximum of 20 points (80/20 preference points system) or 10 (90/10) preference points system), will be allocated for specific goals.

(a) 50% of the 20/10 points will be allocated to promote this goal and points will be allocated in terms of the BBBEE scorecard as follows.

50% (10 out of 20 and 5 out of 10) of Specific goals points, will be allocated based on the B-BBEE status level of the contributor in the following manner:

Table F.2: Preference Points based on B-BBEE status level of contributor

B-BBEE STATUS LEVEL OF CONTRIBUTOR	NUMBER OF POINTS (80/20 SYSTEM)	NUMBER OF POINTS (90/10 SYSTEM)	DOCUMENTATION REQUIRED FROM THE BIDDER TO VALIDATE THEIR CLAIM FOR POINTS
1	10	5	SANAS Accredited B-BBEE Certificate or Sworn Affidavit
2	8	4	
3	6	3	
4	4	2	
5	2	1	
6	2	1	
7	2	1	
8	2	1	
NON-COMPLIANT CONTRIBUTOR	0	0	

The B-BBEE status level of the Company, that is submitting a bid, must be included on the valid, original or certified copy of the B-BBEE certificate should the bidder wish to claim preference points for the specific bid (if not submitted no points will be claimable).



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50% (10 out of 20 and 5 out of 10) of Specific goals points, will be allocated based on a geographical area of a bidder as follows:

GEOGRAPHICAL AREA OF A BIDDER	NUMBER OF POINTS FOR PREFERENCE		DOCUMENTATION REQUIRED FROM THE BIDDER TO VALIDATE THEIR CLAIM FOR POINTS
	80/20	90/10	
Within the boundaries of the Nala Municipality	10	5	<ul style="list-style-type: none"> • Official Municipal Rates Statement • Lease Agreement with Lessor's official Municipal Rates statement
Within the boundaries of Lejweleputswa District	6	3	
Within the boundaries of the Free State	4	2	
Outside of the boundaries of the Free State	2	1	

F3.13.1	<p>Tender offers will only be accepted on condition that:</p> <ol style="list-style-type: none"> the Tenderer is registered with the Construction Industry Development Board in an appropriate contractor grading designation; the Tenderer or any of its directors is not listed in 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 has not over the last five years failed to satisfactorily perform a contract for the Employer and has been issued with a written notice to this effect, and has not abused the Employer's Supply Chain Management System; the Tenderer submits an original valid Tax Clearance Certificate issued by the South African Revenue Service; 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. Persons in the employ of the State are not permitted to submit tenders or participate in the contract; the Tenderer is registered and in good standing with the Compensation Fund or with a licensed Compensation Insurer; and the Employer is reasonably satisfied that the Tenderer has, in terms of the Construction Regulations 2014 issued in terms of the OHS Act 1993, the necessary competencies and resources to carry out the works safely. the Employer is reasonably satisfied that the Tenderer has, in terms of the Construction the tenderer has properly and comprehensively completed the information required in the Project Document and the Addenda, and has, inter alia properly completed the offer in the "Form of Offer and Acceptance" and the Bill of Quantities.
F.3.17	The number of paper copies of signed contract to be provided by the Engineer is one (1) .
F.4	Additional Conditions of Tender



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F.4.1	<p>Compliance with Occupational Health and Safety Act, 85 of 1993</p> <p>Tenderers are to note the requirements of the Occupational Health and Safety Act, 85 of 1993 and the Construction Regulations, 2014 issued in terms of Section 43 of the Act. The Tenderer shall be deemed to have read and fully understood the requirements of the above Act and Regulations and to have allowed for all costs in compliance therewith.</p> <p>In this regard the Tenderer shall submit with his tender, appended to Schedule: Health and Safety Plan in Returnable Schedules, a Health and Safety Plan in respect of the Works in sufficient detail to demonstrate the necessary competencies and resources to perform the construction work all in accordance with the Act, Regulations and Health and Safety Specification in Part C3.5 Management in the Scope of Work. Such Health and Safety Plan shall cover, <i>inter alia</i>, the following details:</p> <ol style="list-style-type: none"> Management Structure, Site Supervision and Responsible Persons including a succession plan. Contractor's induction training programme for employees, sub-contractors and visitors to the Site. Health and safety method statements and procedures (inclusive of PPE requirements) to be adhered to in order to ensure compliance with the Act, Regulations and the project specific Health and Safety Specification. Regular monitoring procedures to be performed. Regular liaison, consultation and review meetings with all parties. Site security, welfare facilities and first aid. Site rules and fire and emergency procedures.
F.4.2	<p>Claims arising after submission of tender</p> <p>No claim for any extras arising out of any doubt or obscurity as to the true intent and meaning of anything shown on the Contract Drawings or contained in the Conditions of Contract, Scope of Work and Pricing Data, will be admitted by the Employer after the submission of any tender and the Tenderer shall be deemed to have:</p> <ol style="list-style-type: none"> Inspected the Contract Drawings and read and fully understood the Conditions of Contract. Read and fully understood the whole text of the Scope of Work and Pricing Data and thoroughly acquainted himself with the nature of the works proposed and generally of all matters which may influence the Contract. Visited the site of the proposed works, carefully examined existing conditions, the means of access to the site, the conditions under which the work is to be done, and acquainted himself with any limitations or restrictions that may be imposed by the Municipal or other Authorities in regard to access and transport of materials, plant and equipment to and from the site and made the necessary provisions for any additional costs involved thereby. Requested the Employer or his duly authorised agent to make clear the actual requirements of anything shown on the Contract Drawings or anything contained in the Scope of Work and Pricing Data, the exact meaning or interpretation of which is not clearly intelligible to the Tenderer. Received any Addenda to the tender documents which have been issued in accordance with the Employer's Supply Chain Management Policy. <p>Before submission of any tender, the Tenderer should check the number of pages, and if any are found to be missing or duplicated, or the figures or writing indistinct, or if the Pricing Data contain any obvious errors, the Tenderer must apply to the Employer's agent at once to have the same rectified, as no liability will be admitted by the Employer in respect of errors in any tender due to the foregoing.</p>



