

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 (January 2009) as published in Government Gazette No 31823, Board Notice 12 of 2009 of 30 January 2009, subsequently amended (May 2010), Board Notice 86 of 2010. (See www.cidb.org.za)

The Standard Conditions of Tender make several references to Tender Data for details that apply specifically to this tender. This 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 in the left hand column to the clause in the Standard Conditions of Tender to which it mainly applies.

Clause	Data
F.1.1	<i>The Employer is</i> Transnet SOC Ltd trading through its Operating Division Transnet National Ports Authority (hereinafter referred to as TNPA) (Reg. No. 1990/000900/30)
F.1.2	<i>The tender documents issued by the Employer comprise:</i> Part T1: Tendering procedures T1.1 Tender notice and invitation to tender T1.2 Tender data T1.3 CIDB Standard Conditions of Tender Part T2 : Returnable documents T2.1 List of returnable documents T2.2 Returnable schedules C1.1 Form of offer and acceptance C1.2 Contract data (part 2) C2.2 Bill of Quantities Part C: The contract Part C1: Agreements and contract data C1.2 Contract data (part 1) C1.3 Form of Guarantee C1.4 Adjudicator's Contract C1.5 Transnet Procedure Manual : Principle Controlled Insurance (PCI) - 2014 Part C2: Pricing data C2.1 Pricing instructions C2.2 Bill of Quantities Part C3: Scope of Work C3.1 Works Information Part C4: Site Information C4 Site Information
F.1.4	<i>The Employer's agent is:</i> Name: Mpho Mohapi Address: 30 Wellington Road, Parktown, GAUTENG Tel No. +27 11 351-9088 Fax No. +27 11 351-9101

**TRANSNET NATIONAL PORTS AUTHORITY
ENQUIRY / CONTRACT NUMBER TNPA 619/CIDB
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E – mail Mpho.Mohapi@transnet.net

F.2.1 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 have their tenders evaluated.

- a) *Contractors* who have a Contractor grading designation equal to or higher than a Contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) of 25(7A) of the Construction Industry Development Regulations, for a **2SL** for specialist work or **2ME** class of mechanical engineering;

Joint ventures/ Consortiums 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 **SI** or **ME** class of ; 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 **SI** or **ME** class of works or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations.

b) Have attended the compulsory briefing session.

c) Submit all **compulsory returnables**

F.2.7 The arrangements for a compulsory Site visit and clarification meeting are:

Location : **TNPA Procurement/ HR Building, South Arm Road, PORT OF CAPE TOWN**

Date : **10 November 2015**

Starting time : **11:00**

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

Name : **Mpho Mohapi**

Tel : **+27 11 351-9088**

Fax : **+27 11 351-9101**

E-mail : Mpho.Mohapi@Transnet.net

Tenderers must sign the attendance list (**Returnable Schedule T2.2-3**) 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 No alternative tender offers will be considered

F.2.13.2 Return the entire tender document after completing it blank ink to the employer. No documents completed in pencil will be allowed.

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- F.2.13.3 All proposals shall be submitted in the following format:
- A completed original with all Returnables
 - 1 (one) copy of the original with all Returnables
 - 1 (one) electronic copy of the completed original with all compulsory Returnables on compact disk (CD).
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- 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:
- | | |
|-------------------------|---|
| Location of tender box | Transnet National Ports Authority offices |
| Physical address: | Ground Floor, 30 Wellington Road, Parktown, Gauteng, South Africa, 2193 |
| Identification details: | The Tender Documents must be submitted in a sealed envelope clearly labelled as follows:
Tender No: TNPA 619/CIDB |
| | Enquiry Name:
REHABILITATION OF THE TRANSVERSER STEEL STRUCTURE AT SYNCROLIFT IN THE PORT OF CAPE TOWN |
| | The documents must be marked for the attention of the Chairperson: Transnet National Ports Authority Acquisition Council. |
| Postal address: | P.O. Box 32696, Braamfontein, 2017. |
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- F.2.13.9 Telephonic, telegraphic, facsimile or e-mailed tender offers will not be accepted.
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- F.2.15 The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.
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- F.2.16 The tender validity period is three (3) months, expires **12 February 2016**
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- F.2.18 Provide, on request by the *Employer*, any other material information 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.
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- F.2.20 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. (The format is included in Part C1.3 of this procurement document).
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- F.2.13 The tenderer is required to submit with his tender:
1. An original or a certified copy of a valid Tax Clearance Certificate issued by the South African Revenue Services;
 2. A Valid Letter of good standing with the compensation fund or with a licensed compensation insurer
 3. Tendering Entity's latest valid BBBEE Certificate.
- Note:** Refer to Section T2.1 for List of Returnable Documents
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- F.3.4 The time and location for opening of the tender offers are:
Time: Shortly after **10: 00 on 24 November 2015**
Location: 30 Wellington Road, Parktown, **JOHANNESBURG**
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- F.3.4.2 Only the name of each tenderer whose tender offer is opened will be announced
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- F3.5 Two-envelope system will not be used
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- F.3.11.1 The financial offer will be reduced to a comparative basis using the Tender Assessment Schedule.
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- F.3.11.3 The procedure for the evaluation of responsive tenders is Method 2.
F.3.11.7 The financial offer will be scored using Formula 2 (option 1) in Table F.1 where the value of W_1 is:

