

South African National Biodiversity Institute

Expression of Interest to register on a panel of contractors on an 'as and when' basis for a period of three (3) years for the South African National Biodiversity Institute (SANBI)

Contract: **SANBI G422/2022**



SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE

Contract No: SANBI G422/2022

EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)

PROCUREMENT DOCUMENT

August 2022

Issued by:

South African National Biodiversity Institute
Private Bag X101
Silverton
0184
Gauteng

Contact:

Supply Chain Management

E-mail: sanbi.tenders@sanbi.org.za

Name of tenderer:

Address:

Tel no.: **Fax no.:**

Email:

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PART T: THE TENDER

Part T1: Tendering Procedures

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
CONTRACT NO:	SANBI G422/2022

Advertising date:	1 August 2022	Closing date:	26 August 2022
Closing time:	11:00	Validity period:	90 days

T1.1 Tender Notice and Invitation to Tender

THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE INVITES TENDERERS FOR THE PROVISION OF: **Expression of Interest to register on a panel of contractors on an 'as and when' basis for a period of three (3) years for the South African National Biodiversity Institute (SANBI).**

Tender documents will be available as from **1 August 2022** and will be available **ONLINE ONLY** on the SANBI website (click on "Opportunities").

Bidders are encouraged to direct all technical and bidding procedure enquiries to the email address below.

Department: Supply Chain Management
Email: sanbi.tenders@sanbi.org.za
Cc: A.Hendricks@sanbi.org.za; T.Mupudzi@sanbi.org.za & N.Zulu@sanbi.org.za
Cut-off date for enquiries: **17 August 2022 at 12:00**

Any queries regarding the tender document or any related matter prior to submission of tenders must be directed to:

SANBI Representative (Technical Queries Only)	Mr Tanaka Mupudzi T.Mupudzi@sanbi.org.za Mr Nkululo Zulu N.Zulu@sanbi.org.za Mr Amjad Hendricks A.Hendricks@sanbi.org.za
SANBI SCM Representative	sanbi.tenders@sanbi.org.za

The closing time and date for the receipt of tenders is **11:00** on **26 August 2022**.

The tenders will **NOT** be opened in public. Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data.

PART T: THE TENDER

Part T1: Tendering Procedures

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T1.2 Tender Data

The conditions of tender are the Standard Conditions of Tender as contained in Annex C of the CIDB Standard for Uniformity in Engineering and Construction Works Contracts – August 2019. (See www.cidb.org.za).

The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

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

Clause number	Tender Data
C.1.1.1	The Employer is: South African National Biodiversity Institute (SANBI): The Employer's <i>domicilium citandi et executandi</i> (permanent physical business address) is: Pretoria National Botanical Garden 2 Cussonia Avenue Biodiversity Centre Brummeria Pretoria The Employer's address for communication relating to this project is: Private Bag X101 Silverton 0184
C.1.2	The Tender Documents issued by the Employer comprise the following documents: PART T: THE TENDER Part T1: Tendering procedures T1.1 - Tender notice and invitation to tender T1.2 - Tender data Part T2: Returnable documents T2.1 - List of returnable documents T2.2 - Returnable documents/schedules PART C: THE CONTRACT Part C1: Agreements and Contract data C1.1 - Form of offer and acceptance C1.2 - Contract data Part C3: Scope of Works C3.1 - Description of the works

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Clause number	Tender Data
C.1.4	The employer's project managers: SANBI Contact Person: Mr Tanaka Mupudzi E-mail: T.Mupudzi@sanbi.org.za SANBI Contact Person: Mr Nkululo Zulu Email: N.Zulu@sanbi.org.za SANBI Contact Person: Mr Amjad Hendricks E-Mail: A.Hendricks@sanbi.org.za
C.2.1	Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders Only those tenderers who score the minimum score in respect of the quality criteria stated in C.3.11.1 of this Tender Data shall be considered responsive and have their tenders evaluated further. (a) CIDB registration Only those tenderers who are registered with the CIDB are eligible to have their tenders evaluated. (b) National Treasury Central Supplier Database Tenderers who are not registered on the National Treasury Central Supplier Database at close of tender, shall submit a copy of their application of registration, with their tender submission. Tenders received from such tenderers who have not submitted proof of their registration within 21 days after the closing date for tender submissions, will not be considered.
C.2.6	Failure to apply instructions contained in addenda may render a tenderer's offer non-responsive in terms of clause C.3.8.
C.2.7	The arrangements for a compulsory clarification meeting are as stated in the Tender Notice and Invitation to Tender. Tenderers must sign the attendance list in the name of the tendering entity. Addenda will be issued to and tenders will be received only from those tendering entities appearing on the attendance list
C.2.8	Request clarifications at least 7 working days before the closing time.
C.2.13.6	A single-envelope procedure will be followed as described in clause C.2.13.7.
C.2.13.7	Tenderers shall note the specific requirements for packaging of their tender documents and include only the following: This is a single-envelope tender process. Service Providers are to submit one (1) pack of original proposals, marked "ORIGINAL" in an envelope. Failure to submit in the prescribed manner WILL lead to the bid being disqualified.
C.2.13.9	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.

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Clause number	Tender Data
C.2.15.1	The Employer's address for delivery of tender offers and identification details to be shown on each tender offer package are: Location of Tender box: Biodiversity Centre Physical address: Pretoria National Botanical Garden 2 Cussonia Avenue Brummeria Pretoria Identification details: Tender number: SANBI G422/2022 Title of Tender: Expression of Interest to register on a panel of contractors on an 'as and when' basis for a period of three (3) years for the South African National Biodiversity Institute (SANBI)
C.2.15.2	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.
C.2.16.1	The tender offer validity period is 90 days.
C.2.16.3	Where a tenderer, at any time after the opening of his tender offer but prior to entering into a contract based on his tender offer: (1) withdraws his tender. (2) gives notice of his inability to execute the contract in terms of his tender; or (3) fails to comply with a request made in terms of C.2.18 such tenderer shall be barred from tendering on any of the Employer's future tenders for a period to be determined by the Employer, but not less than six (6) months, from the date of tender closure. The Employer may fully or partly exempt a tenderer from the provisions of this condition if he is of the opinion that the circumstances justify the exemption
C.2.18	The tenderer shall, when requested by the Employer to do so, submit the names of all management and supervisory staff that will be employed to supervise the Labour-Intensive portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirements.
C.2.22	Tender Documents will not be returned to bidders
C.2.23	The tenderer is required to submit with his tender following (failure to provide below documentation will result in the tender being rejected): 1) A copy of the Central Suppliers Database (CSD) registration report or registration number. 2) A printed copy of the Active Contractor's Listing off the CIDB website (www.cidb.org.za) 3) Letter of Good Standing from the office of the Compensation Commissioner as required by the Compensation for Occupational Injuries and Diseases Act (COIDA). The letter should be issued by the Department of Labour.
C.3.1.1	The Employer shall respond to clarifications received up to 7 working days before the tender closing time.
C.3.2	The Employer shall issue addenda until 5 working days before the tender closing time.
C.3.4.1	The tenders will not be opened in public
C.3.5.1	The single-envelope system will be followed for this Tender.
C.3.7	In the event of disqualification, the Employer may, at his sole discretion, impose a specified period during which tender offers will not be accepted from the offending tenderer and report same to the CIDB and National Treasury.
C.3.11.1	The procedure for the evaluation of responsive tenders is stated in Annexure A .

Any reference to words "Bid" or Bidder" herein and/or in any other documentation shall be construed to have the same meaning as the words "Tender" or "Tenderer".