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<p>F.4.3</p>	<p>Imbalance in tendered rates In the event of tendered rates or lump sums being declared by the Employer to be unacceptable to it because they are not priced, either excessively low or high, or not in proper balance with other rates or lump sums, the Tenderer may be required to produce evidence and advance arguments in support of the tendered rates or lump sums objected to. If, after submission of such evidence and any further evidence requested, the Employer is still not satisfied with the tendered rates or lump sums objected to, it may request the tenderer to amend these rates and lump sums along the lines indicated by it.</p> <p>The Tenderer will then have the option to alter and/or amend the rates and lump sums objected to and such other related amounts as are agreed on by the Employer, but this shall be done without altering the tender offer as tendered or, if applicable, the corrected total of prices in accordance with F.3.9.3.</p> <p>Should the Tenderer fail to amend his tender in a manner acceptable to and within the time stated by the Employer, the Employer may reject the tender.</p>
<p>F.4.4</p>	<p>Targeted labour It is a requirement of the Contract that the work be executed in such a manner as to maximize the use of labour-intensive construction methods in order to provide low and semi-skilled and unskilled employment opportunities.</p>
<p>F.4.6</p>	<p>Community liaison officer It is a requirement of the Contract that a Community Liaison Officer (CLO) shall be appointed by the Contractor. The primary functions of the CLO shall be to assist the contractor with the selection and recruitment of targeted local labour, to represent the local community in matters concerning the use of targeted local labour (and/or enterprises) on the works, and to assist with and facilitate communication between the Contractor, the Engineer and the local communities. The Community Liaison Officer (CLO) will be selected by the Ward Councilor and the Contractor.</p> <p>An amount of R 6500.00 per month is provisionally allowed for the Community Liaison Officer (CLO) in the schedule of quantities together with an extra-over item for the Contractor's cost, profit, etc. The Contractor must pay the Community Liaison Officer (CLO) at the end of each month and include the amount in his progress claim for payment</p>
<p>F.4.7</p>	<p>Invalid tenders Tenders shall be considered invalid by the Bid Evaluation Committee if:</p> <ul style="list-style-type: none"> a) the tender offer (including the tender price/amount) is not submitted on the Form of Offer and Acceptance b) the returnable document is not completed in non-erasable handwritten, or printed, ink or toner; c) the Form of Offer and Acceptance has not been signed with an original signature; d) the Form of Offer and Acceptance is signed, but the name of the tenderer is not stated or is indecipherable; e) In a two-envelope system, the tenderer fails to submit a separately sealed financial offer.
<p>F.4.8</p>	<p>Negotiations with preferred tenderers The Employer may negotiate the final terms of a contract with tenderers identified through a competitive tendering process as preferred tenderer provided that such negotiation:</p> <ul style="list-style-type: none"> 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. <p>If negotiations fail to result in acceptable contract terms, the Employer may terminate the negotiations and invite the next ranked tenderer for negotiations. The original preferred tenderer will be informed of the reasons for termination of the negotiations. Once negotiations are commenced with the next ranked tenderer, the Employer will not re-open earlier negotiations.</p> <p>Minutes of any such negotiations shall be kept for record purposes.</p>



