

T1.2: TENDER DATA

The Standard Conditions of Tender are those contained in Annexure C of the Construction Industry Development Board (CIDB) *Standard for Uniformity in Engineering and Construction Works Contracts (August 2019)* as published in Board Notice 423 of 2019, in Government Gazette No. 42622, on 08 August 2019.

The Standard Conditions of Tender Procurement make several references to the Tender Data for details that apply specifically to the 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.

Clause	Wording / Data
C.1.1	General
C.1.1.1	The Employer is: O. R. Tambo District Municipality Private Bag x 6043 Mthatha, 5099 Telephone: (047) 501 6400 Ext 6750 Email: nkosiyabon@ortambodm.gov.za
C.1.1.2	Tenderers shall declare any perceived, known and potential conflict of interest under Returnable Documents: Declaration of Intent of Persons in Service of State and Declaration of Tenderers Supply Chain Management Practices.
C.1.2	The Tender documents issued by the Employer comprise: Tender T1.1 Tender Notice and Invitation to Tender. T1.2 Tender Data T1.3 Standard Conditions of Tender T2.1 List of Returnable Documents T2.2 Returnable Documents for Tender Evaluation Purposes T2.3 Returnable Documents to be Incorporated into the Contract Contract Part C1: Agreements and Contract data C1.1 Forms of Offer and Acceptance C1.2 Contract Data C1.3 Tenderer’s Direct Participation of Targeted Labour C1.4 Specification for SMME Sub-contractor Employment C1.5 Performance Guarantee (Pro forma) C1.6 Adjudication C1.7 Agreement in Terms of the Occupational Health and Safety Act 1993 (Act 85 of 1993)

Clause	Wording / Data
	<p>Part C2: Pricing Data C2.1 Pricing Instructions C2.2 Bill of Quantities</p> <p>Part C3: Scope of Works C3.1 Description of the Works C3.2 Engineering C3.3 Procurement C3.4 Construction C3.5 Management C3.6 Health and Safety C3.7 Project Specifications</p> <p>Part C4: Site Information</p> <p>Part C5: Tender Drawings</p> <p>Appendices A – H.</p> <p>Documents not issued to Tenderer’s, but available from the S.A. Federation of Civil Engineering Contractors, the S.A. Institution of Civil Engineering, the S.A. Bureau of Standards, the Government printers, the Construction Industry Development Board, and the Employer, as applicable:</p> <p>a) GCC2015 “General Conditions of Contract for Construction Works”, Third Edition, second print, 2015 published by the South African Institute of Civil Engineering (SAICE) *Tel 011 805 5947. b) S.A. National Standards SANS 1200 Standardised Specifications for Civil Engineering Construction. c) The Preferential Procurement Policy Framework Act No 5 of 2000, and the Preferential Procurement Policy Framework Act Regulations (November 2022). d) The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, and Construction Regulations (2014) and COVID-19 requirements for Construction Sites.</p>
C1.3	<p>Interpretation The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender.</p>
C.1.4	<p>Communication: Attention is drawn to the fact that verbal information, given by the Employer’s Agent during site visits/clarification meetings or at any other time prior to the award of the Contract, will not be regarded as binding on the Employer. Only information issued formally by the Employer’s Agent in writing to tenderers will be regarded as amending the Tender Documents.</p>

Clause	Wording / Data
	<p>The Employer's Agent is:</p> <p>Name: BM Infrastructure Development</p> <p>Address: 48 Flamingo Drive Southernwood Mthatha, 5099</p> <p>Contact person: Andile Tulelo</p> <p>Telephone: 047 531 0424</p> <p>Email: info@bmengineers.co.za</p>
C.2	Tenderer's obligations
C.2.1.1	<p>Only those tenderers who are registered with the Construction Industry Development Board (CIDB) (as "Active" at the time of tender closing) or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to 6CE or Higher than a contractor grading designation determined in accordance with the sum tender for an 6CE or Higher class of construction work, are eligible to submit a tender offer.</p> <p>Joint ventures are eligible to submit a tender offer provided that:</p> <ul style="list-style-type: none"> a) Every member of the joint venture is registered (as "Active") with the CIDB (at the time of tender closing). b) The Lead partner has a contractor grading designation in the CE class of construction work and not lower than one level below the required grading designation in the class of construction works under considerations and possess the required recognition status. c) The combined contractor grading designation calculated in accordance with the Construction Industry Development Board Regulations is equal to 6CE or Higher than a contractor grading designation determined in accordance with the sum tendered for 6CE or Higher class of construction work or a value determined in accordance with Regulation 25(1B) or 25(7A) of the Construction Industry Development Regulations. d) Tenders submitted by joint ventures of two or more firms must be accompanied by the document of formation of the joint venture, authenticated by a notary public or other official deputed to witness sworn statements, in which it defines precisely the conditions under which the joint venture will function, its period of duration, the persons authorised to represent and obligate it, the participation of the several firms forming the joint venture, and any other information necessary to permit a full appraisal of its functioning. e) The Tenderer, if a Joint Venture, must submit a signed JV Agreement with the tender specific to the tendered Contract and clearly showing the percentage contribution of each partner to the Joint Venture. The value of work to be undertaken by each partner must be within their CIDB grading limit. <p>Tenderers are eligible to submit a tender offer, provided they have submitted the following tender requirements listed below:</p> <ul style="list-style-type: none"> a) Tax Tenderers shall be registered and in good standing with the South African Revenue Services (SARS) and must submit/append documentary evidence/proof in the form of a valid Tax Clearance PIN Number and/or a valid Tax Number issued by SARS. Failure to provide a valid Tax Clearance PIN number and/or Tax Number will result in the tender being rejected.

