

T1.2. BID DATA

The Conditions of BID in the Standard Conditions of BID as contained in Annex F of CIDB Standard Uniformity in Construction Procurement. (See www.cidb.org.za) which are reproduced without amendment or alteration for the convenience of the prospective service providers in this BID in the section T1.3 of the BID Data.

The Standard Conditions of BID make several references to the BID Data for details that apply specifically to this BID. The BID Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of BID. Each item of BID Data given below is cross-referenced to the relevant clause in the standard Conditions of BID.

F.1.1 The Employer for this Contract is: **Mpumalanga Department of Economic Development and Tourism**

F.1.2 **BID Documents**

The BID Document consists of the following:

BID

T1: BID Procedures

- T1.1: Notice and Invitation to BID
- T1.2: BID Data

T2: Returnable Documents

- T2.1: List of Returnable Documents
- T2.2: Returnable schedules

CONTRACT

Part 1: Agreements and Contract Data

- C1.1: Form of Offer and Acceptance
- C1.2: Contract Data
- C1.3: Form of Guarantee
- C1.4: Agreement with Adjudicator
- C1.5: Agreement in terms of Section 37(2) of the Occupational Health and Safety Act (No 85, 1993)

Part 2: Pricing Data

- C2.1: Pricing Instructions
- C2.2: Bill of Quantities

Part 3: Scope of Work

- C3.1: Standard Specifications
- C3.2: Project Specifications
- C3.3: Particular Specifications

Part 4: Site Information

- C4.1: Locality Plan
- C4.2: Construction Notice Board

DRAWINGS

Drawings to be issued during site handover.

The BID Document and the drawings shall be obtained from the Employer or his authorized representative at the physical addresses stated in the BID Notice, upon payment of the deposit stated in the BID Notice.

F.1.4 The Employer's agent is: None

F.1.5 The Employer's right to accept or reject any BID Offer

The Employer may accept or reject any variation, deviation, BID Offer, or alternative Offer, and may cancel the BID process and reject all BID Offers at any time before the formation of a Contract. The Employer shall not accept or incur any liability to a service provider for such cancellation and rejection, but will give written reasons for such action upon written request to do so.

F.2.1 Eligibility

1. A service provider will not be eligible to submit a BID if:
 - (a) The service provider submitting the BID is under restrictions or has principals who are under restriction to participate in the Employer's procurement due to corrupt or fraudulent practices;
 - (b) The service provider does not have the legal capacity to enter into the Contract;
 - (c) The service provider submitting the BID is insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of the foregoing;
 - (d) The service provider does not comply with the legal requirements stated in the Employer's procurement policy;
 - (e) The service provider cannot demonstrate that s/he possesses the necessary professional and technical qualifications and competence, financial resources, equipment and other physical facilities, managerial capability, personnel, experience and reputation to perform the Contract;
 - (f) The service provider cannot provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the Contract.
 - (g) Only those service providers who have in their employ management and supervisory staff satisfying the requirements of the Scope of Work for Labour Intensive Competencies for supervisory and management staff are eligible to submit BIDs.

2. CIDB GRADING

- I. Only those service providers who are registered with the CIDB as defined in the Regulations 09 June 2004 and 22 July 2005, in terms of the CIDB Act No 38 of 2000, 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 bid for a 7SQ or higher class of Specialist (FENCING) work, are eligible to submit BIDs.
- II. Joint Ventures are eligible to submit BIDs 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 6SQ or higher class of Specialist (Fencing) work; and
 3. the combined Contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the Sum bid for a 7SQ or higher class of Specialist (Fencing) work

F.2.7 Site visit and clarification meeting

The arrangements for the compulsory site inspection visit and clarification meeting are as follows:

Location: Service providers are requested to meet the Employer / Engineer at the : **KOBWA COMMUNITY HALL, FISH EAGLE BEND, MALELANE.**

Date: AS PER BID BULLETIN

Starting time: AS PER BID BULLETIN

Bidders are expected to be in attendance for a compulsory site briefing/clarification meeting and site inspection for at least **ONE FULL DAY.**

Name: Mrs. YT Molapo
Supply Chain Management (DEDT)
Cellphone No: 082 048 8895

Mr. F Ndou
Project Manager (Nkomazi SEZ)
Cellphone: 079 028 6454

Bidders must note that the Employer is not obliged to answer to phone calls regarding requests for directions to site after the starting time of the clarification meeting.

Service Providers must sign the attendance list and name of their business entity. Addenda will be issued and BIDs will be received only from those business entities appearing on the attendance list.

