

SECTION T1.2: TENDER DATA

SECTION T1.2.1: CONDITIONS OF TENDER

The conditions of tender are the **Standard Conditions of Tender July 2015** as contained in **Section T1.2.3**.

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 July 2015 to which it mainly applies.

SECTION T1.2.2: TENDER DATA

The clause numbers in the Tender Data refer to the corresponding clause numbers in the Conditions of Tender.

The additional Conditions of Tender are:

Item		Data
F.1	GENERAL	ADDITION OR VARIATION TO STANDARD CONDITION OF TENDER
F.1.1	Actions	The Employer is the "South African Development Association (SAFDA)". The term "bid" in the context of this standard is synonymous with term "tender".
F.1.2	Tender Documents	This document (Volume 1) in which are bound the Tendering Procedures, Returnable Documents, Agreements and Contract Data, Pricing Data, Scope of Works, Site Information and Drawings
F.1.3	Interpretation	Add the following new clause: "1.3.3" The tender documents have been drafted in English. The contract arising from the invitation of tender shall be interpreted and construed in English.
F.1.4	Communication and Employer's Agent:	
	The Employer's Agent is:	Company : Luriware Pty Ltd Consulting Agricultural Engineers
		Contact : Tendai Justin Mutenje, Pr.Eng.
		Address : 133 De Bruyn Street, Weavind Park, Pretoria, 0184
		Tel No. : 087 265 5762 / Mobile: 071 217 9756
		E-mail : tendai@luriware.co.za
F.2	TENDERER'S OBLIGATIONS	ADDITION OR VARIATION TO STANDARD CONDITION OF TENDER

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Item	Data
F.2.1	<p>Eligibility:</p> <p>Only those Tenderers who are registered with the CIDB, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a 7GB or Higher Class of construction work, are eligible to submit tenders.</p> <p>Joint ventures are eligible to submit tenders provided that they comply with all three of the following conditions:</p> <ol style="list-style-type: none"> 1. Every member of a joint venture is registered with the CIDB. 2. The lead partner has a contractor grading designation of not lower than one level below the required grading designation of 7GB of construction work. 3. The combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor designation determined in accordance with the sum tendered for a 7GB class of construction work, is eligible to submit tenders. <p>The eligible tenderer must have persons registered and practicing as professional registered members with the relevant statutory body as follows:</p> <ul style="list-style-type: none"> • Agricultural Engineer registered with ECSA <p>Tenderers are required to submit consent agreement, for the listed registered professional personnel.</p> <p>Signed Letter of authority on Company Letterhead must be attached. In case of Joint Venture, all JV Partners must submit signed letter of authority on their company letterhead and one signed letter of authority on JV letterhead</p>
F.2.2	<p>Cost of Tendering:</p> <p>Add the following to the clause:</p> <p>“Accept that the Employer will not compensate the tenderer for any costs incurred in attending interviews in the office of the Employer or the Employer’s Agent.”</p>

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F.2.5	Reference documents:	<p>The document "General Conditions of Contract for Construction Works" 2010 (second edition)</p> <p>Tenderers, Contractors and Subcontractors shall obtain their own copies of the document General Conditions of Contract for Construction Works, revised in July 2010 for the tendering purposes and for use for the duration of the Contract from the Secretary of the South African Institute of Civil Engineering, Private Bag X200, Halfway House, Midrand, 1685 and shall bear all expenses in this regard.</p>
F.2.7	Clarification meeting:	<p>The arrangements for a compulsory clarification meeting are as stated in the Tender Notice and Invitation to Tender.</p> <p>Tenderers must sign the attendance register 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 register and paid for Bid Documents</p>
F.2.8	Seek clarification:	<p>"Request clarification of the tender documents, if necessary, by notifying the Employer's Official or the Employer's Agent indicated in the Tender Notice and Invitation to Tender in writing at least 5 (five) calendar days before the closing time stated in the foregoing notice and clause 2.15."</p>
F.2	TENDERER'S OBLIGATIONS ADDITION OR VARIATION TO STANDARD CONDITION OF TENDER	
F.2.9	Insurance:	<p>Add the following to the clause:</p> <p>"Accept that the submission of a Tender shall be construed as an acknowledgement by the Employer that he/she is satisfied with the insurance cover that the Contractor will have to effect Contract Works Insurance to be limited to the the Tender amount including VAT plus 20%, and Public Liability to be limited to R 10 000 000 under the contract</p> <p>The Employer will not provide for any insurance as it will be provided for by the Contractor.</p>

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F.2.11	Alterations to documents:	<p>Add the following to the clause:</p> <p>“In the event of mistakes having been made on the prices inclusive of VAT it must be crossed out in ink at each and every price alteration on the form of offer and be accompanied by an initial.</p> <p>Corrections in terms of price must not be made by means of a correction fluid such as Tipp-Ex or similar product. If correction fluid has been used on any specific item price, such item will not be considered. No correction fluid must be used in a Bill of Quantities where prices are calculated to arrive at a total amount. If correction fluid has been used the Tender as a whole will not be considered.</p> <p>Tampering with or taking apart the bound document is strictly prohibited. All additional documentation must be stapled into the tender document or attached in a separate file.”</p> <p>The Department will reject the bid if the above conditions are not adhered to.</p>
F.2.13	Submitting a tender offer	
	F.2.13.1	Each Tenderer is required to return the complete set of documents as listed in the Tender Data with all the required information supplied and completed in all respects.
	F.2.13.2	Return all returnable documents to the employer after completing them in their entirety, by writing legibly in non-erasable ink. Failure to adhere to this the bid will be disqualified.
	F.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.

