

EXPRESSION OF INTEREST FOR AN ENGINEERING, PROCUREMENT AND CONSTRUCTION OF RENEWABLES SOLAR PHOTOVOLTAIC PLANTS AT IDENTIFIED PRASA SITES ON A BUILD, OPERATE AND TRANSFER MODEL.	
EOI NUMBER: INTERSITE/ENE11/2024	

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CLOSING DATE	21 JANUARY 2025
CLOSING TIME	12:00
BRIEFING SESSION	COMPULSORY
	DATE: 10 DECEMBER 2024
	TIME: 11:00 am
BID DOCUMENTS DELIVERY ADDRESS	PRASA CRES HEAD OFFICE 30 WOLMARANS STREET BRAAMFONTEIN GAUTENG
BIDDER NAME	

EXPRESSION OF INTEREST FOR AN ENGINEERING, PROCUREMENT AND CONSTRUCTION OF RENEWABLES SOLAR PHOTOVOLTAIC PLANTS AT IDENTIFIED PRASA SITES ON A BUILD, OPERATE AND TRANSFER MODEL.	 prasa PASSENGER RAIL AGENCY OF SOUTH AFRICA
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DISCLAIMER

This document is provided solely for the purpose set out in this EOI 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 EOI 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 EOI 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 EOI either directly or through an intermediary then such recipient, Bidder will be disqualified forthwith from participating in the EOI.

Each recipient of this EOI 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, distributed or otherwise made available to any other party in any circumstances without

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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 EOI each Bidder and each of its members agrees to maintain its submission in Bid to this EOI 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 EOI.

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 EOI regarding the content of a response to the EOI 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 EOI and/or its receipt of a Proposal in response to it. Please note that PRASA reserves the right to:

- Modify the EOI's goods / service(s) / works and request Respondents to re-bid on any changes;
- Withdraw, amend the EOI at any time without prior notice and liability to compensate or reimburse any respondent;
- Reject any Proposal which does not conform to instructions and specifications which are detailed herein
- Disqualify Proposals submitted after the stated submission deadline;
- Call a respondent to provide additional documents which PRASA may require which have not been submitted to PRASA.
- Withdraw the EOI on good cause shown;
- Award a contract in connection with this Proposal at any time after the EOI's closing date;

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

All costs and expenses incurred by Bidders in submitting responses to this EOI 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 Proposals meet EOI requirement, are affordable and demonstrate value for money and there is no clear preferred response to the EOI

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

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SCHEDULE OF BID DOCUMENTS

SECTION NO	PAGE
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SECTION 1 : NOTICE TO BIDDERS

LIST OF BIDS DOCUMENT

LIST OF ANNEXURES TO THE EOI

ANNEXURES - 1 APPENDICES

PRASA TENDER RETURNABLE FORMS	Annexure 1
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INVITATION TO BID	Form A
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TERMS AND CONDITIONS FOR BIDDING PART B	Form B
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DECLARATION OF INTEREST	Form E
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SECURITY SCREENING FORM	Form F
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ACKNOWLEDGEMENT	Form G
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SBD 4 BIDDER'S DISCLOSURE

SBD 6.1 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE
PREFERENTIAL PROCUREMENT REGULATIONS 2022

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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
EOI	Expression of Interest
SANAS	South African National Accreditation System

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I. INTERPRETATION

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

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

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II. DEFINITIONS

In this EOI 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:

- 1.1 “Accounting Authority” means the Board of PRASA;
- 1.2 “Contract” means the Contract to be entered between PRASA and the successful Bidder for the provision of the *services* procured in this EOI.
- 1.3 “Bid” means the Bid to the EOI submitted by Bidders;
- 1.4 “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;
- 1.5 “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;
- 1.6 “Black Equity” means the voting equity held by Black People from time to time;
- 1.7 “Black People” has the same meaning as ascribed to the Broad-Based Black Economic Empowerment Act, 2003, as amended;
- 1.8 “Black Woman” means African, Coloured and Indian South Africa Female citizen;
- 1.9 “Briefing Note” means any correspondence to Bidders issued by the PRASA;
- 1.10 “Business Day” means any day except a Saturday, Sunday or public holiday in South Africa;
- 1.11 “Bidders” means individuals, organisations or consortia that have been submitted responses to the EOI in respect of the tender;
- 1.12 “Consortium” means any group of persons or firms jointly submitting a Bid as Bid to this EOI and “Consortia” means more than one Consortium;
- 1.13 “Contractor” the successful Bidders who has signed a Contract with PRASA in terms of this EOI.
- 1.14 “Closing Date” means the closing date for submission of bids/ Proposals by Bidders which is **21ST JANUARY 2025**.
- 1.15 “Project(s)” means **EXPRESSION OF INTEREST FOR AN ENGINEERING, PROCUREMENT AND CONSTRUCTION OF RENEWABLES SOLAR PHOTOVOLTAIC PLANTS AT IDENTIFIED PRASA SITES ON A BUILD, OPERATE AND TRANSFER MODEL.**
“EOI” means Expression of Interest issued by PRASA for this tender.

