

REQUEST FOR TENDERS – APPOINTMENT OF A CONTRACTOR FOR THE: REBUILDING, SUPPLY, INSTALLATION, TESTING AND COMMISSIONING OF 3kV DC TRACTION AND DISTRIBUTION EQUIPMENT AT SUBSTATIONS ALONG THE GERMISTON - KWESINE CORRIDOR FOR METRORAIL GAUTENG PROVINCE.



TENDER NUMBER: HO/PT/ENG/(E)/233/05/2023

BID NUMBER: HO/PT/ENG/(E)/233/05/2023

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CLOSING DATE	04 JULY 2023
CLOSING TIME	12H00
BID DOCUMENTS DELIVERY ADDRESS	Passenger Rail Agency of South Africa, 30 Wolmarans Street Umjantshi House, Braamfontein
BIDDER NAME
BID RETURN ADDRESS (BIDDING ENTITY RETURN ADDRESS)	Contact Number..... Company Name.....

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Disclaimer

This document is provided solely for the purpose set out in this RFT and is not intended to form any part or basis of any investment decision by Bidders. The recipient should not consider the document as an investment recommendation by PRASA or any of its advisers.

Each person to whom this document (and other later documents) is made available must make his own independent assessment of the Project after making such investigation and taking such professional advice as he/she or it deems necessary. Neither the receipt of this document or any related document by any person, nor any information contained in the documents or distributed with them or previously or subsequently communicated to any Bidder or its advisers, is to be taken as constituting the giving of an investment advice by PRASA or its advisers.

Whilst reasonable care has been taken in preparing this RFT and other documents, they do not purport to be comprehensive or true and correct. Neither PRASA nor any of its advisers accept any liability or responsibility for the adequacy, accuracy or completeness of any of the information or opinions stated in any document.

They acquaint themselves with this RFT and take note that no representation or warranty, express or implied, is or will be given by PRASA, or any of its officers, employees, servants, agents or advisers with respect to the information or opinions contained in any document or on which any document is based. Any liability in respect of such representations or warranties, howsoever arising is hereby expressly disclaimed.

If any recipient, or its employees, advisers or agents make or offers to make any gift to any of the employees of PRASA or consultant to PRASA on the RFT either directly or through an intermediary then such recipient, Bidder will be disqualified forthwith from participating in the RFT.

Each recipient of this RFT agrees to keep confidential any information of a confidential nature which may be contained in the information provided (the “Confidential Information Provided”). The Confidential Information provided may be made available to Bidder’s subcontractors, employees and professional advisers who are directly involved in the appraisal of such information (who must be made aware of the obligation of confidentiality) but shall not, either in the whole or in part, be copied, reproduced,

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distributed or otherwise made available to any other party in any circumstances without the prior written consent of PRASA, nor may it be used for any other purpose than that for which it is intended.

These requirements do not apply to any information, which is or becomes publicly available or is shown to have been made available (otherwise than through a breach of a confidentiality obligation). Bidders, Key Contractors and their constituent members, agents and advisers, may be required to sign confidentiality Contracts/undertakings (in such form as PRASA may require from time to time).

All Confidential Information Provided (including all copies thereof) remains the property of PRASA and must be delivered to PRASA on demand. Further, by receiving this RFT each Bidder and each of its members agrees to maintain its submission in Bid to this RFT confidential from third parties other than PRASA and its officials, officers and advisers who are required to review the same for the purpose of procurement of the RFT.

Any recipient residing outside the Republic of South Africa is urged to familiarise themselves with and to observe any regulatory requirements relevant to the proposed transaction (whether these derive from a regulatory authority within or outside the Republic of South Africa).

Any requirement set out in this RFT regarding the content of a response to the RFT is stipulated for the sole benefit of PRASA, and serves as expressly stated to the contrary, may be waived at its discretion at any stage in the procurement process.

PRASA is not committed to any course of action as a result of its issuance of this RFT and/or its receipt of a Tender in response to it. Please note that PRASA reserves the right to:

- Modify the RFT's goods / service(s) / works and request Respondents to re-bid on any changes.
- Withdraw, amend the RFT at any time without prior notice and liability to compensate or reimburse any respondent.
- Reject any Tender which does not conform to instructions and specifications which are detailed herein

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- Disqualify Tenders submitted after the stated submission deadline.
- Call a respondent to provide additional documents which PRASA may require which have not been submitted to PRASA.
- Not necessarily accept the lowest priced Tender or alternative bid.
- Not accept any response to the RFT or appoint a final bidder.
- Reject all Tenders if so decides.
- Withdraw the RFT on good cause shown.
- Award a contract in connection with this Tender at any time after the RFT's closing date.
- Award a contract for only a portion of the proposed goods/ service/s/ works which are reflected in the scope of this RFT.
- Split the award of the contract between more than one Contractor, should it at PRASA's discretion be more advantageous in terms of, amongst others, cost or development considerations.
- Make no award at all.
- Validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to PRASA to do so.
- Request annual financial statements prepared and signed off by a professional accountant or other documentation for the purposes of a due diligence exercise; and/or
- Not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provided for it.

To adopt any Tender made by any bidder at any time and to include such Tender in any procurement document which may or may not be made available to other bidders.

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All costs and expenses incurred by Bidders in submitting responses to this RFT shall be borne by the Bidders and PRASA shall not be liable for any costs or expenses whatsoever or any claim for reimbursement of such costs or expenses.

Should a contract be awarded on the strength of information furnished by the Respondent, which after conclusion of the contract, is proved to have been incorrect, PRASA reserves the right to cancel the contract and/or place the Respondent on PRASA's list of Restricted Suppliers.

PRASA reserves the right to negotiate market-related price with the bidder scoring the highest points or cancel the bid; if the bidder does not agree to a market related price, negotiate a market related price with the bidder scoring the second highest points or cancel the bid; if the bidder scoring the second highest points does not agree to a market related price, negotiate a market related price with the bidder scoring the third highest points or cancel the bid. If the market related price is not agreed as envisaged in this paragraph, PRASA will cancel the bid.

PRASA reserves the right to negotiations Best and Final Offer (BAFO) with selected Respondents where none of the Tenders meet RFT requirement, are affordable and demonstrate value for money and there is no clear preferred response to the RFT.

PRASA will not reimburse any Respondent for any preparatory costs or other work performed in connection with its Tender, whether or not the Respondent is awarded a contract.

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LIST OF APPENDICES

INVITATION TO BID PART A – (SBD1)	Form A
TERMS AND CONDITIONS FOR BIDDING PART B	Form B
TENDER FORM (PRICING SCHEDULE) – Volume 2	Form C
SITE INSPECTION CERTIFICATE / PRE-TENDER BRIEFING SESSION	Form D
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1 LIST OF ANNEXURES

Draft Contract	Annexure 1
RFT Clarification FORM	Annexure 2
Performance Bond	Annexure 3
Specification SPK7/1	Annexure 4
Project Specification with Equipment Data Sheets	Annexure 5
SHE Specification PRASA Technical	Annexure 6

2 ACRONYMS

BBBEE	Broad Based-Black Economic Empowerment
CIDB	Construction Industries Development Board
DTIC	The Department of Trade and Industry and Competition
PPPFA	Preferential Procurement Policy Framework Act 5 of 2000 (as amended from time to time)
PFMA	Public Finance Management Act No.1 of 1999 (as amended from time to time)
PRASA	Passenger Rail Agency of South Africa
RFT	Request for Tender
SANAS	South African National Accreditation System

3 INTERPRETATION

In this RFT, unless inconsistent with or otherwise indicated by the context –

- 3.1 headings have been inserted for convenience only and should not be taken into account in interpreting the RFT.
- 3.2 any reference to one gender shall include the other gender.
- 3.3 words in the singular shall include the plural and vice versa.
- 3.4 any reference to natural persons shall include legal persons and vice versa.
- 3.5 words defined in a specific clause have the same meaning in all other clauses of the RFT, unless the contrary is specifically indicated.
- 3.6 any reference to the RFT, schedule or appendix, shall be construed as including a reference to any RFT, schedule or appendix amending or substituting that RFT, schedule or appendix.
- 3.7 the schedules, appendices and Briefing Notes issued pursuant to this RFT, form an indivisible part of the RFT and together with further clarifying and amending information provided by PRASA, constitute the body of RFT documentation which must be complied with by Bidders.
- 3.8 in the event of any inconsistency between this RFT or other earlier information published regarding the Project, the information in this RFT shall prevail; and
- 3.9 this RFT shall be governed by and applied in accordance with South African law.

4 DEFINITIONS

In this RFT and in any other project documents (as defined below) which so provides, the following words and expressions shall have the meaning assigned to them below and cognate expressions shall have a corresponding meaning, unless inconsistent with the context:

- 4.1 “Accounting Authority” means the Board of PRASA.
- 4.2 “Contract” means the Contract to be entered between PRASA and the successful Bidder for the provision of the *services* procured in this RFT.
- 4.3 “Bid” means the Bid to the RFT submitted by Bidders.
- 4.4 “Bidders Briefing Session” means the compulsory briefing session to be held at the offices of PRASA, in order to brief the Bidders about this tender.
- 4.5 “Black Enterprise” means an enterprise that is at least 51% beneficially owned by Black People and in which Black People have substantial Management Control. Such beneficial ownership may be held directly or through other Black Enterprises.
- 4.6 “Black Equity” means the voting equity held by Black People from time to time.
- 4.7 “Black People” means African, Coloured and Indian South African citizens, and “Black Person” means any such citizen.
- 4.8 “Black Woman” means African, Coloured and Indian South Africa Female citizen.
- 4.9 “Briefing Note” means any correspondence to Bidders issued by the PRASA.
- 4.10 “Business Day” means any day except a Saturday, Sunday or public holiday in South Africa.
- 4.11 “Bidders” means individuals, organisations or consortia that have been submitted responses to the RFT in respect of the tender.
- 4.12 “Consortium” means any group of persons or firms jointly submitting a Bid as Bid to this RFT and “Consortia” means more than one Consortium.
- 4.13 “Consultant” means any consultant employed by the Employer who shall advise the Employer on the matters contemplated in this Contract
- 4.14 “Contractor” the successful Bidders who has signed a Contract with PRASA in terms of this RFT.