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Clause number	Tender Data
C.3.13	In addition to the requirements of the Condition of Tender, offers will only be accepted if: a) the tenderer submits a copy of the CSD registration report or registration number; b) the tenderer is registered with the Construction Industry Development Board in an appropriate contractor grading designation; c) the tenderer or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector; d) the tenderer has not: i) abused the Employer's Supply Chain Management System; or ii) failed to perform on any previous contract and has been given a written notice to this effect; e) the tenderer has completed the Compulsory Enterprise Questionnaire and there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are permitted to submit tenders or participate in the contract; f) the tenderer is registered and in good standing with the compensation fund issued by the Department of Labour (Letter of good standing with COIDA); g) the employer is reasonably satisfied that the tenderer has in terms of the Construction Regulations, 2014, issued in terms of the Occupational Health and Safety Act, 1993, the necessary competencies and resources to carry out the work safely.

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EXPRESSION VALUE RANGE (TABLE 8 OF THE CIDB REGULATIONS)

A registered contractor's grading designation (indicated in the first column, below), means that the contractor is considered capable of undertaking a contract in the range of expression values indicated below in the contractor's registered class of construction works.

CONTRACTOR GRADING DESIGNATION	RANGE OF EXPRESSION VALUES		TICK RELEVANT GRADING DESIGNATION															INDICATE CIDB REGISTRATION NUMBER
	GREATER THAN	LESS THAN OR EQUAL TO	GB	CE	EB	ME	SB	SE	SF	SG	SH	SI	SK	SL	SN	SO	SQ	
1	R0	R500 000																
2	R500 000	R1 000 000																
3	R1 000 000	R3 000 000																
4	R3 000 000	R6 000 000																
5	R6 000 000	R10 000 000																
6	R10 000 000	R20 000 000																
7	R20 000 000	R60 000 000																
8	R60 000 000	R200 000 000																
9	R200 000 000	No Limit																

SANBI reserves the right to add service providers onto the panel of contractors for the duration of the panel. SANBI also reserves the right to go to the open market should there not be sufficient service providers in a certain CIDB grading category.

SANBI will assess the number of SANBI contracts awarded to a service provider on the SANBI panel of contractors before inviting the service provider to submit a bid.

Annexure A

This annexure contains all the criteria that the Employer shall use to evaluate tenders. In accordance with clause C.3.11 of the Standard conditions of tender. No other factors, methods or criteria shall be used. The tenderer shall provide all the information requested in the forms included in Part T2.2 – Returnable schedules.

Tenders shall be evaluated in two stages as follows

- Stage 1 – Evaluation of Eligibility and Administrative compliance
- Stage 2 – Evaluation of Functionality

1 Stage 1: Eligibility and Administrative compliance

The first stage will determine whether bids are compliant with all mandatory and disqualifiable submission requirements. Bidders that are deemed compliant will be eligible for further evaluation. The criteria as identified in Clauses C.2.23 and C.3.13 in the Tender Data will be used to determine the tenders eligibility.

2 Stage 2: Functionality

The tenderers who complied with the eligibility and administrative criteria in stage 1 are considered for further evaluation on their capability to execute the project.

In this stage tenders will be evaluated on functionality according to the criteria listed below. Tenderers who fail to score a minimum of 70 points out of a possible 100 points on functionality criteria will not be eligible to be registered on the panel.

Scoring quality

The functionality (quality) evaluation criteria are listed below. Maximum points for each criterion are in bold while points for each sub-criterion are indicated in brackets.

Functionality shall be scored by not less than three evaluators in accordance with the following schedules:

Each evaluation criterion will be assessed in terms of five indicators – no response, poor, satisfactory, acceptable, good and very good. Scores ranging from 0 to 5 will be allocated to no response, very poor, poor, acceptable, good and very good responses, respectively. The scores submitted by each of the evaluators will be averaged, weighted and then totalled to obtain the final score for functionality. The prompts for judgment and the associated scores used in the evaluation of quality shall be as follows:

Score	Prompt for judgement
0	Failed to address the question / issue
1	Very poor response: - response / answer / solution lacks convincing evidence of skill / experience sought or medium risk that relevant skills will not be available.
2	Poor response – some elements of the response / answer / solution are present but documentary evidence is mostly lacking in respect of the required information
3	Acceptable response / answer / solution to the particular aspect of the requirements and evidence given of skill / experience sought
4	Above acceptable - response / answer / solution demonstrating real understanding of requirements and evidence of ability to meet it.
5	Excellent - response / answer / solution provides confidence that the tenderer will add real value to the project.

The minimum number of evaluation points for the functionality proposal is **70 points in order to be registered on the panel.**

FUNCTIONALITY CRITERIA: Applicable to CIDB levels 1 to 2 ONLY														
ID	CRITERIA	POINTS												
1	CAPACITY OF THE CONTRACTOR TO EXECUTE THE WORKS Capacity of the Contractor to execute the works. In order to qualify here, the Contractor will have to demonstrate their capacity/ability to execute the works needed. The completed projects listed will be scored in accordance with the following: <table><tr><th>Sub-Criteria</th><th>Points</th></tr><tr><td>5 Projects</td><td>50</td></tr><tr><td>4 Projects</td><td>40</td></tr><tr><td>3 Projects</td><td>30</td></tr><tr><td>2 Projects</td><td>20</td></tr><tr><td>1 Projects</td><td>10</td></tr></table> Supporting documents required to support the claims above. (Corresponding orders/appointment letters, completion certificates and reference letters for projects must be submitted as proof to support claims made above). Bidders must submit all the requested documents as proof in order to be awarded the points. Notes: - Both appointment letters and reference letters must be on the dated and signed by the employer. - Failure to complete and sign schedule of the tenderer’s experience will result in the bidder forfeiting these points. - Only projects which were completed in the last six (6) years will be considered. If a bidder chooses more than one CIDB grading category (refer to page 8, Table 8 of CIDB regulations) then the bidder is required to provide projects completed for each category in the past 6 years. Failure to provide completed projects in the categories chosen, will result in points not being allocated.	Sub-Criteria	Points	5 Projects	50	4 Projects	40	3 Projects	30	2 Projects	20	1 Projects	10	50 (50)
	Sub-Criteria	Points												
5 Projects	50													
4 Projects	40													
3 Projects	30													
2 Projects	20													
1 Projects	10													
2	CONTRACTOR’S RESOURCES - PERSONNEL Proposed personnel: - CVs for proposed key personnel (At least 2) indicating: - Previous work experience with reference letters from previous employers - Total number of years’ working experience in construction - Individual experience on similar work in last six (6) years - Qualifications or artisan’s certification or other recognised training courses completed - Membership of professional bodies or guilds <table><tr><th>Sub-Criteria</th><th>Points</th></tr></table>	Sub-Criteria	Points	50 (50)										
Sub-Criteria	Points													

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	Combined CV experience of less than 5 years	10	
	Combined CV experience of 6 to 9 years	20	
	Combined CV experience of 10 to 14 years	30	
	Combined CV experience of 15 to 19 years	40	
	Combined CV experience of 20 or more years	50	
TOTAL			100

