

## PART T1.2: TENDER DATA

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## 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](http://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 Returnable 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 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. Len Webb  
Address : Room 304, 138 Eloff Street  
Braamfontein  
2017  
Tel : 011 773 3624  
Fax : 011 773 8269  
E-mail : [len.webb@transnet.net](mailto:len.webb@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.2.12 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 F.2.6 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 11:00 on the closing date of tender.

Location: Table 66 & 69 West Wing, Ground Floor, Inyanda House 1, 21 Wellington Road, Parktown, Johannesburg

F.3.11.1 The procedure for the evaluation of responsive tenders is **Method 2**.

The financial offer will be scored in terms of formula 2 Option 2 of table F.1 – Formulae for calculating the value of A<sup>a</sup>.

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

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

F.3.11.3 Method 2: Financial offer and preference

In the case of a financial offer and preferences:

- Score each tender in respect of the financial offer made and preferences claimed, if any, in accordance with the provisions of F.3.11.7 and F.3.11.8.
- Calculate the total number of tender evaluation points ( $T_{EV}$ ) in accordance with the following formula :

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

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.

- Rank tender offers from the highest number of tender evaluation points to the lowest.
- 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.
- 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 subclause is repeated.

#### F.3.11.8 Scoring preferences

##### **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. 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.3.13.1 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 Service or has made arrangements to meet outstanding 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.

#### 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 No slips are to be attached to the tender documents. Any additional conditions must be embodied in an accompanying letter. Alterations, additions or deletions must not be made by the tenderer to the actual tender documents.
- 3 Tenderers are warned that a tender will be liable to disqualification should any attempt be made by a tenderer either directly or indirectly to canvass any officer(s) or employees of Transnet Limited in respect of a tender between the date the tender is submitted and the date of the award.

- 4 Tenderers shall give a clause by clause comment as to whether or not their tender complies. If not, how it differs from the specification(s). Failure to do so may preclude a tender from consideration.
- 5 The attention of Tenderers is particularly directed to the necessity to complete the "Labour Payment Schedule" and "Resolution of Board of Directors", where these documents are included in the tender.
- 6 The terms of the "Principal Controlled Insurance Policy" is negotiated by Transnet each year, therefore, the conditions of the policy embodied in this tender enquiry/contract is valid only for the period as stated in the policy. In the event of an occurrence that may arise during the course of a contract the rates/conditions of the latest policy i.e. applicable at date of occurrence, shall apply.

Transnet will be responsible for the difference in costs between the excesses covered in the policy included in the contract and the rates of the latest available policy applicable at date of occurrence.

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