



## **TENDER DOCUMENT**

**FOR**

**BID NO: SCMU3-20/21-0208: URGENT IMPROVEMENTS TO DOCTORS  
ACCOMMODATION AT GLEN GREY HOSPITAL IN LADY FRERE IN  
EMALAHLENI LOCAL MUNICIPALITY IN CHRIS HANI DISTRICT**

**THREE VOLUME APPROACH:**

**VOLUME 1 – TENDERING PROCEDURES**

**VOLUME 2 – RETURNABLE DOCUMENTS**

**VOLUME 3 – DRAFT CONTRACT**

**PREPARED FOR:**

Eastern Cape Department of Health  
Dukumbana Building, Independence Avenue  
P.O. Box X0038  
BHISHO  
6505

**PREPARED BY:**

Sakhiwo Health Solutions  
1 Rochester Street  
Vincent  
EAST LONDON  
5201

**NAME OF TENDERER:** \_\_\_\_\_

**CRS NUMBER:** \_\_\_\_\_

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**NOVEMBER 2020**

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## DOCUMENT CONTROL SHEET

<b>Revision</b>			
<b>Drafted By</b>	<b>Date:</b> 01/11/2020	<b>Name:</b> Andre Viljoen	<b>Signature:</b> 
<b>Reviewed By</b>	<b>Date:</b>	<b>Name:</b>	<b>Signature:</b>
<b>Recommended by: Programme Manager</b>	<b>Date:</b>	<b>Name:</b>	<b>Signature:</b>
<b>Approved By: Specification Committee</b>	<b>Date:</b>	<b>Name:</b>	<b>Signature:</b>
<b>Advert Approved By:</b>	<b>Date:</b>	<b>Name:</b>	<b>Signature:</b>

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# **VOLUME 1: TENDERING PROCEDURES**

## **T1.1: TENDER NOTICE AND INVITATION TO TENDER**

## T1.1: TENDER NOTICE AND INVITATION TO TENDER THE EASTERN CAPE DEPARTMENT OF HEALTH INVITES TENDERS FOR:

PROJECT NAME	<b>URGENT IMPROVEMENTS TO DOCTORS ACCOMMODATION AT GLEN GREY HOSPITAL IN LADY FRERE IN EMALAHLENI LOCAL MUNICIPALITY IN CHRIS HANI DISTRICT</b>
TENDER No.	<b>SCMU3-20/21-0208-HO</b>

*Any reference to words “Bid” or Bidder” herein and/or in any other documentation shall be construed to have the same meaning as the words “Tender” or “Tenderer”.*

The attention of tenderers is drawn to the eligibility criteria in the table below. Tenderers are required to familiarise themselves thoroughly with the conditions of tender as contained in the Tender Data (T1.2) and the Standard Conditions of Tender (T1.3) which form part of the tender document. Only tenderers that are responsive to responsiveness criteria contained in the table below are eligible to have their tenders evaluated:

<input checked="" type="checkbox"/>	Only locally produced or locally manufactured steel products and components for construction with a stipulated minimum threshold of <b>100%</b> for local production and content will be considered. Tenderers are required to comply with the requirements for Local Content and Production for Designated Sectors as described in clause F.4.9 of the Tender Data. Tenders that fail to comply shall not be evaluated further.
<input checked="" type="checkbox"/>	<p>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, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a <b>3GB</b> Or Higher class of construction work, are eligible to have their tenders evaluated.</p> <p><u>Joint ventures are eligible to submit tenders provided that:</u></p> <ol style="list-style-type: none"> <li>every member of the joint venture is registered with the cidb;</li> <li>the lead partner has a contractor grading designation in the <b>3GB</b> or Higher class of construction work; and</li> <li>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 <b>3GB</b> 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.</li> <li>they have a signed joint venture agreement</li> </ol>
<input checked="" type="checkbox"/>	Tenders that are responsive to the criteria stated above shall be evaluated further in accordance with the conditions of tender as stipulated in the Tender Data (T1.2) and the Standard Conditions of Tender (as amended), which form part of this tender document.
<input checked="" type="checkbox"/>	<b>Only Contractors from the Eastern Cape are eligible to submit bids. Proof of eligibility will be checked against the details available on CSD</b>
<input checked="" type="checkbox"/>	Responsive tenders shall be evaluated in accordance with Method 2: Price and Preference.