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SECTION 1

NOTICE TO BIDDERS

1 INVITATION TO BID

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

BID DESCRIPTION	EXPRESSION OF INTEREST FOR AN ENGINEERING, PROCUREMENT AND CONSTRUCTION OF RENEWABLES SOLAR PHOTOVOLTAIC PLANTS AT IDENTIFIED PRASA SITES ON A BUILD, OPERATE AND TRANSFER MODEL.
BID ADVERT	This EOI may be downloaded directly from the eTender.gov.za and Passenger Rail Agency of South Africa's website www.prasa.com/ EOI free of charge. With effect from 29th November 2024
ISSUE DATE	29th November 2024
COLLECTION DATE DEADLINE (if applicable)	Not applicable
BRIEFING SESSION	COMPULSORY 10 December 2024 at 11H00 Address: PRASA Umjantshi House (Auditorium) 30 Wolmarans Street Braamfontein Gauteng

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CLOSING DATE	21st January 2025 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 Working 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	13 December 2024
CLOSING DATE FOR RESPONSES	14 January 2025
CONTACT PERSON	Thembisa Mayo Prasa.Properties@prasa.com (011) 013 1793

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

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2. FORMAL BRIEFING

A compulsory EOI briefing will be conducted as follows:

Physical Address:

Umjantshi House
30 Wolamarans Street
Braamfontein
Gauteng

The briefing session will start punctually, and information will not be repeated for the benefit of Respondents who joins in late.

Despite the briefing session being non-compulsory, PRASA nevertheless encourages all Respondents to attend. PRASA will not be held responsible if any Respondent who did not attend the non-compulsory session subsequently feels disadvantaged as a result thereof.

3. BRIEFING SESSION MINUTES AND NOTES

PRASA will issue briefing session minutes or notes together with the response to the clarification questions on 14 January 2025.

Clarifications will be issued to all Respondents to this EOI utilizing the contact details provided at receipt of the responses to the EOI documentation, after submission to the authorised representative.

Bidders / Respondents are requested to promptly confirm receipt of any clarifications sent to them.

Bidders / Respondents must ensure responses to the clarifications are received on or before the deadline date stated.

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4. SUBMISSION OF EOI RESPONSE

EOI Responses should be submitted to PRASA in a sealed envelope addressed as follows:

The Secretariat / Tender Office
PRASA CRES HEAD OFFICE
30 WOLMARANS STREET
BRAAMFONTEIN
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EOI No: **INTERSITE/ENE11/2024**

Description of Bid:

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Closing date and time: **21st January 2025 at 12h00 noon**
Closing address *[Refer below]*

5. DELIVERY INSTRUCTION FOR EOI

Delivery of Bid

The Bid envelopes should be deposited in the PRASA CRES tender box, which is located at the Braamfontein Head Office, PRASA CRES HO (Reception) and should be addressed as follows:

The Secretariat / Tender Office
PRASA CRES HEAD OFFICE
30 WOLMARANS STREET
BRAAMFONTEIN
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5.1 B-BBEE Joint Ventures or Consortiums

Respondents who would wish to respond to this EOI as a Joint Venture [**JV**] or consortium with B-BBEE entities, should state their intention to do so in their EOI submission. Such Respondents should 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 should submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by PRASA through this EOI process. This written confirmation should clearly indicate the percentage [%] split of business and the 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.

6. COMMUNICATION

For specific queries relating to this EOI during the EOI process, bidders are required to adhere strictly to the communication structure requirements. An EOI Clarification Form should be submitted to Prasa.Properties@prasa.com **on or** before 13 December 2024, substantially in the form set out in Annexure (FORM A) hereto.

In the interest of fairness and transparency PRASA's response to such a query will be made available to the other Respondents who have attended a compulsory and a non-compulsory briefing session. For this purpose, PRASA will communicate with Respondents using the contact details provided at the compulsory and a non-compulsory briefing session.

After the closing date of the EOI, a Respondent may only communicate in writing with the Bid Secretariat, at telephone number (011) 013 1793 or email address: Prasa.Properties@prasa.com on any matter relating to its EOI Proposal.

Respondents are to note that changes to its submission will not be considered after the closing date.

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 EOI 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.

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Bidders are advised to utilize this email address (SCM.Complaints@prasa.co.za) for lodging of complaints to PRASA in relation to this bid process. The following minimum information about the bidder must be included in the complaint:

Bid/Tender Description

Bid/Tender Reference Number

Closing date of Bid/Tender

Supplier Name.

Supplier Contact details.

The detailed compliant

7. CONFIDENTIALITY

PRASA shall ensure all information related to this EOI 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 should be obtained from PRASA.

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 EOI to have waived any right to confidentiality and treat such information as public in nature.

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8. INSTRUCTIONS FOR COMPLETING THE EOI

All responses to the EOI should be submitted in sealed envelopes/boxes; the envelop/box shall have the technical and compliance response

Bidders are required to package their response/Bid as follows:

(Envelop 1/Package 1)

Part A: Mandatory Requirements Response

Part B: Technical or Functional Response (response to scope of work)

Bidders must submit 1 original response and may submit copies and an electronic version which must be contained in a Memory Card clearly marked in the Bidders name.

PRASA reserves the right to consider information provided in all formats irrespective the format i.e original/copy/electronic.

Bidders should ensure that their response to the EOI is in accordance with the structure of this document.

Where Bidders are required to sign forms they are required to do so using preferably black ink pen. Any documents forming part of the original responses to EOI but which are not original in nature, should be certified as a true copy by a Commissioner of Oaths.

Each response to EOI 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 EOI. Responses to EOI should be neatly and functionally bound, preferably according to their different sections.

The original responses to EOI 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 EOI as proof of authorization. By signing the responses to EOI the signatory warrants that all information supplied by it in its responses to EOI is true and correct and that the responses to EOI and each party whom the responses to EOI signatory represents, considers themselves subject to and bound by the terms and conditions of this EOI.

The responses to EOI formulation should be clear and concise and follow a clear methodology which responses to EOI should explain upfront in a concise Executive Summary and follow throughout the responses to EOI.