FUNCTIONALITY CRITERIA: Applicable to CIDB levels 3 to 9 ONLY

ID	CRITERIA	POINTS												
1	CAPACITY OF THE CONTRACTOR TO EXECUTE THE WORKS	50 (50)												
	Capacity of the Contractor to execute the works. In order to qualify here, the Contractor will have to demonstrate their capacity/ability to execute the works needed.													
	The completed projects listed will be scored in accordance with the following:													
	<table><tr><th>Sub-Criteria</th><th>Points</th></tr><tr><td>5 Projects</td><td>50</td></tr><tr><td>4 Projects</td><td>40</td></tr><tr><td>3 Projects</td><td>30</td></tr><tr><td>2 Projects</td><td>20</td></tr><tr><td>1 Projects</td><td>10</td></tr></table>		Sub-Criteria	Points	5 Projects	50	4 Projects	40	3 Projects	30	2 Projects	20	1 Projects	10
	Sub-Criteria		Points											
	5 Projects		50											
	4 Projects		40											
	3 Projects		30											
	2 Projects		20											
	1 Projects		10											
Supporting documents required to support the claims above. (Corresponding orders/appointment letters, completion certificates and reference letters for projects must be submitted as proof to support claims made above). Bidders must submit all the requested documents as proof in order to be awarded the points.														
Notes:														
- Both appointment letters and reference letters must be on the dated and signed by the employer. - Failure to complete and sign schedule of the tenderer’s experience will result in the bidder forfeiting this points. - Only projects which were completed in the last six (6) years will be considered. If a bidder chooses more than one CIDB grading category (refer to page 8, Table 8 of CIDB regulations) then the bidder is required to provide projects completed for each category in the past 6 years. Failure to provide completed projects in the categories chosen, will result in points not being allocated.														
QUALIFICATION AND EXPERIENCE OF KEY STAFF		50												
The Service Provider must have competent and qualified individuals to implement and manage the projects successfully:														
A Construction Project Manager registered with SACPCMP and should preferably be in possession of a relevant built environment qualification at NQF level 7 (Degree or equivalent) or higher – (30 points).														
<table><tr><th>Sub-Criteria</th><th>Points</th></tr><tr><td>13 years of experience or higher</td><td>30</td></tr></table>			Sub-Criteria	Points	13 years of experience or higher	30								
Sub-Criteria	Points													
13 years of experience or higher	30													

Any reference to words "Bid" or Bidder" herein and/or in any other documentation shall be construed to have the same meaning as the words "Tender" or "Tenderer".

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10 to 12 years of experience	24
7 to 9 years of experience	18
4 to 6 years of experience	12
2 to 3 years of experience	6
0 to 1 year of experience	0

(30)

Notes: Failure to complete this form (resource information sheet) and provide certified and valid supporting documents will result in the bidder forfeiting these points.
A Construction Site Agent with a relevant built environment qualification at NQF level 6 (Diploma or equivalent) or higher: (20 points)

Sub-Criteria	Points
13 years of experience or higher	20
10 to 12 years of experience	16
7 to 9 years of experience	12
4 to 6 years of experience	8
2 to 3 years of experience	4
0 to 1 year of experience	0

(20)

Notes: Failure to complete this form (resource information sheet) and provide certified and valid supporting documents will result in the bidder forfeiting these points.

Contractors will have to submit certified copies of qualifications.

TOTAL	100
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BIDDERS PLEASE NOTE:

- The SANBI panel of contractors will be utilised on a competitive basis as and when service is required, not work on a rotational basis or next in line methodology. SANBI SCM will send **all** requests for Bid/Quotation to **all** bidders on the SANBI panel of contractors based on the project specific CIDB grading class of work.
- When tenders/bids are requested by SANBI, bidders are to provide the CV's, key qualifications and professional registration certificates of key personnel who will be assigned to the project. Failure to provide this documentation will lead to the bidder being **disqualified**.
- Once a tender/bid is awarded to a contractor, it is expected that the key personnel submitted by the contractor will be on site for the duration of the project. Failure to do so may lead to the contractor being removed from the panel of contractors.
- SANBI may request only contractors located in a certain province to provide a Bid/Quotation depending on the scope of work and magnitude of the project.

It is therefore of utmost importance that the bidder provides the key personnel who will be executing the project for the full duration of the project. Should a resource be replaced, CV's, key qualifications and professional registration certificates with equivalent qualifications and experience must be provided.

Annexure C

Standard Conditions for the calling for Expressions of Interest

C.1 General

C.1.1 Actions

C.1.1.1 The employer and each tenderer submitting an expression of interest shall comply with these conditions for calling expressions of interest. In their dealings with each other, they shall discharge their duties and obligations as set out in C.2 and C.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.

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

Note:

- 1) *A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.*
- 2) *Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.*

C.1.1.3 The employer shall not seek, and a tenderer shall not submit an expression of interest without having a firm intention and the capacity to proceed with the contract.

C.1.2 Expression of Interest Documents

The documents issued by the employer for the purpose of an expression of interest offer are listed in the tender data.

C.1.3 Interpretation

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

C.1.3.2 These conditions of expression of interest, the tender data and tender schedules which are required for tender evaluation purposes, shall form part of any contract arising from the invitation for the expression of interest.

C.1.3.3 For the purposes of these conditions of the expression of interest, the following definitions apply:

- a) **conflict of interest** means any situation in which:
 - i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially.
 - ii) an individual or tenderer is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
 - iii) incompatibility or contradictory interests exist between an employee and the tenderer who employs that employee.
- b) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process.

- c) **fraudulent practice** means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels;

C.1.4 Communication and employer's agent

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

C.1.5 Cancellation and Re-Invitation of An Expression of Interest

C.1.5.1 An employer may, prior to the award of the expression of interest, cancel an expression of interest if:

- a) due to changed circumstances, there is no longer a need for the engineering and construction works specified in the invitation.
- b) funds are no longer available to cover the total envisaged expenditure; or
- c) no acceptable tenders are received.
- d) there is a material irregularity in the tender process.

C.1.5.2 The decision to cancel an expression of interest invitation must be published in the same manner in which the original expression of interest invitation was advertised.

C.1.5.3 An employer may only with the prior approval of the relevant treasury cancel an expression of interest invitation for the second time.

C.1.6 Procurement procedures

C.1.6.1 General

Unless otherwise stated in the tender data, a contract will, subject to C.3.13, be concluded with the tenderer who in terms of C.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.

C.2 Tenderer's obligations

C.2.1 Eligibility

C.2.1.1 Submit an expression of interest only if the respondent satisfies the criteria stated in the tender data and the respondent, or any of his principals, is not under any restriction to do business with employer.

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

C.2.2 Cost of tendering

C.2.2.1 Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of an expression of interest, including the costs of any testing necessary to demonstrate that aspects of the offer comply with requirements.

C.2.2.2 The cost of the expression of interest charged by the employer shall be limited to the actual cost incurred by the employer for printing the documents. Employers must attempt to make available the expression of interest on its website so as not to incur any costs pertaining to the printing of the tender documents.

C.2.3 Check documents

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

C.2.4 Confidentiality and copyright of documents

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

C.2.5 Reference documents

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

C.2.6 Acknowledge addenda

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

C.2.7 Clarification meeting

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

C.2.8 Seek clarification

Request clarification of the expression of interest, if necessary, by notifying the employer at least five (5) working days before the closing time stated in the tender data.

C.2.9 Insurance

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

C.2.11 Alterations to documents

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

C.2.13 Submitting an expression of interest

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

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

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

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

C.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.

C.2.15 Closing time

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

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

C.2.16 Tender offer validity

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

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

C.2.18 Provide other material

C.2.18.1 Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment.

Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.

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

C.2.20 Submit securities, bonds and policies

If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

C.2.21 Check final draft

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

C.2.22 Return of other tender documents

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

C.2.23 Certificates

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

C.3 The employer's undertakings

C.3.1 Respond to requests from the tenderer

C.3.1.1 Unless otherwise stated in the tender Data, respond to a request for clarification received up to five (5) working days before the tender closing time stated in the Tender Data and notify all tenderers who collected an expression of interest.