Preferences are offered to tenderers in accordance with the points systems as below:

**DEPOSITED IN THE TENDER BOX AT:**

**FOR ATTENTION: DEPARTMENT OF HEALTH**

must be delivered to **Ward F Komani Hospital, Chris Hani District Office, Reception Area, ECDOH**, not later than 11:00 on 8 December 2020

☒ 80/20 Preference point scoring system

Preference:		Price:	
B-BBEE Status Level:	20 Points	Price:	80 Points
Total must equal:	<b>20 Points</b>	Total must equal:	<b>80 Points</b>

**1. COLLECTION OF TENDER DOCUMENTS:**

☒ Tender documents (In hard copy) may be collected during working hours at the following address:  
**Ward F Komani Hospital  
Chris Hani District Office  
Reception Area  
Komani  
ECDOH**

☒ A non-refundable tender deposit of **R100.00** is payable on collection of the tender documents. Cash payments only (no card facility available).

☒ A clarification meeting with the representatives of the Employer will take place as follows:

**Date: 19 NOVEMBER 2020  
Venue: GLEN GREY HOSPITAL IN LADY FRERE  
Time: 10:00**

**2. ENQUIRIES RELATED TO TENDER DOCUMENTS MAY BE ADDRESSED TO:**

<b>Procurement Contact:</b>	<b>Mr Silumko Gazi</b>	<b>E-mail</b>	<b>Silumko.Gazi@echealth.gov.za</b>
<b>Tel. No.</b>	<b>083 378 1088</b>		

**3. DEPOSIT / RETURN OF TENDER DOCUMENTS:**

The closing time and date for submission of tenders is **11:00** on 8 December 2020 where tenders will be opened to the public. The following must be noted by all bidders;

1. Telegraphic, telephonic, telex, facsimile (faxed), email and late tenders will not be accepted.
2. The requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data (T1.2)
3. All tenders must be submitted on the official, hardcopy documents issued with the bid including any addenda issued to prospective bidders by the Department.
4. Tender documents must be deposited in the tender box at the address indicated below:

**COMPILED BY:**

<b>Designation</b>	<b>Company Name</b>	<b>Date</b>
<b>Principal Agent</b>	Sakhiwo Health Solution	1 November 2020
<b>Quantity Surveyor</b>	SVP Quantity Surveyors and Project Managers (Pty) Ltd	1 November 2020



## **T1.2: TENDER DATA**

## T1.2: TENDER DATA

<b>PROJECT NAME</b>	<b>URGENT IMPROVEMENTS TO DOCTORS ACCOMMODATION AT GLEN GREY HOSPITAL IN LADY FRERE IN EMALAHLENI LOCAL MUNICIPALITY IN CHRIS HANI DISTRICT</b>
<b>BID NUMBER</b>	<b>SCMU3-20/21-0208-HO</b>

Clause number	
	<p>The conditions of tender are the Standard Conditions of Tender as contained in Annex F of Board Notice 136 of 2015 in Government Gazette No. 38960 of 10 July 2015, Construction Industry Development Board (CIDB) Standard for Uniformity in Construction Procurement. (See <a href="http://www.cidb.org.za">www.cidb.org.za</a>) which are reproduced without amendment or alteration for the convenience of tenderers as an Annex to this Tender Data.</p> <p>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.</p> <p><b>The following variations, amendments and additions to the Standard Conditions of Tender as set out in the Tender Data below shall apply to this tender:</b></p>
F.1.1	<p><i>Add the following:</i></p> <p>The employer is the Eastern Cape Department of Health</p>
F.1.2	<p><i>Add the following:</i></p> <p>The following documents form part of this tender:</p> <ul style="list-style-type: none"> <li>The Joint Building Contracts Committee Inc. (JBCC) Contract (March 2005) (Edition 4.1 Code 2101) as published by the JBCC. Tenderers may obtain copies at their own cost from the JBCC for reference purposes, email <a href="mailto:info@jbcc.co.za">info@jbcc.co.za</a>, (011) 482 3102 or (086) 100 5222</li> <li>This tender document issued by the Employer <b>Tender No: SCMU3-20/21-0208-HO URGENT IMPROVEMENTS TO DOCTORS ACCOMMODATION AT GLEN GREY HOSPITAL IN LADY FRERE IN EMALAHLENI LOCAL MUNICIPALITY IN CHRIS HANI DISTRICT</b>, in which is bound, in a three volume approach:</li> </ul> <p><b><u>Volume 1: Tendering Procedures</u></b></p> <p>T1.1 Tender Notice And Invitation To Tender T1.2 Tender Data T1.3 Annex F: CIDB Standard Conditions of Tender</p> <p><b><u>Volume 2: Returnable Documents</u></b></p> <p>T2.1 List of Returnable Schedules/Documents C1.1: Form of Offer and Acceptance C1.2: Contract Data C2.2: Preliminaries and General, Bills of Quantities &amp; Final Summary T2.2 The Returnable Schedules/Documents</p> <p><b><u>Volume 3: The Draft Contract</u></b></p> <p><b>Part C2: Pricing Data</b> C2.1: Pricing Instructions <b>Part C3: Scope of Works</b> C3.1: Scope of Works</p>