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- 4.15 “Closing Date” means the closing date for submission of bids/ Tenders by Bidders which is **04 July 2023 @ 12h00.**
- 4.16 “Employer” means Passenger Rail Agency of South Africa (PRASA) a public entity established in terms of the Legal Succession to the South African Transport Services Act 9 of 1989 and the legal successors in title thereto
- 4.17 “Project” means this project for the **REQUEST FOR TENDERS – APPOINTMENT OF A CONTRACTOR FOR REBUILDING, SUPPLY, INSTALLATION, TESTING AND COMMISSIONING OF 3kV DC TRACTION AND DISTRIBUTION EQUIPMENT AT SUBSTATIONS ALONG THE GERMISTON - KWESINE CORRIDOR FOR METRORAIL GAUTENG PROVINCE.**
- 4.18 “RFT” means the Request for Tenders issued by PRASA for this bid; and
- 4.19 “Scope of Work” means the scope of work for this project as detailed out in the RFT technical specifications.

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SECTION 1

NOTICE TO BIDDERS

1 INVITATION TO BID

You are hereby invited to submit a bid to meet the requirements of the Passenger Rail Agency of South Africa. Responses to this RFT [hereinafter referred to as a **Bid** or a **Tender**] are requested from persons, companies, close corporations, or enterprises [hereinafter referred to as an **entity, Bidder**].

BID DESCRIPTION	REQUEST FOR TENDERS – APPOINTMENT OF A CONTRACTOR FOR THE REINSTATEMENT OF THE 3KV OVERHEAD TRACK EQUIPMENT IN THE GERMISTON-KWESINE CORRIDOR FOR THE GAUTENG REGION
BID ADVERT	This RFT will be advertised on National Treasury’s e-Tender Publication Portal at www.etenders.gov.za and CIDB website with effect from 25 May 2023
ISSUE DATE	25 May 2023
COLLECTION DATE DEADLINE (if applicable)	Not Applicable
COMPULSORY BRIEFING SESSION	A COMPLUSORY BRIEFING SESSION WILL BE HELD DATE: 02 June 2023 @ 11H00 at Kwesine Station (26.3652379,28.1478485,1629m)
CLOSING DATE	04 July 2023 @ 12h00 Bidders must ensure that bids are delivered timeously to the correct address. As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.
VALIDITY PERIOD	90 Business Days from Closing Date Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period.
CLOSING DATE FOR QUESTIONS	14 June 2023
CLOSING DATE FOR RESPONSES	23 June 2023
CONTACT PERSON	Agnes Sekhuthe – asekhuthe@prasa.com and copy Rosemary Moagi at rmoagi@prasa.com

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Any additional information or clarification will be emailed to all Respondents, if necessary.

2 FORMAL BRIEFING

A compulsory Tender briefing will be held at **Kwesine Train Station (26.3652379,28.1478485,1629m)** on **02 June 2023 at 11h00**. The briefing session will start punctually, and information will not be repeated for the benefit of Respondents joining late.

PRASA will not be held responsible if any Respondent who did not attend the compulsory session subsequently feels disadvantaged as a result thereof.

3 BRIEFING SESSION MINUTES AND NOTES

3.1 PRASA will issue briefing session minutes or notes within three working days from the date of the briefing session.

3.2 Bidders / Respondents are requested to promptly submit any clarifications on or before the deadline date stated.

3.3 Responses to clarifications / questions will be provided on or before the deadline date stated.

4 TENDER SUBMISSION OF RFT RESPONSE

Tender Responses must be submitted to PRASA in a sealed envelope addressed as follows:

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Closing date and time: **04 July 2023 @ 12H00**

Closing address *[Refer to options in 5 below *]*

5 DELIVERY INSTRUCTION FOR RFT

Delivery of Bid

The Bid envelopes/packages must be submitted at PRASA, **Umjantshi House, at 30 Wolmarans Street, Braamfontein – (There will be a tender submission register which has to be completed by all the bidders submitting the tenders)**

6 PREFERENTIAL PROCUREMENT

As explained in more detail in the attached SBD 6.1 (Preferential Points Claim Form) in and as prescribed in terms of the Preferential Procurement Policy Framework Act (PPPFA), Act 5 of 2000 and its Regulations, Respondents are to note that PRASA will award “preference points” to companies who provide valid proof of their specific goals.

Note: Failure to submit valid proof of the Respondent’s compliance with the specific goals requirements stipulated in this RFT (the Specific Goals Preference Points Claim Form) at the Closing Date of this RFT, will result in a score of zero being allocated for Preference.

6.1 PREFERENCE Joint Ventures or Consortiums

Respondents who would wish to respond to this RFT as a Joint Venture [JV] or consortium, must state their intention to do so in their RFT submission. Such Respondents must also submit a signed JV or consortium agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. If such a JV or consortium agreement is unavailable, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by PRASA through this RFT process. This written confirmation must clearly indicate the percentage [%] split of business and the

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responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to PRASA.

Respondents are to note the requirements for Preference as required by **SBD 6.1** [the Preference Point Claim Form] and submit it together with proof of specific goals claimed as stipulated in the Claim Form in order to obtain preference points.

7 COMMUNICATION

- 7.1** For specific queries relating to this RFT during the RFT process, bidders are required to adhere strictly to the communication structure requirements. An RFT Clarification Form should be submitted to asekhuth@prasa.com and copy Rosemary Moagi at rmoagi@prasa.com on or before **14 June 2023**, substantially in the form set out in **Annexure 2** hereto.
- 7.2** In the interest of fairness and transparency PRASA's response to such a query will be made available to the Respondents who have attended the compulsory briefing session. For this purpose, PRASA will communicate with Respondents using the contact details provided at the compulsory briefing session.
- 7.3** After the closing date of the RFT, a Respondent may only communicate in writing to email: asekhuth@prasa.com on any matter relating to its RFT Tender.
- 7.4** Respondents are to note that changes to its submission will not be considered after the closing date.
- 7.5** Respondents are warned that a response will be liable for disqualification should any attempt be made by a Respondent either directly or indirectly to canvass any officer(s) or employee of PRASA in respect of this RFT between the closing date and the date of the award of the business. Furthermore, Respondents found to be in collusion with one another will automatically be disqualified and restricted from doing business with PRASA in future.

8 CONFIDENTIALITY

- 8.1** PRASA shall ensure all information related to this RFT is to be treated with strict confidence. In this regard Respondents / Bidders are required to certify that they have acquainted themselves with the Non-Disclosure Agreement All information related to a subsequent contract, both during

and after completion thereof, will be treated with strict confidence. Should the need however arise to divulge any information gleaned from provision of the services, which is either directly or indirectly related to PRASA's business, written approval to divulge such information must be obtained from PRASA.

- 8.2** Respondents must clearly indicate whether any information submitted or requested from PRASA is confidential or should be treated confidentially by PRASA. In the absence of any such clear indication in writing, PRASA shall deem the response to the RFT to have waived any right to confidentiality and treat such information as public in nature.

9 INSTRUCTIONS FOR COMPLETING THE RFT

- 9.1** All responses to the RFT must be submitted in two sealed envelopes/boxes; the first envelop/box shall have the technical, compliance and BBBEE response and the second envelop/box shall only have the financial response. Bidders must ensure that they do not indicate any financial information in the first envelop/box. PRASA may disqualify Bidders who fail to adhere to this requirement.

- 9.2** Bidders are required to package their response/Bid as follows to avoid disqualification:

Volume 1 (Envelop 1/Package 1)

- **Part A:** Compliance Response and B-BBEE Response
- **Part B:** Technical or Functional Response (response to scope of work)

Volume 2 (Envelop 2/ Package 2)

- **Part C:** Financial Tender

Volume 2 Has to be submitted in a separate sealed envelope. Bidders must make their pricing offer in envelop 2/package 2, no pricing and pricing related information should be included in the Volume 1 envelop 1.

- 9.3** Bidders must submit 1 original response, 1 copy and two electronic version which must be contained in a Memory Cards clearly marked as Volume 1 and Volume 2 in the Bidders name.

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- 9.4 Bidders must ensure that their response to the RFT is in accordance with the structure of this document.
- 9.5 Where Bidders are required to sign forms, they are required to do so using a black ink pen.
- 9.6 Any documents forming part of the original responses to RFT, but which are not original in nature, must be certified as a true copy by a Commissioner of Oaths.
- 9.7 Each response to RFT must be in English and submitted in A4 format, except other graphic illustrations, which may not exceed A3 format, unless the contrary is specifically allowed for in this RFT. Responses to RFT must be neatly and functionally bound, preferably according to their different sections.
- 9.8 The original responses to RFT must be signed by a person duly authorized by each consortium member and Subcontractor to sign on their behalf, which authorization must form part of the responses to RFT as proof of authorization. By signing the responses to RFT the signatory warrants that all information supplied by it in its responses to RFT is true and correct and that the responses to RFT and each party whom the responses to RFT signatory represents, considers themselves subject to and bound by the terms and conditions of this RFT.
- 9.9 The responses to RFT formulation must be clear and concise and follow a clear methodology which responses to RFT must explain upfront in a concise Executive Summary and follow throughout the responses to RFT.
- 9.10 Responses to RFT must provide sufficient information and detail in order to enable PRASA to evaluate the responses to RFT but should not provide unnecessary detail which does not add value and detracts from the ability of PRASA to effectively evaluate and understand the responses to RFT. The use of numbered headings, bullet points, sections, appendices and schedules are encouraged.
- 9.11 Information submitted as part of a responses to RFT must as far as possible, be ordered according to the order of the required information requested by PRASA. All pages must be consecutively numbered.

