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).

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 Returnable schedules
Part C1: Agreements and contract data
C1.1 Form of offer and acceptance
C1.2 Contract data
C1.3 Forms of Security
C1.4 Adjudicator's Appointment
Part C2: Pricing data
C2.1 Pricing instructions
C2.2 Bill of Quantities/ Activity Schedule
Part C3: Scope of work
C3 Scope of work
Part C4: Site information
C4 Site information

F.1.4   The employer's agent is:
Name   : Mr. Johan Basson
Address   : 3rd Floor, Table 7
           : Inyanda House 2
           : 15 Girton Road
           : Parktown
           : 2193
Tel   : 011 584 0697
Cell   : 083-283-0508
Fax   : 011 774 9669
E-mail   : Johan.Basson@transnet.net

F.2.1.1   The following Tenderers who are registered with the CIDB, or are capable of being so registered prior to the evaluation of submissions, are eligible to submit tenders:

a) contractors who have a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a **6GB** class of construction work; and

b) contractors registered as potentially emerging enterprises with the CIDB who are registered in one contractor grading designation lower than that required in terms of a) above and who satisfy the following criteria:

- ❑ **has technical qualifications and competence.**

- ❑ **has managerial capacity, reliability and experience.**

- ❑ **has good reputation.**

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 **6GB** 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 **6GB** class of construction work.

F.2.7   The arrangements for a compulsory clarification meeting are: **as stated in the Tender Notice and Invitation to Tender**

Confirmation of attendance to be notified at least one full working day in advance to:
Name : **Johan Basson**

Tel   : **011 584 0697 / 083-283-0508**

Fax   : **011 774-9669**

E-mail : **Johan.Basson@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:

i)   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 follows:

> 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, telex, facsimile or e-mailed tender offers will not be accepted.

F.2.16 The tender offer validity period is **12** weeks

F.2.19 Access shall be provided for inspections, tests and analysis:
All sites as stated in the Scope of Work (Description of the Work)

F.2.23 The Tenderer is required to submit the following certificates with his tender:
1.) An original valid Tax Clearance Certificate issued by the South African Revenue Services.
2.) BBBEE evaluation certificate done by an accredited company.
3.) Where a Tenderer satisfies CIDB contractor grading designation requirements through joint venture formation, such Tenderers must submit the Certificates of Contractor Registration in respect of each partner.

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

Time **10:15** on **the closing date of tender.**

Location: Table G66 & 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 financial offer is calculated using Formula **2** (option 1) of table 4 of SANS 294,

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

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 **40**

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 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.

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

F.3.11.5 Method 4: Financial offer, quality and preferences

In the case of a financial offer, quality and preferences:

a)   Score each tender in respect of the financial offer made, preference claimed, if any, and the quality offered in accordance with the provisions of F.3.11.7 to F.3.11.9, rejecting all tender offers that fail to score the minimum number of points for quality stated in the tender data, if any.

b)   Calculate the total number of tender evaluation points (T_{EV}) in accordance with the following formula :

$$T_{EV} = N_{FO} + N_p + N_o$$

where : N_{Fo} is the number of tender evaluation points awarded for the financial offer made in accordance with F.3.11.7;

N_p is the number of tender evaluation points awarded for preferences claimed in accordance with F.3.11.8.

N_o is the number of tender evaluation points awarded for quality offered in accordance with F.3.11.9.

c)   Rank tender offers from the highest number of tender evaluation points to the lowest.

d)   Recommend the Tenderer with the highest number of tender evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.

e)   Rescore and re-rank all Tenderers should there be compelling and justifiable reasons not to recommend the Tenderer with the highest number of tender evaluation points and recommend the Tenderer with the highest number of tender evaluation points, unless there are compelling and justifiable reasons not to do so and the process set out in this sub-clause is repeated.

F.3.11.6 Decimal places

Score financial offers, preferences and quality, as relevant, to two decimal places.

F.3.11.7 Scoring Financial Offers

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

N_{Fo} $= W_1$ x A

Where: N_{Fo} is the number of tender evaluation points awarded for the financial offer.

W_1 is the maximum possible number of tender evaluation points awarded for the financial offer 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.

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

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

Score each of the criteria and sub-criteria 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:

$$N_o = W_2 \times S_o / M_s$$

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.

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Description of quality criteria and sub criteria			Maximum number of tender evaluation points
Quality:	Technical merit	40%	
	Previous experience in work	35%	
	Risk / Safety	25%	
Eligibility criteria:	Compliance to CIDB Rating	15%	
	Financial resources	25%	
	Competitive pricing	30%	
	Managerial capacity, reliability, experience, reputation and company organogram	20%	
	Delivery period or period of completion	10%	
	BBBEE certificate and scorecard	10%	
Total evaluation points for quality (W_Q)			**100**

Criteria to be evaluated on the following scales;

a) Compliance

A detrimental response/answer/solution	=	20
Less than acceptable	=	40
Acceptable response/answer/solution	=	60
Above acceptable	=	80
Excellent	=	100

F.3.13.1   Tender offers will only be accepted if:

a) The Tenderer has completed and returned all returnable documents and schedules.

b) The Tenderer is registered with the Construction Industry Development Board in an appropriate contractor grading designation;

c) The Tenderer is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges;

d) 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.

e) 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

f) 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.

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 Bill of Quantities in the *Pricing Data*. 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 Bill of Quantities, if possible.

Transnet Freight Rail may conclude one or more contracts as a result of this tender.

3   Time value of money" methodology and principles will be used in evaluation of tenders.