

EMALAHLENI LOCAL MUNICIPALITY**PROJECT NO.: ELM/2/06/2022T****THE CONSTRUCTION OF INDWE PUBLIC ABLUTION FACILITIES****T1.2 TENDER DATA**

The conditions of tender are the **Standard Conditions of Tender** as contained in Annexure F of the 30 January 2009 edition of the **CIDB Standard for Uniformity in Construction Procurement**. The Standard Conditions of Tender Procurements make several references to the Tender Data for details that apply specifically to the Tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard conditions of Tender. Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.

Please note that the word "Client" is used in this document and referred to as "Employer" in the Standard Conditions of Tender document.

Clause Number	
F.1	General
F.1.1	The Client is: EMALAHLENI LOCAL MUNICIPALITY 37 Indwe road Cacadu 5410
F.1.2	The Tender documents issued by the Client comprise: Tender T1.1 Tender Notice and invitation to tender T1.2 Tender Data T2.1 List of Returnable Documents T2.2 Returnable Documents for tender evaluation purposes T2.3 Returnable Documents to be incorporated into the contract
	Contract Part 1 : Agreements and Contract data C1.1 Forms of Offer and Acceptance C1.2 Contract Data C1.3 Occupational health and safety specification C1.4 Emalahleni Local Municipality Health and Safety Specification Part 2 : Pricing Data C2.1 Pricing Instructions C2.2 Bill of Quantities Part 3 : Scope of Work C3.1 Description of the Works C3.2 Applicable Standardised Specifications C3.3 Variations and Additions to the Standardised and Particular Specifications C3.5 Particular Specification Health and Safety C3.6 Particular Specification Environmental Management Plan C3.7 HIV/AIDS Specification C3.8 Contractors Report

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	Part 4: Site Information C4 Site information	
	Part 5: Additional Relevant Documents	
	Part 6: Contract Drawings	
F1.3	Interpretation The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these tender conditions.	
F.1.4	Communication: Communication with all stakeholders shall be through the EMALAHLENI LOCAL MUNICIPALITY's District Engineer. Communications shall be in the English language. The Employer shall not take any responsibility for non-receipt of communications from or by a tenderer	
	Contact person: Mr S.C. Mkabile Tel: 0478740020	
F.1.5	The employer's right to accept or reject any tender offer	
F.1.5.1	Reject or accept The employer may accept or reject any variation, deviation, tender offer, or alternative tender offer, and may cancel the tender process and reject all tender offers at any time before the formation of a contract. The employer shall not accept or incur any liability to a tenderer for such a cancellation and rejection, but will give written reasons for such action upon written request to do so.	
F.1.6	Procurement procedures	
F.1.6.1	a contract will, subject to F.3.13, be concluded with the tenderer who in terms of F.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.	
F.2	Tenderer's obligations	
F.2.1.1	Eligibility Only those tenders who are registered with CIDB and have in their employ management and supervisory staff satisfying the requirement of the scope of work for labour intensive competencies for supervisory and management staff are eligible to submit tenders.	
F.2.2	Cost of tendering Accept that the Employer will not compensate the tenderers for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer satisfy requirements.	
F.2.3	Check documents Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.	
F.2.4	Confidentiality and copyright Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.	
F.2.5	Reference documents Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.	
F2.6	Acknowledge Addenda Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary apply for an extension of the closing time stated in the tender data, in order to take the addenda into account.	

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F.2.7	The arrangements for a compulsory clarification meeting are:	
	Date: 28 June 2022 Starting time: 12:00	Location: Indwe Municipal Offices and proceed to site.
F.2.8	Seek clarification Request clarification of the tender documents, if necessary, by notifying the employer at least five working days before the closing time stated in the tender data.	
F2.10	Pricing the tender	
F.2.10.1	Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable 14 days before the closing time stated in the tender data.	
F.2.10.2	Show VAT payable by the employer separately as an addition to the tendered total of the prices.	
F.2.10.3	Provide rates and prices that are fixed for the duration of the Contract, and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.	
F.2.10.4	State the rates and prices in South African Rand	
F2.11	Alterations to documents Not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations. Erasures and the use of masking fluid are prohibited.	
F.2.12	Alternative tender offers Alternative offers may be submitted only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted. The alternative tender offer is to be submitted with the main tender offer together with a schedule that compares the requirements of the tender documents with the alternative requirements the tenderer proposes.	
F.2.13.5	The Client's address for delivery of Tender offers and identification details to be shown on each Tender offer package are:	
	Location of Tender box: 37 Indwe road, Cacadu Main Offices, 5410	
	Physical address: 37 Indwe road, Cacadu Main Offices, 5410	
F.2.14	Information and data to be completed in all respects Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.	
F.2.15	Closing time The closing times for submission of Tenders are 12:00 Noon .	
F.2.15	Telephonic, telegraphic, telex, facsimile or e-mailed Bid offers will not be accepted.	
F.2.16	Tender offer validity The Tender offer validity period is 90 Days as stated in the tender data.	
F.2.17	Clarification of tender offer after submission The tenderer shall provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.	
F.2.18	Provide other material The tenderer shall, when requested by the Employer to do so, Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position	