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- 9.12** Responses to RFT must ensure that each requirement contained in the RFT is succinctly addressed. Responses to RFT should as far as possible, use the terms and definitions applied in this RFT and should clearly indicate its interpretation of any differing terminology applied.
- 9.13** Responses to RFT documents are to be submitted to the address specified in item 5 above, and Bidders must ensure that the original and copies (where applicable) are identical in all respects as PRASA will not accept any liability for having disqualified a bidder for failing to provide a mandatory returnable document.
- 9.14** Unless otherwise expressly stated, all Tenders furnished pursuant to this RFT shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated.
- 9.15** Any additional conditions must be embodied in an accompanying letter. Subject only to clause 16 [Alterations made by the Respondent to Bid Prices] of the General Bid Conditions, alterations, additions or deletions must not be made by the Respondent to the actual RFT documents.
- 9.16** Bidders are required to review the Contract. Bidders may further amend and or delete any part of the Draft Contract where they deem fit to do so. Where Bidders have amended and or deleted any part of the Contract, it must be clearly visible by using track changes and must ensure that the disc copy of their bid submission for the Draft Contract is in word version and not password protected. It must be noted that the marked-up Contract will form part of the evaluation.

10 RFT TIMETABLE

PRASA may at its sole discretion amend any of the milestone dates indicated in the table below. Bidders will be informed of any amendments to the timeline through the issue of the Addendum.

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RFT PROCESS	MILESTONE DATES
Bid issue date	25 May 2023
Compulsory Briefing Session for Bidders	02 June 2023 @ 11h00
Closing date for Questions	14 June 2023
Closing date for Responses	23 June 2023
Closing Date for Submission of final Bid	04 July 2023 @ 12h00
Evaluation of Tenders (Bidders note that PRASA may call for Presentation of bidders offers at any stage of the evaluation process)	TBA
Appointment of the successful Bidder	TBA
Contract Negotiations	TBA
Signing of Contract	TBA
Contract Commencement	TBA

PRASA may at its sole discretion amend any of the milestone dates indicated in the table above. Bidders will be informed of any amendments to the timeline through the issue of briefing notes.

11 CONTRACT DURATION

Contract period for the Contractor will be for a period of six (6) months from contract signing.

12 LEGAL COMPLIANCE

Bidders must ensure that they comply with all the requirements of the RFT and if Bidders fail to submit any of the required documents, such Bids shall, at the sole discretion of PRASA, be disqualified the Bidder. PRASA reserves the right to call a Bidder to provide additional documents which PRASA may require from a Bidder which have not been submitted to PRASA.

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Respondents must ensure that they comply with all the requirements of the RFT and if Bidders fail to submit any of the required documents, such Bids shall, at the sole discretion of PRASA, be disqualified.

The successful Bidder [hereinafter referred to as the Contractor shall be in full and complete compliance with any and all applicable laws and regulations.

13 NATIONAL TREASURY’S CENTRAL SUPPLIER DATABASE

Respondents are required to self-register on National Treasury’s Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. Only foreign suppliers with no local registered entity need not register on the CSD. The CSD can be accessed at <https://secure.csd.gov.za>. Respondents are required to provide the following to PRASA in order to enable it to verify information on the CSD:

Supplier Number: _____ **Unique registration reference number:** _____.

14 TAX COMPLIANCE

Respondents must be compliant when submitting a Tender to PRASA and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).

It is a condition of this RFT that the tax matters of the successful bidder be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder’s tax obligations.

The Tax Compliance status requirements are also applicable to foreign Respondents/ individuals who wish to submit bids.

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Respondents are required to be registered on the Central Supplier Database (CSD) as indicated in item 12 above and the National Treasury shall verify the Respondent's tax compliance status through the Central Supplier Database (CSD).

Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database (CSD) and their tax compliance status will be verified through the Central Supplier Database (CSD).

For this purpose, the attached SBD 1 marked FORM A and B must be completed and submitted as an essential returnable document by the closing date and time of the bid.

New Tax Compliance Status (TCS) System

SARS has implemented a new Tax Compliance Status (TCS) system in terms of which a taxpayer is now able to authorise any 3rd party to verify its compliance status in one of two ways: either through the use of an electronic access PIN, or through the use of a Tax Clearance Certificate obtained from the new TCS system.

Respondents are required to provide the following to PRASA in order to enable it to verify their tax compliance status:

Tax Compliance Status (TCS) Pin: _____.

15 PROTECTION OF PERSONAL DATA

In responding to this bid, PRASA acknowledges that it may obtain and have access to personal data of the Respondents. PRASA agrees that it shall only process the information disclosed by Respondents in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law. Furthermore, PRASA will not otherwise modify, amend, or alter any personal data submitted by Respondents or disclose or permit the disclosure of any personal data to any Third Party without the prior written consent from the Respondents. Similarly, PRASA requires Respondents to process any personal information

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disclosed by PRASA in the bidding process in the same manner.

SECTION 2

BACKGROUND OVERVIEW AND SCOPE REQUIREMENTS

1. INTRODUCTION

- 1.1. This submission serves as a Bid Specification Document for the appointment of a Contractor needed to perform the construction work activities for the project: The reconstruction of the 3 kV DC traction, and AC distribution substations between the Germiston Station and Kwesine Station. The project's desired outcome is a fully operational 3 kV DC Traction, and AC Distribution Substations between Germiston Station and Kwesine Station, which comply with all applicable PRASA/Transnet specifications, equipment specifications or manuals, technical standards, regulations, laws of the land and international laws.
- 1.2. The section between Germiston Station and Kwesine Station has one (1) 3kV DC Traction Substation, one (1) 3kV DC Traction Tie-Station and Two (2) AC Distribution Substations, which form an integral part of the electrical traction and distribution power network in the Gauteng South Region. The electrical substations are critical power supply points for the traction power supply, Signal Cabin, Telecommunication systems, High Mast lights in the yards, PRASA offices, Security systems, Guardrooms, Depots, Train station buildings, and Train Station Platforms.
- 1.3. The information gathered from substation yards during inspection indicates that all substations equipment and conductors for both DC traction substations and AC distribution substations between the Germiston Station and Kwesine Station have been vandalised beyond economical repair, this includes Eskom and Municipalities' supply points. Therefore, the reconstruction of all substations on this corridor is a major priority for the Electrical Infrastructure department to provide a reliable power supply for train operations and associated services.

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1.4. The scope of work in this bid specification will cover the following traction and distribution substations:

1.4.1. List of traction substations covered in this bid specification.

- a) Katlehong 3kV DC Traction Substation, double unit at 88kV nominal voltage; and
- b) Kwesine 3kV DC Traction Tie-station.

1.4.2. List of the AC Distribution Substations covered in this bid specification.

- a) Katlehong 6,6KV Intake Distribution substation, and
- b) Katlehong 6,6KV Distribution substation.

1.5. The scope of work will include design, detailed project specification document, and execution of construction work activities.

2. BACKGROUND INFORMATION

Due to extensive overhead traction cable theft and infrastructure damage, in November 2019, Metrorail was forced to suspend its train services. The sustained vandalism and theft of overhead and signaling infrastructure prevented the reinstatement of train services. The vandalized assets include train stations, power supply systems such as overhead traction equipment (OHTE), substations, and signaling systems.

The declaration of a national state of disaster on 15 March 2020 and the lockdown from 26 March 2020 due to the COVID-19 pandemic resulted in all commuter rail services being prohibited for the duration of the lockdown at level 5. This resulted in a total loss of fare revenue

for three months. Crime increased exponentially after the announcements, with the unprecedented destruction of the national rail network.

Furthermore, most of the insulators were obsolete and Porcelain insulators are easy to vandalize, therefore antivandal-proof insulators are proposed in the specification. The latest bond specification requirements are bolted bonds, by implementing this project will assist PRASA to comply with RSR requirements. Lastly, All traction substations will be constructed with 6 MVA traction transformer/s, which will increase available power capacity in the section and be able to accommodate Electric Module Unit (EMU) sets.

2.1. STATUS QUO

The substations' equipment has been subjected to theft and vandalism and needs to be replaced urgently.

2.2. PROBLEM STATEMENT

Due to several of PRASA substations being out of service, there is an inadequate traction power supply to run a reliable and safe train service to commuters.

2.3. PICTORIALS

The present status quo for vandalized substations and equipment are depicted in the pictorial format below.



Figure 1: Vandalized traction transformer

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Figure 2 Vandalized substation building



Figure 3: Vandalized 3kV Eskom outdoor building

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Figure 4 Vandalized tie-station indoor



Figure 5: Tie-station



3. OBJECTIVE OF THE PROPOSED PROJECT

The objectives of the project are outlined in detail in the following sections:

3.1. DESIRED OUTCOMES FOR CARRYING OUT THE PROPOSED PROJECT

The desired outcomes for a successful implementation of this project shall yield the following benefits in the Gauteng South Region:

- PRASA traction system will comply with National Regulation requirements and Engineering Safety Instructions.
- Refurbished traction substations and distribution substations will be fitted with adequate security systems to protect substations, which will guarantee continuous reliable power supply to train operations.
- Latest technology electrical equipment with enhanced safety features and monitoring systems; and
- Improved safety of personnel executing maintenance in the substation. Newly installed electrical assets will be free from polychlorinated biphenyls (PCBs). PCB materials and PCB-contaminated materials must be phased out from the year 2023 as per the Government Gazette, Notice No. 37818 issued on 10 July 2014;
- Improved compliance with the National Railway Safety Regulator Act, 2002 (Act 16 of 2002, as amended); Occupational Health & Safety Act, 1993 (ACT 85 of 1993, as amended), and National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended).