	C3.2: Project Specific Health and Safety Specification C3.3: HIV/AIDS Awareness Specification C3.4: Socio Economic Development and Transformation <b>Part C4: Site Information</b> C4.1: Site Information
F.1.4	<p><i>Add the following:</i></p> <p>The employer's agent is Sakhiwo Health Solutions</p> <p>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 in writing to Tenderers will be regarded as amending the Tender Documents.</p>
F1.6.2	<p><i>Add the following:</i></p> <p>A competitive negotiation procedure will not be followed.</p>
F1.6.3	<p><i>Add the following:</i></p> <p>A two-stage system will not be followed.</p>
F.2.7	For particulars regarding a pre-tender site inspection meeting, see Tender Notice and Invitation to Tender T1.1
F.2.12	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p><b>Alternative tender offer permitted:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
F.2.13.2	<p><i>Replace sub-clause F.2.13.2 with the following:</i></p> <p>Return all returnable documents to the employer after completing them in their entirety by writing in <b>non-erasable ink</b></p>
F.2.13.3	<p><i>Add the following:</i></p> <p>Parts of each tender offer communicated on paper shall be submitted as an original, plus 0 (nought) copies.</p>
F.2.13.4	<p><i>Add the following:</i></p> <p>The tender shall be signed by a person duly authorized to do so. Tenders submitted by joint ventures of two or more firms shall be accompanied by the document of formation of the joint venture, in the form of a joint venture agreement, in which it is defined precisely</p>

	the conditions under which the joint venture will function, its period of duration, the persons authorized 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. Failure to provide the joint venture agreement, bound with the tender submission, on the date and time of the closing of the bid, shall render the tender non-responsive.
F.2.13.5	<p><i>Add the following:</i> The employer's address for delivery of tender offers and identification details to be shown on each tender offer package are:</p> <p><b>Location of tender box:</b></p> <p><b><i>FOR ATTENTION: "DEPARTMENT OF HEALTH"</i></b> must be delivered to <b>Ward F, Komani Hospital, Chris Hani District Office, Reception Area, ECDOH</b>, not later than <b>11H00</b> on 8 December 2020</p> <p><b>Identification details:</b>                      <b>Tender No.SCMU3-20/21-0208-HO</b></p> <p><b>Title of tender: URGENT IMPROVEMENTS TO DOCTORS ACCOMMODATION AT GLEN GREY HOSPITAL IN LADY FRERE IN EMALAHLENI LOCAL MUNICIPALITY IN CHRIS HANI DISTRICT</b></p> <p><b>Name and Address of Tenderer:</b></p> <p>Sealed Tender with the identification details on the envelope must be placed in the appropriate official tender box at the abovementioned address</p>
F.2.13.6	<p><i>Add the following:</i> A two-envelope procedure will not be followed.</p>
F.2.13.10	<p><i>Add the following:</i> By signing the offer part of C1.1 Form of Offer and Acceptance the tenderer declares that all information provided in the tender submission is correct and free of misrepresentation.</p>
F.2.15.1	<p><i>Add the following to F.2.15.1:</i> The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender. Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.</p>
F.2.16.1	<p><i>Add the following to F.2.16.1:</i> The tender offer validity period is <b>90 days</b>.</p>
F.2.17	<p><i>Insert the following at the end of the last sentence of the note:</i> ".....elect to do so, provided that the competitive position of the preferred tenderer is not affected"</p> <p>A tender may be rejected as non-responsive if the tenderer fails to provide any clarification requested by the employer within the time for submission stated in the employer's written request for such clarification. The clarification of a tender offer includes the provision of the priced bills of quantities (Part C2.2: Bills of Quantities).</p>
F.2.18	<p><i>Add the following:</i> The tenderer shall, when requested by the Employer to do so, submit the names of all management and supervisory staff that will be employed to supervise the Labour Intensive portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirements.</p>
F.2.19	<p><i>Add the following:</i> Access shall be provided for inspections, tests and analysis as may be required by the Employer refer to PW371</p>