C.3.1.2 Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to

prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

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

C.3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three (3) working 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 collected tender documents.

C.3.3 Return late tender offers

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

C.3.6 Non-disclosure

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

C.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.

C.3.8 Test for responsiveness

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

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

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

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

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

C.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.

C.3.11 Evaluation of tender offers

The Standard Conditions of Tender standardize the procurement processes, methods and procedures from the time that tenders are invited to the time that a contract is awarded. They are generic in nature and are made project specific through choices that are made in developing the Tender Data associated with a specific project.

Conditions of tender are by definition the document that establishes a tenderer's obligations in submitting a tender and the employer's undertakings in soliciting and evaluating tender offers. Such conditions establish the rules from the time a tender is advertised to the time that a contract is awarded and require employers to conduct the process of offer and acceptance in terms of a set of standard procedures.

The CIDB Standard Conditions of Tender are based on a procurement system that satisfies the following system requirements:	
Requirement	Qualitative interpretation of goal
Fair	The process of offer and acceptance is conducted impartially without bias, providing simultaneous and timely access to participating parties to the same information.
Equitable	Terms and conditions for performing the work do not unfairly prejudice the interests of the parties.
Transparent	The only grounds for not awarding a contract to a tenderer who satisfies all requirements are restrictions from doing business with the employer, lack of capability or capacity, legal impediments and conflicts of interest.
Competitive	The system provides for appropriate levels of competition to ensure cost effective and best value outcomes.
Cost effective	Cost effective

C.3.11.1 General

The employer must appoint an evaluation panel of not less than three persons conversant with the proposed scope of works to evaluate each responsive tender offer using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

C.3.12 Insurance provided by the employer

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

C.3.14 Prepare contract documents

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

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

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

C.3.17 Provide copies of the contracts

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

C.3.18 Provide written reasons for actions taken

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

PART T: THE TENDER

Part T2: Returnable Documents

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
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T2.1 List of Returnable Documents

1. RETURNABLE SCHEDULES REQUIRED FOR TENDER EVALUATION PURPOSES

Tender document name	Number of pages issued	Returnable document
Resolution of Board of Directors (T2.1.01)	1 Page	☐ Yes ☐ No
Resolution of Board of Directors to enter into consortia or JV's (T2.1.02) (If Applicable)	2 Pages	☐ Yes ☐ No
Special Resolution of Consortia or JV's (T2.1.03) (If Applicable)	3 Pages	☐ Yes ☐ No
Schedule of proposed sub-contractors (T2.1.04)	1 Page	☐ Yes ☐ No
Capacity of Tenderer (T2.1.05)	3 Pages	☐ Yes ☐ No
Preference Point System (T2.1.06)	6 Pages	☐ Yes ☐ No
Resources to be employed in terms of organization and staffing (T2.1.07)	2 Pages	☐ Yes ☐ No
Compensation of Occupational Injuries and Disease Act (COIDA) (T2.1.18)	1 Page	☐ Yes ☐ No

2. OTHER DOCUMENTS REQUIRED FOR TENDER EVALUATION PURPOSES

Tender document name	Number of pages issued	Returnable document
Declaration of Interest (T2.1.10)	2 Pages	☐ Yes ☐ No
Medical Certificate for the confirmation of permanent disabled status (T2.1.11)	1 Page	☐ Yes ☐ No
Proof of registration with Construction Industry Development Board (T2.1.12)	1 Page	☐ Yes ☐ No
Copy of CSD Registration Certificate (T2.1.14)	1 Page	☐ Yes ☐ No
Financial Reference (T2.1.15)	1 Page	☐ Yes ☐ No
Proof of Liability Insurance (T2.1.22)	1 Page	☐ Yes ☐ No

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3. RETURNABLE SCHEDULES THAT WILL BE INCORPORATED INTO THE CONTRACT

Tender document name	Number of pages issued	Returnable document
Record of Addenda to Tender Documents (T2.1.16)	1 Page	☒ Yes ☐ No
Compulsory Enterprise Questionnaire (T2.1.17)	3 Pages	☒ Yes ☐ No

4. OTHER DOCUMENTS THAT WILL BE INCORPORATED INTO THE CONTRACT

C1.1 Offer portion of Form of Offer and Acceptance
C1.2 Contract Data

RETURNABLE DOCUMENT CHECKLIST

This form has been created as an aid to ensure a tenderer's compliance with the completion of the returnable schedules.

A ORIGINAL DOCUMENT

Reference No	Document Description	Tick if completed
T2.1.01	Resolution of Board of Directors	
T2.1.02	Resolution of Board of Directors to enter into consortia or JV's (If Applicable)	
T2.1.03	Special Resolution of Consortia or JV's (If Applicable)	
T2.1.04	Schedule of proposed sub-contractors	
T2.1.05	Capacity of Tenderer	
T2.1.06	Preference Point System	
T2.1.07	Resources to be employed in terms of organization and staffing	
T2.1.10	Declaration of Interest	
T2.1.11	Medical Certificate for the confirmation of permanent disabled status	
T2.1.12	Proof of registration with Construction Industry Development Board	
T2.1.13	Original Valid Tax Clearance Certificate	
T2.1.14	CSD Registration Certificate	
T2.1.15	Financial Reference	
T2.1.16	Record of Addenda to Tender Documents	
T2.1.17	Compulsory Enterprise Questionnaire	
T2.1.18	Compensation of Occupational Injuries and Disease Act (COIDA)	
T2.1.22	Proof of Liability Insurance	
Form C1.1	Form of Offer and Acceptance	
Form C1.2	Contract Data	

PART T: THE TENDER

Part T2: Returnable Documents

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
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T2.2 Returnable documents/Schedules

T2.1.01: RESOLUTION OF BOARD OF DIRECTORS

RESOLUTION of a meeting of the Board of *Directors / Members / Partners of:

.....
.....
(legally correct full name and registration number, if applicable, of the Enterprise)

Held at (place)

On (date)

RESOLVED that:

1. The Enterprise submits a Bid / Tender to the South African National Biodiversity Institute in respect of the following project:

.....
.....
(project description as per Bid / Tender Document)

Bid / Tender Number: (Bid / Tender Number as per Bid / Tender Document)

2. *Mr/Mrs/Ms:

in *his/her Capacity as: (Position in the Enterprise)

and who will sign as follows:

be, and is hereby, authorised to sign the Bid / Tender, and any and all other documents and/or correspondence in connection with and relating to the Bid / Tender, as well as to sign any Contract, and any and all documentation, resulting from the award of the Bid / Tender to the Enterprise mentioned above.

	Name	Capacity	Signature
1			
2			
3			
4			

Note:

1. * Delete which is not applicable
2. **NB.** This resolution must be signed by all the Directors / Members / Partners of the Bidding Enterprise.
3. Should the number of Directors / Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

ENTERPRISE STAMP

T2.1.02: RESOLUTION OF BOARD OF DIRECTORS TO ENTER INTO CONSORTIA OR JOINT VENTURES

RESOLUTION of a meeting of the Board of *Directors / Members / Partners of:

.....

.....

(Legally correct full name and registration number, if applicable, of the Enterprise)

Held at (place)

On (date)

RESOLVED that:

1. The Enterprise submits a Bid /Tender, in consortium/Joint Venture with the following Enterprises:

.....

(List all the legally correct full names and registration numbers, if applicable, of the Enterprises forming the Consortium/Joint Venture)

to the South African National Biodiversity Institute in respect of the following project:

.....

.....