3.2. PROJECT BENEFITS TO PRASA

PRASA as a business shall realise the following significant benefits after the implementation of the project:

- Modernisation of the substation electrical equipment.
- Improved risk factors with reliable and stable electrical assets that guarantee the safe movement of trains;
- Stimulate economic activities and positive social impact on the surrounding communities.
- Restore train services, contribute to social activities, and generate income revenue.
- Improved protection of overhead track equipment with the installation of modern protection technology;
- Reduced maintenance costs with new electrical assets in the substations having a low failure rate and replacement of components;
- Enhanced capacity in the new substations with the installation of transformers with a higher power rating.
- New Substations will be equipped with efficient security systems and technologies, this will reduce incidents of theft and vandalism, hence improving the security of electrical assets; and

3.3. CURRENT MECHANISMS IN PLACE TO ADDRESS THE PROBLEM

- None

4. SCOPE OF WORK AND AREAS OF FOCUS

- Detailed of scope of work is contained in annexure 1.
- Bidders to complete the compliance specification sheet contained in annexure2.

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4.1. SCOPE OF THE DESIRED SOLUTION

4.1.1. Technical Scope of Work

The detailed Scope of Work (Project Specification) and supporting documents are attached hereto as Annexure 7.

4.1.2. Health, Safety and Environment

The work activities of the contractor shall comply with the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993, as amended); National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended); including the Construction Regulations of 2014, as amended). Items for legal compliance shall be included in the tendered rates.

The copies of the relevant Acts, as well as the approved Safety File Document, shall be kept on-site for the duration of the project;

The Contractor shall be responsible for the safety of their personnel on site;

A detailed Safety Plan Document shall be submitted with the tender offer for a proper evaluation process at PRASA.

The Safety Plan Document needs to entail the transportation of equipment & personnel including the transportation, storage, and handling of hazardous equipment;

The Site Access Certificate shall only be issued to the Contractor post the evaluation process including the approval of the Safety Plan Document;

The Contractor shall comply with all the applicable legislation including PRASA's safety requirements adopted from time to time and the instructions shall be issued by the Project Manager / Technical Officer.

The Contractor is responsible for the applicable financial cost implications related to the legal compliance and shall be deemed to have been allowed for in the rates and prices in the contract;

The Contractor shall ensure that a Safety Officer is always on site;

The Contractor shall report all incidents in writing to the Project Manager /

Technical Officer. Any incident emanating from the injury or death of any person

on site shall be reported within 1 hour of its occurrence and any other incident shall be reported within 24 hours of its occurrence;

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The Contractor shall make necessary arrangements for the sanitation facilities of each gender, water, and electricity on sites during the construction phase;

The Contractor shall also provide the eating facility for its employees on-site, and the stated facility needs to have proper shelter from the sun, wind, and rain; and

The Contractor shall ensure compliance with COVID-19 Regulations, as amended.

4.1.3. Quality Assurance

Develop project quality management processes cover all three main processes i.e. quality planning, assurance, and control;

Produce quality metrics, perform audits, perform quality improvement and prepare reports; Audit forms and Metrics shall have space to allow the PRASA project manager to do quality audits independently;

The Contractor shall submit the relevant literature consisting of the detailed technical specifications, construction details, dimensions, and clear illustrations of the equipment offered including the installed new electrical equipment;

The Contractor shall submit the Type Test Certificates for the entire new electrical equipment that needs to be procured, supplied, delivered to the site, installed, and commissioned for operations in this capital project. The stated Type Test Certificates shall be issued in English;

The Project Manager shall be notified timeously for the inspection of the new electrical equipment before the delivery process to the site;

The Testing and Commission Schedules shall be provided for the entire new electrical equipment provided under this contract;

The Contractor shall issue a Method Statement Document for the construction phase work activities applicable to the project. This document shall be subjected to a review process and the final approval thereafter in PRASA.

The Contractor shall submit the Quality Control Plan to PRASA for a review process and final approval.

4.1.4. Construction Related Security

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The contractor and PRASA security team must produce a joint risk and security assessment report before any activity can commence on site. The report shall be able to show the quantities of assets per department i.e. Electrical, Rolling Stock, Signal, Cres, and Permanent way infrastructure on site before dusting on site. This report shall be signed off by the PRASA assets department and Contractor representative.

The security companies appointed by the Contractor shall be PSIRA registered with valid letters of good standing;

The security personnel shall all be PSIRA registered with a clear criminal record including non-pending criminal cases;

All security officials utilised in this project shall be South African Citizens;

The security to be provided by the Contractor shall be responsible for safeguarding both the appointed contractor's and PRASA's assets on site until the site is handed over to PRASA. A list of all functioning equipment that does not form part of this scope of work will be shared with the successful bidder and shall be signed off by both the successful bidder and PRASA's representative;

Any lost, damaged, or stolen material shall be dealt with in terms of the approved Contract Document between PRASA and the Contractor.

The boundary limits for the substation will include all assets in the substation up to the perimeter fence;

The Contractor shall provide on-site security for personnel and material and should ensure that patrols are in place. The stated patrols need to commence as soon as the site has been handed over for the construction phase until the handing over back to PRASA has been finalised.

Furthermore, it is the Contractor's responsibility to ensure that valuable items such as copper are subjected to an adequate protection process while in transit to-andfro site;

The Contractor shall make sure that all material removed from the site is quantified, counted, logged in the site diary, and that it is co-signed by a PRASA representative on site before it is removed from the site;

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The demolished equipment and scrap metal shall be adequately protected until it is delivered to an identified site;

PRASA reserves the right to conduct ad-hoc inspections to ensure compliance thereof.

The Contractor shall take full responsibility for the Work in Progress (WIP) including any assets belonging to PRASA on site from the site handover date for the Construction Phase.

The stated responsibility is also applicable to the plant intended for incorporation into the Construction Phase period including the material delivered for the incorporation into the works until the site handing over the process back to PRASA.

4.2. DETAILS ON THE PREFERRED SOLUTION

The preferred solution to address the problem outlined in Section 2.2 is for PRASA to reconstruct all vandalized substations and install adequate security systems with the latest technology in the market, this will minimize theft and vandalism in the substations. Lastly, establish good relations with communities along the railway reserves.

4.3. TARGETED AREA OF THIS PROJECT

The project will be implemented in the Gauteng South Region between Germiston - Kwesine. The telecommunication scope will cover all Substations between New Canada train station and Lawley train station.

4.4. EXTENT AND COVERAGE OF THE PROPOSED PROJECT

The project will be limited to the area outlined in Section 4.3. The construction work activities shall entail the earthworks for the refurbishment of substations, including refurbishing incoming electrical power cables and wires from Eskom. Manage and monitor the reapplication process of ESKOM power supply connections.

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4.5. INSURANCES

The contractor will be required to take out insurances as outlined in clause 34 of the conditions of contract.

4.6. MEASUREMENTS AND PAYMENT

Progress measurements and payments will be carried out as stipulated in clause 24 of the conditions of contract.

4.7. FORM OF CONTRACT

The form of contract to be used is the PRASA Conditions of Contract in respect of construction work. The document is attached as Annexure 1.

4.8. OTHER RELATED PROJECTS

- Refurbishment of OHTE in the Germiston – Daveyton Corridor.
- Refurbishment of Substations in the Germiston - Daveyton Corridor
- Refurbishment of OHTE in the Springs – Dunswart Corridor.
- Refurbishment of Substations in the Springs – Dunswart Corridor.

5. SPECIFICATION OF THE WORK OR PRODUCTS OR SERVICES REQUIRED

5.1. TECHNICAL STAFF REQUIREMENTS

- Bidder will have to commence construction activities simultaneously in all the substations be reinstated on the section, therefore, the bidder shall have the capabilities and capacity to provide separate construction teams to cover all the sites and to complete the project at the specified duration.
- The technical staff requirements for the construction phase from the appointed contractor for this capital project will comprise the following key areas of practice:

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- a) Project /Construction Manager
- b) Civil Construction Supervisors
- c) Electrical Installation Supervisors
- d) Electrician
- e) Occupational Health & Safety Officers
- f) Optical Transport Network (OTN) Technician

Qualifications of the technical staff listed above are outlined below. All qualifications should be SAQA accredited.

5.1.1. PROJECT / CONSTRUCTION MANAGER

- BSc or B Tech in Electrical Engineering (Heavy Current);
- Registered with the Engineering Council of South Africa (ECSA) as a Professional Engineer or Technologist.
- Registered with the South Africa Council for the Project and Construction Management Professions (SACPCMP) as a professional manager.

5.1.2. CIVIL CONSTRUCTION SUPERVISORS

- National Certificate level 3 (N3) in Civil Construction Engineering.
- Trade test certificate.

5.1.3 ELECTRICAL INSTALLATION SUPERVISORS

- National Certificate level 3 (N3) in Electrical Engineering (Heavy Current) or valid A-brown certificate.
- Trade test certificate

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5.1.4. ELECTRICIAN

- National Certificate level 3 (N3) in Electrical Engineering (Heavy Current) or valid A-brown certificate.
- Trade test certificate.

5.1.5. OCCUPATIONAL HEALTH AND SAFETY OFFICERS

- National Diploma or Certificate in Safety, Health, Environment, Risk and Quality (SHERQ).
- Professional registered with SACPCMP.

5.1.6. OPTICAL TRANSPORT NETWORK (OTN) TECHNICIAN

- OTN Systems Certified on installations and commissioning of OTN systems.


NB. Provide certified copies of original qualifications and certificates of professional bodies. The copies must be certified by commissioner of oath. The date on the stamp shall be three months or less old, before the closing date of the tender. Please provide **SAQA** accredited qualification.