Responses to EOI must provide sufficient information and detail in order to enable PRASA to evaluate the responses to EOI, but should not provide unnecessary detail which does not add value

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and detracts from the ability of PRASA to effectively evaluate and understand the responses to EOI. The use of numbered headings, bullet points, sections, appendices and schedules are encouraged. Information submitted as part of a responses to EOI should as far as possible, be orderly according to the order of the required information requested by PRASA. All pages should be consecutively numbered.

Responses to EOI should ensure that each requirement contained in the EOI is succinctly addressed. Responses to EOI should as far as possible use the terms and definitions applied in this EOI and should clearly indicate its interpretation of any differing terminology applied.

Response to EOI documents are to be submitted to the address specified in [this EOI](#), and Bidders should 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.

Unless otherwise expressly stated, all Proposals furnished pursuant to this EOI shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated.

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 EOI documents.

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 contract negotiations processes with the preferred bidder.

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9. EOI 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.

EOI PROCESS	MILESTONE DATES
Bid issue date	29 November 2024
Briefing Session	10 December 2024
Closing date for Questions	13 December 2024
Closing date for Responses	14 January 2025
Closing Date for Submission of final Bid	21 January 2025
Evaluation of Proposals (Bidders note that PRASA will call for Presentation of bidders offers at any stage of the evaluation process)	TBA
Bidder Presentations of bids	TBA
Closed Commercial Proposals	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.

10. LEGAL COMPLIANCE

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

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

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11. 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:** _____.

12. TAX COMPLIANCE

Respondents must be compliant when submitting a proposal 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 EOI 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.

Respondents are required to be registered on the Central Supplier Database (CSD) as indicated in paragraph 12 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 on Annexures** 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

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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:_____.

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

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SECTION 2

1. INTRODUCTION

The Passenger Rail Agency of South Africa (“PRASA”), through its Property Division, PRASA Corporate Real Estate Solutions (“PRASA CRES”) is embarking on an Expression of Interest (“EOI”) process to assess private sector participants with an appetite for the commercialization of Solar plants at various PRASA sites nationally.

As part of PRASA’s secondary mandate strategy, PRASA CRES strives to optimize and commercialise PRASA’s property portfolio through the Energy and Utilities department, by introducing measures to reduce electricity cost and business interruptions.

This initiative aims to make available PRASA property for design and construction of Renewable Solar Energy opportunities including possible generation of revenue by selling excess energy back to the Eskom Grid and unlock income prospects of selling to other 3rd party organisations (%revenue share) and to bridge the gap between the government subsidy and the ever-growing operational deficit. Utilising the Build, Operate and Transfer (“BOT”) model, the division will make available to the market the ever busy and well-located properties as listed below at the minimum MWp.

PRASA introduced a solar plant program that will assist and provide renewable Solar energy to PRASA properties. This initiative program is aimed at reducing the electricity bill and to assist the supply Authority by reducing National electricity demand from Grid. The solar plant project shall keep the business operating and maximize business operations.

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Typical Case Study (project completed):

Below site demonstrates typically the kind of Solar installation the program envisages:

Wolmerton Rolling Stock Train Depot (Pretoria North)

Engineering, Procurement & Construction (EPC)



Existing 1 (ONE) MW Solar roof top plant

2. Status Quo

The load shedding has greatly interrupted PRASA business and PRASA's tenants. Some of the PRASA operations and businesses depend highly on the availability of electricity, such as trains and Depots. Rail operations being the core business for PRASA, requires no or minimal electricity interruptions to its business. Unfortunately, the load shedding is a South African problem that require business that uses high load like PRASA to assist where they can by reducing electricity demand.

3. PROBLEM STATEMENT

PRASA core business and operation are negatively affected by load shedding and the frequent power interruptions that occur from Eskom and/or Municipalities, mainly due to the problem facing generation by Eskom and/or Municipalities as the main electricity supply authority. The load shedding effects are not only detrimental to PRASA operations but also to its commercial business at the stations, which negatively affecting tenants thus resulting to low turnover and cashflow difficulties because of disrupted services of operations in those station precincts.

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4. OBJECTIVE OF THE PROGRAMME

The key strategic objective of the initiative is that PRASA CRES intends to partner with the private sector in packaging and unlocking potential of PRASA's technical property portfolio through the Energy and Utilities department by introducing measures to reduce electricity cost and minimizing interruptions by making available PRASA property spaces in the existing Buildings. This will also ensure the possible generation of revenue from available excess energy, if any by Utilising the (BOT) model. The revenue will be on a % revenue share model.

5. DESIRED OUTCOMES OF THE PROPOSED PROJECT

The desired outcome for this project is to provide sustainable energy and uninterrupted supply for the PRASA sites, reduce cost as well as maximising revenue through on selling to 3rd parties.