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F.2	TENDERER'S OBLIGATIONS ADDITION OR VARIATION TO STANDARD CONDITION OF TENDER
	<p>F.2.13.4</p> <p>Add the following to the clause: "Only duly authorised signatories must sign the original and all copies of the tender offer where required in terms of 2.13.3.</p> <p>In the case of a ONE-PERSON CONCERN submitting a tender, this shall be clearly stated on the company letter head.</p> <p>In case of a COMPANY submitting a tender, include a copy of a resolution by its board of directors authorising a director or other official of the company to sign the documents on behalf of the company.</p> <p>In the case of a CLOSED CORPORATION submitting a tender, include a copy of a resolution by its members authorising a member or other official of the corporation to sign the documents on each member's behalf.</p> <p>In the case of a PARTNERSHIP submitting a tender, all the partners shall sign the documents, unless one partner or a group of partners has been authorised to sign on behalf of each partner, in which case proof of such an authorisation shall be included in the Tender.</p> <p>In the case of a JOINT VENTURE submitting a tender, must include a resolution of each company of the Joint Venture together with a resolution by its members authorising a member of the Joint Venture to sign the documents on behalf of the Joint Venture."</p> <p>Accept that failure to submit proof of Authorisation to sign the tender with a specimen signature shall result in a Tender Offer being regarded as non-responsive.</p>
	<p>F.2.13.5</p> <p>The Employer's address for delivery of tender offers:</p> <p>South African Development Association (SAFDA) SAFDA Komati-MAC Offices, Tonga, Nkomazi Municipality, Ehlanzeni District, Mpumalanga</p> <p>SAFDA Office Complex Opposite Caltex Garage Mzinti Kwalugedlane 1352</p>
	<p>F.2.13.6</p> <p>A two-envelope procedure will NOT be followed.</p>

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	F.2.13.9	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.
F.2	TENDERER'S OBLIGATIONS ADDITION OR VARIATION TO STANDARD CONDITION OF TENDER	
F.2.14	Information and Data to be completed in all respects:	<p>Add the following to the clause:</p> <p>"Accept that the Employer shall in the evaluation of tenders take due account of the Tenderer's past performance in executing for similar works of comparable magnitude, and the degree to which he possesses the necessary technical, financial and other resources to enable him to complete the Works successfully within the contract period. Satisfy the Employer and Principal Agent as to his ability to perform and complete the Works timeously, safely and with satisfactory quality, by furnishing details in Section T2.2.</p> <p>Accept that the Employer is restricted in accordance with clause 4.(4) of the Construction Regulations, 2014, to only appoint a contractor whom he is satisfied has the necessary competencies and resources to carry out the work safely.</p>
F.2.15	Closing time:	The closing date and time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.
F.2.16	Tender offer validity:	<p>The tender offer validity period is 90 days.</p> <p>Add the following to the clause:</p> <p>"If the tender validity expires on a Saturday, Sunday or public holiday, the Tender Offer shall remain valid and open for acceptance until the closure of business on the following working day."</p>
F.2.17	Clarification of tender offer after submission	The Tenderer shall provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of arithmetical errors by the adjustment of certain rates or items prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.
F.2.18	Provide other material	The Tenderer shall 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.
F.2.19	Inspections, tests and analysis:	The Tenderer must provide access during working hours to his premises for inspections on request.

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F.2.20	Submit securities,bonds and policies:	Tenderer to 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.
F.2	TENDERER'S OBLIGATIONS ADDITION OR VARIATION TO STANDARD CONDITION OF TENDER	
F.2.23	Certificates:	<p>The following certificates/ information may be provided with the tender offer:</p> <ul style="list-style-type: none"> a) Copy of Certificate of Incorporation (if tenderer is a Company), e.g. CM1, CM29, or CM44 b) Copy of Founding Statement (if tenderer is a Closed Corporation), e.g. CK1, or CK2 c) Copy of Partnership Agreement (if tenderer is a Partnership) d) Copy of Identity Document (if tenderer is a One-man concern) e) Copy of Deed of Trust (If a trust is involved). <p>In cases where the tenderer has failed to submit any of the documents above with the tender, the Department reserves the right to, at any time after the closure of the tender, but before the award of the tender, request the tenderer to provide the outstanding documents within 5 (five) calendar days from the date of notification.</p>

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Item	Data
ADD THE FOLLOWING NEW CLAUSES:	
"2.24	<div> <div>Canvassing and obtaining of additional information by tenderers:</div> <div> <p>Accept that no Tenderer shall make any attempt either directly or indirectly to canvass any of the Employers officials or the Employer's agent in respect of his tender, after the opening of the tenders, but prior to the Employer arriving at a decision thereon.</p> <p>No Tenderer shall make any attempt to obtain particulars of any relevant information, other than that disclosed at the opening of tenders."</p> </div> </div>
"2.26	<div> <div>Awards to close family members of persons in the service of the state</div> <div> <p>In order to adjudicate fairness or eligibility, the questionnaire for the declaration of interests in the tender of persons in service of state in Section T2.2.5 – Form E must be completed."</p> </div> </div>
F.2	TENDERER'S OBLIGATIONS ADDITION OR VARIATION TO STANDARD CONDITION OF TENDER
"2.28	<div> <div>TAX REQUIREMENTS</div> <div> <ul style="list-style-type: none"> Bidders must ensure compliance with their tax obligations. Bidders are required to submit their unique personal identification number (pin) issued by SARS to enable the organ of state to view the taxpayer's profile and tax status. Application for tax compliance status (TCS) or pin may also be made via e-filing. In order to use this provision, taxpayers will need to register with SARS as e-filers through the website www.sars.gov.za. Bidders may also submit a printed TCS together with the bid. In bids where consortia / joint ventures / sub-contractors are involved, each party must submit a separate proof of TCS / pin / CSD number. Where no TCS is available but the bidder is registered on the central supplier database (CSD), a CSD number must be provided. </div> </div>
"2.29	<div> <div>(CSD) Central Supplier Database</div> <div> <p>Tenders must be registered National Treasury Central Supplier Database</p> </div> </div>