F.2.10 Pricing the BID Offer

(a) Value Added Tax

- The Valued Added Tax (VAT) rate shall be 15% or as otherwise provided for by Legislation.
- The successful service provider shall be required to produce a VAT invoice that shall only be prepared once measurements and valuations for work done in Terms of Contract Offer have been agreed with the Employers agent and a Certificate of Payment issued.
- Payment of VAT to non-VAT vendors shall be processed from the month in which the service provider's liability with the South African Revenue Services is effective.

F.2.11 Alterations to document

A BID Offer shall not be considered if alterations have been made to the Forms of BID data or Contract data (unless such alterations have been duly authenticated by the service provider) or if any particulars required therein have not been completed in all respects.

F.2.12 Alternative BID Offers

No alternative Offers will be considered.

F.2.13 Submitting a BID Offer

F.2.13.3 BID Offers shall be submitted as an original only.

Under no circumstances whatsoever may the BID forms be retyped or redrafted.

Photocopies of the original BID documentation may be used, but an original signature must appear on such photocopies.

F.2.13.5 The Employer's address for delivery of BID Offers and identification details to be shown on such BID Offer package are:

Location of BID box: **As indicated in BID Notice**
Physical address: **As indicated in BID Notice**

Identification details BID for **APPOINTMENT OF A CONSTRUCTION COMPANY TO ERECT/INSTALL A HIGH DENSITY SECURITY MESH CLEARVU FENCE OR EQUIVALENT AND SIMILARLY APPROVED FOR 3.5KM AT THE NKOMAZI SPECIAL ECONOMIC ZONE AT KOMATIPOORT AT EHLANZENI DISTRICT**

Bid No: AS PER BID BULLETIN
Closing Date: AS PER BID BULLETIN

F.2.15 Closing Time

The closing time for submission of BID Offers is: **AS PER BID BULLETIN** as stated in the Notice and Invitation to BID.

Telephonic, telegraphic, telex, facsimile, electronic or e-mailed BIDs will not be accepted.

F.2.16 BID Offer validity

The BID Offer validity period is **120 days** from the closing time for submission of BIDs.

F.2.18 Provide other material

The service provider 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

F.2.19 Access

Access shall be provided for inspections and testing by personnel acting on behalf of the Employer.

F.2.22 Return of BID Documents

Not applicable.

F.2.23 EVALUATION PROCESS

1.1. The valuation process comprises of the following phases:

1.1.1 Phase I: Initial screening process

During this phase bid, documents will be reviewed to determine compliance with the following:

- All SBD forms should be fully completed and signed
- Attendance of compulsory briefing session and signing of attendance register.
- The Bill of Quantities (BoQ) must be fully completed and signed by the bidder. All the pages of the document must be initialled.
- Signed Joint Venture Agreement and Power of Attorney in case of Joint Ventures;
- Company Profile, including previous contract work done, value of the work and contactable references per contract.
- Certificate of Contractor Registration issued by the Construction Industry Development Board. Where a service provider satisfies CIDB Contractor grading designation **7SQ** requirements or higher through Joint Venture formation, such service providers must submit the Certificates of Contractor Registration in respect of each partner.
- **All bidders must be registered with the Central Supplier Database (CSD) failure to do so will be automatically disqualified.**
- The Declaration Certificate for Local Production and Content (SBD 6.2) together with Annexure C (Local Content Declaration: Summary Schedule) must be completed, duly signed and submitted by the bidder at the closing date and time of the bid;

NB: It is the responsibility of the bidder to ensure that the following key information is in order to avoid any disqualification during the bid evaluations:

- Tax compliance status
- The Business registration status
- Bid restrictions and defaulters status
- Bank Account information
- Identification number and the service of the state status

Failure to submit or adhere to the above will lead to automatic disqualification.

1.1.2 Phase II: Local Content Calculation

All bidders who passed the first phase will be evaluated on the correctness and completeness of the annexure C of the Local Production and content

The following items are part of the BoQ and are designated according to the Department of Trade and industry (DTI)

No	Designated items	Designated percentage
1	Fabricated Steel	100%
2	Joining/Connecting Components	100%
3	Fasteners	100%
4	Wire Products	100%
5	Galvanised and Colour Coated Coils	100%
6	Pipes (PVC,HDPE,PP,GRP)	100%
7	Cement I, II , III, IV, V and Masonry	100%