6. PROJECT BENEFITS TO PRASA

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

- No or limited electricity interruptions / loss during load shedding for PRASA and tenants
- Reduction in energy reliance from the Municipalities and/or Eskom.
- Opportunity to sell electricity back to the supply authorities and/or 3rd parties when there is spare capacity on the system.
- This will also create an opportunity to increase the PV solar plant to sell a higher supply of electricity to the supply authority.
- This generates more revenue for PRASA while assisting the supply authority with power.
- Sustainable green energy initiative.
- Reducing load from the national / provincial grid

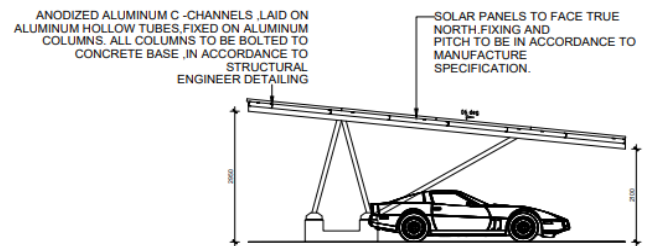
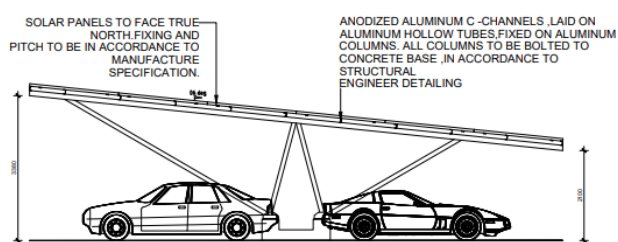
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7. SCOPE OF WORK AND AREAS OF FOCUS

Area - Site Name	Scope of Works	Typical Site parameters
Various National Sites	Size of Roof top Solar Plant and/ or Car port installation	In excess of 2000 KWp - Roof top/ Car port plant
	Replacement of IBR Roof sheeting	Requires new roof sheeting
	Battery back-up	Yes @ 8 Hours, load to be determined
	Switch Gear replacement	Requires new switch gear
	Walling to protect Solar plant assets	Requires 4-Metre-high concrete wall as per PRASA spec
	Install Generators	Yes @ 1 MVA
	Utilities management software that manages “metering” and Data analytics and reporting	Yes – Local and HO Monitoring
	Security System	CCTV and Access control system to be installed similar or equivalent to PRASA standards and design and must integrate into PRASA existing technology Platform
	Technical and Operational Training for PRASA Staff	Fully complaint and certified training for PRASA staff from every region

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Gauteng Nerve Centre (Example)



Gauteng Nerve Centre – Kallfontein area

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8. APPROACH TO MARKET PROCESS

8.1 Process Flow from Advertisement to Recommendation

The process flow chart below indicates the EOI process followed from inception to award.