(Project description as per Bid /Tender Document)

Bid / Tender Number: *(Bid / Tender Number as per Bid / Tender Document)*

2. *Mr/Mrs/Ms:

in *his/her Capacity as: *(Position in the Enterprise)*

and who will sign as follows:

be, and is hereby, authorised to sign a consortium/joint venture agreement with the parties listed under item 1 above, and any and all Other documents and/or correspondence in connection with and relating to the consortium/joint venture, in respect of the project described under item 1 above.

3. The Joint Venture formation/arrangement will be in the following proportions:

Name of Contractor	Proportion (%)

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4. The Enterprise accepts joint and several liability with the parties listed under item 1 above for the due fulfilment of the obligations of the joint venture deriving from, and in any way connected with, the Contract to be entered into with the Employer in respect of the project described under item 1 above.
5. The Enterprise chooses as its *domicilium citandi et executandi* for all purposes arising from this joint venture agreement and the Contract with the Employer in respect of the project under item 1 above:

Physical address:

.....

..... (code)

Postal address:

.....

..... (code)

Telephone number: (code)

Fax number: (code)

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Note:

1. * Delete which is not applicable.
2. **NB.** This resolution must be signed by all the Directors / Members / Partners of the Bidding Enterprise.
3. Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

ENTERPRISE STAMP

12.1.03: SPECIAL RESOLUTION OF CONSORTIA OR JOINT VENTURES

Any reference to words "Bid" or Bidder" herein and/or in any other documentation shall be construed to have the same meaning as the words "Tender" or "Tenderer".

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RESOLUTION of a meeting of the duly authorised representatives of the following legal entities who have entered into a consortium/joint venture to jointly bid for the project mentioned below: *(legally correct full names and registration numbers, if applicable, of the Enterprises forming a Consortium/Joint Venture)*

1.
.....
2.
.....
3.
.....
4.
.....
5.
.....
6.
.....
7.
.....
8.
.....

Held at (place)

On (date)

RESOLVED that:

- A. The above-mentioned Enterprises submit a Bid in Consortium/Joint Venture to the South African National Biodiversity Institute in respect of the following project:

.....
.....
(Project description as per Bid /Tender Document)

Bid / Tender Number: *(Bid / Tender Number as per Bid / Tender Document)*

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*Mr/Mrs/Ms:

in *his/her Capacity as: (Position in the Enterprise)

and who will sign as follows:
be, and is hereby, authorised to sign the Bid, and any and all other documents and/or correspondence in connection with and relating to the Bid, as well as to sign any Contract, and any and all documentation, resulting from the award of the Bid to the Enterprises in Consortium/Joint Venture mentioned above.

- B. The Enterprises constituting the Consortium/Joint Venture, notwithstanding its composition, shall conduct all business under the name and style of:
- C. The Enterprises to the Consortium/Joint Venture accept joint and several liabilities for the due fulfilment of the obligations of the Consortium/Joint Venture deriving from, and in any way connected with, the Contract entered into with the Employer in respect of the project described under item A above.
- D. Any of the Enterprises to the Consortium/Joint Venture intending to terminate the consortium/joint venture agreement, for whatever reason, shall give the Employer 30 day's written notice of such intention. Notwithstanding such decision to terminate, the Enterprises shall remain jointly and severally liable to the Employer for the due fulfilment of the obligations of the Consortium/Joint Venture as mentioned under item D above.
- E. No Enterprise to the Consortium/Joint Venture shall, without the prior written consent of the other Enterprises to the Consortium/Joint Venture and of the Employer, cede any of its rights or assign any of its obligations under the consortium/joint venture agreement in relation to the Contract with the Employer referred to herein.
- F. The Enterprises choose as the *domicilium citandi et executandi* of the Consortium/Joint Venture for all purposes arising from the consortium/joint venture agreement and the Contract with the Employer in respect of the project under item A above:

Physical address:.....

.....
..... (code)

Postal address:

.....
..... (code)

Telephone number: (code)

Fax number: (code)

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Expression of Interest to register on a panel of contractors on an 'as and when' basis for a period of three (3) years for the South African National Biodiversity Institute (SANBI)

Contract: **SANBI G422/2022**

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Note:

1. * Delete which is not applicable.
2. **NB.** This resolution must be signed by all the Duly Authorised Representatives of the Legal Entities to the Consortium Joint Venture submitting this Bid.
3. Should the number of Duly Authorised Representatives of the Legal Entities joining forces in this Bid exceed the space available above, additional names and signatures must be supplied on a separate page.
4. Resolutions, duly completed and signed, from the separate Enterprises who participate in this Consortium/Joint Venture must be attached to the Special Resolution.

Any reference to words "Bid" or Bidder" herein and/or in any other documentation shall be construed to have the same meaning as the words "Tender" or "Tenderer".

T2.1.04: SCHEDULE OF PROPOSED SUBCONTRACTORS

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
CONTRACT NO:	SANBI G422/2022

We notify you that it is our intention to employ the following Subcontractors for work in this contract.

If we are awarded a contract we agree that this notification does not change the requirement for us to submit the names of proposed Subcontractors in accordance with requirements in the contract for such appointments. If there are no such requirements in the contract, then your written acceptance of this list shall be binding between us.

	Name and address of proposed Subcontractor	Nature and extent of work	Previous experience with Subcontractor
1			
2			
3			
4			

Name of representative	Signature	Capacity	Date

Name of organisation:	
------------------------------	--

T2.1.05: CAPACITY OF TENDERER

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
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1. **WORK CAPACITY:** *(The Tenderer is requested to furnish the following particulars, attach additional pages if more space is required. Failure to furnish the particulars may result in the Tender being disregarded.)*

Skilled technicians employed		Unskilled employees employed	
Categories of technicians	Number	Categories of employees	Number

- 1.1. Provide full particulars of:

Machinery	Equipment	Workshops

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Expression of Interest to register on a panel of contractors on an 'as and when' basis for a period of three (3) years for the South African National Biodiversity Institute (SANBI)

Contract: **SANBI G422/2022****2. PARTICULARS OF COMMITMENTS WHICH THE TENDERER HAS PREVIOUSLY COMPLETED AND PRESENTLY ENGAGED WITH:****2.1. Current projects:**

	Project	Place (town)	Reference / Contact person	Contact Tel. No.	Contract amount	Contract period	Date of commencement	Scheduled date of completion
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								

Any reference to words "Bid" or Bidder" herein and/or in any other documentation shall be construed to have the same meaning as the words "Tender" or "Tenderer".

South African National Biodiversity Institute

Expression of Interest to register on a panel of contractors on an 'as and when' basis for a period of three (3) years for the South African National Biodiversity Institute (SANBI)

Contract: **SANBI G422/2022****2.2. Previous projects:**

Project	Place (town)	Reference / Contact person	Contact Tel. No.	Contract amount	Contract period	Date of commencement	Scheduled date of completion	Actual date of completion
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
Name of Tenderer		Signature				Date		

Any reference to words "Bid" or Bidder" herein and/or in any other documentation shall be construed to have the same meaning as the words "Tender" or "Tenderer".

T2.1.06: PREFERENCE POINT SYSTEM

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included).

a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

or

b) Either the 80/20 preference point system will be applicable to this tender

1.2 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.3 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **"B-BBEE status level of contributor"** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **"EME"** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **"functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **"prices"** includes all applicable taxes less all unconditional discounts;
- (h) **"proof of B-BBEE status level of contributor"** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **"QSE"** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

- 5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contributor: =(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

YES		NO	
-----	--	----	--

- 7.1.1 If yes, indicate:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status level of the sub-contractor.....
- Whether the sub-contractor is an EME or QSE

(***Tick applicable box***)

YES		NO	
-----	--	----	--

- Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

The Tenderer shall list below the key personnel (including first nominee and the second choice alternate), whom he proposes to employ on the Contract should his tender be accepted, both at his headquarters and on the Site, to direct and for the execution of the work, together with their qualifications, experience, positions held and their nationalities.