F.2.22	<p><i>Add the following:</i> Not a requirement.</p>
F.2.23	<p><i>Add the following:</i> The tenderer is required to submit the following:</p> <p><b>F2.23.1 Broad-Based Black Economic Empowerment Status Level Certificates</b></p> <p>An original valid or valid, certified copy of a B-BBEE status verification certificate issued by a verification agency accredited by the South African Accreditation System (SANAS) or a sworn affidavit in terms of the amended B-BBEE codes. Bidders shall not be provided a second opportunity by the employer to submit the B-BBEE certificate or sworn affidavit where it is not provided by the bidder, bound within the bid submission, on the date and time of the bid closing.</p> <p><b>F2.23.3 CIDB Grading Certificate</b></p> <p>Tenders are required to provide proof of registration with the CIDB register of contractors indicating the category of registration, grading as well as the CRS number of the tenderer.</p> <p><b>F.2.23.4 Letter of Good Standing</b></p> <p>Tender are required to submit, bound with the tender submission, a letter of good from the compensation commissioner indicating that the bidder is in good standing. Failure to submit will result in the bid not being evaluated further.</p>
F.3.2	<p><i>Add the following:</i> 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>
F.3.4.1	<p><i>Add the following:</i></p> <p>The time and location for opening of the tender offers is:</p> <p><b>Time:</b> Tenders will be opened immediately after the closing time for receipt of Tenders as stated in the Tender Notice and Invitation to Tender (T1.1), or as stated in any Addendum extending the closing date.</p> <p><b>Location: Ward F, Komani Hospital, Chris Hani District Office, Reception Area, ECDOH.</b></p>
F.3.5	<p><i>Add the following:</i> A two-envelope procedure will not be followed.</p>
F.3.8	<p><i>Add the following:</i> Tenders will be considered non-responsive if, inter alia:</p> <ol style="list-style-type: none"> <li>1. the tenderer has failed to attend the compulsory briefing meeting;</li> <li>2. the tender is submitted by Telegraphic, telephonic, telex, facsimile (faxed) or email media or if the tender is submitted late.</li> <li>3. the tenderer does not comply with the eligibility criteria listed in F2.1 above;</li> <li>4. The resolution for signatory is not attached to the tender submission on a company letterhead.</li> <li>5. The bidder has failed to fully complete and sign both SBD 6.2 &amp; Annex C</li> <li>6. the tenderer has failed to fully complete and sign SBD1, SBD4, SBD8, SBD9 &amp; the Compulsory Enterprise Questionnaire. Failure to sign the required information shall be subjected to a request from SCM to the bidder to sign the required information within 7 days of the request. Failure to comply with such request will result in the bid being deemed non-responsive</li> </ol>