Clause	Wording / Data
	<p>Each party to a Consortium/Joint Venture shall submit a separate Tax Clearance PIN Number and/or Tax Number.</p> <p>b) The tenderer is registered on the National Treasury Central Supplier Database (CSD) and provide proof of registration must be in the form of CSD registration number. Also note the following:</p> <ul style="list-style-type: none"> i. Tenderers who are not registered are not precluded from submitting bids but must be registered prior to Contract Award. ii. In the case of Joint Venture partnerships this requirement will apply individually to each party to the Joint Venture. iii. Tenderers who wish to register as service providers on the CSD can register online at https://secure.csd.gov.za/Account/Register. iv. For further enquiries contact the Supply Chain Management Unit on Tel: 047 501 6449. <p>c) A resolution authorizing a person to sign the bid documents (Full completion and signing of Form 2.2.2 or resolution on company letter head).</p> <p>d) Attendance of Compulsory Site Briefing:</p> <p>Only Tenderers who have attended the compulsory site briefing, signed the attendance register and have Form 2.2.7 Certificate of Attendance at Clarification Meeting signed by the Employer’s Agent or his representative, will be eligible to submit a tender offer.</p> <p>e) A valid CIDB registration with a minimum grading of 6CE or Higher. In case of JV, the tenderer has submitted a mandatory JV agreement that includes the agreement and banking details and stipulates the JV lead partner’s as well as JV partners CRS numbers are indicated on the form (proof must be attached).</p> <p>f) A signed Form of Offer in the Contract Section C1.1.</p> <p>g) 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.</p> <p>h) The Tenderer has not failed to perform on any previous contract and has not been given written notice to this effect.</p> <p>i) Further Compulsory Documents to be submitted by the Tenderer:</p> <p>In addition to all the documents listed from a) to k) above and all other documents requested in Section T2.1 and T2.2 (Returnable Documents), it is further required that copies of the following current and valid company certificates be provided:</p> <ul style="list-style-type: none"> i. Letter of Good Standing (Form 2.2.5) from Compensation Commissioner or Insurer in terms of Section 80 of the Compensation for Occupational Injuries and Diseases (COID) Act (Act No 130 of 1993). ii. Letter of Good Standing from Department of Labour (UIF). iii. In the case of Joint Ventures, the above shall be provided for each JV Partner. <p>The above documents shall be included in the Supporting Documents file.</p>

Clause	Wording / Data
C.2.3	<p><i>Amend the Clause to read:</i></p> <p>“.....and notify the Employer’s Agent of any discrepancy....”</p>
C.2.6	<p>Receipt of Addenda’s: All tenderers to acknowledge receipt of any Addendums issued and to complete Form 2.3.1: RECORD OF ADDENDA TO TENDER DOCUMENTS in the Returnable Documents.</p> <p>Failure to apply instructions contained in addenda may render a tenderer’s offer non-responsive in terms of Condition of Tender clause C.3.8.</p>
C.2.7	<p>For particulars regarding the compulsory clarification meeting (site inspection meeting) refer to the Tender Notice and Invitation to Tender (T1.1) of this document.</p> <p>The onus rests with the tenderer to ensure that the person attending the clarification meeting on his behalf is appropriately qualified to understand all directives and clarifications given at that meeting.</p> <p>Tenderers must sign the attendance register in the name of the tendering entity. Addenda will be issued to, and only tenders will be received from, those entities appearing on the attendance register.</p>
C.2.8	<p>The employer shall respond to clarifications received up to 7 working days before the tender closing time.</p>
C.2.9	<p>The employer does not provide insurance. The contractor is responsible for providing full insurance cover for the contract.</p>
C.2.10	<p>Pricing the Tender Offer</p> <p>Tenderers are requested to state the rates and currencies in Rand.</p> <p><i>Delete the contents of Clause C.2.10.3 and replace with the following:</i></p> <p>“This tender is subject to Contract Price Adjustment as set out in the Contract Data. An alternative offer of fixed rates will not be accepted.”</p>
C.2.11	<p>Add the following to the Clause:</p> <p>“In the event of a mistake having been made on the price schedule, it shall be crossed out in non-erasable ink and be accompanied by an initial of each signatory to the Tender at each and every price alteration.”</p> <p>“If correction fluid has been used on any specific item price, such item will not be considered. Corrections in terms of price may not be made by means of correction fluid such as Tippex or similar product.</p> <p>No correction fluid may be used in a Price Schedule where prices are calculated to arrive at a total amount. If correction fluid has been used, the tender as a whole will be classified non-responsive and not be considered.</p>