- A bidder who will score below the stipulated percentage must have an exemption letter from DTI that they are allowed to be further evaluated on functionality even if they have scored below the stipulated percentage.
- A bidder must calculate each item separately as per the Guidance Document for the Calculation for Local Content (attached)
- The instruction notes from National Treasury are attached as a guidance on all designated sectors
- The exchange rate to be used for the calculation of local production and content will be the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid; and only the South African Bureau of Standard (SABS) approved technical specification number SATS 1286; 2011 must be used to calculate local content.
- The local content (LC) expressed, as a percentage of the bid price must be calculated in accordance with the following formula, which must be disclosed in the bid documentation:

$$LC = \frac{(1 - X)}{Y} * 100$$

Where

- X is the imported content in Rand
- Y is the bid price in Rand excluding value added tax (VAT)

- Prices referred to in the determination of x will be converted to Rand (ZAR) by using the exchange rate published by the SARB at 12:00 on the date of advertisement of the bid.
- The SABS approved technical specification number SATS 1286:2011 and the Guidance of the calculation of local together with the Local Content Declaration Templates (Annexure C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annexure C) and E (Local Content Declaration: Supporting Schedule to Annexure C) are accessible to all potential bidders on the dti's official website http://www.thedit.gov.za/industrial_development/ip.jsp at no cost.

1.1.3. Phase III: Functionality evaluation as per attached Terms of Reference

- Bids will be evaluated strictly according to the bid evaluation criteria stipulated in the terms of reference
- Bidders must as part of their bid documents, submit supportive documentation for all technical requirements as indicated hereunder. The panel responsible for scoring for the respective bids will evaluate and score all bids based on their submissions and the information provided.

- c) Bidders will not rate themselves, but need to ensure that all information is supplied as required. The Bid Evaluation committee (BEC) will evaluate and score all responsive bids and will verify all documents submitted by the bidders.
- d) The panel members will individually evaluate the responses received against the following criteria as set out below:

QUALITY & BID EVALUATION CRITERIA FOR PREFERENCE AND PRICE			
CRITERIA	Distribution of Points		TOTAL WEIGHT
	Available plant	Score	
Infrastructure and Resources available			
Proof of Plant and Equipment available owned/hired (certified copies of registration certificates, written agreement in case of hire/rent) by the Bidder: <ul style="list-style-type: none"> • Tractor-Loader-Backhoe (TLB) • Tractor with trailer • 8 Ton Dropside Truck • Compactors • Water Bowser 	ALL 5 specified	15	15
	4 of the specified	12	
	3 of the specified	9	
	2 of the specified	6	
	1 of the specified	3	
	None	0	
Staffing Profile	Skills Available	Score	
Details of staff available for this Contract with written and signed consent from relevant personnel with reference to this bid. The following technical skills or qualifications are required: <ul style="list-style-type: none"> • A diploma (minimum) in Civil Engineering with professional accreditation from ECSA • A certificate in Health and Safety • A Project Management qualification • Plant Operators with a certificate • Fencing Foreman with a certificate • A professionally registered land surveyor • A professionally registered environmentalist 	ALL 7 required skills	25	25
	6 of the required skills	20	
	5 of the required skills	15	
	4 of the required skills	10	
	3 of the required skills	5	
	2 or less	2	
Previous Experience	Measure of Experience	Score	
Experience relevant to this technical field: <i>Signed Completion Certificates and/or Appointment Letters for projects relevant to fencing must be provided with contactable references attached</i>	Five (5) or more completion certificates	25	25
	Four (4) completion certificates	20	
	Three (3) completion certificates	15	
	Two (2) completion certificates	10	
	One (1) completion certificate	5	
	No completion certificate	0	
Experience in terms of contract value in a project relevant to erection of fencing works.	Contract amounting to R20 000 000.00 or more	15	15
	Contract amounting to R15 000 000.00	12	
	Contract amounting to R12 500 000.00	9	
	Contract amounting to R10 500 000.00	6	
	Contract amounting to R8 000 000.00	3	
	Contract =/< to R 6 000 000.00	1	
Financial Ability to execute the Contract			
Bidder's Bank rating	Code A	15	15
	Code B	10	

	Code C	5	
Written Undertaking			5
<ul style="list-style-type: none"> A written and signed undertaking by bidder clearly indicating commitment to use local labour at each work site 	5 points for the letter	0 points for no submission	
TOTAL QUALITY			100

Only bidders who attain a minimum of 75 percent on Functionality will qualify to proceed for further evaluation on Price and Preference points.