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F.4.9	<p>General supply chain management conditions applicable to tenders</p> <p>In terms of its Supply Chain Management Policy, the Employer may not consider a tender unless the provider who submitted the tender:</p> <ul style="list-style-type: none"> a) has furnished the Employer with that provider's: <ul style="list-style-type: none"> i) full name; ii) identification number or company or other registration number; and iii) tax reference number and VAT registration number, if any. b) has indicated whether: <ul style="list-style-type: none"> i) the provider is in the service of the state, or has been in the service of the state in the previous twelve months; ii) if the provider is not a natural person, whether any of the directors, managers, principal shareholders or stakeholders is in the service of the state, or has been in the service of the state in the previous twelve months; or iii) whether a spouse, child or parent of the provider or of a director, manager, shareholder or stakeholder referred to above is in the service of the state or has been in the service of the state in the previous twelve months. c) has attended a compulsory site inspection, where applicable. <p>Irrespective of the procurement process followed, the Employer is prohibited from making an award to:</p> <ul style="list-style-type: none"> a) a person who is in the service of the state; b) a juristic entity of which any director, manager, principal shareholder or stakeholder is in the service of the state; c) an advisor or consultant contracted with the Employer; or d) a person, advisor or corporate entity involved with the bid specification committee, or a director of such corporate entity. "Involved with the bid specification committee" includes where a person, advisor or corporate entity (or its director) was involved in the initial stages of the project which resulted in the specification; and they are therefore prohibited from tendering for resulting contracts. <p>In this regard, tenderers shall complete Returnable Schedules: Compulsory Enterprise Questionnaire. Failure to complete this schedule may result in the tender not being considered.</p>
F.4.10	<p>Combating abuse of the Supply Chain Management Policy</p> <p>In terms of its Supply Chain Management Policy, the Employer may reject the tender of any tenderer if that tenderer or any of its directors has:</p> <ul style="list-style-type: none"> a) failed to pay municipal rates and taxes or municipal service charges and such rates, taxes and charges are in arrears for more than three months; b) failed, during the last five years, to perform satisfactorily on a previous contract with the Employer or any other organ of state after written notice was given to that tenderer that performance was unsatisfactory; c) abused the supply chain management system of the Employer or has committed any improper conduct in relation to this system; d) been convicted of fraud or corruption during the past five years; e) willfully neglected, reneged on or failed to comply with any government, municipal or other public-sector contract during the past five years; or f) been listed with the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act, 12 of 2004 or has been listed on National Treasury's Database of Restricted Suppliers as a person or juristic entity prohibited from doing business with the public sector. <p>In this regard, tenderers shall complete Returnable Schedules: Certificate of Independent Tender Determination and Declaration of Tenderer's past Supply Chain Management Practices, respectively. Failure to complete these schedules may result in the tender not being considered</p>
F.4.11	<p>UIF payments</p> <p>The Tenderer shall submit to the Employer a letter from the Industrial Council indicating his or her good standing with regard to UIF payments upon being requested to do so.</p>



Contractor



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Witness 2



Employer



Witness 1



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F.4.12

Requests for contract documents, or parts thereof, in electronic format

The Employer shall not formally issue tender documents in electronic format as contemplated in F.2.13.2 and F.2.13.3 and shall only issue tender documents in hardcopy. An electronic version of the issued tender documents may be made available to the tenderer, upon written request in terms of this clause, subject to the following:

- a) Electronic copies of the issued tender documents, or parts thereof, will only be provided to tenderers who have been issued with the tender documents as contemplated in F.1.2 in hardcopy.
- b) The electronic version shall not be regarded as a substitute for the issued tender documents.
- c) The Employer shall not accept tenders submitted in electronic format. Only those tenders that have been completed on the issued hard copy tender document shall be considered, provided that printed Bills of Quantities, in the same format (that is, layout, billed items and quantities) as those issued electronically by the Employer, may be submitted with the tender as stated in F.2.13.2. Where Addenda have been issued which amend the Bills of Quantities, then the printed Bills of Quantities shall take these into account. The pages of the issued Bills of Quantities should not be removed from the tender document.
- d) The Employer accepts no responsibility or liability arising from any reliance on or use of the electronic version provided in terms of this clause. The Employer further does not guarantee that the electronic version corresponds with the issued tender documents in all respects. Tenderers are alerted to the fact that electronic versions of the tender documents may not reflect any notices or addenda that amend the tender document.
- e) Any non-compliance with these provisions, including effecting any unauthorized alterations to the tender documents as contemplated in F.2.11, shall render the tender non-responsive. The Employer reserves the right to take any action against such tenderer allowed in law including, in circumstances where the tender had already been awarded, the right to cancel the contract.
- f) In requesting the electronic version of the tender documents or parts thereof, the tenderer is deemed to have read, understood and accepted all of the above conditions.



Contractor



Witness 1



Witness 2



Employer



Witness 1



Witness 2