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	(including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment. Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.
F2.20	Submit securities, bonds, policies Submit to the employer before formation of the contract, certificates of insurance required in terms of the conditions of contract identified in the contract data.
F.2.23	The tenderer is required to submit with his tender: (1) an original valid Tax Clearance Certificate issued by the South African Revenue Services; and (2) Certified copy of the original of all the Companies / CC Registration documents. (3) Joint Venture Agreement where applicable in CIDB format (signed and initialed on each page). (4) Proof of registration with plumbing material supply (5) Certified copies of the original green bar-coded ID copies of Members of the companies.
F.3	The employer's undertakings
F.3.1	Respond to requests from the tenderer
F.3.1.1	Respond to a request for clarification received up to five working days before the tender closing time stated in the Tender Data and notify all tenderers who drew procurement documents.
F.3.2	Issue Addenda If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until seven days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify all tenderers who drew documents.
F.3.4	Opening of tender submissions
F.3.4.1	The employer shall open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.
F.3.4.2	Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, preferences claimed and time for completion for the main tender offer only.
F.3.4.3	The client shall not be obliged to make available the record outlined in F.3.4.2 to any tenderer who fail to attend the tender opening.
F.3.6	Non-disclosure The client shall not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer.
F.3.7	Grounds for rejection and disqualification Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.
F3.9	Arithmetical errors, omissions and discrepancies

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F.3.9.1	Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.
F.3.9.2	Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with F.3.11 for: a) the gross misplacement of the decimal point in any unit rate; b) omissions made in completing the pricing schedule or bills of quantities; or c) arithmetic errors in: i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or ii) The summation of the prices.
F.3.9.3	Notify the tenderer of all errors or omissions that are identified in the tender offer and invite the tenderer to either confirm the tender offer as tendered or accept the corrected total of prices.
F.3.9.4	Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows: a) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected. b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.
F.3.10	Clarification of a tender offer Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.
	The tenderer should provide the construction team for the construction of the Ablution facilities. The tender should clearly state the methodology to be used for execution of the project.

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F3.11	Evaluation of tender offers <i>Replace the contents of the entire sub-clause with the following:</i> The procedure for evaluation of responsive tender offers will be method 2 of table F.1 of SANS 294: 2004. Financial offer & Preferences. The bid will be awarded to the bidder who has scored the highest points for price and preferences combined BUT the prerequisite will be to obtain at least 70 points for quality (functionality), which will be explained in Stage 1 below. Nevertheless, Emalahleni Local Municipality retains the right to accept any bid. C. First stage in evaluation: Compliance with Bid Rules and other Requirements The bids will be checked to ensure that they comply with the bid rules and all other requirements of the project document. In particular the following documentation must be completed and/or included within the bid. • The form of Offer and acceptance • Audited financial statements for any tender price over R10million • Certified company registration documents and ID of members • Form C: Compulsory Enterprise Questionnaire • Form D: Certificate of Authority for Signature • Form E: Amendments, Qualifications and Alternatives • Form H: Certificate of Good Standing • Form I: Relevant experience • Form J: Details of key staff and CVs • Form M: Preference Points Claim Form in Terms of the Preferential Procurement Regulations 2011 Note: • All information supporting the above forms such as Curricula Vitae (CV) of staff who will work on the project and their functions, details of ownership, relevant experience etc. • Addenda issued during the bid period, if any. • The pricing schedule Failure to supply the required information will compromise the bid.
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Second Stage in Evaluation: Quality / Functionality The maximum score for functionality shall be 100, distributed as follows: STAGE 2: FUNCTIONALITY/QUALITY EVALUATION			
COMPETENCE	TOTAL SCORE	REQUIRED EVIDENCE	SCORE
Contractor Experience Five building projects successfully completed by the Construction Service provider. Points can only be claimed by attaching appointment letters and completion certificates from previous clients.	25	Five (5) projects upwards Four projects Three projects Two projects One project None of the above	25 20 15 10 5 0
Key Personnel and Qualification NOTE: Points can only be claimed by submitting CV with certified copies of qualification.	20	Contract Manager: (B.Tech Civil Eng) with 10 years of experience Site Agent (N.Dip Civil or Building) with 7 years of experience in similar projects Health and Safety Officer (OHS Cert) Site Foreman with 5 years' experience in construction project (4 points) None of the above	8 4 4 4 0
PLANT AND RESOURCES NB: Proof of ownership or the firms leased agreement must be attached. Note that for leasing agreement you will get 50%. Failure to attach proof will result in the firm forfeiting points	25	Grader X1 TLB X1 Tipper Truck X3 Excavator X1 Firms number of LDVs X1 None of the above	5 5 5 5 5 0

