

PART T1: TENDERING PROCEDURES

T1.2 TENDER DATA

The conditions of tender are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity in Construction Procurement. (See www.cidb.org.za) which are reproduced without any amendment or alteration for the convenience of Tenderers as an annex to this Tender Data.

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.

F.1.1 The employer is Transnet Limited trading as Transnet Freight Rail.

F.1.2 The tender documents issued by the employer comprise:

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 Schedules

Part C1: Agreements and contract data

C1.1 Form of offer and acceptance

C1.2 Contract data

C1.3 Performance Bond

C1.4 Adjudicator's contract

Part C2: Pricing data

C2.1 Pricing instructions

C2.2 Price List / Activity Schedule

Part C3: Scope of Service

C3 Service Information

Part C4: Site information

C4 Site information

F.1.4 The employer's agent is:

Name : Mr. Jan Homan

Address : P O Box 30943

Braamfontein

2017

Tel : 011 773 3250

Fax : 011 773 9068

E-mail : Jan.Homan@transnet.net

F.2.1.1 ~~Only those tenderers who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a **8CE** class of construction work, are eligible to submit tenders.~~

~~Joint ventures are eligible to submit tenders provided that:~~

- ~~1. every member of the joint venture is registered with the CIDB;~~
- ~~2. the lead partner has a contractor grading designation in the **8CE** class of construction work; and~~
- ~~3. the combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a **8CE** class of construction work.~~

F.2.7 The arrangements for a compulsory site meeting are as stated in Part T1.1 Tender Notice and Invitation to Tender.

Location : Refer to Part T1.1 Tender Notice and Invitation to Tender.

Date : Refer to Part T1.1 Tender Notice and Invitation to Tender

Starting time : Refer to Part T1.1 Tender Notice and Invitation to Tender

Confirmation of attendance to be notified at least one full working day in advance to:

Name : Mr. Reynie Barnard

Tel : 011 773 8870

Fax : 011 773 9068

E-mail : Reynie.Barnard@Transnet.net

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.

F.2.12 If a tenderer wishes to submit an alternative tender offer, the only criteria permitted for such alternative tender offer is that it demonstrably satisfies the Employer's standards and requirements, the details of which may be obtained from the Employer's Agent.

Calculations, drawings and all other pertinent technical information and characteristics as well as modified or proposed Pricing Data must be submitted with the alternative tender offer to enable the Employer to evaluate the efficacy of the alternative and its principal elements, to take a view on the degree to which the alternative complies with the Employer's standards and requirements and to evaluate the acceptability of the pricing proposals. Calculations must be set out in a clear and logical sequence and must clearly reflect all design assumptions. Pricing Data must reflect all assumptions in the development of the pricing proposal.

Acceptance of an alternative tender offer will mean acceptance in principle of the offer. It will be an obligation of the contract for the tenderer, in the event that the alternative is accepted, to accept full responsibility and liability that the alternative offer complies in all respects with the Employer's standards and requirements.

The modified Pricing Data must include an amount equal to 5% of the amount tendered for the alternative offer to cover the Employer's costs of confirming the acceptability of the detailed design before it is constructed.

F.2.13.3 Parts of each tender offer communicated on paper shall be submitted as an original, plus **two** copies.

F.2.13.5 The employer's address for delivery of tender offers and identification details to be shown on each tender offer package are:
If delivered by hand, to be deposited in the Transnet Freight Rail Acquisition Council tender box which is located in the foyer on the ground floor, Inyanda house, 21 Wellington Road, Parktown, Johannesburg and addressed as follow:

- i) The Chairperson
Transnet Freight Rail Acquisition Council
Inyanda House
21 Wellington Road
Parktown
Johannesburg
2001

It should also be noted that the above tender box is accessible to the public 24 hours per day, 7 days a week. The measurements of the "tender slot" are 500mm wide x 100mm high, and Tenderers must please ensure that tender documents/files are not larger than the above dimensions. Tenders, which are too bulky (i.e. more than 100mm thick) must be split into two or more files, and placed in separate envelopes.

- ii) If posted, the envelope must be addressed to:

The Chairperson
Transnet Freight Rail Acquisition Council
P O Box 4244
Johannesburg
2000

and must be despatched in time for sorting by the Post Office to reach the Post Office Box indicated above, before the closing time of the tender. In the event of the late receipt of a tender, the Tenderer's franking machine impression will not be accepted as proof that the tender was posted in time.