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2.30	Tender Participation Goals	<p>It is a requirement of this contract that work be executed in such a manner so as to maximise the use of local labour intensive construction methods .</p> <p>Local labour target:</p> <ul style="list-style-type: none"> • 100% target is to be achieved on employment of unskilled local labour. • Contractors are encouraged to subcontract 30% of the scope of work to local SMMEs <p>The project Funder DALRRD has a National Rural Youth Services Corps (NARYSEC) Programme, which entails training of rural youth at TVET Colleges. In order for the youth to complete their training and get certificates, they have to get onsite experiential training; hence the DRDLR will place some students to be trained under this contract. The extent of the training required by these youth will be explained upon the appointment of the contractor. The Client will provide daily stipend for all NARYSEC employed.</p> <p>The contractor must submit monthly labour reports to client.</p> <p>Contractors to adhere to the minimum labour rates as stipulated by the Department of Labour. Contractors to ensure that Section T2.2.22 - Form V, must be completed. In case where the contractor has not completed the form at close of tender, client must request the contractor to complete the form, failure by the contractor to conform to client's request will be seen as being non-compliance.</p>
2.31	Local Content Declaration	<p>Preferential Procurement Regulations, 2017 (Regulation 8) makes provision for the promotion of local production and content.</p> <p>Regulation 8.(1) prescribes that where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered. (as indicated in SBD 6.2 – Section T2.2.21 Form W)</p> <p>Local content (SBD 6.2) form and all annexures must be completed</p>
F.3	THE EMPLOYER'S UNDERTAKINGS ADDITION OR VARIATION TO STANDARD CONDITION OF TENDER	
F.3.1	Respond to requests from the Tenderer:	<p>Replace the contents of the clause with the following:</p> <p>"Respond to a request for clarification received up to seven (7) calendar days before the tender closing time stated in the tender data and notify all Tenderers who drew procurement documents"</p>

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F.3.2	Issue Addenda:	If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until seven(7) calendar days before the tender closing time stated in the Tender Data. If , as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and,shall then notify all tenderers who drew documents. All addenda issued completed and returned
F.3.3	Return late tender offers	Return tender 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.
F.3	THE EMPLOYER'S UNDERTAKINGS ADDITION OR VARIATION TO STANDARD CONDITION OF TENDER	
F.3.4	Opening of tender submissions:	<p>The closing date and time for receipt of tenders is:</p> <p>15 November 2022 at 11h00.</p> <p>Tenders will be received on the closing date and time shown, must be enclosed in a sealed envelope bearing the applicable tender heading and contract number, as well as the closing time and due date, and must be addressed to the:</p> <p>DIRECTOR: FINANCE AND SUPPLY CHAIN MANAGEMENT SERVICES: SOUTH AFRICAN DEVELOPMENT ASSOCIATION (SAFDA).</p> <p>Tenders must be submitted in the tender box situated below:</p> <p>South African Development Association (SAFDA) SAFDA Komati-MAC Offices, Tonga, Nkomazi Municipality, Ehlanzeni District, Mpumalanga</p> <p>Only tenders submitted to this tender box will be opened/ considered.</p> <p>Valid tender submissions shall be opened in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.</p>
F.3.4.1		