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	Methodology Work plan (1 Point each)	5	1) Milestones, (2) Critical Path (3) Resource allocation (4) Task dependency map (5) Monthly project cash flow, (cash flow must be in-line with the project cost and programme of works).	
	Methodology and understanding of the project (1 Point each)	5	(1) Project objectives. (2) Scope of work and deliverables. (3) Shows detailed explanation of how supervision of the works will be carried out. (4) Indicating tools and resources to be used for the entire project life cycle. (5) Relevance and suitability of tools and processes to ensure quality control and assurance in all phases of the project plan	
	Methodology Local Economic Development	20	Demonstrate commitment for subcontracting up to 30% of the work to Local Contractors that are registered in the Municipal Database of Contractors. Contracting of the suppliers is to be done in consultation of the municipality.	30
	TOTAL	100	Minimum	70

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STAGE 2: 80/20 system will apply

Only acceptable bids must be evaluated further in terms of the 80/20 or 90/10 preference point systems prescribed in Preferential Procurement Regulations 5 and 6.
Where appropriate, prices may be negotiated only with short listed or preferred bidders. The reasons for such price negotiations must be approved and recorded for audit purposes

2. SERVICES RENDERED BY TERTIARY INSTITUTIONS AND PUBLIC ENTITIES

Based on thorough analysis of the market, institutions may invite bids for services that can only be provided by tertiary institutions through a bidding process from the identified tertiary institutions.

Where the required service can be provided by tertiary institutions, public entities and enterprises from the private sector, institutions must invite competitive bids.

3. DISCOUNTS

When calculating comparative prices:

- Unconditional discounts must be taken into account when calculating comparative prices for evaluation purposes; and
- Conditional discounts must not be taken into account when calculating comparative prices for evaluation purposes but should be implemented when payment is affected.

4. SUB-CONTRACTING

A bidder must not be awarded the points claimed for B-BBEE status level of contribution if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the contract value to any other enterprise that does not qualify for at least the same number of points that the bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

A contractor is not allowed to sub-contract more than 25% of the contract value to another enterprise that does not have equal or higher B-BBEE status level, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

In relation to a designated sector, a contractor must not be allowed to sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

5. Calculation of points**5.1 Calculation of points for price**

The PPPFA prescribes that the lowest acceptable bid will score 80 or 90 points for price. Bidders that quoted higher prices will score lower points for price on a pro-rata basis. The formulae to be utilized in calculating points scored for price are as follows:

80/20 Preference point system

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

Where

P_s = Points scored for comparative price of bid/offer under consideration

P_t = Comparative price of bid/offer under consideration

P_{min} = Comparative price of lowest acceptable bid/offer

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90/10 Preference point system

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

Where

P_s = Points scored for comparative price of bid/offer under consideration

P_t = Comparative price of bid/offer under consideration

P_{min} = Comparative price of lowest acceptable bid/offer

Points scored must be rounded off to the nearest 2 decimal places.

5.2 Calculation of points for B-BBEE status level contributor

Points must be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

A bid must not be disqualified from the bidding process if the bidder does not submit a certificate substantiating the B-BBEE status level of contribution or is a non-compliant contributor. Such a bidder will score 0 out of a maximum of 10 or 20 points for B-BBEE.

5.3 Calculation of total points scored for price and B-BBEE status level of contributor

The points scored for price must be added to the points scored for B-BBEE status level of contributor to obtain the bidders total points scored out of 100.