Clause	Wording / Data
	The Employer and/or Employer’s Agent will reject and classify the tender non-responsive if corrections are not made in accordance with the above.”
C.2.12	<p>Alternative Tender Offers</p> <p><i>Delete the contents of Clause C.2.12 and replace with the following:</i></p> <p>“No alternative offers will be accepted. This includes changes to the ‘as-scheduled’ allowance for Contingencies.”</p>
C.2.13.2	<p><i>Delete the contents of Clause C.2.13.2 and replace with the following:</i></p> <p>“Return all returnable documents to the Employer after completing them in their entirety by writing legibly in non-erasable ink. Notwithstanding the format in which the tender documents are issued to Tenderers, no electronic form of tender offers will be accepted.</p> <p>The Original to be submitted shall comprise:</p> <ul style="list-style-type: none"> • Tender Document, as proof of specifications tendered on and duly completed and signed. • Indexed Lever-Arch file (or files) with all supporting documentation clearly marked with Tenderer’s name clearly marked on the spine or cover. • Tender Drawings (Book of Drawings) need NOT be submitted. <p>Failure to comply with these requirements may result in the tender being declared non-responsive.</p> <p>Notwithstanding any statement in any of the Returnable Documents listed in T2 to the effect that supporting documentation must be attached to the associated Returnable Document, the supporting documentation must be placed in the supporting documentation files as stipulated above.</p> <p>The Bill of Quantities must be fully and correctly filled in by hand in black ink.</p> <p>The binding of the original volume of the Tender Document may NOT be dismantled.</p>
C.2.13.3	Number of Duplicate Copies required is none.
C.2.13.4	<p>Add the following to the clause:</p> <p>“Only authorised signatories may sign the original and all copies of the tender offer where required in terms of C.2.13.3</p> <p>In the case of a ONE-PERSON CONCERN submitting a tender, this shall be clearly stated.</p> <p>In case of a COMPANY submitting a tender, include a copy of a <u>resolution by its board of directors</u> authorising a director or other official of the company to sign the documents on behalf of the company.</p> <p>In the case of a CLOSE CORPORATION submitting a tender, include a copy of a <u>resolution by its members</u> authorising a member or other official of the corporation to sign the documents on each member’s behalf.</p>

Clause	Wording / Data
	<p>In the case of a PARTNERSHIP submitting a tender, all the partners shall sign the documents, unless one partner or a group of partners has been authorised to sign on behalf of each partner, in which case proof of such authorisation shall be included in the Tender.</p> <p>In the case of a JOINT VENTURE/CONSORTIUM submitting a tender, include a resolution of each company of the Joint Venture together with a resolution by its members authorising a member of the Joint Venture to sign the documents on behalf of the Joint Venture.</p> <p><u>Failure to submit proof of authorisation to sign the tender, shall result in a Tender Offer being regarded as non-responsive.</u></p>
C.2.13.5	<p>The employer’s address for delivery of tender offers is given under Clause C.2.15.1</p> <p>The identification details are:</p> <p>TENDER FOR CONTRACT: MTHATHA CENTRAL CORRIDOR REGIONAL WATER SUPPLY – PHASE 1: CONSTRUCTION OF RETICULATION NETWORK AND COMMUNAL STANDPIPES FOR SPRING VALE VILLAGE – CONTRACT 8</p>
C.2.13.6	<p>A two-envelope system will not be followed.</p>
C.2.13.7	<p>Place and seal the printed and completed tender document in an envelope clearly marked "TENDER" and bearing the Employer’s name, the contract number and description, the tenderer’s authorised representative’s name, the tenderer’s postal address and contact telephone numbers.</p>
C.2.13.9	<p>Electronic, telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.</p>
C.2.14	<p>The tenderer is required to provide all the data or information as requested below:</p> <ul style="list-style-type: none"> • All the documents and schedules as listed under T2.1 & T2.2: Returnable Documents required for tender evaluation purposes. • All the documents and schedules as listed under T2.3: Returnable Documents that will be incorporated in the Contract. <p>Should a Tenderer not provide all the above-mentioned data or information, the Tenderer will be considered non-responsive.</p> <p><i>Add the following to the clause:</i></p> <p>“Accept that the Employer shall in the evaluation of tenders take due account of the Tenderer’s past performance in executing similar construction works of comparable magnitude, and the degree to which he possesses the necessary technical, financial, and other resources to enable him to complete the Works successfully within the contract period. Satisfy the Employer as to his ability to perform and complete the Works timeously, safely and with satisfactory quality, by furnishing details in Part T2 – Returnable Documents.</p> <p>Accept that the Employer is restricted in accordance with clause 4. (4) of the Construction Regulations, 2014, to only appoint a contractor who he is satisfied has the necessary competencies and resources to carry out the work safely. Accept that submitting inferior and inadequate</p>