90 where the financial value inclusive of VAT of one or more responsive tenders received have a value in excess of R 1,000 000
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- F.3.11.6 Score the financial offers, preferences and quality, as relevant to two decimal places.
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- F.3.11.8 Up to 100 minus W_1 tender evaluation points will be awarded to tenderers who complete the preferencing schedule and who are found to be eligible for the preference claimed.

Should the BBBEE rating not be provided, Transnet reserves the right to award no points and/or declare the tender void. Transnet also reserves the right to carry out an independent audit of the tenderers scorecard components at any stage from the date of close of the tenders until completion of the contract. Tenderers with no accreditation will score zero points for preferencing.

BROAD-BASED BLACK ECONOMIC EMPOWERMENT & SOCIO-ECONOMIC OBLIGATIONS

Transnet fully endorses and supports the Government's objective of Broad-Based Black Economic Empowerment and it is strongly of the opinion that all South African business enterprises have an equal obligation to redress the imbalances of the past.

Transnet would therefore prefer to do business with enterprises who share these same values and who are prepared to contribute to meaningful B-BBEE initiatives [including, but not limited to subcontracting and Joint Ventures] as part of their tendered responses. All procurement transactions will be evaluated accordingly.

BBBEE Rating

As prescribed in terms of the Preferential Procurement Policy Framework Act (PPPFA), Act 5 of 2000 and its Regulations, Respondents are to note that the following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).
- Bidders are to note that if the 80/20 preference point system is stipulated in this RFP and all Bids received exceed R1 000 000.00, the RFP must be cancelled. Similarly, if the 90/10 preference point system is stipulated in this RFP and all Bids received are equal to or below R1 000 000.00, the RFP must be cancelled.

When Transnet invites prospective Service Providers to submit Proposals for its various expenditure programmes, it requires Respondents to have their B-BBEE status verified in compliance with the Codes of Good Practice issued in terms of the Broad Based Black Economic Empowerment Act No. 53 of 2003.

The Department of Trade and Industry recently revised the Codes of Good Practice on 11 October 2013 [Government Gazette No. 36928]. The Revised Codes will replace the Black Economic Empowerment Codes of Good Practice issued on 9 February 2007. The Revised Codes provide for a one year transitional period starting 11 October 2013. During the transitional period, companies may elect to be measured in terms of the Revised Codes or the 2007 version of the Codes. After the first year of the implementation of the Revised Codes, B-BBEE compliance will be measured in terms of the Revised Codes without any discretion. Companies which are governed by Sector-specific Codes will be measured in terms of those Sector Codes.

As such, Transnet will accept B-BBEE certificates issued based on the Revised Codes. Transnet will also continue to accept B-BBEE certificates issued in terms of the 2007 version of the Codes provided it was issued before 1 May 2015. Thereafter, Transnet will only accept B-BBEE certificates issued based on the Revised Codes.

Respondents are required to complete Annexure A [the B-BBEE Preference Point Claim Form] and submit it together with proof of their B-BBEE Status as stipulated in the Claim Form in order to obtain preference points for their B-BBEE status.

Note: Failure to submit a valid and original B-BBEE certificate or a certified copy thereof at the Closing Date of this RFP will result in a score of zero being allocated for B-BBEE.

B-BBEE Joint Ventures or Consortiums

Respondents who would wish to respond to this RFP as a Joint Venture [JV] or consortium with B-BBEE entities, must state their intention to do so in their RFP submission. Such Respondents must also submit a signed JV or consortium agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. If such a JV or consortium agreement is unavailable, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by Transnet through this RFP process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to Transnet.