DESIGNATION	NAME AND NATIONALITY OF: (i) NOMINEE (ii) ALTERNATE	SUMMARY OF QUALIFICATIONS, EXPERIENCE AND PRESENT OCCUPATION
HEADQUARTERS		
Partner/Director		
Project manager		
Other key staff (give designation)		

Expression of Interest to register on a panel of contractors on an 'as and when' basis for a period of three (3) years for the South African National Biodiversity Institute (SANBI)
Contract: **SANBI G422/2022**

Expression of Interest to register on a panel of contractors on an 'as and when' basis for a period of three (3) years for the South African National Biodiversity Institute (SANBI)
Contract: **SANBI G422/2022**

[illegible]

Any reference to words "Bid" or Bidder herein and/or in any other documentation shall be construed to have the same meaning as the words "Tender" or "Tenderer".

T2.1.10: DECLARATION OF INTEREST

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
CONTRACT NO:	SANBI G422/2022

Any person, including persons in the employ of the South African National Biodiversity Institute ; or persons acting on behalf of the South African National Biodiversity Institute performing business as a sole proprietor or in partnership; or persons acting in the capacity of a trustee/s of a trust; or any legal entity, including legal entities and trusts, of which the members, directors, shareholders, trustees and/or beneficiaries are in the employ of the South African National Biodiversity Institute or act on behalf of the South African National Biodiversity Institute, may make an offer or offers in terms of this tender invitation.

In view of the possible allegations of favouritism, should the resulting tender, or part thereof, be awarded to persons employed by the South African National Biodiversity Institute; or to persons who act on behalf of the South African National Biodiversity Institute; or to persons connected or related to them, the bidder / tenderer or the bidder / tenderer's duly authorized representative shall disclose herein any relationship and/or kinship, including blood relation, which he/she; his/her employer; the bidder / tenderer's management; members; directors; partners; shareholders; trustees; and/or beneficiaries may have with any person or persons in the employ of the South African National Biodiversity Institute and/or with any person or persons acting on behalf of the South African National Biodiversity Institute and who may directly or indirectly be involved in, and/or may be in a position to influence the adjudication and/or evaluation and/or award of this bid / tender.

In order to give effect to the above, the following questionnaire shall be completed and submitted with the tender. Failure to furnish the information requested in the questionnaire below may render the tender submission not to be considered at all.

(In answering the questions below, indicate the applicable answer with a ✓ and cross the other out)

1. Is the bidder / tenderer and/or the duly authorized representative in the employ of the South African National Biodiversity Institute?

☐ YES ☐ NO

If yes, State the full particulars of such person/s, together with their current position held as an employee of the South African National Biodiversity Institute.

2. Is the bidder / tenderer and/or the duly authorized representative in the employ of the person/s or legal entity acting on behalf of the South African National Biodiversity Institute, and who may directly or indirectly be involved in, and/or may be in a position to influence, the adjudication and/or evaluation and/or award of this tender?

☐ YES ☐ NO

If yes, State the full particulars of such person/s, together with their current position held as an employee of such person/s or legal entity acting on behalf of the South African National Biodiversity Institute.

3. Does the bidder / tenderer, the bidder's / tenderer's duly authorised representative, and/or any of the bidder's / tenderer's employees, management, partners, members, directors, shareholders, trustees and/or beneficiaries have any relationship (family, friend, business- or financial interest) with a person, or persons in the employ of the South African National Biodiversity Institute and/or in the employ of the person/s or legal entity acting on behalf of the South African National Biodiversity Institute, and who may directly or indirectly be involved in, and/or may be in a position to influence, the adjudication and/or evaluation and/or award of this tender?

☐ YES ☐ NO

If yes, State the full particulars of the persons between whom the relationship exists, the nature of the relationship and the current position/status of such employee/s of the South African National Biodiversity Institute and/or of the person/s and/or legal entity acting on behalf of the South African National Biodiversity Institute herein.

I, the undersigned, _____
(name of the person duly authorised to sign the bid / tender documents on behalf of the bidder / tenderer) hereby certify that the information, furnished above, is correct in all respects. I accept and understand that the South African National Biodiversity Institute, may act against me and the bidder / tenderer, jointly and severally, should this declaration prove to be false.

Duly signed at on thisday of..... (month) of (year)

.....
Full name of signatory

.....
Name of Bidder / Tenderer

.....
Capacity of Signatory

.....
Signature

COMMISSIONER OF OATHS

T2.1.11: MEDICAL CERTIFICATE FOR THE CONFIRMATION OF PERMANENT DISABLED STATUS

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
CONTRACT NO:	SANBI G422/2022

I, (*surname and name*), Identity number, do hereby declare that I am a registered medical practitioner, with my practice number being, practicing at (Physical and postal addresses) declare that I have examined Mr/Mrs identity number of and have found the said person to be permanently disabled or having a recurring disability.

"Disability" means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being." – As per Preferential Procurement Policy Framework Act: No 5 of 2000 (PPPFA)

The nature of the disability is as follows:

.....
.....
.....

Thus signed at on this day of of

.....
Signature

.....
Date

OFFICIAL STAMP OF
MEDICAL PRACTITIONER

T2.1.12: PROOF OF REGISTRATION WITH CONSTRUCTION INDUSTRY DEVELOPMENT BOARD

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
CONTRACT NO:	SANBI G422/2022

The Tenderer shall provide a printed copy of the Active Contractor's Listing off the CIDB website. In the case of a joint venture, a printed copy of the Active Contractor's listing must be provided for each member of the joint venture.

Name of Contractor:

Contractor Grading Designation:

CIDB Contractor Registration Number:

T2.1.13: ORIGINAL VALID TAX CLEARANCE CERTIFICATE

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
CONTRACT NO:	SANBI G422/2022

A original valid tax clearance certificate must be included for evaluation purposes.

T2.1.14: COPY OF CSD REGISTRATION CERTIFICATE

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
CONTRACT NO:	SANBI G422/2022

A copy of Central Suppliers Database (CSD) Registration Certificate must be included for evaluation purposes.

T2.1.15: FINANCIAL REFERENCES

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
CONTRACT NO:	SANBI G422/2022

Notes to tenderer:

1. The tenderer shall attach to this form a letter from the bank in which it is declared how he conducts his account. The contents of the bank's letter must state the credit rating that the bank, in addition to the information required below, accords to the tenderer for the business envisaged by this tender. Failure to provide the required letter with the tender submission may render the tenderer's offer unresponsive in terms of tender condition C3.8.
2. The tenderer's banking details as they appear below shall be completed.
3. In the event that the tenderer is a joint venture enterprise, details of all the members of the joint venture shall be similarly provided and attached to this form.

Details of Company's Bank

DESCRIPTION OF BANK DETAIL	BANK DETAILS APPLICABLE TO TENDERER'S HEAD OFFICE
Name of bank	
Branch name	
Branch code	
Street address	
Postal address	
Name of manager	
Telephone number	
Fax number	
Account number	

T2.1.16: RECORD OF ADDENDA TO TENDER DOCUMENTS

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
CONTRACT NO:	SANBI G422/2022

I / We confirm that the following communications received from the South African National Biodiversity Institute before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer: *(Attach additional pages if more space is required)*

	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Name of Tenderer	Signature	Date

South African National Biodiversity Institute

Expression of Interest to register on a panel of contractors on an 'as and when' basis for a period of three (3) years for the South African National Biodiversity Institute (SANBI)

Contract: **SANBI G422/2022**

I / We confirm that no communications were received from the South African National Biodiversity Institute before the submission of this tender offer, amending the tender documents.