Clause	Wording / Data
	information relating to health and safety (as required in clause C2.23) shall be regarded as justifiable and compelling reasons not to award a contract to a Tenderer.”
C.2.15.1	<p>The closing date and time for submission of tender offers is on the 30 July 2026 at 12H00.</p> <p>The employer’s address for the delivery of tender offers and identification details to be shown on each tender offer package are given below. Only tenders submitted to this tender box will be opened and considered. It is the Tenderer’s responsibility to make sure it is delivered into the tender box before closing.</p> <p>Location of Tender Box: O. R. Tambo District Municipality Physical Address: O. R. Tambo District Municipality Ground Floor (Next to the Entrance) Myezo Park Nelson Mandela Drive Mthatha, 5099</p> <p>Identification Details: Place the signed tender offer in a package marked “MTHATHA CENTRAL CORRIDOR REGIONAL WATER SUPPLY – PHASE 1: CONSTRUCTION OF RETICULATION NETWORK AND COMMUNAL STANDPIPES FOR SPRING VALE VILLAGE” – CONTRACT 8</p> <p>Telephonic, telegraphic, telex, facsimile, e-mailed or posted tender offers will not be accepted.</p>
C.2.16.1	<p>Tender Offer Validity</p> <p><i>Add the following to the end of Clause C.2.16.1:</i></p> <p>“The tender offer validity period is 90 days.</p> <p>If the tender validity expires on a Saturday, Sunday or public holiday, the tender shall remain valid and open for acceptance until the closure of business on the following working day.”</p>
C.2.16.3	<p>Where a tenderer, at any time after the opening of his tender offer but prior to entering a contract based on his tender offer:</p> <ul style="list-style-type: none"> • withdraws his tender. • gives notice of his inability to execute the contract in terms of his tender; or • fails to comply with a request made in terms of C.2.17, C.2.18 or C.3.9. <p>Withdrawal is accepted and tenderers shall sign a letter to acknowledge withdrawal of bid.</p>
C.2.17	<p>Clarification of Tender Offer after Submission</p> <p><i>Add the following to the end of Clause C.2.17:</i></p> <p>“A tender may be rejected as non-responsive if the Tenderer fails to provide any clarification requested by the Employer, or confirmation of registration with CIDB within the time for submission stated in the Employer’s written request for such clarification or confirmation. A tender may be</p>

Clause	Wording / Data
	rejected if the unit rates or lump sums for some of the items in the bill / Bill of Quantities are, in the opinion of the Employer, unreasonable or out of proportion, and the Tenderer fails, within the time stated in writing by the Employer to justify any specific rates or lump sums (i.e. to provide a financial breakdown of how such rates or sums were obtained) or to adjust the unit rates or lump sums for such items while retaining the total of the prices unchanged.”
C.2.18	The Tenderer shall, when requested by the Employer to do so, submit any additional information requested under this clause within 7 working days of the date of request.
C.2.22	The tenderer is required to return all tender documents with the Tender Offer, prior to the closing time for the submission of Tender Offers.
C.2.23	<p>The tenderer is required to submit the following with his tender:</p> <p>CSD Supplier Number and Tax compliance PIN numbers in case of Bidder only / Consortia / JV:</p> <ul style="list-style-type: none"> a) Bidders must ensure compliance with their tax obligations. b) Bidders are required to submit their unique personal identification number (PIN) issued by SARS to enable the organ of state to view the taxpayer’s profile and tax status. c) Application for tax compliance status (TCS) or pin may also be made via e-filing. In order to use this provision, taxpayers will need to register with SARS as e-filers through the website www.sars.gov.za. d) Bidders may also submit a printed TCS together with the bid. e) In bids where Consortia / Joint Ventures / Sub-contractors are involved; each party must submit a separate proof of TCS / PIN / CSD number. f) Where no TCS is available, but the bidder is registered on the central supplier database (CSD), a CSD number must be provided. g) Proof of Contractor Registration drawn from the Construction Industry Development Board website should be attached to Returnable Document Form 2.2.18. h) Evidence of registration and proof of good standing with a compensation insurer who is approved by the Department of Labour in terms of Section 80 of the Compensation for Occupational Injuries and Diseases Act (Act No 130 of 1993) (COID). The Tenderer is required to disclose all inspections, investigations and their outcomes conducted by the Department of Labour into the conduct of the Tenderer at a time during the 36 months preceding the date of this Tender (Refer Returnable Document Form 2.2.5). i) Proof of Registration in respect of each partner, where a tenderer satisfied the CIDB contractor grading designation requirements through the formation of a joint venture.
C.3.1.1	<i>Delete the contents of Clause C.3.1.1 and replace with the following:</i>