6. TECHNICAL SPECIFICATIONS RELATED TO THIS PROJECT

The following comprehensive list of technical specifications and standards is related to this capital project:

7. TIME FRAMES / PROGRAMS

The estimated time for construction work from contract signing is 6 months.

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8. EVALUATION METHODOLOGY

The evaluation of the Bids by the evaluation committees will be conducted at various levels.

The following levels will be applied in the evaluation:

LEVEL	DESCRIPTION
Verify completeness	The Bid is checked for completeness and whether all required documentation, certificates; verify completeness warranties and other Bid requirements and formalities have been complied with. Incomplete Bids will be disqualified.
Verify compliance	The Bids are checked to verify that the essential RFP requirements have been met. Non-compliant Bids will be disqualified.
Detailed Evaluation of Technical	Detailed analysis of Bids to determine whether the Bidder is capable of delivering the Project in terms of business and technical requirements. The minimum threshold for technical evaluation is [80%], any bidder who fails to meet the minimum requirement will be disqualified and not proceed with the evaluation of Price and Specific Goals.
Specific Goals	Evaluate Specific Goals
Price Evaluation	Bidders will be evaluated on price offered.
Scoring	Scoring of Bids using the Evaluation Criteria.
Recommendation	Report formulation and recommendation of Preferred and Reserved Bidders
Best and Final Offer	PRASA may go into the Best and Final Offer process in the instance where no bid meets the requirements of the RFP and/or the Bids are too close in terms of points awarded.
Approval	Approval and notification of the final Bidder.

8.1 EVALUATION CRITERIA

Interested bidders for this project shall be evaluated in terms of their business credentials, financial standing, empowerment, technical capacity, and experience. The evaluation committee shall use the following Evaluation Criteria depicted in Table 1 below for the

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selection of the preferred bidder that shall render professional services and construction management work for the project.

EVALUATION CRITERIA	WEIGHTING
Stage 1	Compliance
Stage 1A - Mandatory Requirements	
Stage 1B - Other Mandatory Requirements	
Stage 2	Technical/Functionality
Technical/Functional Requirements	Threshold of 80%
Stage 3	Price and Specific Goals
Price	90
Specific Goals	10
TOTAL	100

Table 1: Evaluation criteria for the selection of a potential bidder

The details of the stages outlined in Table 1 above are presented in following sections below.

8.1.1 STAGE 1: COMPLIANCE REQUIREMENTS

Bidders must comply with the following requirements and failure to comply will lead to immediate disqualification.

8.1.1.1 Stage 1A- Mandatory Requirements

If you do not submit/meet the following mandatory documents/requirements, your bid will be automatically disqualified:

No.	Description of requirement	
a)	Completion of ALL RFP documentation (includes ALL declarations)	
b)	Briefing Session Form D.	

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No.	Description of requirement	
	Bidders must also reflect on the Compulsory Briefing Session Attendance Register	
c)	Signed Joint Venture, Consortium Agreement or Partnering Agreement (whichever is applicable)	
d)	The National Industrial Participation Programme Form (SBD5) must be completed and duly signed.	
e)	Proof of CIDB grading 8EP (to be verified on the CIDB website)	
f)	Overall Staffing and Key Professional staff must Submit proof of qualifications and professional registration as per section 5.1	

Table 8.2: Mandatory Requirements

8.1.1.2 Stage 1B – Basic Compliance Requirements

If you do not submit/meet the following mandatory documents/requirements, PRASA may request the bidder to submit the information within five (5) working days.

No.	Description of requirement	
a)	Letter of Good Standing: COID	
b)	Valid SARS Pin	
c)	CSD supplier registration number	

Table 3: Basic Compliance Requirements

8.1.2 STAGE 2: TECHNICAL / FUNCTIONALITY REQUIREMENTS

Qualifying bidders shall then be evaluated on functionality after meeting all compliance requirements outlined above. The minimum threshold for the technical/functionality requirements is 80% as per the standard Evaluation Criteria presented in Table 1 above. Bidders who score below this minimum requirement shall not be considered for further evaluation in stage 3.

Details of the technical/functional requirements are presented in the Table 4 below:

ITEM	CRITERIA	WEIGHT / SCORING
1	Organizational Experience	40
2	Qualifications and Experience of key personnel	40
3	Project program (Work plan)	10
4	Project Approach and Methodology	10
	TOTAL	100

Table 4: Technical Evaluation Criteria

8.1.2.1 Functional Evaluation Criteria

Bidders are evaluated based on the functional criteria set out in this RFP. Only those Bidders which score 80% Functional/technical threshold during the functional evaluation will be evaluated further for Price and Specific goals

Details of the scoring methodology presented above are outlined below:

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Functionality evaluation matrix & Criteria:

Details of the detailed scoring method

Methodology is presented in the below:

Technical Scoring Methodology CRITERIA	WEI GHT	SCORES
<p>Organizational Experience Provide for each successfully completed project/s in the following sequence: Copy of an appointment letter/s on a company letterhead, description of the project, Client name, Client contact (i.e. email and office number), Project start date, project end date, extension of time where applicable, contract value inclusive of VAT.</p> <p>Furthermore, attach completion certificate signed by client or letter from the client confirming successful completion of the project.</p>	40	<p>Score will be based on successfully executed and completed similar projects in the installation of 3 kV DC traction substations in the last fifteen (15) years from the presented details in the tender document.</p> <p>0: Zero (0) Similar Projects/non-submission/incomplete submission 1: 1 Similar project 2: 2 Similar projects 3: 3 Similar projects 4: 4 Similar projects 5: 5 Similar projects</p>
<p>Key Personnel Experience (based on Submitted CVs) of Key Staff</p> <p>a) Project /Construction Manager b) Civil Construction Supervisors c) Electrical Installation Supervisors d) Electrician</p> <p>Provide copies of original qualifications and certificates of professional bodies. The copies must be certified by the commissioner of oath. The date on the stamp shall be three months or less old, before the closing date of the tender.</p> <p>If the qualification has been awarded in other language than English, please provide translation in English.</p> <p>Evaluation will be done on all 4 personnel and maximum points shall be obtained on 4 personnel. All educational qualifications should be SAQA accredited.</p>	40	<p>Detailed CVs of the team members who will be used in completing the works must submitted. Scores would be based on the experience in the installation of 3kV DC traction substations of proposed personnel.</p> <p>The points will be based on the four (4) Key Staff listed opposite:</p> <p>0: No information provided/incomplete submission 1: Average less than 5 years of experience of Key Staff 2: Average greater or equals to 5 years but less than 8 years of experience of Key Staff 3: Average greater or equals to than 8 Years but less than 10 years of</p>

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		<p>experience of Key Staff 4: Average greater or equals to than 10 Years but less than 12 years of experience of Key Staff 5: Average greater or equals to 12 years of experience of Key Staff.</p>
<p>Project Program (Work Plan)</p> <p>Provide project schedule in MS projects that meets the client’s timeline requirements and the schedule to cover the following key Milestones:</p> <ul style="list-style-type: none"> • Project duration within the targeted duration of 6 months. • Resource allocation • Critical Path clearly highlighted • Activities showing safety measures to be taken activities included. • Activities sequenced such that predecessors are clearly captured. <p>The overall schedule should clearly indicate sequencing of activities with clear understanding of scope.</p>	<p>10</p>	<p>Score will be allocated for MS Project Schedule provided.</p> <p>Score will be allocated for MS Project Schedule provided.</p> <p>0: No schedule provided. 1: Project schedule provided with relevant activities and 1 of the indicated elements addressed. 2: Project schedule provided with relevant activities and 2 of the indicated elements addressed. 3: Project schedule provided with relevant activities and 3 of the indicated elements addressed. 4: Project schedule provided with relevant activities and 4 of the indicated elements addressed. 5: Project schedule provided with relevant activities and all the indicated elements addressed.</p>

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<p>Project Approach and Methodology</p> <p>The project methodology must be in line with the scope of work. Identify the risks associated with the project activities and mitigation measures. Clearly show risks and mitigation measures of working on the railway reserve.</p> <p>Elements: Identification of risks and mitigation, Work breakdown of activities, Quality assurance, Transportation, Scaffolding, Plant and equipment, Temporary structural supports, barricading and securing of work, Accommodation of traffic.</p>	<p>10</p>	<p>Score will be allocated as follows:</p> <p>0: No Project Approach/Methodology provided.</p> <p>1: Only 2 of the listed elements addressed.</p> <p>2: Only 3 of the listed elements addressed.</p> <p>3: Only 4 of the listed elements addressed.</p> <p>4: Only 5 of the listed elements addressed.</p> <p>5: More than 5 of the listed elements addressed.</p>
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Note: Bidders that fail to achieve the minimum overall qualifying score of 80% on functional/ technical requirements will not be considered for further Price and Specific Goals (Stage 3) evaluation.

8.1.3. STAGE 3 - PRICING AND SPECIFIC GOALS

Bidders should provide their price proposal in envelope 2, which should include Form C (Financial Offer) and also provide proof of Specific Goals.

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	90
SPECIFIC GOALS	10
TOTAL POINTS FOR PRICE AND SPECIFIC GOALS	100

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FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

POINTS AWARDED FOR PRICE

THE 90/10 PREFERENCE POINT SYSTEMS

A maximum of 90 points is allocated for price on the following basis:

90/10

$$PS = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

POINTS AWARDED FOR SPECIFIC GOALS

In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

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Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Measurement Criteria
B-BBEE Level 2 or better	4		B-BBEE Certificate/Affidavit (in case of JV, a consolidated score card must be provided)
At least 51% Black Owned	3		Certified copy of ID Documents of the Owners
At least 51% Black Women Owned	3		Certified copy of ID Documents of the Owners
Total			

Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

9 THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME

The National Industrial Participation (NIP) Programme, which is applicable to all government procurement contracts that have an imported content, became effective on the 1 September 1996. The NIP policy and guidelines were fully endorsed by Cabinet on 30 April 1997. In terms of the Cabinet decision, all state and parastatal purchases / lease contracts (for goods, works and services) entered into after this date, are subject to the NIP requirements. NIP is obligatory and therefore must be complied with. The Industrial Participation Secretariat (IPS) of the Department of Trade and Industry (DTI) is charged with the responsibility of administering the programme.