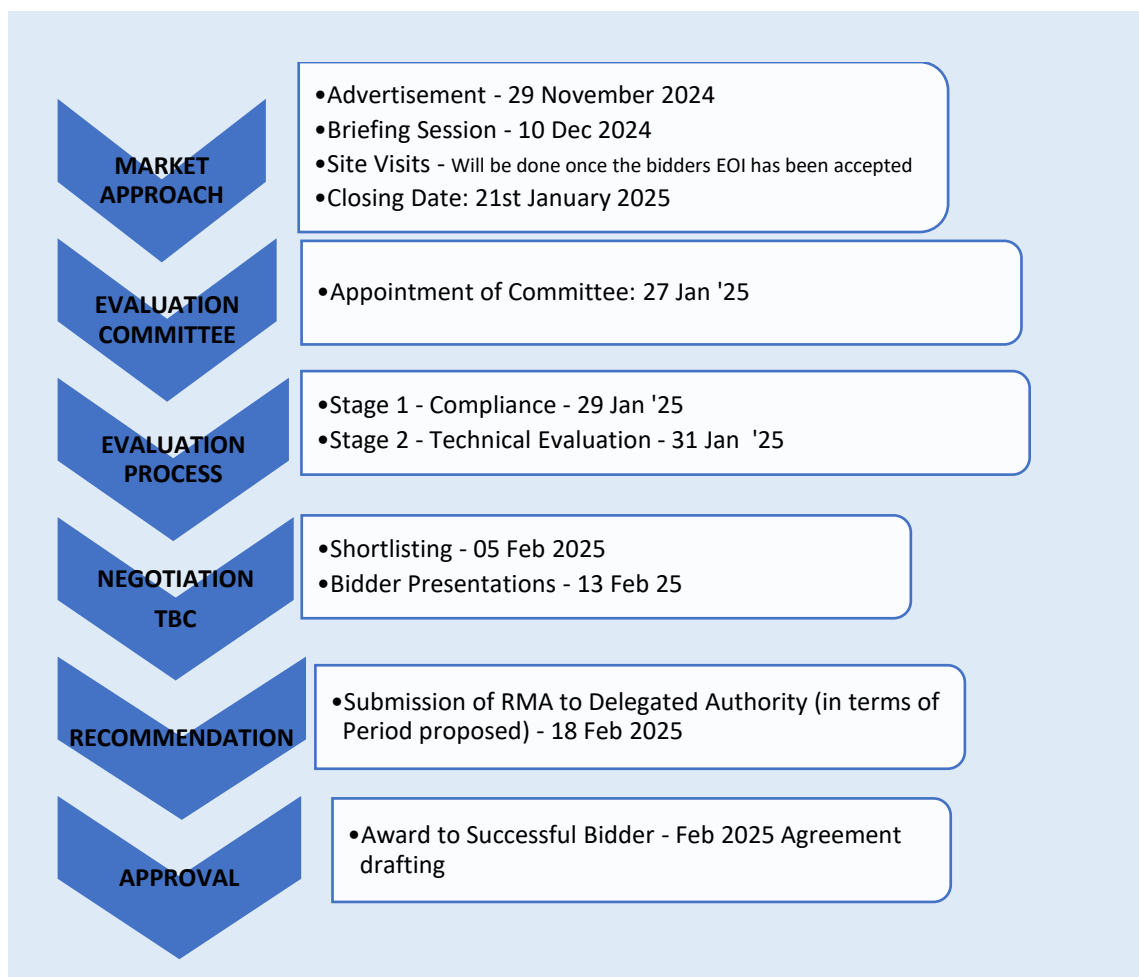


Figure 1: Process Flow Chart

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A. TIME FRAMES

As per section 9.1 – Figure 1 above

9. EVALUATION AND SCORING METHODOLOGY

The evaluation committees will evaluate the bids 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; 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 EOI requirements have been met. Non-compliant Bids will be disqualified.
Detailed Evaluation of Technical	Detailed analysis of Bids to determine whether the Bidder can deliver the Project in terms of business and technical requirements. The minimum threshold for technical evaluation is [70%], any bidder who fails to meet the minimum requirement will not proceed with the evaluation of Price and Specific Goals.
Scoring	Scoring of Bids using the Evaluation Criteria.
Recommendation	Report formulation and recommendation of Preferred and Reserved Bidders
Approval	Approval and notification of the final Bidder.

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9.1 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 below for the 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 Compliance	
Stage 1B – Mandatory Compliance of Key professional staff	
Stage 1C – Non - Mandatory Compliance	
Stage 2	
Stage 2 - Technical Mandatory Requirements	Technical/ Functionality
Technical/Functional Requirements	Threshold of 70%

STAGE 1: COMPLIANCE REQUIREMENTS

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

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A. Stage 1 A – Mandatory Requirements

The mandatory documents listed below must be submitted with the EOI submission. Failure to do so will lead to disqualification.

No.	Description of Requirement	TICK (X)
a)	Completion of ALL EOI documentation (includes ALL declarations, SBD documents/ forms)	
b)	Briefing Session Form D and Bidders must also reflect on the Compulsory Briefing Session Attendance Register	
c)	Signed Joint Venture, Consortium Agreement or Partnering Agreement (whichever is applicable), JV must submit Signed Joint venture agreement/ Consortium agreement/ Trust Deed (If applicable) JV must indicate the lead partner.	
d)	Active CIDB grading level of CIDB 8 EB or 8 EP or higher (JVs must achieve a combined CIDB grading of 8 EB or 8 EP or higher, utilizing the CIDB JV calculator), (Bidders to ensure that their CIDB status is active on CIDB website throughout the validity of this EOI). (CRS numbers to be provided for every company). Proof of CIDB registration to be attached.	
e)	Bidders to fill and sign the Closing/ Submission register on submission of EOI documents	

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Stage 1B – Mandatory Compliance of Key professional staff

Proof of the following mandatory documents listed below must be submitted with the EOI submission. Failure to do so will lead to disqualification.

No.	Mandatory compliance Stage 1 B Key professional staff and grading	Submit Proof for the following listed Qualifications	Meet requirements: Yes / No
a)	Professional Electrical Engineer (PR Eng) Solar PV Experience	BSc degree or BTech degree or higher or international qualification to South African equivalent in Electrical engineering With proof of current ECSA registration as a Pr Eng or Pr Tech Eng	
b)	Professional Electrical Engineer (PR Eng) Battery Storage Experience	BSc degree or BTech degree or higher or international qualification to South African equivalent in Electrical engineering With proof of current ECSA registration as a Pr Eng or Pr Tech Eng	
c)	Design Team Electrical Engineers (minimum 3)	BSc degree or BTech degree or higher or international qualification to South African equivalent in Electrical engineering With proof of current ECSA registration as a Pr Eng or Pr Tech Eng	
d)	Energy Strategy and Energy Feasibility Experience	BSc degree or BTech degree or higher or international qualification to South African equivalent in Electrical engineering With proof of current ECSA registration as a Pr Eng or Pr Tech Eng	
e)	Master Installation Electrician (MIE) (diesel certified)	MIE with red seal and copies of licence	

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Non - Mandatory Compliance

The following documents are non-mandatory, if you do not submit/ meet the following non-mandatory documents/ requirements, PRASA may request the bidder to submit the information within five (5) working days. Should this information not be provided within this five (5) working days, your bid proposal will be disqualified.

No.	Description of requirement	Tick (X)
a)	Company Registration Documents	
b)	Copies of Directors' ID documents;	
c)	Valid Tax Clearance Certificate (must be valid on closing date of submission of the proposal) and SARS Issued Pin	
d)	CSD report / CSD reference number	
e)	Letter of Good Standing (i.e. COID); issued by department of labour	
f)	Proof of UIF registration	
g)	Proof of Bank Account	
h)	Latest audited financial statement	
i)	Original or certified B-BBEE certificate (Certificates issued by SANAS approved agencies or sworn affidavits)	

Table 1: Non-Mandatory Compliance

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STAGE 2A: 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 70% as per the standard Evaluation Criteria. 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 2 below.

ITEM	CRITERIA	WEIGHT
1	Company Experience	30
2	Resource and Experience	30
3	Financial Capabilities (Audited Financials)	40
	TOTAL	100

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Table 2: Technical Evaluation Criteria

Details of the scoring methodology presented above are outlined below:

Company Experience

Criteria	Scores 0 = No relevant submission; 1 = Poor; 2 = Average; 3 = Good; 4 = Very Good; 5 = Excellent		Points scoring	Weight
Company Experience	Bidders should demonstrate track-record of previous work done within the Photo Voltaic Solar plant system with Electrical Building works and Electrical Infrastructure works in the last 10 years.	No relevant submission	0	30%
	The bidder to show or indicate the size of the PV solar plant installed in a single site or single project.	Successfully installed and completed a PV Solar Plant up to 700 KWp.	1	
	The bidders are to submit the following documents:	Successfully installed and completed a PV Solar Plant between 701KWp to 800KWp	2	
	1. Provide appointment letter or contract or purchase order for each project. 2. Provide a Completion certificate relating to the contract value.	Successfully installed and completed a PV Solar Plant between 801KWp to 900KWp	3	
	The portfolio of evidence must indicate the following: NB: Company name, value of contract, duration of contract, size of the PV Solar plant, contact person and completing date.	Successfully installed and completed a PV Solar Plant between 901KWp to 1000KWp	4	
	If the provided document does not have a size of the PV Solar plant and contract value, zero points will be given, if one of the two is given, zero point will be given.	Successfully installed and completed a 1001KWp PV Solar Plant or higher.	5	