Name of Tenderer	Signature	Date

T2.1.17: COMPULSORY ENTERPRISE QUESTIONNAIRE

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.

Section 1: Name of enterprise:

Section 2: VAT registration number, if any:

Section 3: PSIRA registration number, if any:

Section 4: Particulars of sole proprietors and partners in partnerships

Name*	Identity number*	Personal income tax number*

*Complete only if sole proprietor or partnership and attach separate page if more than 3 partners.

Section 5: Particulars of companies and close corporations

Company registration number:

Close corporation number:

Tax reference number:

Section 6: Record in the service of the state

Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently, or has been within the last 12 months, in the service of any of the following:

- | | |
|--|--|
| ☐ a member of any municipal council | ☐ an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No 1 of 1999) |
| ☐ a member of any provincial legislature | |
| ☐ a member of the National Assembly or the National Council of Province | |
| ☐ a member of the board of directors of any municipal entity | ☐ a member of an accounting authority of any national or provincial public entity |
| ☐ an official of any municipality or municipal entity | ☐ an employee of Parliament or a provincial legislature |

If any of the above boxes are marked, disclose the following:

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

*Insert separate page if necessary.

Section 7: Record of spouses, children and parents in the service of the state

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent or a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently, or has been within the last 12 months, in the service of any of the following:

- | | |
|--|--|
| ☐ a member of any municipal council | ☐ an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No 1 of 1999) |
| ☐ a member of any provincial legislature | |
| ☐ a member of the National Assembly or the National Council of Province | ☐ a member of an accounting authority of any national or provincial public entity |
| ☐ a member of the board of directors of any municipal entity | ☐ an employee of Parliament or a provincial legislature |
| ☐ an official of any municipality or municipal entity | |

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

*Insert separate page if necessary.

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise:

- (i) authorises the Employer to obtain a tax clearance certificate from the South African Revenue Services that my/our tax matters are in order;
- (ii) confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act, 2004;
- (iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise, has within the last five years been convicted of fraud or corruption;
- (iv) confirms that I/we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the Tenderers or those responsible for compiling the Scope of Work that could cause or be interpreted as a conflict of interest; and
- (v) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

Signed: Date:

Name: Position:

Enterprise name:

T2.1.18: COMPENSATION OF OCCUPATIONAL INJURIES AND DISEASE ACT (COIDA)

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
CONTRACT NO:	SANBI G422/2022

Letter of Good Standing from the office of the Compensation Commissioner as required by the Compensation for Occupational Injuries and Diseases Act (COIDA) must be included for evaluation purposes. The letter should be issued by the Department of Labour.

T2.1.22: PROOF OF LIABILITY INSURANCE

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
CONTRACT NO:	SANBI G422/2022

The tender shall append their Proof of Liability Insurance behind this page.

PART C: THE CONTRACT

Part C1: Agreement and Contract Data

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
CONTRACT NO:	SANBI G422/2022

C1.1 Form of Offer and Acceptance

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract for:

EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)

The tenderer, identified in the Offer signature block, has examined the documents listed in the Tender Data and addenda thereto as listed in the Returnable Schedules, and by submitting this Offer has accepted the Conditions of Tender.

The tenderer, identified in the Offer signature block, has examined the draft contract as listed in the Acceptance section and agreed to provide this Offer.

By the representative of the tenderer, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance the tenderer offers to perform all of the obligations and liabilities of the **Contractor** under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the Contract Data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VAT IS: (N/A for this process)

This Offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document including the Schedule of Deviations (if any) to the tenderer before the end of the period of validity stated in the Tender Data, or other period as agreed, whereupon the tenderer becomes the party named as the **Contractor** in the conditions of contract identified in the Contract Data.

Signature(s)

Name(s)

Capacity

**For the
Tenderer:**

.....
(Insert name and address of organisation)

Name &
signature of

witness

Date

[Failure of a Tenderer to complete and sign this form will invalidate the tender]

Acceptance

By signing this part of this Form of Offer and Acceptance, the Employer identified below accepts the tenderer's Offer. In consideration thereof, the Employer shall pay the Contractor the amount due in accordance with the conditions of contract identified in the Contract Data. Acceptance of the tenderer's Offer shall form an agreement between the Employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the Contract are contained in

Part C1	Agreements and Contract Data <i>[which includes this Agreement]</i>
Part C2	Pricing Data
Part C3	Scope of Work
Part C4	Site Information

and drawings and documents or parts thereof, which may be incorporated by reference into Parts C1 to C4 above.

Deviations from and amendments to the documents listed in the Tender Data and any Addenda thereto listed in the Tender Schedules, as well as any changes to the terms of the Offer agreed by the Tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Agreement. No amendments to or deviations from the said documents are valid unless contained in this Schedule, which must be duly signed by the authorised representative(s) of both parties.

The Tenderer shall within the time required to submit documentation in accordance with clause 5.3.2 of the Contract Data (C1.2) after receiving a completed copy of this Agreement, including the Schedule of Deviations (if any), contact the Employer's agent (whose details are given in the Contract Data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the Conditions of Contract identified in the Contract Data at, or just after, the date this Agreement comes into effect. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this Agreement.

Notwithstanding anything contained herein, this Agreement comes into effect on the date when the Tenderer receives one fully completed original copy of this document, including the Schedule of Deviations (if any). Unless the Tenderer (now Contractor) within five working days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this Agreement, this Agreement shall constitute a binding Contract between the parties.

Signature(s)

Name(s)

Capacity

For the Employer:

.....

.....
(Insert name and address of organisation)

Name &
signature of
witness

Date

.....

Schedule of Deviations

1	Subject
	Details
	
	
	
2	Subject
	Details
	
	
	
3	Subject
	Details
	
	
	
4	Subject
	Details
	
	
	
5	Subject
	Details
	
	
	

By the duly authorised representatives signing this Schedule of Deviations, the Employer and the Tenderer agree to and accept the foregoing Schedule of Deviations as the only deviations from and amendments to the documents listed in the Tender Data and Addenda thereto as listed in the Tender Schedules, as well as any confirmation, clarification or change to the terms of the offer agreed by the Tenderer and the Employer during this process of offer and acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the Tender Documents and the receipt by the Tenderer of a completed signed copy of this Agreement shall have any meaning or effect in the Contract between the parties arising from this Agreement.

South African National Biodiversity Institute

Expression of Interest to register on a panel of contractors on an 'as and when' basis for a period of three (3) years for the South African National Biodiversity Institute (SANBI)

Contract: **SANBI G422/2022**

FOR THE TENDERER:

Signature(s)

Name(s)

Capacity

.....
[Name and address of organisation]

Name and
signature of
witness

Date

FOR THE EMPLOYER:

Signature(s)

Name(s)

Capacity

.....
[Name and address of organisation]

Name and
signature of
witness

Date

CONFIRMATION OF RECEIPT

The Tenderer (now Contractor), identified in the Offer part of this Agreement, hereby confirms receipt from the Employer, identified in the Acceptance part of this Agreement, of one fully completed original copy of this Agreement, including the Schedule of Deviations (if any) today:

The..... *[day]*

of *[month]*

20.....*[year]*

at *[place]*

For the Contractor:

.....
Signature

.....
Name

.....
Capacity

Signature and name of witness:

.....
Signature

.....
Name

PART C: THE CONTRACT

Part C1: Agreement and Contract Data

The Conditions of Contract are clauses 1 to 41 of the JBCC Series 2000 Principal Building Agreement (Edition 4.1 of March 2005) published by the Joint Building Contracts Committee.