- e) This scoring done by the members will be converted to a percentage and only bidders that have met or exceeded the minimum threshold of 75% for functionality will be evaluated and scored in terms of pricing and socio-economic goals as indicated hereunder.
- f) This score will be converted to a percentage and only bidders that have met or exceeded the minimum threshold of 75 percent for functionality will be evaluated and scored in terms of pricing and socio-economic goals as indicated hereunder.
- g) Any proposal not meeting a minimum score of 75 percent functionality proposal will be disqualified.
- h) The price will not be evaluated as this stage

Phase IV: Price / Financial stage

- a) Price / Financial proposal must be submitted in South African Rand.
- b) The following formula will be used to calculate the points for price in respect of this bid:

$$P_s = 80 \left(1 - \frac{(P_t - P_{min})}{P_{min}} \right)$$

Where

P_s= Points scored for comparative price of bid under consideration

P_t= Comparative price of bid under consideration

P_{min} = Comparative price of lowest acceptable bid

- c) The responsive bids will be adjudicated by the State on the 80/20-preference point for Broad-Based Black economic empowerment in terms of which points are awarded to bidders on the basis of:
- The bid price (maximum 80 points)
 - Broad-based black Economic Empowerment as well as specific goals (maximum 20 points)
- d) The department reserves the right to arrange contracts with more than one contractor.
- e) The Preferential Procurement Policy Framework Act 2000 (PPPFA) Preferential Procurement Regulations 2017, Regulations were gazetted on 20 January 2017 (No. 40553) and effective from 01 April 2017. These bid will be evaluated as per above mentioned regulations. Bidders are required to submit B-BBEE status level certificate issued by an authorised body or person; a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act and **in case a Joint Venture, a combined BBEE certificate for the service providers must be provided**, and subcontracting, the regulations will be followed.
- f) A bidder will not be awarded the points claimed for B-BBEE status level of contribution if it is indicated in the bid documents that such a bidder intends subcontracting more than **25%** of the contract value to any other enterprise that does not qualify for at least the same number of points that the bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

- g) A contractor is not allowed to sub-contract more than **25%** of the contract value to another enterprise that does not have equal or higher B-BBEE status level, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- h) In relation to a designated sector, a contractor must not be allowed to subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- i) A maximum of 20 points may be awarded to a bidder for being a Broad-Based Black Economic Empowerment and / or subcontracting with a Broad-Based Black Economic Empowerment stipulated in the Preferential Procurement regulations of 2017. For this bid the maximum number of Broad-based Black Economic Empowerment status that could be allocated to a bidder is indicated below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
NON-COMPLIANT CONTRIBUTOR	0

Failure to capture the required status level and to submit the required B-BBEE status level certificates will lead to a zero (0) status level for non-compliant service providers.

- a) The points scored by a bidder in respect of the points indicated above will be added to the points scored for price.
- b) Bidders are requested to complete the various preference claim forms in order to claim preference points.
- c) Only a bidder who has completed and signed the declaration part of the preference claim form will be considered for B-BBEE status.
- d) Supply Chain Management may, before a bid is adjudicated or at any time, require a bidder to substantiate claims it has made with regard to B-BBEE status.
- e) Points scored will be rounded off to the nearest 2 decimals.
- f) In the event that two or more bids have scored equal total points, the contract will be awarded to the bidder scoring the highest number of points for B-BBEE status.
- g) If two or more tenderers have equal points, including equal preference points for B-BBEE, the successful tenderer must be the one scoring the highest score for functionality, if functionality is part of the evaluation process.
- h) Should two or more bids be equal in all respects, the award shall be decided by drawing of lots.
- i) A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points. The bidder must submit copies of identity documents of all directors or shareholders of the company with the bid documents at the closing date and time of the bid.

1.1.3 Phase V: Vetting

Shortlisted bidders will be required to undergo the vetting procedure to verify the authenticity of the submitted documents during the submission period and bidder can be eliminated if discovered that false information was submitted and this doesn't mean that the bid is automatically awarded to you.

CLIENT BASE

Bidders must have specific experience and submit at least four recent references (in a form of written proof (s) on their company's letterhead including relevant person(s), telephone, fax numbers and e-mails) of similar work undertaken.

DEDT reserves the right to contact references during the evaluation and adjudication process to obtain information.

LEGAL IMPLICATIONS

Successful service providers must be prepared to enter into a service level agreement with the DEDT. DEDT reserves the right to award this bid on a non-exclusive basis, i.e. DEDT may procure similar services outside this bid with the view of securing the best service and value for money.