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Resource and experience

1 of 5 – Professional Electrical Engineer Solar PV Experience

Criteria	Scores 0 = No relevant submission; 1 = Poor; 2 = Average; 3 = Good; 4 = Very Good; 5 = Excellent		Points scoring	Weight
Resource and experience - 1 of 5	1. Professional Electrical Engineer: with Solar PV Post registration experience The following document must be provided as proof of competency: a. Certified Copy of Qualification, ECSA registration b. Copy of a CV	0 = No submission or irrelevant submission	0	10%
		Less than two (2) year experience.	1	
		With more than two (2) and up to three (3) years' experience.	2	
		With more than Three (3) and up to five (5) years' experience	3	
		With more than five (5) and up to nine (9) years' experience	4	
		With more than nine (9) years' experience or more.	5	

2 of 5 – Professional Electrical Engineer Battery Storage Experience

Criteria	Scores		Points scoring	Weight
	0 = No relevant submission; 1 = Poor; 2 = Average; 3 = Good; 4 = Very Good; 5 = Excellent			
Resource and experience - 2 of 5	2. Professional Electrical Engineer: Battery Storage (BESS) Experience The following document must be provided as proof of competency: a. Certified Copy of Qualification, ECSA registration Copy of a CV	0 = No submission or irrelevant submission	0	5%
		Less than two (2) year experience.	1	
		With more than two (2) and up to three (3) years' experience.	2	
		With more than three (3) and up to five (5) years' experience	3	
		With more than five (5) and up to nine (9) years' experience	4	
		With more than nine (9) years' experience or more.	5	

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3 of 5 – Design Team Electrical Engineers (minimum 3)

Criteria	Scores		Points scoring	Weight
	0 = No relevant submission; 1 = Poor; 2 = Average; 3 = Good; 4 = Very Good; 5 = Excellent			
Resource and experience 3 of 5	3. Design Team Electrical Engineers (minimum 3) The following document must be provided as proof of competency: a. Certified Copy of Qualification, ECSA registration Copy of a CV	0 = No submission or irrelevant submission	0	5%
		Less than two (2) year experience for each engineer.	1	
		With more than two (2) and up to three (3) years' experience for each engineer.	2	
		With more than three (3) and up to five (5) years' experience for each engineer	3	
		With more than five (5) and up to nine (9) years' experience for each engineer	4	
		With more than nine (9) years' experience or more for each engineer.	5	

4 of 5 - Energy Strategy and Energy Feasibility Experience

Criteria	Scores		Points scoring	Weight
	0 = No relevant submission; 1 = Poor; 2 = Average; 3 = Good; 4 = Very Good; 5 = Excellent			
Resource and experience 4 of 5	4. Energy Strategist and Energy Feasibility Experience The following document must be provided as proof of competency: a. Certified Copy of Qualification, ECSA registration Copy of a CV	0 = No submission or irrelevant submission	0	5%
		Less than two (2) year experience.	1	
		With more than two (2) and up to three (3) years' experience.	2	
		With more than three (3) and up to five (5) years' experience	3	
		With more than five (5) and up to nine (9) years' experience	4	
		With more than nine (9) years' experience or more.	5	

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5 of 5 – Master Installation Electricians (diesel certified)

Criteria	Scores		Points scoring	Weight
	0 = No relevant submission; 1 = Poor; 2 = Average; 3 = Good; 4 = Very Good; 5 = Excellent			
Resource and experience - 5 of 5	5. Master Installation Electricians (diesel certified) The following document must be provided as proof of competency: a. Certified Copy of Qualification, ECSA registration Copy of a CV	0 = No submission or irrelevant submission	0	5%
		The resource has less than two (2) year experience	1	
		The resource has more than two (2) and up to three (3) years'	2	
		The resource has more than three (3) and up to five (5) years' experience	3	
		The resource has more than five (5) and up to nine (9) years' experience	4	
		The resource has more than nine (9) years' experience	5	

B. Financial Capability

Criteria	Scores		Points scoring	Weight
	0 = No relevant submission; 1 = Poor; 2 = Average; 3 = Good; 4 = Very Good; 5 = Excellent			
Financial Capability Bidder to demonstrate that they will be able to raise sufficient funding for the proposed implementation of Solar	- Recent Audited Financial Statement (2021, 2022 and 2023 Financial Year)	C1. Gearing Ratio = Total Debt / Total Equity (10)		40%
		No Submission or irrelevant information provided.	0	
		The entity has a gearing above 90%	1	
		The entity has a gearing ratio between 70% and 80%	2	
		The entity has a gearing ratio above 60% and 70%	3	
		The entity has a gearing ratio between 25% and 50%	4	
		The entity has a gearing ratio below 25%.	5	
		C2. Current Ratio = Current Asset/Current Liabilities (10)		
		No submission	0	
		The entity has a current ratio below $0.5 < 0.8$	1	
		The entity has a current ratio below $0.8 < 1$	2	
		The entity has a current ratio below $1 < 1.5$	3	
		The entity has a current ratio below $1.5 < 2$	4	
		The entity has a current ratio below $2 < 3$.	5	
		C3. Letter of Intent (from reputable financial institution	10	

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Table 3: Functionality evaluation matrix & Criteria

Note: Bidders that fail to achieve the minimum overall qualifying score of 70% on functional/ technical requirements will not be considered for subsequent project stages.