- iii) **Identification details**

Tenders must be submitted before the closing hour on the date as shown in F2.15 below, and must be enclosed in a sealed envelope which must have inscribed on the outside:

- (a) Tender No
- (b) Description of work
- (c) Closing date of tender

- F.2.13.6 A two-envelope procedure will not be followed.
- F.2.15 The closing time for submission of tender offers is **as stated in the Tender Notice and Invitation to Tender**.
- F.2.15 Telephonic, telegraphic, facsimile or e-mailed tender offers will not be accepted.
- F.2.16 The tender offer validity period is **12 weeks**.

F.2.23 The tenderer is required to submit the following certificates with his tender:
A original and valid Tax clearance certificate issued by the South African Revenue Service and BBBEE certificate issued by an outside accredited authority.

F.3.4 The time and location for opening of the tender offers are:

Time 10:15 on the closing date of tender.

Location: TableG66 & 69, West Wing, Ground Floor, Inyanda House, 21 Wellington Road, Parktown, Johannesburg

F.3.11.1 The procedure for the evaluation of responsive tenders is **Method 4**

The score for quality is to be calculated using the following formula:

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

Where W_2 is the percentage score given to quality and equals **60**

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

The score for financial offer is calculated using Formula **2 (option 2)**

Where W_1 is the percentage score given to financial offer and equals **100 minus W_2** .

The score for quality and financial offer is to be combined, before the addition of the score for preference, as follows:

$$W_C = W_3 \times \left(1 + \frac{S - S_m}{S_m}\right)$$

Where W_3 is the number of tender evaluation points for quality and financial offer and equals:

90 where the financial value, VAT inclusive, of all responsive tenders received have a value in excess of R2,000,000.00 or

S is the sum of score for quality and financial offer of the submission under consideration

S_m is sum of the score for quality and financial offer of the submission scoring the highest number of points

Up to 100 minus W_3 tender evaluation points will be awarded to Tenderers who complete the preferencing schedule and who are found to be eligible for the preference claimed.

F.3.11.3 Only those Tenderers who score a minimum score of **60 points** in respect of the following quality criteria are eligible to submit tenders.

Description of quality criteria and sub criteria			Maximum number of tender evaluation points
Commercial:	Total cost of ownership	10%	%
	Competitive Pricing	60%	
	Financial Capacity	30%	
Technical/Quality criteria:	Compliance with technical specifications	40%	%
	Risk and safety (safety plan)	20%	
	Environmental Management Plan		
	Quality of products	20%	
	Sufficient resources	20%	
Total evaluation points for quality (W_Q)			100

Criteria to be evaluated on the following scales:

a) Non-compliance	=	0
A detrimental response/answer/solution	=	1 - 20
Less than acceptable	=	21 - 40
Acceptable response/answer/solution	=	41 - 60
Above acceptable	=	61 - 80
Excellent	=	81 - 100

F.3.13.1 Tender offers will only be accepted if:

- a) The Tenderer has in his or her possession an original valid Tax Clearance Certificate issued by the South African Revenue Services or has made arrangements to meet outstanding tax obligations.
- b) The Tenderer is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges;
- c) The Tenderer or any of its directors 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; and
- e) has completed the Compulsory Enterprise Questionnaire and there are no conflicts of interest which may impact on the Tenderers ability to perform the contract in the best interests of the employer or potentially compromise the tender process
- f) The tenderer must meet the legal requirements in terms of herbicide application as spelt out in the Fertilizers, Farm Feeds and Agricultural Remedies and Stock Remedies Act, Act 36 of 1947, i.e.,
 - i) have sufficient Pest Control Operators to supervise the Works
 - ii) That herbicidal products proposed are legally compliant for the intended use as specified in the Works.

Tender will be disqualified if all returnable documents and schedules are not returned.

F.3.18 The number of paper copies of the signed contract to be provided by the employer is **one**.

The additional conditions of tender are:

- 1 The Tenderer is deemed to have satisfied himself before tendering as to the correctness and sufficiency of his tender for the *Works* and of the rates and prices stated in the priced Price List in the *Works* Information. The rates and prices (except in so far as otherwise provided in the Tender) collectively cover full payment for the discharge of all his obligations under the Contract and all matters and things necessary for the proper completion of the *works*.
- 2 Notwithstanding what is stated in Pricing Data, Tenderers are required to tender for **all** the areas quoted in the Price List.
- 3 Transnet Freight Rail may conclude one or more contracts as a result of this tender.