Clause	Wording / Data
	“The Employer will respond to a request for clarification received up to seven working days before the tender closing time stated in the Tender Data.”
C.3.2	<p>The Employer shall issue addenda until three working days before the tender closing time.</p> <p><i>Add the following to Clause 3.2:</i></p> <p>Notwithstanding any requests for confirmation of receipt of Addenda issued, the tenderer shall be deemed to have received such addenda if the employer can show proof of transmission thereof (or a notice in respect thereof) via electronic mail, facsimile or registered post.</p>
C.3.4.1	<p>The time and location for the opening of tender offers are:</p> <p>Time: 12:00pm on the 30 July 2026.</p>
C.3.4.2	<p>Tenders will be opened immediately after the closing time for tenders at:</p> <p>Location: O. R. Tambo District Municipality Physical Address: O. R. Tambo District Municipality Myezo Park Nelson Mandela Drive Mthatha, 5099</p>
C.3.5	A two-envelope procedure will not be followed.
C.3.7	<p>Grounds for rejection and disqualification</p> <p><i>Add the following to the end of Clause C.3.7:</i></p> <p>“Tenderers will be disqualified if,</p> <ol style="list-style-type: none"> a) Any of the directors/shareholders of the Tenderer are listed on the National Treasury Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business in the public sector. b) If, from information given in the completed Compulsory Enterprise Questionnaire, the Employer considers that there is a potential conflict of interest which may potentially compromise the tender process. <p>In the event of disqualification, the Employer may, at his sole discretion, impose a specified period during which tender offers will not be accepted from the offending tenderer and report same to the CIDB and National Treasury.</p>
C.3.8.2	<p><i>Add the following directly after Clause C.3.8.2 c):</i></p> <p>“A tender offer that does not meet the requirements as specified below, will be deemed non-responsive:</p> <ul style="list-style-type: none"> • The Tenderer offer does not meet any one of the eligibility criteria specified in Clause C.2.1 as amended.

Clause	Wording / Data
	<ul style="list-style-type: none"> • The Tenderer has not fully and correctly completed the Offer portion of C1.1 Form of Offer and Acceptance i.e., the price has not been completed in words and numbers, the Tenderers details are not completed fully and correctly, and the Tenderer has failed to sign the Offer portion of C1.1. • If requested by the Employer during the tender evaluation process, the Tenderer has failed to clarify or submit any supporting documentation within the time for submission stated in the Employer’s written request. • The Tenderer’s price is based on fixed rates in lieu of Contract Price Adjustment. • There are any other material deficiencies whereby the price submitted is not for the identical requirements and scope of work as other correctly completed tenders (such as changing any quantity or percentage allowance in the Pricing Schedule or failing to incorporate the requirements of Addenda where these materially affected the pricing e.g. where the Notice to Tenderers required any amendments or replacements of part or all of the Bill of Quantities and the submitted Bill of Quantities does not reflect these changes).”
C.3.9.	<p>Arithmetical errors, omissions, discrepancies and imbalanced unit rates</p> <p><i>Delete the text of Clause C.3.9 and replace with:</i></p> <p>Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount appearing in words shall govern. Where there is a discrepancy between the amount in the Form of Offer and the Pricing Data Summary to the BOQ, the amount in the Form of Offer shall govern.</p> <p>Check responsive tender offers for:</p> <ol style="list-style-type: none"> a) the gross misplacement of the decimal point in any unit rate; b) omissions made in completing the pricing schedule or bills of quantities; or c) arithmetic errors in: <ol style="list-style-type: none"> i. line-item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or ii. the summation of the prices. d) imbalanced unit rates. <p>Notify shortlisted tenderers of all errors, omissions or imbalanced rates that are identified in their tender offers.</p> <p>Where the tenderer elects to confirm the errors, omissions or re-balancing of imbalanced rates the tender offer shall be corrected as follows:</p> <ol style="list-style-type: none"> a) If bills of quantities or pricing schedules apply and there is an error in the line-item total resulting from the product of the unit rate and the quantity, the unit rate shall govern, and the line-item total shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line-item total as quoted, and the unit rate shall be corrected.