Respondents are to note the requirements for B-BBEE compliance of JVs or consortiums as required by Annexure A [the B-BBEE Preference Point Claim Form] and submit it together with proof of their B-BBEE Status as stipulated in the Claim Form in order to obtain preference points for their B-BBEE status.

Note: Failure to submit a valid and original B-BBEE certificate for the JV/Consortium or a certified copy thereof at the Closing Date of this RFP will result in a score of zero being allocated for B-BBEE.B-BBEE Registration

Points will be awarded to tenderers based on preferencing using the balanced Department of Trade and Industry (DTI) scorecard. The application of the Broad Based Black Economic Empowerment recognition levels and score preferencing points are as follows:

Contribution Level	Qualification Points on the generic scorecard	Broad-Based BEE Recognition Level	Preferencing Points Scored
Level 1	Greater than or equal to 100 points	135%	10
Level 2	Greater than or equal to 85 points but less than 100 points	125%	9
Level 3	Greater than or equal to 75 points but less than 85 points	110%	8
Level 4	Greater than or equal to 65 points but less than 75 points	100%	6
Level 5	Greater than or equal to 55 points but less than 65 points	80%	4
Level 6	Greater than or equal to 45 points but less than 55 points	60%	3
Level 7	Greater than or equal to 40 points but less than 55 points	50%	2
Level 8	Greater than or equal to 30 points but less than 40 points	10%	1
Level 9	Less than 30 points	0%	0

On the basis the tenderer with a BBEE recognition level of 135% will achieve 10 points, and the points will be allocated accordingly on a pro-rata basis as per the table above.

Subcontracting

Transnet fully endorses Government's transformation and empowerment objectives and when contemplating subcontracting Respondents are requested to give preference to companies which are Black Owned, Black Women Owned, Black Youth Owned, owned by Black People with Disabilities, EMEs and QSEs including any companies designated as B-BBEE Facilitators¹.

If contemplating subcontracting, please note that a Respondent will not be awarded points for B-BBEE if it is indicated in its Proposal that such Respondent intends subcontracting more than 25% [twenty-five per cent] of the value of the contract to an entity/entities that do not qualify for at least the same points that the Respondent qualifies for, unless the intended subcontractor is an EME with the capability to execute the contract.

A person awarded a contract may not subcontract more than 25% [twenty-five per cent] of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

In terms of Returnable Schedule` T2.2-11 of this RFP [Schedule of Proposed Subcontractors / Sub consultants] Respondents are required to indicate the percentage of the contract that will be sub-contracted as well as the B-BBEE status of the sub-contractor/s.

¹ The Minister of the Department of Trade and Industry has the power to designate certain Organs of State or Public Entities as B-BBEE Facilitators. For example, the South African National Military Veterans' Association (SANMVA) has been designated as a B-BBEE Facilitator. As such they will be treated as having rights of ownership held 100% by Black People, 40% by Black Women and 20% by Black designated groups.

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F.3.11.9 The quality criteria and maximum score in respect of each of the criteria are as follows:

Evaluation Criteria	Description	Scoring principle	Returnable Schedule	Criteria	Weighting
Methodology	Project Specific documents to indicate how the project will be executed	No Submission = 0	T2.2-2	Works Information	20
		Poor (Generic mobilisation plan showing a traffic plan and a layout of how the site will be utilised) (40%)			
		Satisfactory (Generic mobilisation plan showing a traffic plan and a layout of how the site will be utilised, Method of stripping, disassembling and moving of traverser) (60%)			
		Good (Detailed mobilisation plan, Detailed method statement for stripping, disassembling and moving of traverser, method of cleaning, anti-corrosion painting with detailed method statement for steelwork; showing detail of material, welding procedure being followed and method of construction in detail. Method of assembling of traverser structure stating fixing, levelling and alignment) (80%)			
		Very Good (Detailed mobilisation plan, Detailed method statement for stripping, disassembling and moving of traverser, method of cleaning, anti-corrosion painting with detailed method statement for steelwork; showing detail of material, welding procedure being followed and method of construction in detail. Method of assembling of traverser structure stating fixing, levelling and alignment. Including alternative measures for working during inclement weather.) (100%)			
Project Schedule	Project specific schedule to indicate how the works will be completed within the shutdown	No Submission = 0	T2.2-1	Works Information	20
		Poor (Generic schedule with milestones) (40%)			
		Satisfactory (Project specific schedule with milestones, Work Breakdown Structure and Timeframe as per contract data) (60%)			
		Good (Detailed construction schedule that is project specific, showing detailed daily activities, Work Breakdown Structure shown and Timeframe as per contract data, Human Resource Plan provided) (80%)			
		Very Good (Detailed construction schedule that is project specific, with time allotted per activity for the entirety of the project. Work Breakdown Structure shown and Timeframe as per contract data, Human Resource Plan provided) (100%)			
Environmental Management Plan	Compliance with applicable Environmental requirements and legislation. How Environmental Management will be incorporated into the project.	No Submission = 0	T2.2-17	Works Information	10
		Poor (Generic plan) (40%)			
		Satisfactory (Job specific plan, In line with requirements and legislation) (60%)			
		Good (Job specific plan, In line with requirements and legislation, Taking into account by-laws) (80%)			
		Very Good (Job specific plan, In line with requirements and legislation, Taking into account by-laws, waste disposal plan mentioning certificates) (100%)			

