

PART T1: TENDERING PROCEDURES

T1.2 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

Contract data

Contractor's Offer and Employer's Acceptance

Adjudicator's Contract

Pricing instructions

Price List

Works information

Site information

F.1.4 The employer's agent is:

Name : Mr. Japie van den Berg

Address : P O Box 8617

: Parkview

: 2193

Tel : 0115830180

Fax : 011 7749836

E-mail : Japie.vandenberg@transnet.net

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 : **Japie van den Berg**

Tel No : **011 5830180 / 083 453 8210**

E mail : Japie.vandenberg@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 1
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 Contract Data, Works Information

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.

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 quality is to be calculated using the following formula:

| 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 | $A = (1 - \frac{P - P_m}{P_m})$ | $A = P_m / P$ |

where:

P_m = the comparative offer of the most favourable tender offer.
 P = the comparative offer of tender offer under consideration

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 **50**

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:

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

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

1) 90 where the financial value, VAT inclusive, of all responsive tenders received have a value in excess of R300,000; 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 for BBBEE preference.

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.3.11.9 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 |
|--|---|-----|--|
| Quality: | Compliance to specification | 20% | 50 |
| | Risk/safety plan | 10% | |
| | Backup service and technical assistance | 15% | |
| | Organization, logistics and support resources relevant to scope of work | 20% | |
| | Qualifications and demonstrated experience of staff | 15% | |
| | Previous experience in work | 10% | |
| | Delivery/schedule | 10% | |
| Financial: | Competitive pricing | 60% | 50 |
| | Financial capacity | 40% | |
| | | | 100 |

Criteria to be evaluated on the following scales

| | | |
|--------------|---|-----|
| a) Poor | = | 40 |
| Satisfactory | = | 70 |
| Good | = | 90 |
| Very good | = | 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 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

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. The tenders shall be completed in black ink only.
3. ***Unless otherwise stated in any of these tender documents, Tenderers are required to submit an offer, complete in every respect and fully in compliance with the specifications. If, in a Tenderer's opinion, justification exists for the submission of one or more alternative tender(s) such offer(s) must, as in the case of the main tender(s), be complete in every respect.***
4. ***Tenderers are required to visit and examine the site of the WORKS before tendering and must obtain a signature from an authorised official on the site meeting/inspection certificate to the effect that they have done so. Failure to visit and examine the site or to submit the certificate with the tender may result in the rejection of the tender.***
5. Tenderers are required to give a list of major items of plant and/or equipment to be used in the execution of the WORKS and must complete the plant statement where this is attached to the tender documents.
6. No tender will be considered unless acquaintance certificate is signed by the Tenderer stating that he has acquainted himself with the contract documents.
7. Compliance of tender(s) with Transnet's Limited requirements is the sole responsibility of the Tenderer and any costs incurred in subsequent modifications to or replacement of equipment accepted by Transnet Limited in good faith on the grounds of certified compliance with specified standards by the contractor and in fact found to be inadequate in such respects, will be to the relevant Tenderer's account.
8. Tenderers shall give a clause-by-clause comment (clause-by-clause statement of compliance) 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.
9. The attention of Tenderers is particularly directed to the necessity to complete and return or supply all returnable documents/schedules.