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F.3.11	Evaluation of Tenders:	<p>The tender evaluation method to evaluate all responsive tender offers will be Method 2. Tenderers will be evaluated as per the Preferential Procurement Regulation 8(1) which prescribes that only locally produced goods, service or works locally manufactured goods with a stipulated minimum threshold(as indicated in SBD 6.2) for local production and content will be considered.</p> <p>Only tenderers who meet the following Pre-Qualification criteria for Preferential Procurement may respond:</p> <p>(c) A tenderer subcontracting a minimum of 5% to either of the following-</p> <ul style="list-style-type: none"> I. An EME or QSE II. An EME or QSE which is at least 51% owned by black people; III. An EME or QSE which is at least 51% owned by black people who are youth; IV. An EME or QSE which is at least 51% owned by black people who are women; V. An EME or QSE which is at least 51% owned by black people with disabilities; VI. An EME or QSE which is at least 51% owned by black people living in rural or underdeveloped areas or townships; VII. A cooperative which is at least 51% owned by black people; VIII. An EME or QSE which is at least 51% owned by black people who are military veterans; <p>LOCAL CONTENT AND MINIMUM THRESHOLD:</p> <table border="1"> <thead> <tr> <th>Component</th> <th>Stipulated minimum threshold</th> </tr> </thead> <tbody> <tr> <td>Frames (Steel Doors and Windows) - (LC.1)</td> <td>100%</td> </tr> <tr> <td>Fasteners (Bolts nuts, rivets and nails) – (LC.2)</td> <td>100%</td> </tr> <tr> <td>Roof Cladding – (LC.3)</td> <td>100%</td> </tr> <tr> <td>Gutters, downpipes and launders Fabricated materials made from sheeting associated with roof drainage systems</td> <td>100%</td> </tr> </tbody> </table> <p>Apply the 80/20 Preference Point system where a maximum of Eighty(80) tender adjudication point be awarded for price. Twenty (20) points will be awarded for preference in terms of the Preferential Procurement Policy Framework Act (Act 5 of 2000) and Preferential Procurement Regulation, 2017. See section T2.2.8, Form B for the Preference model.</p> <p>The financial offer will be scored in terms of formula 2, option 1 of the Standard Conditions of Tender (Section T1.3 of the document).</p> <p>The CRITERIA to be applied in evaluating the proposal is set out in the table below:</p> <table border="1"> <thead> <tr> <th>Criterion</th> <th>Weight</th> <th>Value</th> <th>Comment / Remarks</th> </tr> </thead> <tbody> <tr> <td>Relevant experience in General Building Construction projects similar in nature, scope and value (Section T2.2.10, Form J)</td> <td>30</td> <td></td> <td></td> </tr> <tr> <td>Detailed method statement or approach paper proposal. The approach paper must respond to the scope of work, the nature of the contract and outline the proposed approach / methodology.</td> <td>30</td> <td></td> <td></td> </tr> <tr> <td>Experience of key personnel – Agricultural Engineer, Site Agent; Project Manager (Section T2.2.12, Form L). Signed CVs to be provided confirming consent. Failure will result in disqualification</td> <td>20</td> <td></td> <td></td> </tr> <tr> <td>Relevant plant and equipment resources (Section T2.2.9, Form I)</td> <td>20</td> <td></td> <td></td> </tr> <tr> <td>TOTAL</td> <td>100</td> <td></td> <td></td> </tr> </tbody> </table> <p>The proposal will be evaluated individually on score sheets, by a representative evaluation panel according to the evaluation criteria indicated above. All service providers who scored less than 60 out of 100 points for functionality will not be considered further.</p>	Component	Stipulated minimum threshold	Frames (Steel Doors and Windows) - (LC.1)	100%	Fasteners (Bolts nuts, rivets and nails) – (LC.2)	100%	Roof Cladding – (LC.3)	100%	Gutters, downpipes and launders Fabricated materials made from sheeting associated with roof drainage systems	100%	Criterion	Weight	Value	Comment / Remarks	Relevant experience in General Building Construction projects similar in nature, scope and value (Section T2.2.10, Form J)	30			Detailed method statement or approach paper proposal. The approach paper must respond to the scope of work, the nature of the contract and outline the proposed approach / methodology.	30			Experience of key personnel – Agricultural Engineer, Site Agent; Project Manager (Section T2.2.12, Form L). Signed CVs to be provided confirming consent. Failure will result in disqualification	20			Relevant plant and equipment resources (Section T2.2.9, Form I)	20			TOTAL	100		
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Item		Data												
QUALITY CRITERIA														
NO.	CRITERIA	WEIGHT	INDICATE VALUE	TOTAL										
1	<p>RELEVANT EXPERIENCE OF SIMILAR PROJECTS – (30 POINTS)</p> <p>Tenderers are required to demonstrate relevant past experience and competency and attach completion certificates. Tenderers are required to submit full details of, and reliable contactable references for relevant projects which were successfully completed. Relevant projects must be of similar scope, nature and size , completed within the last Seven (07) years. Tenderers should have completed General Building Construction projects of similar nature, with minimum value of R 4, 000,000.00 each in the last 9 years. The employer reserves the right to verify projects before considering them.</p> <p><u>NB: Bidders are required to attach completion certificates. Failure to submit / attach completion certificates for the projects will result in the bidder not being awarded the points.</u></p> <table><tr><td>Poor (score 1)</td><td>The tenderer has not listed any relevant completed projects but failed to attach completion certificates. (0-1 Project)</td></tr><tr><td>Average (score 2)</td><td>The tenderer has listed relevant completed project with completion certificates. (2 Projects)</td></tr><tr><td>Good (score 3)</td><td>The tenderer has listed relevant completed project with completion certificates. (3 Projects)</td></tr><tr><td>Very Good (score 4)</td><td>The tenderer has listed relevant completed project with completion certificates. (4 Projects)</td></tr><tr><td>Excellent (score 5)</td><td>The tenderer has listed five (5) relevant completed projects with completion certificates. (5 or more Projects)</td></tr></table> <p><u>APPROACH PAPER AND METHODOLOGY– (30 Points)</u></p> <p>APPROACH PAPER AND METHODOLOGY: (30 points)</p>	Poor (score 1)	The tenderer has not listed any relevant completed projects but failed to attach completion certificates. (0-1 Project)	Average (score 2)	The tenderer has listed relevant completed project with completion certificates. (2 Projects)	Good (score 3)	The tenderer has listed relevant completed project with completion certificates. (3 Projects)	Very Good (score 4)	The tenderer has listed relevant completed project with completion certificates. (4 Projects)	Excellent (score 5)	The tenderer has listed five (5) relevant completed projects with completion certificates. (5 or more Projects)	30		
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2	<p>The approach paper must respond to the scope of work, the nature of the contract and outline the proposed approach / methodology including that relating to the project status and locations, approach, controlling programming and management of sub-consultants in relation to the works that may be provided over the term of the contract. The approach paper as such needs to: Table of Contents: Listing of contents of the approach paper with page numbers and References to annexures (if any): Executive Summary: A summary of the whole contents of the approach paper Approach: Detailed approach that the tenderer feels best to deliver the intended Services for the Project with Identification of tasks, for each of the Activities/ deliverables as have been foreseen Work", detailing at least the following:</p> <ol style="list-style-type: none">1. Understanding of Project Scope2. Methodology to be adopted; including project implementation schedule for the services as given in scope of work (Activity, task, and sub-task wise to achieve the deliverables); Organogram for the proposed project team and their responsibilities3. Identified project Implementation Risks and Risk management Proposal.4. Quality control mechanism to be adopted for the project deliverables.5. Stakeholder Identification, management, and reporting mechanism to be followed	30												