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Health and Safety Plan	Compliance with applicable Health and Safety requirements and legislation. How Health and Safety will be incorporated into the project.	No Submission = 0	T2.2-18	<i>Works Information</i>	10
		Poor (Generic plan) (40%)			
		Satisfactory (Job specific plan, In line with bid requirements and OHS Act, In line with Construction regulations) (60%)			
		Good (Job specific plan, In line with bid requirements and OHS Act, In line with Construction regulations, Control and Monitoring Plan) (80%)			
		Very Good (In line with bid requirements and OHS Act, In line with Construction regulations , Control and Monitoring Plan, Incorporated Health and Safety aspects into the method statements, Contingency plans, Audit plan) (100%)			
Quality Plan	Compliance with applicable Quality requirements and legislation. How quality will be incorporated into the project.	No Submission = 0	T2.2-16	<i>Works Information</i>	20
		Poor (Generic plan without QMS Accreditation (e.g. ISO or any certificate accreditation by a recognised body) (40%)			
		Satisfactory (Activity specific quality plan with QMS Accreditation) (e.g. ISO or any certificate accreditation by a recognised body) (60%)			
		Good (Detailed quality plan showing examples of documents for approvals) QMS Accreditation (e.g. ISO or any certificate accreditation by a recognised body) (80%)			
		Very Good (Detailed activity specific quality plan, Control and Monitoring plans with examples of documentation to be used, Document Control measures, QMS Accreditation (e.g. ISO or any certificate accreditation by a recognised body)) (100%)			
Tenderer's experience	Tenderer's experience with respect to specific aspects of the project / comparable projects	No Submission = 0	T2.2-20	<i>Works Information</i>	20
		Poor (Minimum 1 written reference; 1-2 projects successfully carried out similar to the works) (40%)			
		Satisfactory (Minimum 2 written reference; 3-4 projects successfully carried out similar to the works) (60%)			
		Good (Minimum 3 written reference; 5-6 projects successfully carried out similar to the works) (80%)			
		Very Good (Minimum 3 written reference; =>7 projects successfully carried out similar to the works) (100%)			
TOTAL					100
Transnet reserves the right to lower the threshold for Quality from 60% to 50% if no Bidders pass the predetermined minimum threshold					

Each evaluation criteria will be assessed in terms of a point systems as per the Technical Score Card. The scores of each of the evaluators will be averaged, weighted and then totalled to obtain the final score for quality.

The minimum number of evaluation points for quality is 60.

F.3.13.1 Tender offers will only be accepted if:

- a) the tenderer submits **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 submits a letter of intent from a financial institution acceptable to Transnet SOC Ltd with a long term international credit rating (International Institutions) and long term national credit rating (local institutions) undertaking to provide the Performance Bond to the format included in returnable document T2.2-15 of this procurement document
- c) the tenderer is registered with the Construction Industry Development Board in an appropriate contractor grading designation;
- d) the tenderer or any of its directors/shareholders 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;
- f) the tenderer 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 and persons in the employ of the state are permitted to submit tenders or participate in the contract;
- g) the tenderer is registered and in good standing with the compensation fund or with a licensed compensation insurer;
- h) the *Employer* is reasonably satisfied that the tenderer has in terms of the Construction Regulations, 2003, issued in terms of the Occupational Health and Safety Act, 1993, the necessary competencies and resources to carry out the work safely.

F.3.17 The number of paper copies of the signed contract to be provided by the *Employer* is 1 (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 prices stated in the priced bill of quantities. The 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 the matters and things necessary for the proper completion of the works.
 - 2 The Employer reserves the right to request audited financial statements for the purposes of a due diligence exercise. A financial due diligence exercise will be performed on the preferred tenderer or shortlist of preferred tenderers before an award is made.
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