Clause	Wording / Data
	<p>b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer’s addition of prices, the total of the prices shall be corrected.</p> <p>c) Where the unit rates are imbalanced adjust such rates by increasing or decreasing them and selected others while retaining the total of the prices derived after any other corrections made under a) and b) above.</p> <p>Where there is an omission of a line item, no correction is possible, and the offer may be declared non-responsive.</p> <p>Declare as non-responsive and reject any offer from a tenderer who elects not to accept the corrections proposed and subject the tenderer to the sanction under C.2.16.3.</p> <p>The tenderer is required to submit balanced unit rates for rate only items in the pricing schedule. The rates submitted for these items will be taken into account in the evaluation of tenders.</p>
C.3.11	<p>Tenders will be evaluated in terms of the O. R. Tambo District Municipality’s procurement policy.</p> <p>The Employer reserves the right to contact references and make enquiries to determine the tenderer’s competence, reliability, experience, reputation, and capability to perform the contract.</p>
C.3.11.1	<p><i>Add the following new paragraph directly under Clause C.3.11.1.</i></p> <p>The Evaluation of tender offers will be undertaken as follows:</p> <p><i>Replace the contents of the entire sub-clause with the following:</i></p> <p>The procedure for evaluation of responsive tender offers will be method 2 of table F.1 of SANS 294: 2004. Financial offer & Preferences. The bid will be awarded to the bidder who has scored the highest points for price and preferences combined BUT the prerequisite will be to obtain at least 70 points for quality (functionality), which will be explained in Stage 2 below.</p> <p>Nevertheless, O. R. Tambo District Municipality retains the right to accept any bid.</p> <p>Stage 1: Compliance with Bid Rules and other Requirements</p> <p>The bids will be checked to ensure that they comply with the bid rules and all other requirements of the project document. Tender offers will be screened to identify schedules and requested documents that are incomplete or have not been submitted. In particular, the following documentation must be completed and/or included within the bid.</p> <ul style="list-style-type: none"> • The form of Offer and Acceptance • Audited financial statements for any tender price over R10million • Certified company registration documents and ID of members • Form C: Compulsory Enterprise Questionnaire • Form D: Certificate of Authority for Signature

Clause	Wording / Data								
	<ul style="list-style-type: none"> • Form E: Amendments, Qualifications and Alternatives • Form H: Certificate of Good Standing • Form I: Relevant company experience • Form J: Details of key staff and CVs • Form M: Preference Points Claim Form in Terms of the Preferential Procurement Regulations 2022 • All information supporting the above forms • Addenda issued during the bid period, if any. • The pricing schedule <p>Tender offers will be tested for compliance with all the requirements of the as-amended Standard Conditions of Tender including the following:</p> <ol style="list-style-type: none"> a) Eligibility (C.2.1) b) Pricing the tender offer (C.2.10.3) c) Alterations to documents (C.2.11) d) Alternative tenders offer (C.2.12) e) Submitting a tender offer (C.2.13) f) MBD4 – Bidders’ Disclosure. <p>Tender offers will be declared non-responsive should they fail to comply with any one of the requirements of 1) above. Failure to supply the required and requested information will render the Bid Non-responsive, and the Bid will be disqualified.</p> <p>Stage 2: Minimum Conditions of Tender / Functionality The next stage in the evaluation process will consist of evaluating Functionality scores, as follows:</p> <p>FUNCTIONALITY EVALUATION</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;">ITEM</th> <th style="width: 20%;">WEIGHT</th> </tr> </thead> <tbody> <tr> <td>Minimum Conditions of Tender / Functionality (see detailed criteria below)</td> <td style="text-align: center;">100</td> </tr> <tr> <td> <ul style="list-style-type: none"> • Experience with respect to similar projects </td> <td style="text-align: center;">60</td> </tr> <tr> <td> <ul style="list-style-type: none"> • Qualifications and Experience of key staff assigned to the contract </td> <td style="text-align: center;">40</td> </tr> </tbody> </table> <p>Only bidders who score 70 points or more on stage 2 will be evaluated further and therefore eligible for award.</p>	ITEM	WEIGHT	Minimum Conditions of Tender / Functionality (see detailed criteria below)	100	<ul style="list-style-type: none"> • Experience with respect to similar projects 	60	<ul style="list-style-type: none"> • Qualifications and Experience of key staff assigned to the contract 	40
ITEM	WEIGHT								
Minimum Conditions of Tender / Functionality (see detailed criteria below)	100								
<ul style="list-style-type: none"> • Experience with respect to similar projects 	60								
<ul style="list-style-type: none"> • Qualifications and Experience of key staff assigned to the contract 	40								