F.3.11.1	<p><i>Add the following:</i></p> <p>The procedure for the evaluation of responsive tenders is <b>Method 2: Price and Preference</b></p>																														
F.3.11.7	<p><i>Add the following:</i></p> <p>The financial offer will be scored using <b>Formula 2 (Option 1):</b></p> <p><math display="block">N_{FO} = (1 - (P - P_M) / P_M) \times W_1</math></p> <p>Where;</p> <p><math>N_{FO}</math> = number of tender evaluation points awarded for financial offer</p> <p><math>W_1</math> = the maximum possible number of tender evaluation points awarded for financial offer as stated in the Tender Notice and T1.1: Notice and Invitation to Tender</p> <p><math>P_M</math> = the comparative offer of the most favourable tender offer</p> <p><math>P</math> = the comparative offer of the tender offer under consideration</p>																														
F.3.11.8	<p>Up to 100 minus <math>W_1</math> (refer F.3.11.7 above) tender evaluation points will be awarded to tenderers according to their B-BBEE status level, determined in accordance with section 9(1) of the Broad-Based Black Economic Empowerment Act (No 53 of 2003), and who have submitted original valid or valid, certified copies of B-BBEE status verification certificates issued by either a verification agency accredited by the South African Accreditation System (SANAS) or a sworn affidavit in terms of the amended BBB-EE codes. The points will be awarded as follows, based on the B-BBEE status level of the tenderer:</p> <table><thead><tr><th>B-BBEE status level of contributor</th><th colspan="2">Number of Points</th></tr></thead><tbody><tr><td>1</td><td>20</td><td>10</td></tr><tr><td>2</td><td>18</td><td>9</td></tr><tr><td>3</td><td>14</td><td>8</td></tr><tr><td>4</td><td>12</td><td>5</td></tr><tr><td>5</td><td>8</td><td>4</td></tr><tr><td>6</td><td>6</td><td>3</td></tr><tr><td>7</td><td>4</td><td>2</td></tr><tr><td>8</td><td>2</td><td>1</td></tr><tr><td>Non-Compliant Contributor</td><td>0</td><td>0</td></tr></tbody></table> <p>A trust, consortium or joint venture will qualify for points for their BBB-EE status level as a legal entity, provided that the entity submits their BBB-EE status level certificate. A trust, consortium or joint venture will qualify for points for their BBB-EE status level as an unincorporated entity, provided that the entity submits their consolidated BBB-EE scorecard as if they were a group</p>	B-BBEE status level of contributor	Number of Points		1	20	10	2	18	9	3	14	8	4	12	5	5	8	4	6	6	3	7	4	2	8	2	1	Non-Compliant Contributor	0	0
B-BBEE status level of contributor	Number of Points																														
1	20	10																													
2	18	9																													
3	14	8																													
4	12	5																													
5	8	4																													
6	6	3																													
7	4	2																													
8	2	1																													
Non-Compliant Contributor	0	0																													
F.3.11.10	<p><i>Add the following new sub-clause:</i></p> <p>The Employer will perform a risk analysis in respect of the following:</p> <p>(a) reasonableness of the financial offer</p> <p>(b) reasonableness of unit rates and prices</p> <p>(c) the tenderers ability to fulfil its obligations in terms of the tender document, that is, that the tenderer can demonstrate that he/she possesses the necessary professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience, reputation, personnel to perform the contract, etc.</p>																														
F.3.13.1	<p>Tender offers will only be accepted if:</p> <p>a) the tenderer is registered and in good standing with the South African Revenue Service (SARS) or proof that he or she has made arrangement with SARS to meet his or her outstanding tax obligations. This will be verified by the Employer on the Centralized Supplier Database. Where the</p>																														

	<p>recommended bidder is not tax compliant, the bidder will be notified of the non-compliant status and be granted seven (7) working days to rectify their compliance status with the SARS. The bidder must thereafter provide the Department with proof of its tax compliance which must be verified via the CSD or eFiling.</p> <p>b) 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>c) the tenderer or any of its directors is not listed on the Database of Restricted Suppliers kept by the National Treasury and updated from time to time;</p> <p>c) the tenderer has not:</p> <p>i) abused the Employer's Supply Chain Management System;</p> <p>d) 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.</p>
F.3.17	<p><i>Add the following:</i></p> <p>The number of paper copies of the signed contract to be provided by the Employer is one.</p>
F.4	<p><b>ADDITIONAL CONDITIONS OF TENDER</b></p> <p>The additional conditions of tender are:</p>
F.4.1	<p><b>Invalid Tender</b></p> <p>Tenders shall be considered invalid and shall be endorsed and recorded as such in the tender opening record, by the responsible official who opened the tender, in the following circumstances:</p> <p>a) if the tender offer is not submitted on the Form of Offer and Acceptance bound into this tender document (form C1.1, Part C1: Agreements and Contract Data);</p> <p>b) if the Form of Offer and Acceptance has not been completed or has not been signed by the authorised representative of the tenderer</p> <p>c) if the Form of Offer and Acceptance is signed, but the name of the tenderer is not stated or is indecipherable</p> <p>d) if the tender offer is not completed in non-erasable ink;</p>
F.4.2	<p><b>Negotiations with preferred tenderers</b></p> <p>The Employer may negotiate the final terms of a contract with tenderers identified through a competitive tendering process as preferred tenderers provided that such negotiation:</p> <p>a) does not allow any preferred tenderer a second or unfair opportunity;</p> <p>b) is not to the detriment of any other tenderer; and</p> <p>c) does not lead to a higher price than the tender as submitted.</p> <p>Minutes of any such negotiations shall be kept for record purposes</p>
F.4.3	<p><b>General supply chain management conditions applicable to Tender</b></p> <p>In terms of its Supply Chain Management Policy the Employer may not consider a tender unless the provider who submitted the tender:</p> <p>a) has furnished the Employer with that provider's:</p> <ul style="list-style-type: none"> <li>• full name;</li> <li>• identification number or company or other registration number; and</li> <li>• tax reference number and VAT registration number, if any;</li> </ul> <p>b) has indicated whether:</p>