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Section T1.2: Tender Data

Item		Data												
QUALITY CRITERIA														
NO.	CRITERIA	WEIGHT	INDICATE VALUE	TOTAL										
3	<p><u>Tenderers Experience of Key Personnel - (20 Points)</u></p> <p>Tenderers are required to demonstrate that they have the necessary resources and technical expertise to undertake and successfully complete the project.</p> <p>EXPERIENCE AND QUALIFICATION OF AGRICULTURAL ENGINEER, SITE AGENT AND PROJECT MANAGER (20 POINTS)</p> <p>This criterion covers the general average experience of the proposed Agricultural Engineer, Site Agent and Project Manager dealing with General Buildings and Agricultural Construction projects. The Agricultural Engineering candidate must have a minimum of NQF Level 7 or higher and 5 years' experience.</p> <p>Tenderers are required to submit SIGNED curriculum vitae and copies of qualifications for the key personnel proposed to be employed on the project. Failure to provide CV of key personnel indicated on form L, copies of qualifications, experience will not be considered. These curriculum vitae are to include specific details of these individuals including past experience and competence in delivering key similar relevant project. Signed CVs to be provided confirming consent to being part of the project team. Failure will result in disqualification This evaluation is based on the following weighting:</p> <table><tr><td>Poor (score 1)</td><td>From 0 to 1 years</td></tr><tr><td>Average (score 2)</td><td>Above 2 to 3 years</td></tr><tr><td>Good (score 3)</td><td>Above 4 to 5 years</td></tr><tr><td>Very Good (score 4)</td><td>Above 6 to 7 years</td></tr><tr><td>Excellent (score 5)</td><td>More than 8 years</td></tr></table>	Poor (score 1)	From 0 to 1 years	Average (score 2)	Above 2 to 3 years	Good (score 3)	Above 4 to 5 years	Very Good (score 4)	Above 6 to 7 years	Excellent (score 5)	More than 8 years	20		
Poor (score 1)	From 0 to 1 years													
Average (score 2)	Above 2 to 3 years													
Good (score 3)	Above 4 to 5 years													
Very Good (score 4)	Above 6 to 7 years													
Excellent (score 5)	More than 8 years													

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2

Contract No: SAFDA-MP-0001 (2022/2023)
Part T1: Tender Procedures
Section T1.2: Tender Data

4	<p><u>RELEVANT PLANT AND EQUIPMENT RESOURCES - (20 points)</u></p> <p>Tenderers are required to demonstrate that they have necessary relevant equipment, facilities and plant to be used during construction and project implementation.</p> <p>Up to maximum of 20 Points shall be awarded to the tenderers for these criteria.</p> <p>Plant resources required to complete the project, with proof of ownership and/or proof that such plant or equipment will be hired. Failure to list of resources as indicated on section T2.2.9, form I ,proof of ownership and/or hire, will result in the tenderer being scored poor</p> <table><tr><td>Poor (score 1)</td><td>Failed to list and submit proof of plant and equipment</td></tr><tr><td>Average (score 2)</td><td>Listed less than 3 minimum required plant and equipment</td></tr><tr><td>Good (score 3)</td><td>Listed 3 minimum required plant and equipment</td></tr><tr><td>Very Good (score 4)</td><td>Listed 4 plus additional plant and equipment</td></tr><tr><td>Excellent (score 5)</td><td>Listed 5 plus additional plant and equipment</td></tr></table>	Poor (score 1)	Failed to list and submit proof of plant and equipment	Average (score 2)	Listed less than 3 minimum required plant and equipment	Good (score 3)	Listed 3 minimum required plant and equipment	Very Good (score 4)	Listed 4 plus additional plant and equipment	Excellent (score 5)	Listed 5 plus additional plant and equipment	20		
Poor (score 1)	Failed to list and submit proof of plant and equipment													
Average (score 2)	Listed less than 3 minimum required plant and equipment													
Good (score 3)	Listed 3 minimum required plant and equipment													
Very Good (score 4)	Listed 4 plus additional plant and equipment													
Excellent (score 5)	Listed 5 plus additional plant and equipment													

F.3.13	Acceptance of tender offer:	A Tender Offer will only be accepted on condition that such acceptance is not prohibited in terms of Clause 44 of the Supply Chain Management Regulations published in terms of the Public Finance Management Act, 2003.
F.3.17	Provide copies of the contract	One signed copy of the contract shall be provided by the Employer to the successful Tenderer.

Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2

Contract No: SAFDA-MP-0001 (2022/2023)
Part T1: Tender Procedures
Section T1.2: Tender Data