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:

In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

1. an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system: or
2. any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system.
3. then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

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

The specific goals in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	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)
BBB-EE Contributor status of at least level 1 and 2	20		10	
Total	20		10	

The following table must be used as guide to determine acceptable evidence for Specific Goals:

SPECIFIC GOALS	ACCEPTABLE EVIDENCE
B-BBEE Contributor status of at least level 1 and 2	BBB-EE Certificate / Affidavit /Sanas (in case of JV, a consolidated BBB-EE will be accepted).

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

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

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

Table 5.

The points below are the process PRASA will utilize to determine as pre-qualify during the pricing RFP process ie, on acceptance of the bidders RFP.

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a. POINTS AWARDED FOR PRICE (“COMMERCIAL OFFER”)

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)}
 \end{array}$$

Where:

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of Highest Acceptable Tender

For Adjudication purposes:

A maximum of 80 or 90 points is allocated for commercial offer on the following basis:

- the 80/20 system for a Net Present Value of rental/revenue share offered up to R50 000 000 (all applicable tax included); or
- the 90/10 system for a Net Present Value of rental/revenue share offered above R50 000 000 (all applicable taxes included)

For adjudication purposes we will consider the highest Internal Rate of Return (IRR) and the Return on Investment (ROI) based on PRASA’s input cost (land/building value) and proposed rental streams over the lease period.

The Prospective tenants obtaining the highest number of points will be shortlisted for consideration at lease negotiation phase:

- Preference points shall be calculated after commercial offers have been brought to a comparative basis.
- Points scored will be rounded off to decimal places.
- In the event of equal points scored, the EOI will be awarded to the Prospective tenant scoring the highest points on the technical criteria.

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17. VALIDITY PERIOD

This EOI shall be valid for *[90 working days]* calculated from Bid closing date.

18. FAIRNESS AND TRANSPARENCY

PRASA views fairness and transparency during the EOI Process as an absolute on which PRASA will not compromise. PRASA will ensure that all members of evaluation committees declare any conflicting or undue interest in the process and provide confidentiality undertakings to PRASA. The evaluation process will be tightly monitored and controlled by PRASA to assure integrity and transparency throughout, with all processes and decisions taken being approved and auditable.

19. TOTAL COST OF OWNERSHIP (TCO)

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).

- 19.1 Respondents shall indicate whether they would be committed, for the duration of any contract which may be awarded through this EOI 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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20. FINANCIAL STABILITY

20.1 Respondents are required to submit their latest audited financial statements prepared and signed off by a professional accountant for the past 2 years with their Proposal 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: _____

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21. 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 Certificate, for the duration of any contract emanating from this EOI. 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: _____

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22. CERTIFICATE OF ACQUAINTANCE WITH EOI TERMS & CONDITIONS & APPLICABLE DOCUMENTS

22.1 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 EOI, including those contained in any printed form stated to form part hereof, including but not limited 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 EOI 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 EOI 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 EOI 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 EOI documents included in the EOI as a returnable document, is found not to be true and complete in every respect.

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

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

NAME: _____ DESIGNATION: _____

23. GENERAL CONDITIONS

23.1 ALTERNATIVE BIDS

Bidders may submit alternative Bid only if a main Bid, strictly in accordance with all the requirements of the EOI is also submitted. The alternative Bid is submitted with the main Bid together with a schedule that compares the requirements of the EOI with the alternative requirements the Bidders proposes. Bidders must note that in submitting an alternative Bid they accept that PRASA may accept or reject the alternative Bid and shall be evaluated in accordance with the criteria stipulated in this EOI.

23.2 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.

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23.3 PRECEDENT

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

23.4 RESPONSE TO EOI-CONFIDENTIALITY

Response to EOIs 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 EOI, PRASA shall deem the response to EOI to have waived any right to confidentiality and treat such information as public in nature.

Where a Bidder at any stage during the EOI Process indicates to PRASA that information or any response to EOI requested from PRASA is or should be treated confidentially, PRASA shall treat such information or response to EOI confidentially, unless PRASA believes that to ensure the transparency and competitiveness of the EOI Process the content of the information or response to EOI 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 EOI or only specific elements or sections of the response;

Where confidentiality is maintained by the Bidder and PRASA is of the opinion that the information or response to EOI 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 EOI would prejudice the competitiveness and transparency of the EOI 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 requires that such information be released to all Bidders, PRASA may:

inform the relevant Bidder of the necessity to release such information and/or response to EOI and request the Bidder to consent to the release thereof by PRASA; or

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obtain legal advice regarding the confidentiality of the relevant information and/or response to EOI and the legal ability of PRASA to release such information; or refrain from releasing the information and/or response to EOI, in which event PRASA shall not take account of the contents of such information in the evaluation of the relevant response to EOI.

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.

23.5 RESPONSE TO THE EOI – EOI DISQUALIFICATION

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

23.6 CORRUPTION, GIFTS AND PAYMENTS

Neither the Bidders to EOIs, 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 EOI's status and to prohibit such Response to EOI, its equity members, its SPV members, its

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Sub Contractors and their agents, lenders and advisors from participating in any further part of the procurement of the Project.