Copies of these conditions of contract may be obtained from the Association of South African Quantity Surveyors (011-3154140), Master Builders Association (011-205-9000; 057-3526269) South African Association of Consulting Engineers (011-4632022) or South African Institute of Architects (051-4474909; 011-4860684; 053-8312003;)

The JBCC Principal Building Agreement makes several references to the Contract Data for specific data, which together with these conditions collectively describe the risks, liabilities and obligations of the contracting parties and the procedures for the administration of the Contract. The Contract Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the JBCC Principal Building Agreement. Each item of data given below is cross-referenced to the clause in the JBCC Principal Building Agreement to which it mainly applies.

The Conditions of Contract are the *General Conditions of Contract for Construction Works (Second Edition, 2010)* published by the South African Institution of Civil Engineering. Copies of these conditions of contract may be obtained from the South African Institution of Civil Engineering (Tel: 011-805 5947).

The SANBI reserves the right to use **any** other relevant construction contract for any project which will be implemented under this framework contract.

PART C: THE CONTRACT

Part C3: Scope of Work

PROJECT TITLE:	CONTRACTOR FOR THE FIRE DAMAGED LABORATORIES AND ANCILLARY REPAIR WORK IN THE KIRSTENBOSCH RESEARCH CENTRE AT THE KIRSTENBOSCH NATIONAL BOTANICAL GARDEN, CAPE TOWN
CONTRACT NO:	SANBI G422/2022

C3.1 DESCRIPTION OF THE WORKS

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PART C: THE CONTRACT

Part C3: Scope of Work

PROJECT TITLE:	EXPRESSION OF INTEREST TO REGISTER ON A PANEL OF CONTRACTORS ON AN 'AS AND WHEN' BASIS FOR A PERIOD OF THREE (3) YEARS FOR THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
CONTRACT NO:	SANBI G422/2022

C3.1. Description of the Works

C3.1.1 Extent of the Works

It is the intention of the South African National Biodiversity Institute to enter into a formal contract with a service provider/s that will carry out the services described hereunder. These Terms of Reference and the Service Provider's registration will form the basis of the framework agreement.

Framework agreements are designed to allow the employer to invite bids from contractors to carry out work on an as instructed basis over a set term. Framework agreement is between two parties that establish the terms for the supply of goods, construction works or services over period of time within a broad scope of work without guaranteeing any quantum of goods, services or works.

The essential elements of a framework agreement are:

- A framework agreement is only entered into with contractors who have the resources and the capacity to carry out work that is likely to be instructed.
- A framework agreement uses Bills of Quantity as the basis by which contractors are to be remunerated for instructed work by the employer.
- The scope of work of a framework agreement needs to identify the extent and location of the work covered by the contract as the employer may not instruct a contractor to provide work outside of the scope of work associated with the contract.
- Contractors may only proceed with work associated with a batch/task/package when an official batch/task/package order to do so.
- Employers are not permitted to issue a batch/task/work package order after the end date of the term of the framework agreement.
- Any work commenced before the end of the term of a framework contract may continue until the end date provided in the batch/task/package order.

The above-mentioned processes, methods and procedures will be provided in detail in section 4.

C3.1.2 Section 1: Summary of Brief

Panel registrations are requested from CIDB registered service providers with gradings of 1 to 9 (All relevant grading designation, see CIDB table 8 on page 8). Service providers must have experience and qualification to undertake implementation of construction, renovations, refurbishment and other related projects implemented by the SANBI.

C3.1.3 Section 2: Project Description

Background

The SANBI seeks to accelerate delivery of an infrastructure and related services in order to improve access and meet its objective of providing quality service in the province. It is against this background that the SANBI is seeking to register service providers, in the form of construction companies for the implementation of infrastructure projects for period of three (3) years from date of approval.

C3.1.4 Section 3: Project Purpose / Objectives

The SANBI intends to establish a database of service providers capable of implementing construction, renovations, refurbishment and other related projects nationally at the various National Botanical Gardens and National Zoological Gardens. In an effort to ensure that the SANBI consistently meet its infrastructure targets, sufficient resources and effective measures need to be put in place. To achieve this, the SANBI needs to have a readily available pool of contractors which can be called upon to assist in the roll out of infrastructure projects as and when requested. The SANBI would like to invite contractors to be included into a framework contract, with no guarantee of any quantum of works. The objective is to have a readily available pool of contractors which can be called upon to perform work in the different classes of construction works on an as-and-when basis

In an effort to fast track the delivery and implementation of projects SANBI would like to establish a framework contract with contractors that will be invited to bid/quote for the following classes of work:

- Building related construction (GB)
- Civil Engineering (CE)
- Electrical Engineering Works - Building (EB)
- Mechanical Engineering (ME)
- Asphalt Works (SB)
- Demolition and Blasting (SE)
- Fire Prevention and Protection Services (SF)
- Glazing, Curtain Walls and Shop Fronts (SG)
- Landscaping, Irrigation and Horticulture Works (SH)
- Lift, Escalators and Travellators (SI)
- Road Markings and Signage (SK)
- Structural Steelwork Fabrication and Erection (SL)
- Waterproofing of basements, roofs and walls using specialist systems (SN)
- Water Supply and Drainage for Buildings (SO)
- Steel Security Fencing or Precast Concrete (SQ)

C3.1.5 Section 4: Scope of work

Scope of Work

The SANBI has various infrastructure projects that need to be implemented. These projects include:

- New construction works
- Renovations & refurbishment
- Auxiliary building works
- Repair and maintenance works
- Civil engineering work
- Electrical and mechanical works

Competitive bidding process

Service providers on the panel will be requested by the SANBI to bid/quote 'as and when' required for a project specific CIDB grading along with a detailed bill of quantities. The appointment of the successful bidder will be in line with the Preferential Procurement Policy Framework Act (PPPFA).

Remuneration Framework

The appointed service providers will be remunerated based on work completed, subject to measurement of a priced bill of quantities, verified by the employer's delegated project manager.

The project period will be dependent on the scope of work.

Service level agreement

Prior to the commencement of any task order, the service provider shall enter into JBCC (edition 4.1 Code 2101, March 2005) or GCC (Second Edition, 2010) service level agreement with the employer. Such document must be made available to the employer at no additional cost.

C3.1.6 Location of the Works

SANBI currently operates from 14 campuses spread across eight provinces in South Africa. Respondents will be eligible to provide services at all of the campuses below. It is at the panel member's discretion whether to respond to Request for Quotations or Request for Tenders as issued to the panel.

- Free State National Botanical Garden, Bloemfontein, Free State
- Hantam National Botanical Garden, Nieuwoudtville, Northern Cape
- Harold Porter National Botanical Garden, Betty's Bay, Western Cape
- Karoo Desert National Botanical Garden, Worcester, Western Cape
- Kirstenbosch National Botanical Garden, Cape Town, Western Cape
- KwaZulu-Natal National Botanical Garden, Pietermaritzburg, KwaZulu-Natal
- KwaZulu-Natal Herbarium, Durban, KwaZulu-Natal
- Kwelera National Botanical Garden, East London, Eastern Cape
- Lowveld National Botanical Garden, Mbombela, Mpumalanga
- Mokopane Biodiversity Conservation Centre, Mokopane, Limpopo
- National Zoological Garden, Pretoria, Gauteng
- Pretoria National Botanical Garden, Pretoria, Gauteng
- Thohoyandou National Botanical Garden, Thohoyandou, Limpopo
- Walter Sisulu National Botanical Garden, Roodepoort/Mogale City, Gauteng