	<ul style="list-style-type: none"> <li>the provider is in the service of the state, or has been in the service of the state in the previous twelve months;</li> <li>the provider is not a natural person, whether any of the directors, managers, principal shareholders or stakeholders is in the service of the state, or has been in the service of the state in the previous twelve months; or</li> <li>whether a spouse, child or parent of the provider or of a director, manager, shareholder or stakeholder referred to above is in the service of the state, or has been in the service of the state in the previous twelve months.</li> </ul> <p>Irrespective of the procurement process followed, the Employer is prohibited from making an award to:</p> <ul style="list-style-type: none"> <li>a person who is in the service of the state;</li> <li>a juristic entity of which any director, manager, principal shareholder or stakeholder is in the service of the state;</li> <li>an advisor or consultant contracted with the Employer; or</li> <li>a person, advisor or corporate entity involved with the tender specification committee, or a director of such corporate entity.</li> </ul> <p>In this regard, tenderers shall complete Returnable Schedules: Compulsory Enterprise Questionnaire. Failure to complete this schedule will result in the tender not being considered further.</p>
F.4.4	<p><b>Combating abuse of the Supply Chain Management Policy</b></p> <p>In terms of the its Supply Chain Management Policy, the Employer may reject the tender of any tenderer if that tenderer or any of its directors has:</p> <ol style="list-style-type: none"> <li>failed, during the last five years, to perform satisfactorily on a previous contract with the Employer or any other organ of state after written notice was given to that tenderer that performance was unsatisfactory;</li> <li>abused the supply chain management system of the Employer or has committed any improper conduct in relation to this system;</li> <li>been convicted of fraud or corruption during the past five years;</li> <li>wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or</li> <li>been listed with the Register of Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004) or has been listed on National Treasury's database as a person or juristic entity prohibited from doing business with the public sector.</li> </ol> <p>In this regard, tenderers shall complete Part T2.2: Returnable Schedules: Certificate of Independent Tender Determination and Declaration of Tenderer's Past Supply Chain Management Practices. Failure to complete these schedules will result in the tender not being considered further.</p>
F.4.5	<p><b>Letter of good standing (COIDA)</b></p> <p>The Tenderer shall submit to the Employer a letter of good standing (COIDA)</p>
F.4.6	<p><b>Claims arising after submission of tender</b></p> <p>No claim for any extras arising out of any doubt or obscurity as to the true intent and meaning of anything contained in the Conditions of Contract, Scope of Work and Pricing Data, will be admitted by the Employer after the submission of any tender and the tenderer shall be deemed to have:</p> <ol style="list-style-type: none"> <li>read and fully understood the whole text of the Contract Data, Scope of Work and Pricing Data and thoroughly acquainted himself with the nature of the works proposed and generally of all matters which may influence the Contract.</li> <li>visited the site of any proposed works.</li> <li>requested the Employer or his duly authorized agent to make clear the actual</li> </ol>