F.4	ADDITIONAL CONDITIONS OF TENDER
The additional conditions of Tender are:	
F.4.1	Compliance with Occupational Health and Safety Act 1993
	<p>Tenderers are to note the requirements of the Occupational Health and Safety Act No. 85 of 1993 and the Construction Regulations 2014 issued in terms of Section 43 of the Act. The Tenderer shall be deemed to have read and fully understood the requirements of the above Act and Regulations and to have allowed for all costs in compliance therewith.</p> <p>In this regard the Contractor shall submit a detailed Health and Safety Plan in respect of the Works in order to demonstrate the necessary competencies and resources to perform the construction work all in accordance with the Act and Regulations. Such Health and Safety Plan shall cover inter-alia the following details:</p> <ol style="list-style-type: none">(1) Management Structure, Site Supervision and Responsible Persons including a succession plan.(2) Contractor's induction training programme for Employees, Sub-contractors and Visitors to the Site.(3) Health and safety precautions and procedures to be adhered to in order to ensure compliance with the Act, Regulations and Safety Specifications.(4) Regular monitoring procedures to be performed.(5) Regular liaison, consultation and review meetings with all parties.(6) Site security, welfare facilities and first aid.(7) Site rules and fire and emergency procedures. <p>Tenderers are to note that the Contractor is required to ensure that all Sub-contractors or others engaged in the performance of the Contract also comply with the above requirements.</p> <p>The Contractor shall prepare and maintain a Health and Safety File in respect of the project, which shall be available for inspection on Site at all times and handed over to the Employer on Final Completion of the project.</p> <p>The Contractor is required to submit to the Employer the Occupational Health and Safety Agreement (included in Part C1.4 of the Contract Document) and a letter of good standing from the Compensation Commissioner, or a licensed compensation insurer, within 14 days after the Commencement Date of the Contract.</p> <p>Compliance with COVID-19 Occupational Health and Safety measures in workplaces COVID-19 (C19 OHS), 2020</p> <p>Tenderers are to note the requirements of the COVID-19 Occupational Health and Safety measures in workplaces COVID-19 (C19 OHS), 2020 issued by the Minister of Cooperative Governance and Traditional Affairs in terms of section 27 (2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) in terms of Regulation 10 (8) of the Regulations issued by the Minister of Cooperative Governance and Traditional Affairs in terms of section 27 (2) of the Disaster Management Act, 2002 (Act No. 57 of 2002).</p> <p>The Tenderer shall be deemed to have read and fully understood the requirements of the above Act and Regulations and to have allowed for all costs in compliance therewith. (Annexure A).</p>

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2

Contract No: SAFDA-MP-0001 (2022/2023)
Part T1: Tender Procedures
Section T1.2: Tender Data

F.4.2	<p>Community Liaison Officer</p> <p>It is a requirement of the Contract that a Community Liaison Officer (CLO) be appointed by the Contractor. The primary functions of the CLO shall be to assist the Contractor with the selection and recruitment of targeted labour, to represent the local community in matters concerning the use of targeted labour (and/or enterprises) on the works, and to assist with and facilitate communication between the Contractor, the Principal Agent and the local communities.</p> <p>The method of identifying suitable candidates for the position of CLO, as well as requirements in respect of the employment of the selected candidate, are described in Part C3.3.2: Scope of Work.</p>
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Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2

ANNEXURE A

Government notice NO. 479 dated 29 April 2020

Compliance with COVID-19 Occupational Health and Safety measures in workplaces COVID-19 (C19 OHS), 2020

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2

CIDB STANDARD CONDITIONS OF TENDER

SECTION T1.2.3: CIDB STANDARD CONDITIONS OF TENDER

*As published in Annex F of the CIDB Standard for Uniformity in Construction Procurement in Board Notice
136 Government Gazette No 38960 of 10 July 2015.*

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Annex F
(normative)

Standard Conditions of Tender

F.1 General

F.1.1 Actions

F.1.1.1 The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in F.2 and F.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.

F.1.1.2 The employer and the tenderer and all their agents and employees involved in the tender 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.*

F.1.1.3 The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract.

F.1.2 Tender Documents

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

F.1.3 Interpretation

F.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 of tender.

F.1.3.2 These conditions of tender, the tender data and tender schedules which are only required for tender evaluation purposes, shall not form part of any contract arising from the invitation to tender.

F.1.3.3 For the purposes of these conditions of tender, 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 organisation is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or

Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2

iii) incompatibility or contradictory interests exist between an employee and the organisation which employs that employee.

- b) **comparative offer** means the price after the factors of a non-firm price and all unconditional discounts it can be utilised to have been taken into consideration;
- c) **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;
- d) **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;
- e) **organization** means a company, firm, enterprise, association or other legal entity, whether incorporated or not, or a public body;
- f) **functionality** means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs.

F.1.4 Communication and employer's agent

Each communication between the employer and a tenderer 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 tenderer. The name and contact details of the employer's agent are stated in the tender data.

F.1.5 Cancellation and Re-Invitation of Tenders

F1.5.1 An organ of state may, prior to the award of the tender, cancel a tender if-

- (a) due to changed circumstances, there is no longer a need for the services, works or goods requested; or
- (b) funds are no longer available to cover the total envisaged expenditure; or
- (c) no acceptable tenders are received.

F1.5.2 The decision to cancel a tender must be published in the cidb website and in the government Tender Bulletin for the media in which the original tender invitation was advertised.

F.1.6 Procurement procedures

F.1.6.1 General

Unless otherwise stated in the tender data, a contract will, subject to F.3.13, be concluded with the tenderer who in terms of F.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.

F.1.6.2 Competitive negotiation procedure

F.1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of F.3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of

F.3.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.

F.1.6.2.2 All responsive tenderers, or not less than three responsive tenderers that are highest ranked in terms of the evaluation method and evaluation criteria stated in the tender data, shall be invited in each round to enter into competitive negotiations, based on the principle of equal treatment and keeping

Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2

confidential the proposed solutions and associated information. Notwithstanding the provisions of F.2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

F.1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to make a fresh tender offer, based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer.

F.1.6.2.4 The contract shall be awarded in accordance with the provisions of F.3.11 and F.3.13 after tenderers have been requested to submit their best and final offer.

F.1.6.3 Proposal procedure using the two stage-system

F.1.6.3.1 Option 1

Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender.