Clause	Wording / Data		
	The maximum score for functionality shall be 100 , distributed as follows:		
	MINIMUM CONDITIONS OF TENDER		
		Minimum conditions of tender / Functionality	Maximum tender evaluation points provided
	B1.1	Experience on similar projects	60
		Experience on similar projects: Proven experience in the construction of Water Supply pipelines (Bulk and Reticulation) or/ and Sewer Pipeline Projects contracts. Practical Completion not older than 12 months or Completion Certificate for each Contract shall be included in the supporting documentation submitted with the bid document as evidence with the Contract No, Contract Name, Employer and Employer’s Agent and Date of Completion clearly shown. Copies of the Certificate of Completion MUST be submitted with the bid. No points will be awarded where Certificates of Completion have not been submitted with the Bid. If the value of completed project is not reflected on the certificate, provide contractor’s appointment or letter from the client with values. Reference letters will not be accepted.	
		At least three (3) construction contracts of a similar nature whose total sum value of at least R15 million, successfully completed within the last 10 years.	60
		At least two construction contracts of a similar nature whose total sum value of at least R13 million, successfully completed within the last 10 years.	30
		The Contractor has less than two Completed Projects of less than R13 Million or the Contractor failed to provide evidence of experience.	0
	B1.2	<p>Qualifications and Experience (in Water Supply and Sewer Pipeline Projects) of key personnel (NB no key personnel member may be assigned more than one duty on the Contract, i.e. different personnel must be assigned for each of the following key positions):</p> <p>Contracts Manager = Minimum B-Tech or BSC in Civil Engineering/ NQF level 7 Registered as a Professional in terms of Engineering Council of South Africa as Pr Tech or Pr Techni or Pr Eng or SACPCMP as a Pr CPM or Pr CM,</p> <p>Construction Manager (Site Agent) = Minimum ND in Civil Engineering NQF Level 6, Registered as a Candidate or Professional in terms of the Engineering Council of South Africa or Registered as Candidate or Professional in terms of SACPCMP</p> <p>Foreman = Minimum N6 in Civil Engineering or Grade 12 and Plumbing with Trade Test. Bidders must submit CV’s and contactable references,</p> <p>Health and Safety Officer (Permanently on Site) = Hold Professional Registration with SACPCMP in the category of Professional Health and Safety Officer and have at least three years’ experience in the role of Health and Safety Officer on Civil Engineering construction sites.</p>	40

Clause	Wording / Data	
	Bidders must submit CV's/Resume and contactable references	
	Contracts Manager, Construction Manager (Site Agent), Foreman and Health and Safety Officer	
	Favourable previous experience in the Civil Engineering (in Water Supply and Sewer Pipeline Projects) field with a minimum of 10 years; Contracts Manager = 15 points, 6-9 years = 10 points & 3-5 years = 8 points.	15
	Favourable previous experience in the Civil Engineering (in Water Supply and Sewer Pipeline Projects) field with a minimum of 5 years; Construction Manager (Site Agent) = 10 points, 3-4 years = 8 points & 1-2 years = 6 points.	10
	Favourable previous experience in the Civil Engineering (in Water Supply and Sewer Pipeline Projects) field with a minimum of 5 years; Foreman = 8 points, 3-4 years = 6 points & 1-2 years = 4 points.	8
	Favourable previous experience in the Civil Engineering field with a minimum of 5 years; Health and Safety = 7 points, 3-4 years = 5 points & 1-2 years = 3 points.	7
	Contractor failed to provide evidence of qualification and experience.	0

STAGE 3: EVALUATION FOR PRICE AND SPECIFIC GOALS (80/20)

The procedure for Stage 3 of evaluation is as follows:

- a) **PRICE:** **80**
- b) **SPECIFIC GOALS:** **20**

a) Points Awarded for Price (Ps)

80/20 preference point system for acquisition of goods or services with a Rand value of up to R50 000 000 (all applicable taxes included).

Scoring of Price:

1. Review financial offer and correct discrepancies between totals and calculations / summations in accordance with the Tender Data (C.3.9).
2. Reduce all tender offers to a common base i.e. comparative offer.
3. Confirm the tenderers are eligible for the specific goals claimed.
4. Score Tender Offer for Specific Goals.
5. Score Tender Offer for Price.

A maximum of 80 points is allocated for price on the following basis, Total Points and rank Tender Offers.