COMMUNICATION

Supply Chain Management will communicate with bidders for, among others. Where bid clarity is sought, to obtain information or to extend the validity period. Any communication either by facsimile, letter or electronic mail or any other form of correspondence to any government official, department or representative of a testing institution or a person acting in an advisory capacity for DEDT in respect of this bid between the closing date and the award of the bid by the bidder is prohibited.

COUNTER CONDITIONS

Bidders' attention is drawn to the fact that amendments to any of the Special Conditions by bidders will result in invalidation of such bids.

PROHIBITION OF RESTRICTIVE PRACTICES

- a. In terms of section 4(1) of the Competition Act No. 89 of 1998, as amended, an agreement between, or concerted practice by, firms or a decision by an association of firms, is prohibited if it is between parties in a horizontal relationship and if a bidder(s) is/are or a contractor(s) was/were involved in:
- Directly or indirectly fixing a purchase or selling price or any other trading condition;
 - Dividing markets by allocation customers, suppliers, territories or specific types of goods or services; or
 - Collusive bidding.
- b) If a bidder(s) or contractor(s), in the judgment of purchaser, has/have engaged in any of the restrictive practises referred to above, the purchaser may, without prejudice to any other remedy provided for, invalidate the bid(s) for such items(s) offered or terminate the contract in whole or in part and refer the matter to the Competition Commission for investigation and possible imposition of administrative penalties as contemplated in the Competition Act no.89 of 1998.

FRONTING

DEDT supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background DEDT condemns any form of fronting.

DEDT, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and industry be established during such enquiry/investigation, the onus will be on the bidder / contractor to prove that fronting does not exist.

Failure to do so within a period of 14 days from date of notification may invalidate the bid/contract and may also result in the restriction of the bidder/contractor to conduct business with public sector for a period not exceeding ten years, in addition on any other remedies DEDT may have against the bidder/contractor concerned.

PRESENTATION

DEDT may require presentations/interviews from short-listed bidders as part of the bid process

F.3.13 Acceptance of BID Offer

F.3.13.1 BID offers will only be accepted on condition that:

- (a) The BID Offer is signed by a person authorised to sign on behalf of the service provider;
- (b) the service provider's declaration of compliance with the Occupational Health and Safety Act No.

85 of 1993 and the Construction Regulations 2003, is included with her/his BID submission;

- (c) a service provider who submitted a BID as a Joint Venture has included an acceptable Joint Venture Agreement with her/his BID;
- (d) the service provider or a competent authorised representative of the Contractor who submitted the BID has attended the compulsory clarification meeting or site inspection;
- (e) the Contractor who submits the BID has been registered with the Construction Industry Development Board in accordance with the Construction Industry Development Board Act No. 38 of 2000 and the CIDB Regulations 2003 promulgated in terms of the Act, or if the Contractor can submit proof or evidence that s/he will be able to register within 10 days of the closing date for submission of BIDs;
- (f) the service provider or any of its principals is not listed on the register of BID 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;
- (g) the service provider has not abused the Employer's Supply Chain Management System or has failed to perform on any previous Contract and has been given a written notice to this effect;
- (h) The service provider or any of its Principals, Directors or Managers is not employed in the service of the State (all spheres of government) nor is a Public Representative (Councillor);
- (i) a company profile is attached;
- (j) the required Certificates listed in F.2.23 above, are attached;
- (k) The Returnable Schedules in T2.2 have been completed and signed;
- (l) The Form of Offer in C1.1 has been signed by the Service Provider;
- (m) the Employer is satisfied that the service provider or any of her/his principals have not influenced the BID Offer and acceptance by the following criteria:
 - a. having Offered, promised or given a bribe or other gift or remuneration to any person in connection with the obtaining or execution of this Contract;
 - b. having acted in a fraudulent or corrupt manner in obtaining or executing this Contract;
 - c. having approached an Officer or employee of the Employer or the Employer's Agent with the objective of influencing the award of a Contract in the service provider's favour;
 - d. having entered into any agreement or arrangement, whether legally binding or not, with any other Person, Firm or Company to refrain from Quoting for this Contract or as to the amount of the BID to be submitted by either party;
 - e. having disclosed to any other Person, Firm or Company other than the Employer, the exact or approximate amount of his proposed BID;
 - f. The Employer may, in addition to using any other legal remedies, repudiate the BID Offer and acceptance and declare the Contract invalid should it have been concluded already.

F.3.18 Copies of Contract

The number of paper copies of the signed Contract to be provided by the Employer is ONE.