23.7 INSURANCE

Unless specifically provided for in this EOI 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 EOI. The Bidder is advised to seek qualified advice regarding insurance.

23.8 NO CONTACT POLICY

Bidders may only contact the bid administrator of PRASA as per the terms of the Communication Structure established by this EOI, 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 EOI.

23.9 CONFLICT OF INTEREST

No Bidder member, subcontractor or advisor of the response to EOI may be a member of or in any other way participate or be involved, either directly or indirectly in more than one response to EOI or response to EOI during any stage of the Project procurement process, but excluding specialist suppliers of systems and equipment, non-core service providers or financial or commercial institutions whose role is limited purely to lending money or advancing credit to the response to EOI. 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 EOI, no advisors or the Contractor/s or Consortium/s to any response to EOI, consortium member or subcontractor may fulfil the role of arranger, underwriter and/or lead bank to the response to EOI. PRASA may disqualify the response to EOI 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.

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23.10 COLLUSION AND CORRUPTION

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

- communicates to a person other than persons nominated by PRASA a material part of its response to EOI; or
- Enters into any Contract or arrangement with any other person or entity that it shall refrain from submitting a response to EOI to this EOI or as to any material part of its Response to EOI to this EOI (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 Bidding or with reasonable appreciation that, collusive any agreement, arrangement or understanding or any such like may result in or have the effect of collusive Bidding. 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
- 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 EOI Process or any proposed response to EOI (provided nothing contained in this paragraph shall prevent a response to EOI from paying any market-related commission or bonus to its employees or contractors within the agreed terms of their employment or contract).

23.11 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:

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- The Response to EOI 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 EOI.
- 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 EOI, 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 EOI against the EOI 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 EOI Process.
 - iii. Where PRASA is satisfied that the changes requested under (i) above are reasonable and material, the response to EOI, shall be allowed to effect the required changes and PRASA shall reassess the response to EOI against the EOI requirements and criteria.

23.12 COSTS OF RESPONSE TO THE EOI 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 EOI and reserves the right not to return to them such samples and to dispose of them at its discretion.

23.13 RESPONSE TO THE EOI WARRANTY

Bidders must provide a warranty as part of their Responses to EOI that their Responses to EOI are true and correct in all respects, that it does not contain a misrepresentation

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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.

24. CONDITIONS OF EOI

General

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 returnables</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.
	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.

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Tenderer's obligations

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

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 of documents	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, and if necessary apply for an extension to the <i>deadline for tender submission</i> , in order to take the Addenda into account.
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 EOI document, <i>i-tender</i> 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.
Alterations to documents	11	Not make any alterations or an addition to the tender documents, except to comply with instructions issued by PRASA's <i>Representative</i> or if necessary to correct errors made by the <i>tenderer</i> . 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	12	Submit alternative tenders only if a main tender, strictly in accordance with all the requirements of the <i>tender documents</i> is also submitted. The alternative tender is submitted with the main tender together with a schedule that compares the requirements of the <i>tender documents</i> with the alternative requirements the <i>tenderer</i> proposes.
	13	Accept that an alternative tender may be based only on the criteria stated in the Scope of work/ specification and as acceptable to PRASA.

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Submitting a tender	14	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:	15	Return the completed and signed PRASA Tender Forms and SBD forms provided with the tender. <u>Failure to submit all the required documentation will lead to disqualification</u>
	16	Submit the <u>tender as an original</u> plus 1 copy and an electronic version which should be contained in Memory Cards clearly marked in the Bidders name as stated in the EOI 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.
	17	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 <i>tenderer</i> .
	18	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 number stated in the Scope of work/ specification, as well as the <i>tenderer's</i> name and contact address . Where the tender is based on a two envelop system tenderers should further indicate in the package whether the document is envelope / box 1 or 2 .
	19	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 should be marked "CONFIDENTIAL"
	20	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.
	21	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	22	Ensure that PRASA has received the tender at the stated address with the Scope of work / specification no later than the <i>deadline for tender submission</i> . 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.
	23	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.

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Tender validity	24	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> .
	25	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 after submission	26	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.	27	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> .
	28	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.
	29	Where an agent on behalf of a principal submits a tender, an authenticated copy of the authority to act as an agent should be submitted with the tender.
Fulfil BEE requirements	30	Comply with PRASA's requirements regarding BBBEE Suppliers.

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PRASA'S UNDERTAKINGS

		PRASA, and PRASA's <i>Representative</i> , shall:
Respond to clarification	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 for rejection	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 for responsiveness	7	Determine before detailed evaluation, whether each tender properly received
		· meets the requirements of these Conditions of Tender,
		· has been properly signed, and
		· is responsive to the requirements of the <i>tender documents</i> .
	8	Judge a responsive tender as one which conforms to all the terms, conditions, and specifications of the <i>tender documents</i> 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 <i>tenderer's</i> risks and responsibilities under the contract, or
		· affect the competitive position of other <i>tenderers</i> 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.

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		- 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 <i>tenderer's</i> addition of prices, the total of the Prices, if any, will be corrected.
	12	Reject a tender if the <i>tenderer</i> does not accept the corrected total of the Prices (if any).
Evaluating the tender	13	Evaluate responsive tenders in accordance with the procedure stated in the EOI / 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	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 of tender	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 to unsuccessful tenderers	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	17	Revise the contract documents issued by PRASA as part of the <i>tender documents</i> to take account of - Addenda issued during the tender period, - inclusion of some of the <i>tender returnables</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 of Agreement	19	Arrange for authorised signatories of both parties to complete and sign the original and one copy of the Form of 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 <i>tenderer</i> 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.