b) Points awarded for specific goals

In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this

Clause	Wording / Data										
	<p>tender the tenderer will be allocated points based on the goals stated in a table below as may be supported by proof/ documentation included with:</p> <p>Scoring of Specific Goals: In accordance with the Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2022, the points allocation for Specific Goals are as follows:</p> <table border="1" data-bbox="280 575 1519 1068"> <thead> <tr> <th data-bbox="280 575 1222 752">The specific goals allocated points in terms of this tender</th> <th data-bbox="1222 575 1519 752">Number of points Allocated on 80/20 system</th> </tr> </thead> <tbody> <tr> <td data-bbox="280 752 1222 819">51% Black-owned enterprises</td> <td data-bbox="1222 752 1519 819">05</td> </tr> <tr> <td data-bbox="280 819 1222 887">100% Women-owned enterprises</td> <td data-bbox="1222 819 1519 887">05</td> </tr> <tr> <td data-bbox="280 887 1222 954">100% Youth-owned enterprises</td> <td data-bbox="1222 887 1519 954">05</td> </tr> <tr> <td data-bbox="280 954 1222 1068">Where the enterprise head office or primary place of business is located within O. R. Tambo District.</td> <td data-bbox="1222 954 1519 1068">05</td> </tr> </tbody> </table> <p>Points will be awarded to tenderers who are eligible for preference Specific Goals. The terms and conditions of the Preference Schedule shall apply in all respects to the tender evaluation process and any subsequent contract.</p> <p>Tenderers must submit certified copies of all supporting documents necessary to prove conformance with Specific Goal criteria listed above in order to be eligible for Specific Goal points.</p> <p>The total calculated points will be rounded to the second decimal place.</p> <p>Note that the objective Criteria as per the SCM Policy Paragraph 91 will be applied:</p> <p>91. Objective criteria on the evaluation and award of bids</p> <p>91.1 As way of achieving fair distribution of municipal resources on capital infrastructure projects, a bidder will not be awarded the same commodity of work more than once within a period of six (6) months.</p> <p>91.2 If the highest scoring bidder has been previously awarded for the same commodity tender within six (6) months, then the next highest scoring bidder will be considered for recommendation and award.</p> <p>91.3 If the highest scoring bidder has been previously recommended for award in the same sitting for a tender of the same commodity, the next highest scoring bidder will be considered for recommendation and award.</p> <p>91.4 Where the bid price offer is ten percent (10%) below the engineer’s estimate, that bid will be rejected as it will pose a risk to the municipality of non-completion of the project to be implemented thus leading to underspending, severe impact on service delivery and delays in completion of projects within projected time period.</p>	The specific goals allocated points in terms of this tender	Number of points Allocated on 80/20 system	51% Black-owned enterprises	05	100% Women-owned enterprises	05	100% Youth-owned enterprises	05	Where the enterprise head office or primary place of business is located within O. R. Tambo District.	05
The specific goals allocated points in terms of this tender	Number of points Allocated on 80/20 system										
51% Black-owned enterprises	05										
100% Women-owned enterprises	05										
100% Youth-owned enterprises	05										
Where the enterprise head office or primary place of business is located within O. R. Tambo District.	05										

Clause	Wording / Data
	<p>91.5 Further in line with CIDB practice note 5, paragraph 3.4 (3), the municipality will judge the reasonableness of financial offers and reject all tender offers with unrealistic financial offers.</p> <p>Having made the final selection:</p> <ol style="list-style-type: none"> 1. An intention to Award will be issued and published on the O. R. Tambo District Municipality's website, which is www.ortambodm.gov.za. 2. If no objection is received within fourteen days of the intention to award being issued, the successful Tenderer will be notified of O. R. Tambo District Municipality's acceptance of his/her bid.
C.3.11.3	<p>Risk Analysis</p> <p><i>Add the following new sub-clause:</i></p> <p>Notwithstanding compliance with regards to CIDB registration or any other requirements of the tender, the employer will perform a risk analysis in respect of the following:</p> <ol style="list-style-type: none"> a) reasonableness of the financial offer; b) reasonableness of unit rates and prices. <p>No tenderer will be recommended for award unless the tenderer has demonstrated that he/she has the resources and skills required to complete the project successfully.</p>
C.3.12	<p><i>Replace the contents of Clause 3.12 with the following:</i></p> <p>Full insurances to be provided by the Contractor. The Contractor must provide the Employer with the insurance policy information and certificates of insurance prior to the commencement of the contract.</p>
C3.13	<p><i>In addition to the requirements of Clause C3.13, a tender will only be accepted if:</i></p> <ol style="list-style-type: none"> a) The Tenderer's tax matters are in order with the South African Revenue Services. b) The Tenderer is registered with the Construction Industry Development Board in an appropriate contractor grading designation (CRS Number or print out to be provided). c) 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. d) The Tenderer is registered in the Department of National Treasury - Central Supplier Database (CSD Number to be provided). e) The Tenderer has not: <ol style="list-style-type: none"> 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 not permitted to submit tenders or participate in the contract; In the

Clause	Wording / Data
	<p>case of Joint Ventures all members of the JV are to complete the Compulsory Enterprise Questionnaire.</p> <p>g) The tenderer is registered and in good standing with the compensation fund or with a licensed compensation insurer.</p> <p>h) Attended a compulsory briefing session and site inspection. Signing the briefing and site inspection attendance register is mandatory.</p> <p>i) The Form of Offer and Acceptance is correctly completed and signed.</p>
C.3.16	An Employer must, within twenty-one (21) working days from the date on which a contractor's offer to perform a construction works contract is accepted in writing by the Employer, register and publish the award on the CIDB Register of Projects.
C.3.17	The number of paper copies of the signed contract to be provided by the employer is one .
C.3.18	All requests shall be in writing.
C.3.19	<p><i>Add the following new clause below Clause C.3.18:</i></p> <p>“Jurisdiction” unless stated otherwise in the tender data, each Tenderer and the Employer undertake to accept the jurisdiction of the law courts of the Republic of South Africa.</p>
C.3.20	<p><i>Add the following new clause below Clause C.3.18:</i></p> <p>The successful tenderer will be encouraged to include as much of the Direct Participation required minimum 15% spend by subcontracting to local EMEs or QSEs from the immediate area of the Site.</p> <p>The details of any EMEs / QSEs need not to be submitted with the tender but will be required of the preferred bidder prior to the signing of the Contract.</p>