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Bidders are therefore required to complete SBD 5 to give effect to the above.

Bidders who do not complete this form will be automatically disqualified.

SECTION 3

PRICING AND DELIVERY SCHEDULE

Respondents are required to complete the Pricing Schedule/ BOQ **Form C:** (Volume 2 /Envelope 2)

1 PRICING

- 1.1. Prices must be quoted in South African Rand, inclusive of VAT.
- 1.2. Price offer is firm and clearly indicate the basis thereof.
- 1.3. Pricing Bill of Quantity is completed in line with schedule if applicable.
- 1.4. Cost breakdown must be indicated.
- 1.5. Price escalation basis and formula must be indicated.
- 1.6. To facilitate like-for like comparison bidders must submit pricing strictly in accordance with this price schedule and not utilise a different format. Deviation from this pricing schedule could result in a bid being declared non-responsive.
- 1.7. Please note that should you have offered a discounted price(s), PRASA will only consider such price discount(s) in the final evaluation stage on an unconditional basis.
- 1.8. Respondents are to note that if price offered by the highest scoring bidder is not market related, PRASA may not award the contract to the Respondent. PRASA may:
 - 1.9. negotiate a market-related price with the Respondent scoring the highest points or cancel the RFT.
 - 1.10. if that Respondent does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the second highest points or cancel the RFT; and
 - 1.11. if the Respondent scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the third highest points or cancel the RFT.

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- 1.12. If a market-related price is not agreed with the Respondent scoring the third highest points, PRASA must cancel the RFT.

2 DISCLOSURE OF PRICES QUOTED

Respondents are to note that, on award of business, PRASA is required to publish the tendered prices and preferences claimed of the successful and unsuccessful Respondents inter alia on the National Treasury e-Tender Publication Portal, (www.etenders.gov.za), as required per National Treasury Instruction Note 01 of 2015/2016.

6. PERFORMANCE BOND

The Preferred Bidder shall provide PRASA with a performance bond which shall be 10% of the value of the entire Project price offered by the Preferred Bidder and it shall be issued within 30 days of receipt of notice of appointment as Preferred Bidder. The Performance Bond shall be valid for the Contract period. The format of the Performance Bond is attached as Annexure 3.

7. OWNERSHIP OF DESIGN

- 4.1 The plans and design developed and to be provided by PRASA shall at all times remain the property of PRASA.

8. SERVICE LEVEL AGREEMENT

- 5.1 An experienced national account representative(s) is required to work with PRASA's procurement department. [No sales representatives are needed for individual department or

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- locations]. Additionally, there shall be a minimal number of people, fully informed and accountable for this agreement.
- 5.2 PRASA will have quarterly reviews with the Contractor account representative on an on-going basis.
- 5.3 PRASA reserves the right to request that any member of the Contractor’s team involved on the PRASA account be replaced if deemed not to be adding value for PRASA.
- 5.4 The Contractor guarantees that it will achieve a 100% [hundred per cent] service level on the following measures:
- a) Random checks on compliance with quality/quantity/specifications
 - b) On time delivery.
- 5.5 The Contractor must provide a telephone number for customer service calls.
- 5.6 Failure of the Contractor to comply with stated service level requirements will give PRASA the right to cancel the contract in whole, without penalty to PRASA, giving 30 [thirty] calendar days’ notice to the Contractor of its intention to do so.

Acceptance of Service Levels:

YES	
-----	--

9. TOTAL COST OF OWNERSHIP (TCO)

- 2.1** PRASA will strive to procure goods, services and works which contribute to its mission. In order to achieve this, PRASA must be committed to working with suppliers who share its goals of continuous improvement in service, quality and reduction of Total Cost of Ownership (TCO).
- 2.2** Respondents shall indicate whether they would be committed, for the duration of any contract which may be awarded through this RFT process, to participate with PRASA in its continuous improvement initiatives to reduce the total cost of ownership [TCO], which will reduce the overall cost of transportation services and related logistics provided by PRASA’s operating divisions within South Africa to the ultimate benefit of all end-users.

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prasa
PASSENGER RAIL AGENCY
OF SOUTH AFRICA

10. FINANCIAL STABILITY

Respondents are required to submit their latest financial statements prepared and signed off by a professional accountant for the past three years with their Tender in order to enable PRASA to establish financial stability.

SIGNED at _____ on this _____ day of _____ 20.....

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

SIGNATURE OF RESPONDENT’S AUTHORISED REPRESENTATIVE:

NAME: _____

DESIGNATION: _____

11. VALIDITY OF RETURNABLE DOCUMENTS

The successful Respondent will be required to ensure the validity of all returnable documents, including but not limited to its Tax Clearance Certificate and valid B-BBEE Verification

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Certificate, for the duration of any contract emanating from this RFT. Should the Respondent be awarded the contract [the Agreement] and fail to present PRASA with such renewals as and when they become due, PRASA shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate such Agreement forthwith without any liability and without prejudice to any claims which PRASA may have for damages against the Respondent.

SIGNED at _____ on this _____ day of _____ 20.....

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

SIGNATURE OF RESPONDENT’S AUTHORISED REPRESENTATIVE:

NAME: _____

DESIGNATION: _____

12. CERTIFICATE OF ACQUAINTANCE WITH RFT TERMS & CONDITIONS & APPLICABLE DOCUMENTS

By signing this certificate the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with, and agrees with all the conditions governing this RFT, including those contained in any printed form stated to form part hereof, including but not limited

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to the documents stated below and PRASA will recognise no claim for relief based on an allegation that the Respondent overlooked any such condition or failed properly to take it into account for the purpose of calculating tendered prices or any other purpose:

1. PRASA's General Bid Conditions*

2. Standard RFT Terms and Conditions for the supply of Goods or Services or Works to PRASA

Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in the RFT unacceptable, it should indicate which conditions are unacceptable and offer alternatives by written submission on its company letterhead, attached to its submitted Bid. Any such submission shall be subject to review by PRASA's Legal Counsel who shall determine whether the proposed alternative(s) are acceptable or otherwise, as the case may be. A material deviation from the Standard terms or conditions could result in disqualification.

Bidders accept that an obligation rests on them to clarify any uncertainties regarding any bid to which they intend to respond, before submitting the bid. The Bidder agrees that he/she will have no claim based on an allegation that any aspect of this RFT was unclear but in respect of which he/she failed to obtain clarity.

The bidder understands that his/her Bid will be disqualified if this Certificate of Acquaintance with RFT documents included in the RFT as a returnable document, is found not to be true and complete in every respect.

SIGNED at _____ on this _____ day of _____ 20....

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

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2 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

NAME: _____

DESIGNATION: _____

13. GENERAL CONDITIONS

10.1 Alternative Bids

Please note that alternative Bids will not be accepted.

10.2 Prasa's Tender Forms

Bidders must sign and complete the PRASA's Bid Forms and attach all the required documents. Failure by Bidders to adhere to this requirement may lead to their disqualification.

10.3 Precedent

In case of any conflict with this RFT and Bidders response, this RFT and its briefing notes shall take precedence.

10.4 Response to RFT-Confidentiality

Response to RFTs must clearly indicate whether any information conveyed to or requested from PRASA is confidential or should be treated confidentially by PRASA. In the absence of any such clear indication in writing from a response to RFT, PRASA shall deem the response to RFT to have waived any right to confidentiality and treat such information as public in nature.

Where a Bidder at any stage during the RFT Process indicates to PRASA that information or any response to RFT requested from PRASA is or should be treated confidentially, PRASA shall treat such information or response to RFT confidentially, unless PRASA believes that to ensure the transparency and competitiveness of the RFT Process the content of the information or response to RFT should be conveyed to all Bidders, in which event it shall apply the following process:

- PRASA shall confirm with the Bidder whether the raising of confidentiality applies to the entire response to the RFT or only specific elements or sections of the response.
- Where confidentiality is maintained by the Bidder and PRASA is of the opinion that the

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information or response to RFT if made publicly available would affect the commercial interests of the Bidder or is commercially sensitive information, PRASA shall not release such information to other Bidders if providing such information or response to the RFT would prejudice the competitiveness and transparency of the RFT Process.

- Where PRASA is of the opinion that information provided is not commercially sensitive or would have no impact on the commercial interests of the relevant Bidder if released and fairness and transparency require that such information be released to all Bidders, PRASA may:
 - i. inform the relevant Bidder of the necessity to release such information and/or response to RFT and request the Bidder to consent to the release thereof by PRASA; or
 - ii. obtain legal advice regarding the confidentiality of the relevant information and/or response to RFT and the legal ability of PRASA to release such information; or
 - iii. refrain from releasing the information and/or response to RFT, in which event PRASA shall not take account of the contents of such information in the evaluation of the relevant response to RFT.

The above procedures regarding confidentiality shall not apply to any information which is already public knowledge or available in the public domain or in the hands of PRASA or is required to be disclosed by any legal or regulatory requirements or order of any competent court, tribunal or forum.

10.5 Response to the RFT – RFT Disqualification

Responses to RFT which do not comply with the RFT requirements, formalities, terms and conditions may be disqualified by PRASA from further participation in the RFT Process.

In particular (but without prejudice to the generality of the foregoing) PRASA may disqualify, at its sole discretion and without prejudice to any other remedy it may have, a Bidder where the Bidder, or any of its consortium members, subcontractors or advisors have committed any act of misrepresentation, bad faith or dishonest conduct in any of its dealings with or information

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provided to PRASA.