	<p>requirements of anything contained in the Scope of Work and Pricing Data, the exact meaning or interpretation of which is not clearly intelligible to the Tenderer.</p> <p>4) received any Addenda to the tender documents which have been issued in accordance with the Employer's Supply Chain Management Policy.</p> <p>Before submission of any tender, the tenderer should check the number of pages, and if any are found to be missing or duplicated, or the figures or writing indistinct, or if the Pricing Data contain any obvious errors, the tenderer must apply to the Employer's Agent at once to have the same rectified, as no liability will be admitted by the Employer in respect of errors in any tender due to the foregoing.</p>
F.4.7	<p><b>Imbalance in tendered rates</b></p> <p>In the event of tendered rates or lump sums being declared by the Employer to be unacceptable to it because they are either excessively low or high or not in proper balance with other rates or lump sums, the tenderer may be required to produce evidence and advance arguments in support of the tendered rates or lump sums objected to. If, after submission of such evidence and any further evidence requested, the Employer is still not satisfied with the tendered rates or lump sums objected to, it may request the tenderer to amend these rates and lump sums along the lines indicated by it.</p> <p>The tenderer will then have the option to alter and/or amend the rates and lump sums objected to and such other related amounts as are agreed on by the Employer, but this shall be done without altering the tender offer as tendered or, if applicable, the corrected total of prices in accordance with F.3.9.3. Should the Tenderer fail to amend his Tender in a manner acceptable to the Employer, the Employer may reject the Tender.</p>
F.4.8	<p>The Employer shall not formally issue tender documents in electronic format as contemplated in F.2.13.2 and F.2.13.3 and shall only issue tender documents in hardcopy. An electronic version of the issued tender documents may be made available to the tenderer, upon written request in terms of this clause, subject to the following:</p> <ul style="list-style-type: none"> <li>(a) Electronic copies of the contract document, or parts thereof, will only be provided to tenderers who have been issued with the tender documents as contemplated in F.1.2 in hardcopy.</li> <li>(b) The electronic version shall not be regarded as a substitute for the issued tender documents.</li> <li>(c) The Employer shall not accept Tender submitted in electronic format. Tenderers may not complete and submit a printed copy of the electronic version of the tender document or part thereof. Only those Tender that have been completed on the issued hard copy tender document shall be considered.</li> <li>(d) The Employer accepts no responsibility or liability arising from any reliance on or use of the electronic version provided in terms of this clause. The Employer further does not guarantee that the electronic version corresponds with the issued tender documents in all respects. Tenderers are alerted to the fact that electronic versions of the tender documents may not reflect any notices or addenda that amend the tender document.</li> <li>(e) Any non-compliance with these provisions, including effecting any unauthorized alterations to the tender document as contemplated in F.2.11, shall render the tender invalid. The Employer reserves the right to take any action against such tenderer allowed in law including, in circumstances where the tender had already been awarded, the right to cancel the contract.</li> <li>(f) In requesting the electronic version of the tender document or parts thereof, the tenderer is deemed to have read, understood and accepted all of the above conditions.</li> </ul>
F.4.9	<p><b>Local Content and Production for Designated Sectors</b></p> <p>Only locally produced or locally manufactured steel products and components for construction with a stipulated minimum threshold of <b>100%</b> for local production and content</p>

	<p>will be considered. If the quantity of steel products and components for construction required cannot be wholly sourced in South Africa (RSA) based manufacturers and/or at the designated local content threshold of <b>100%</b>, bidders and procuring entities should obtain written authorization from the DTI should there be a need to import and a copy of this authorization letter must be submitted together with the bid document at the closing date and time.</p> <p>The exchange rate to be used for the calculation of local production and content must be the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid.</p> <p>A bid will be disqualified if:</p> <ul style="list-style-type: none"> <li>• The bidder fails to achieve the stipulated minimum threshold for local production and content unless written exemption has been granted to the bidder by the DTI to bid at a lower local content level</li> <li>• Failure to indicate the minimum percentage (%) or not meeting minimum percentage for local content will automatically invalidate the bid from further consideration.</li> <li>• The Declaration Certificate for Local Content (SBD 6.2), the Annex C (Local Content Declaration: Summary Schedule) are not completed, duly signed, and submitted by the bidder at the closing date and time of the bid</li> </ul> <p>Bidders may contact the Metals Fabrication, Capital and Rail Transport Equipment Unit within the <b>DTI</b> at telephone <b>012 394 1356</b> or Primary Minerals Processing and Construction Unit at telephone <b>012 394 5157</b></p>
F.4.11	<p><b>Compliance with Occupation Health and Safety Act 1993</b></p> <p>Tenderers are to note the requirements of the Occupational Health and Safety Act (No. 85 of 1993) and the Construction Regulations 2014 issued in terms of Section 43 of the Act. The tenderer shall be deemed to have read and fully understood the requirements of the above Act and Regulations and to have allowed for all costs in compliance therewith. Tenderers are to note that the service provider is required to ensure that all sub-contractors/sub-consultants or other engaged in the performance of this contract also comply with the above requirements.</p>
F.4.12	<p><b>Provincial Local Economic Development</b></p> <p>50% of expenditure of the project must be on goods and services which are manufactured and supplied, respectively, by suppliers and/or manufacturers from within the Province of the Eastern Cape, including the utilization of raw materials. The successful bidder shall be required to produce monthly reports supported by evidence such as tax invoices, receipts, delivery notes and proof of payment for goods and services purchased from local service providers as proof that the percentage is being attained.</p>