F.1.6.3.2 Option 2

F.1.6.3.2.1 Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents.

F.1.6.3.2.2 The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data, and award the contract in terms of these conditions of tender.

F.2 Tenderer's obligations

F.2.1 Eligibility

F.2.1.1 Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer.

F.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 a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders.

Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2

F.2.2 Cost of tendering

F2.2.1 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 a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer complies with requirements.

F2.2.2 The cost of the tender documents 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 tender documents on its website so as not to incur any costs pertaining to the printing of the tender documents.

F.2.3 Check documents

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

F.2.4 Confidentiality and copyright of documents

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

F.2.5 Reference documents

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

F.2.6 Acknowledge addenda

Acknowledge receipt of addenda to the tender documents, 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.

F.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.

F.2.8 Seek clarification

Request clarification of the tender documents, if necessary, by notifying the employer at least five working days before the closing time stated in the tender data.

F.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.

F.2.10 Pricing the tender offer

Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2

F.2.10.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable 14 days before the closing time stated in the tender data.

F.2.10.2 Show VAT payable by the employer separately as an addition to the tendered total of the prices.

F.2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.

F.2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

F.2.11 Alterations to documents

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

F.2.12 Alternative tender offers

F.2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.

F.2.12.2 Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.

F.2.12.3 An alternative tender offer may only be considered in the event that the main tender offer is the winning tender.

F.2.13 Submitting a tender offer

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

F.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.

F.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.

F.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.

Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2

F.2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

F.2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked -financial proposall and place the remaining returnable documents in an envelope marked -technical proposall. Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

F.2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.

F.2.13.8 Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.

F.2.13.9 Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.

F.2.14 Information and data to be completed in all respects

Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

F.2.15 Closing time

F.2.15.1 Ensure that the employer receives the tender offer 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.

F.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.

F.2.16 Tender offer validity

F.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.

F.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.

F.2.16.3 Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted.

F.2.16.4 Where a tender submission is to be substituted, submit a substitute tender in accordance with the requirements of F.2.13 with the packages clearly marked as -SUBSTITUTEII.

Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2

F.2.17 Clarification of tender offer after submission

Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.

Note: Sub-clause F.2.17 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Employer elect to do so.

F.2.18 Provide other material

F.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.

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

F.2.19 Inspections, tests and analysis

Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.

F.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.

F.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.

F.2.22 Return of other tender documents

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

F.2.23 Certificates

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

F.3 The employer's undertakings

F.3.1 Respond to requests from the tenderer

Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2

F.3.1.1 Unless otherwise stated in the tender Data, respond to a request for clarification received up to five working days before the tender closing time stated in the Tender Data and notify all tenderers who drew procurement documents.

F.3.1.2 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.

F.3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify all tenderers who drew documents.

F.3.3 Return late tender offers

Return tender 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.

F.3.4 Opening of tender submissions

F.3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

F.3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, number of points claimed for its BBEE status level and time for completion for the main tender offer only.

F.3.4.3 Make available the record outlined in F.3.4.2 to all interested persons upon request.

F.3.5 Two-envelope system

F.3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

F.3.5.2 Evaluate functionality of the technical proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the functionality evaluation more than the minimum number of points for functionality

Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2

stated in the tender data, and announce the score obtained for the technical proposals and the total price and any points claimed on BBBEE status level. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for functionality.

F.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.

F.3.7 Grounds for rejection and disqualification

Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.

F.3.8 Test for responsiveness

F.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.

F.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.

F.3.9 Arithmetical errors, omissions and discrepancies

F.3.9.1 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with F.3.11 for:

- a) the gross misplacement of the decimal point in any unit rate;
 - b) omissions made in completing the pricing schedule or bills of quantities; or c) arithmetic errors in:
 - i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or ii)
- the summation of the prices.

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Witness 1

Witness 2

Employer

Witness 1

Witness 2

F3.9.2 The employer must correct the arithmetical errors in the following manner:

- a) Where there is a discrepancy between the amounts in words and amounts in figures, the amount in words shall govern.
- b) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.
- c) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

Consider the rejection of a tender offer if the tenderer does not correct or accept the correction of the arithmetical error in the manner described above.

F.3.10 Clarification of a tender offer

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.

F.3.11 Evaluation of tender offers

F.3.11.1 General

Appoint an evaluation panel of not less than three persons. Reduce each responsive tender offer to a comparative offer and evaluate them using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

F.3.11.2 Method 1: Price and Preference

In the case of a price and preference:

- 1) Score tender evaluation points for price
- 2) Score points for BBBEE contribution
- 3) Add the points scored for price and BBBEE.

F.3.11.3 Method 2: Functionality, Price and Preference

In the case of a functionality, price and preference:

- 1) Score functionality, rejecting all tender offers that fail to achieve the minimum number of points for functionality as stated in the Tender Data.
- 2) No tender must be regarded as an acceptable tender if it fails to achieve the minimum qualifying score for functionality as indicated in the tender invitation.
- 3) Tenders that have achieved the minimum qualification score for functionality must be evaluated further in terms of the preference points system prescribed in paragraphs 4 and 4 and 5 below.

The 80/20 preference point system for acquisition of services, works or goods up to Rand value of R50 million

Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2

- 4) (a)(i) The following formula must be used to calculate the points for price in respect of tenders (including price quotation) with a Rand value equal to, or above R 30 000 and up to Rand value of R 50 000 000 (all applicable taxes included):

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

Where

P_s = Points scored for comparative price of tender or offer under consideration;

P_t = Comparative price of tender or offer under consideration; and

P_{\min} = Comparative price of lowest acceptable tender or offer.