10.6 Corruption, Gifts and Payments

Neither the Bidders to RFTs, its equity members, the sub-contractors, consortium members nor any of their agents, lenders or advisors shall directly or indirectly offer or give to any person in the employment of PRASA or any other Government official or any of the Advisory Team any gift or consideration of any kind as an inducement or reward for appointing a particular Bidder, or for showing or omitting to show favour or disfavour to any of the Bidders, its equity members or the sub-contractors in relation to the Project.

In the event that any of the prohibited practices contemplated under the above paragraph is committed, PRASA shall be entitled to terminate any Response to RFT's status and to prohibit such Response to RFT, its equity members, its SPV members, its Sub Contractors and their agents, lenders and advisors from participating in any further part of the procurement of the Project.

10.7 Insurance

Unless specifically provided for in this RFT or draft contracts, Bidders will be required to submit with their Bid for services professional indemnity insurance and works insurance to an extent (if any) if insurance provided by PRASA may not be for the full cover required in terms of the relevant category listed in this RFT. The Bidder is advised to seek qualified advice regarding insurance.

10.8 No Contact Policy

Bidders may only contact **Agnes Sekhuthu** at email asekhuthu@PRASA.com and copy **Rosemary Moagi** email rmoagi@PRASA.com of PRASA as per the terms of the Communication Structure established by this RFT, except in the case of pre-existing commercial relationships, in which case contact may be maintained only with respect thereto and, in making such contact, no party may make reference to the Project or this RFT.

10.9 Conflict of Interest

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No Bidder member, subcontractor or advisor of the response to RFT may be a member of or in any other way participate or be involved, either directly or indirectly in more than one response to RFT or response to RFT during any stage of the Project procurement process, but excluding specialist suppliers of systems and equipment, non-core Contractors or financial or commercial institutions whose role is limited purely to lending money or advancing credit to the response to RFT. Bidders are to sign the declaration of interest form. In order to prevent the conflict or potential conflict of interest between Lenders and Bidders to RFT, no advisors or the Contractor/s or Consortium/s to any response to RFT, consortium member or subcontractor may fulfil the role of arranger, underwriter and/or lead bank to the response to RFT. PRASA may disqualify the response to RFT from further participation in the event of a failure to comply with this provision. PRASA views the potential conflict of interest so great as to warrant the reduction of competition for advisory services.

10.10 Collusion and Corruption

Any Bidder shall, without prejudice to any other remedy available to PRASA, be disqualified, where the response to RFT –

- communicates to a person other than persons nominated by PRASA a material part of its response to RFT; or
- enters into any Contract or arrangement with any other person or entity that it shall refrain from submitting a response to RFT to this RFT or as to any material part of its Response to RFT to this RFT (refer the prohibition contained in Section 4(1)(b)(iii) of the Competition Act 89 of 1998). The Bidders represents that the Bidder has not, directly or indirectly, entered into any agreement, arrangement or understanding or any such like for the purpose of, with the intention to enter into collusive Biding or with reasonable appreciation that, collusive any agreement, arrangement or understanding or any such like may result in or have the effect of collusive Biding. The Bidder undertakes that in the process of the Bid but prior to PRASA awarding the Bid to a preferred bidder become involved in or be aware of or do or caused to be done any agreement, arrangement or understanding or any such like for the purpose of or which may result in or have the effect of a collusive Bid, the Bidder will notify PRASA of such any agreement, arrangement or understanding or any such like; or

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- offers or agrees to pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done, or causing, or having caused to be done any act or omission in relation to the RFT Process or any proposed response to RFT (provided nothing contained in this paragraph shall prevent a response to RFT from paying any market-related commission or bonus to its employees or contractors within the agreed terms of their employment or contract).

10.11 Consortium Changes

If exceptional circumstances should arise in which a after the submission to the bid and after closing date of submission of bids, there is change in the composition of the Bidder, either through substitution or omission of any member of the Bidder:

- The Response to RFT must notify PRASA in writing of the proposed changes supported by complete details of the material reasons for the changes, the parties impacted by the changes and the impact on the response to RFT.
- PRASA shall evaluate the reasons advanced by the Bidder for the requested changes to the Bidder structure and where PRASA is not satisfied that the reasons advanced are reasonable or material, refuse to accept the change and disqualify the response to RFT, or notify the Bidder in writing of its non-acceptance of the changes and require the Bidder to propose a suitable alternative to PRASA within 10 (TEN) days of its receipt of the decision of PRASA, upon receipt of which PRASA shall -
 - i. Evaluate the alternative proposed for suitability to PRASA, and where the alternative is accepted by PRASA, inform the Bidder in writing of such acceptance and PRASA shall reassess the response to RFT against the RFT requirements and criteria; or
 - ii. Where the alternative is not accepted by PRASA, inform the Bidder in writing of such non-acceptance as well as its disqualification from the RFT Process.
 - iii. Where PRASA is satisfied that the changes requested under (i) above are reasonable and material, the response to RFT, shall be allowed to effect the required changes and PRASA shall reassess the response to RFT against the RFT requirements and criteria.

10.12 Costs of Response to the RFT Submission

All costs and expenses associated with or incurred by the Bidder in relation to any stage of the Project, shall be borne by the Bidder. PRASA shall not be liable for any such costs or expenses or any claim for reimbursement of such costs or expenses.

To avoid doubt, PRASA shall not be liable for any samples submitted by the Bidder in support of their Responses to RFT and reserves the right not to return to them such samples and to dispose of them at its discretion.

10.13 Response to the RFT Warranty

Bidders must provide a warranty as part of their Responses to RFT that their Responses to RFT are true and correct in all respects, that it does not contain a misrepresentation of any kind and that the taxes of all members of the Bidder company, consortium members and or subcontractors are in order and none of the members are undergoing corruption or any criminal-related investigations or have any past convictions for fraud or corruption.

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14. CONDITIONS OF TENDER

General

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| Actions | 1 | PRASA's <i>Representative</i> and each <i>tenderer</i> submitting a tender shall act as stated in these Conditions of Tender and in a manner which is fair, equitable, transparent, competitive and cost-effective. |
| Interpretation | 2 | Terms shown in <i>italics</i> vary for each tender. The details of each term for this tender are identified in the Request for Tender / Scope of work/ specification. Terms shown in capital initials are defined terms in the appropriate conditions of contract. |
| | 3 | Any additional or amended requirements in the Scope of work/ specification, and additional requirements given in the Schedules in the <i>tender returnable</i> are deemed to be part of these Conditions of Tender. |
| | 4 | The Conditions of Tender and the Scope of work/ specification shall form part of any contract arising from this invitation to tender. |
| Communication | 5 | Each communication between PRASA and a <i>tenderer</i> shall be to or from PRASA's <i>Representative</i> only, and in a form that can be read, copied and recorded. Communication shall be in the English language. PRASA takes no responsibility for non-receipt of communications from or by a <i>tenderer</i> . |
| PRASA's rights to accept or reject any tender | 6 | PRASA may accept or reject any variation, deviation, tender, or alternative tender, and may cancel the tender process and reject all tenders at any time prior to the formation of a contract. PRASA or PRASA's <i>Representative</i> will not accept or incur any liability to a <i>tenderer</i> for such cancellation and rejection but will give reasons for the action. PRASA reserves the right to accept the whole or any part of any tender. |

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- 7 After the cancellation of the tender process or the rejection of all tenders PRASA may abandon the proposed work and services, have it performed in any other manner, or re-issue a similar invitation to tender at any time.

Tenderer's obligations

The *tenderer* shall comply with the following obligations when submitting a tender and shall:

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| Eligibility | 1 | Submit a tender only if the <i>tenderer</i> complies with the criteria stated in the Scope of work/ specification. |
| Cost of tendering | 2 | Accept that PRASA will not compensate the <i>tenderer</i> for any costs incurred in the preparation and submission of a tender. |
| Check documents | 3 | Check the <i>tender documents</i> on receipt, including pages within them, and notify PRASA's <i>Representative</i> of any discrepancy or omissions in writing. |
| Copyright documents | of 4 | Use and copy the documents provided by PRASA only for the purpose of preparing and submitting a tender in response to this invitation. |
| Standardised specifications and other publications | 5 | Obtain, as necessary for submitting a tender, copies of the latest revision of standardised specifications and other publications, which are not attached but which are incorporated into the <i>tender documents</i> by reference. |
| Acknowledge receipt | 6 | Preferably complete the Receipt of invitation to submit a tender form attached to the Letter of Invitation and return it within five days of receipt of the invitation. |
| | 7 | Acknowledge receipt of Addenda / Tender Briefing Notes to the <i>tender documents</i> , which PRASA's <i>Representative</i> may issue, |

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and if necessary, apply for an extension to the *deadline for tender submission*, in order to take the Addenda into account.

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| Site visit and / or clarification meeting | 8 | Attend a site visit and/or clarification meeting at which <i>tenderers</i> may familiarise themselves with the proposed work, services or supply, location, etc. and raise questions, if provided for in the Scope of work/ specification. Details of the meeting are stated in the RFT document, <i>i</i> -tender website and CIDB website. |
| Seek clarification | 9 | Request clarification of the <i>tender documents</i> , if necessary, by notifying PRASA's <i>Representative</i> earlier than the <i>closing time for clarification of queries</i> . |
| Insurance | 10 | Be informed of the risk that needs to be covered by insurance policy. The <i>tenderer</i> is advised to seek qualified advice regarding insurance. |
| Pricing the tender | 11 | Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except VAT), and other levies payable by the successful <i>tenderer</i> . Such duties, taxes and levies are those applicable 14 days prior to the <i>deadline for tender submission</i> . |
| | 12 | Show Value Added Tax (VAT) payable by PRASA separately as an addition to the tendered total of the prices. |
| | 13 | Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the <i>conditions of contract</i> . |
| | 14 | State the rates and Prices in South African Rand unless instructed otherwise as an additional condition in the Scope of work/ specification. The selected <i>conditions of contract</i> may provide for part payment in other currencies. |
| Alterations documents | to 15 | Not make any alterations or an addition to the tender documents, except to comply with instructions issued by PRASA's |

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Representative or if necessary to correct errors made by the *tenderer*. All such alterations shall be initialled by all signatories to the tender. Corrections may not be made using correction fluid, correction tape or the like.