6. EVALUATION OF BIDS THAT SCORED EQUAL POINTS

In the event that two or more bids have scored equal total points, the successful bid must be the one that scored the highest points for B-BBEE.

If two or more bids have equal points, including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality if functionality is part of the evaluation process.

In the event that two or more bids are equal in all respects, the award must be decided by the drawing of lots.

7. CANCELLATION AND RE-INVITATION OF BIDS

In the application of the 80/20 preference point system, if all bids received is less than R30 000 or exceeds R50 000 000, the bid must be cancelled. If one or more of the acceptable bid(s) received are within the R 30 000 000 to R 50 000 000 threshold, all bids received must be evaluated on the 80/20 preference point system.

In the application of the 90/10 preference point system, if all bids received are equal to or below R 50 million, the bid must be cancelled. If one or more of the acceptable bid(s) received are above the R50 000 000 million threshold, all bids received must be evaluated on the 90/10 preference point system.

If a bid was cancelled as indicated above, the correct preference point system must be stipulated in the bid documents of the re-invited bid.

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	An AO / AA may, prior to the award of a bid, cancel the bid if: Due to changed circumstances, there is no longer a need for the services, works or goods requested. [AOs / AAs must ensure that only goods, services or works that are required to fulfill the needs of the institution are procured]; or Funds are no longer available to cover the total envisaged expenditure. [AOs / AAs must ensure that the budgetary provisions exist prior to inviting bids]; or No acceptable bids are received. [If all bids received are rejected, the institution must review the reasons justifying the rejection and consider making revisions to the specific conditions of contract, design and specifications, scope of the contract, or a combination of these, before inviting new bids]. 8. AWARDING OF CONTRACTS A contract must be awarded to the bidder who scored the highest total number of points in terms of the preference point systems. In exceptional circumstances a contract may, on reasonable and justifiable grounds, be awarded to a bidder that did not score the highest number of points. The reasons for such a decision must be approved and recorded for audit purposes and must be defensible in a court of law. 9. SALE AND LETTING OF ASSETS The Preferential Procurement Regulations, 2011 is not applicable to the sale and letting of assets. In instances where assets are sold or leased by means of a bidding process, the bid must be awarded to the bid with the highest price. 10. TRANSITIONAL ARRANGEMENTS If a bid was invited in terms of the evaluation criteria prescribed in the Preferential Procurement Regulations, 2001 (prior to the date of coming into effect of the Preferential Procurement Regulations, 2011) but will only be evaluated and awarded after the date of coming into effect of the Preferential Procurement Regulations, 2011, the bid must be evaluated and awarded in terms of the evaluation criteria prescribed in the Preferential Procurement Regulations, 2001 and in terms of the conditions contained in the bid documents. Such a bid must be evaluated and awarded as soon as possible but not later than the expiry of the validity date of the bid. The extension of the validity date of such a bid must not be allowed. 11. PROCUREMENT POLICY (This policy can be viewed at the procurement office of Emalahleni Local Municipality).
F.3.13	Acceptance of tender offer
F3.13.1	Accept the tender offer, if in the opinion of the employer, it does not present any unacceptable commercial risk and only if the tenderer: a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement, b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract, c) has the legal capacity to enter into the contract, d) is not insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing, e) complies with the legal requirements, if any, stated in the tender data, and f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.
F3.13.2	Notify the successful tenderer of the employer's acceptance of his tender offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated

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	in the tender data, or agreed additional period. Providing the form of offer and acceptance does not contain any qualifying statements, it will constitute the formation of a contract between the employer and the successful tenderer as described in the form of offer and acceptance.
F.3.14	Notice to unsuccessful tenderers After the successful tenderer has acknowledged the employer's notice of acceptance, after written request, the employer will notify the tenderers that their tender offers have not been accepted in Emalahleni Local Municipality website: www.emalahleni.gov.za by listing the successful tender.
F.3.15	Prepare contract documents If necessary, revise documents that shall form part of the contract and that were issued by the employer as part of the tender documents to take account of: a) addenda issued during the tender period, b) inclusion of some of the returnable documents, c) other revisions agreed between the employer and the successful tenderer, and d) The schedule of deviations attached to the form of offer and acceptance, if any.
F.3.16	Issue final contract Prepare and issue the final draft of the contract to the successful tenderer for acceptance as soon as possible after the date of the employer's signing of the form of offer and acceptance (including the schedule of deviations, if any).

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