- (4)(a)(ii) An employer of state may apply the formula in paragraph (i) for price quotations with a value less than R30 000, if and when appropriate:
- (4)(b) Subject to subparagraph(4)(c), points must be awarded to a tender for attaining the B-BBEE status level of contributor in accordance with the table below:

B-BBEE status level of contributor	Number of points
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- (4)(c) A maximum of 20 points may be allocated in accordance with subparagraph (4)(b)
- (4)(d) The points scored by tender in respect of B-BBEE contribution contemplated in subparagraph (4) (b) must be added to the points scored for price as calculated in accordance with subparagraph (4)(a).
- (4)(e) Subject to paragraph 4.3.8 the contract must be awarded to the tender who scores the highest total number of points.

The 90/ 10 preference points system for acquisition of services, works or goods with a Rand value above R 50 million

- (5)(a) The following formula must be used to calculate the points for price in respect of tenders with a Rand value above R50 000 000 (all applicable taxes included):

90/10

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

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2

Where

Ps = Points scored for comparative price of tender or offer under consideration;

Pt = Comparative price of tender or offer under consideration; and

Pmin = Comparative price of lowest acceptable tender or offer.

(5)(b) Subject to subparagraph(5)(c), points must be awarded to a tender for attaining the B- BBEE status level of contributor in accordance with the table below:

B-BBEE status level of contributor	Number of points
1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

(5)(c) A maximum of 10 points may be allocated in accordance with subparagraph (5)(b).

(5)(d) The points scored by tender in respect of B-BBEE contribution contemplated in subparagraph (5) (b) must be added to the points scored for price as calculated in accordance with subparagraph (5)(a).

(5)(e) Subject to paragraph 4.3.8 the contract must be awarded to the tender who scores the highest total number of points.

F.3.11.6 Decimal places

Score price, preference and functionality, as relevant, to two decimal places.

F.3.11.7 Scoring Price

Score price of remaining responsive tender offers using the following formula:

$$N_{FO} = W_1 \times A$$

where: N_{FO} is the number of tender evaluation points awarded for price.

W_1 is the maximum possible number of tender evaluation points awarded for price as stated in the Tender Data.

A is a number calculated using the formula and option described in Table F.1 as stated in the Tender Data.

Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2

Table F.1: Formulae for calculating the value of A

Formula	Comparison aimed at achieving	Option 1 ^a	Option 2 ^a
1	Highest price or discount	$A = (1 + \frac{P - P_m}{P_m})$	$A = P / P_m$
2	Lowest price or percentage commission / fee	$A = (1 - \frac{P - P_m}{P_m})$	$A = P_m / P$
^a P_m is the comparative offer of the most favourable comparative offer. P is the comparative offer of the tender offer under consideration.			

F.3.11.8 Scoring preferences

Confirm that tenderers are eligible for the preferences claimed in accordance with the provisions of the tender data and reject all claims for preferences where tenderers are not eligible for such preferences. Calculate the total number of tender evaluation points for preferences claimed in accordance with the provisions of the tender data.

F.3.11.9 Scoring functionality

Score each of the criteria and subcriteria for quality in accordance with the provisions of the Tender Data.

Calculate the total number of tender evaluation points for quality using the following formula:

$$N_Q = W_2 \times S_O / M_S$$

where: S_O is the score for quality allocated to the submission under consideration;
 M_S is the maximum possible score for quality in respect of a submission; and
 W_2 is the maximum possible number of tender evaluation points awarded for the quality as stated in the tender data

F.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.

F.3.13 Acceptance of tender offer

Accept the tender offer, if in the opinion of the employer, it does not present any risk and only if the tenderer:

- a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement,
- b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,
- c) has the legal capacity to enter into the contract,
- d) is not insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by

 Contractor

 Witness 1

 Witness 2

 Employer

 Witness 1

 Witness 2

- a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,
- e) complies with the legal requirements, if any, stated in the tender data, and
 - f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

F.3.14 Prepare contract documents

F.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.

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

F.3.15 Complete adjudicator's contract

Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.

F.3.16 Notice to unsuccessful tenderers

F.3.16.1 Notify the successful tenderer of the employer's acceptance of his tender offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated in the tender data, or agreed additional period.

F.3.16.2 After the successful tenderer has been notified of the employer's acceptance of the tender, notify other tenderers that their tender offers have not been accepted.

F.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.

F.3.18 Provide written reasons for actions taken

Provide upon request written reasons to tenderers 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.

F3.19 Transparency in the procurement process

F3.19.1 The cidb prescripts require that tenders must be advertised and be registered on the cidb i.Tender system.

F3.19.2 The employer must adopt a transparency model that incorporates the disclosure and accountability as transparency requirements in the procurement process.

Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2

F3.19.3 The transparency model must identify the criteria for selection of projects, project information template and the threshold value of the projects to be disclosed in the public domain at various intervals of delivery of infrastructure projects.

F3.19.4 The client must publish the information on a quarterly basis which contains the following information:

- Procurement planning process
- Procurement method and evaluation process
- Contract type
- Contract status
- Number of firms tendering
- Cost estimate
- Contract title
- Contract firm(s)
- Contract price
- Contract scope of work
- Contract start date and duration
- Contract evaluation reports

F3.19.5 The employer must establish a Consultative Forum which will conduct a random audit in the implementation of the transparency requirements in the procurement process.

F3.19.6 Consultative Forum must be an independent structure from the bid committees. F3.19.7

The information must be published on the employer's website.

F 3.19.8 Records of such disclosed information must be retained for audit purposes

Contractor	Witness 1	Witness 2	Employer	Witness 1	Witness 2