- Alternative tenders**
- 16 Submit alternative tenders only if a main tender, strictly in accordance with all the requirements of the *tender documents* is also submitted. The alternative tender is submitted with the main tender together with a schedule that compares the requirements of the *tender documents* with the alternative requirements the *tenderer* proposes. **(N/A for this tender)**
- 17 Accept that an alternative tender may be based only on the criteria stated in the Scope of work/ specification and as acceptable to PRASA. **(N/A for this tender)**
- Submitting tender**
- a 18 Submit a tender for providing the whole of the works, services or supply identified in the Contract Data unless stated otherwise as an additional condition in the Scope of work/ specification.
- NOTE:**
- 19 **Return the completed and signed *PRASA Tender Forms and SBD forms provided with the tender. Failure to submit all the required documentation will lead to disqualification***
- 20 **Submit the tender as an original plus 1 copy and two electronic version which must be contained in CDs or Memory Cards clearly marked as Volume 1 and Volume 2 in the Bidders name as stated in the RFT and provide an English translation for documentation submitted in a language other than English. Tenders may not be written in pencil but must be completed in ink.**
- 21 Sign and initial the original and all copies of the tender where indicated. PRASA will hold the signatory duly authorised and liable on behalf of the *tenderer*.
- 22 Seal the original and each copy of the tender as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside PRASA's address and invitation to tender

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number stated in the Scope of work/ specification, **as well as the tenderer's name and contact address**. Where the tender is based on a two envelop system tenderers must further indicate in the package whether the document is **envelope / box 1 or 2**.

- 23 Seal original and copies together in an outer package that states on the outside only PRASA's address and invitation to tender number as stated in the Scope of work/ specification. The outer package must be marked "CONFIDENTIAL"
- 24 Accept that PRASA will not assume any responsibility for the misplacement or premature opening of the tender if the outer package is not sealed and marked as stated.

Note:

PRASA prefers not to receive tenders by post and takes no responsibility for delays in the postal system or in transit within or between PRASA offices.

PRASA prefers not to receive tenders by fax, PRASA takes no responsibility for difficulties in transmission caused by line or equipment faults.

Where tenders are sent via courier, PRASA takes no responsibility for tenders delivered to any other site than the tender office.

PRASA employees are not permitted to deposit a tender into the PRASA tender box on behalf of a tenderer, except those lodged by post or courier.

Closing time

- 25 Ensure that PRASA has received the tender at the stated address with the Scope of work / specification no later than the *deadline for tender submission*. Proof of posting will not be taken by PRASA as proof of delivery. PRASA will not accept a tender submitted telephonically, by Fax, E-mail or by telegraph unless stated otherwise in the Scope of work/ specification.

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| | 26 | Accept that, if PRASA extends the <i>deadline for tender submission</i> for any reason, the requirements of these Conditions of Tender apply equally to the extended deadline. |
| Tender validity | 27 | Hold the tender(s) valid for acceptance by PRASA at any time within the <i>validity period</i> after the <i>deadline for tender submission</i> . |
| | 28 | Extend the <i>validity period</i> for a specified additional period if PRASA requests the <i>tenderer</i> to extend it. A <i>tenderer</i> agreeing to the request will not be required or permitted to modify a tender, except to the extent PRASA may allow for the effects of inflation over the additional period. |
| Clarification of tender submission | 29 | Provide clarification of a tender in response to a request to do so from PRASA's <i>Representative</i> during the evaluation of tenders. This may include providing a breakdown of rates or Prices. No change in the total of the Prices or substance of the tender is sought, offered, or permitted except as required by PRASA's <i>Representative</i> to confirm the correction of arithmetical errors discovered in the evaluation of tenders. The total of the Prices stated by the <i>tenderer</i> as corrected by PRASA's <i>Representative</i> with the concurrence of the <i>tenderer</i> , shall be binding upon the <i>tenderer</i> |
| Submit bonds, policies etc. | 30 | If instructed by PRASA's <i>Representative</i> (before the formation of a contract), submit for PRASA's acceptance, the bonds, guarantees, policies and certificates of insurance required to be provided by the successful <i>tenderer</i> in terms of the <i>conditions of contract</i> . |
| | 31 | Undertake to check the final draft of the contract provided by PRASA's <i>Representative</i> and sign the Form of Agreement all within the time required. |
| | 32 | Where an agent on behalf of a principal submits a tender, an authenticated copy of the authority to act as an agent must be submitted with the tender. |
| Fulfil BEE requirements | 33 | Comply with PRASA's requirements regarding BBBEE Suppliers. |

PRASA'S UNDERTAKINGS



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PRASA, and PRASA's *Representative*, shall:

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| Respond clarification | to | 1 | Respond to a request for clarification received earlier than the <i>closing time for clarification of queries</i> . The response is notified to all <i>tenderers</i> . |
| Issue Addenda | | 2 | If necessary, issue to each <i>tenderer</i> from time to time during the period from the date of the Letter of Invitation until the <i>closing time for clarification of queries</i> , Addenda that may amend, amplify, or add to the <i>tender documents</i> . If a <i>tenderer</i> applies for an extension to the <i>deadline for tender submission</i> , in order to take Addenda into account in preparing a tender, PRASA may grant such an extension and PRASA's <i>Representative</i> shall notify the extension to all <i>tenderers</i> . |
| Return late tenders | | 3 | Return tenders received after the <i>deadline for tender submission</i> unopened to the <i>tenderer</i> submitting a late tender. Tenders will be deemed late if they are not in the designated tender box at the date and time stipulated as the deadline for tender submission. |
| Non-disclosure | | 4 | Not disclose to <i>tenderers</i> , or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tenders and recommendations for the award of a contract. |
| Grounds rejection | for | 5 | Consider rejecting a tender if there is any effort by a <i>tenderer</i> to influence the processing of tenders or contract award. |
| Disqualification | | 6 | Instantly disqualify a <i>tenderer</i> (and his tender) if it is established that the <i>tenderer</i> offered an inducement to any person with a view to influencing the placing of a contract arising from this invitation to tender. |
| Test responsiveness | for | 7 | Determine before detailed evaluation, whether each tender properly received |

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- meets the requirements of these Conditions of Tender,
 - has been properly signed, and
 - is responsive to the requirements of the *tender documents*.
- 8 Judge a responsive tender as one which 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 PRASA 's opinion would
- detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Contract Data,
 - change PRASA's or the *tenderer's* risks and responsibilities under the contract, or
 - affect the competitive position of other *tenderers* presenting responsive tenders if it were to be rectified.
- Non-responsive tenders** 10 Reject a non-responsive tender, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.
- Arithmetical errors** 11 Check responsive tenders for arithmetical errors, correcting them as follows:
- Where there is a discrepancy between the amounts in figures and in words, the amount in words shall govern.
 - If a bill of quantities applies and there is a discrepancy between the rate and the line-item total, resulting from multiplying the rate by the quantity, the rate as quoted shall govern. Where there is an obviously gross misplacement of the decimal point in the rate, the line-item total as quoted shall govern, and the rate will be corrected.
 - 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, if any, will be corrected.
- 12 Reject a tender if the *tenderer* does not accept the corrected total of the Prices (if any).

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| Evaluating tender | the | 13 | Evaluate responsive tenders in accordance with the procedure stated in the RFT / Scope of work/ specification. The evaluated tender price will be disclosed only to the relevant PRASA tender committee and will not be disclosed to <i>tenderers</i> or any other person. |
| Clarification of a tender | of a | 14 | Obtain from a <i>tenderer</i> clarification of any matter in the tender which may not be clear or could give rise to ambiguity in a contract arising from this tender if the matter were not to be clarified. |
| Acceptance tender | of | 15 | Notify PRASA's acceptance to the successful <i>tenderer</i> before the expiry of the <i>validity period</i> or agreed additional period. Providing the notice of acceptance does not contain any qualifying statements, it will constitute the formation of a contract between PRASA and the successful <i>tenderer</i> . |
| Notice unsuccessful tenderers | to | 16 | After the successful <i>tenderer</i> has acknowledged PRASA's notice of acceptance, notify other <i>tenderers</i> that their tenders have not been accepted, following PRASA's current procedures. |
| Prepare contract documents | contract documents | 17 | Revise the contract documents issued by PRASA as part of the <i>tender documents</i> to take account of <ul style="list-style-type: none"> • Addenda issued during the tender period, • inclusion of some of the <i>tender returnable</i>, and • other revisions agreed between PRASA and the successful <i>tenderer</i>, before the issue of PRASA's notice of acceptance (of the tender). |
| Issue final contract | | 18 | Issue the final contract documents to the successful <i>tenderer</i> for acceptance within one week of the date of PRASA's notice of acceptance. |
| Sign Form Agreement | Form of Agreement | 19 | Arrange for authorised signatories of both parties to complete and sign the original and one copy of the Form of |

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Agreement within two weeks of the date of PRASA's notice of acceptance of the tender. If either party requires the signatories to initial every page of the contract documents, the signatories for the other party shall comply with the request.

Provide copies of the contracts 20

Provide to the successful *tenderer* the number of copies stated in the Scope of work/ specification of the signed copy of the contracts within three weeks of the date of PRASA's acceptance of the tender.