
 <p>DBSA DEVELOPMENT BANK OF SOUTHERN AFRICA Building Africa's Prosperity</p>	<p>VOLUME 1 OF 3</p> <p>NEC 3 ECC Option A</p> <p>TENDERING PROCEDURES</p>	<p>Tender No. RFP 260/2021</p> <p><i>Appointment of an EPC Contractor to carry out Engineering, Procurement and Construction of a 50 ton per day Biodigester Pilot Plant at Robinson Deep Landfill Site, Johannesburg and Operating and Maintaining it for a period of 3 years</i></p>
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PART A	INVITATION TO BID	SBD1
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YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED					
BID NUMBER:	RFP 260/2021	CLOSING DATE:	12 NOVEMBER 2021	CLOSING TIME:	23H55 TELKOM TIME
DESCRIPTION:	Appointment of an EPC Contractor to carry out Engineering, Procurement and Construction of a 50 ton per day Biodigester Pilot Plant at Robinson Deep Landfill Site, Johannesburg and Operating and Maintaining it for a period of 3 years				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT:					
Tender Box folder for RFP's listed herein via Microsoft One Drive as per Link to be provided once intention to bid is indicated to Ziphoscm@dbsa.org					
FOR ATTENTION: SCM OFFICIAL – ZIPHO MOSELAKGOMO PROCUREMENT & TENDER OFFICER					
SUPPLIER INFORMATION					
NAME OF BIDDER:					
POSTAL ADDRESS:					
STREET ADDRESS:					
TELEPHONE NUMBER:	CODE:		NUMBER:		
CELLPHONE NUMBER:					
FACSIMILE NUMBER:	CODE:		NUMBER:		
E-MAIL ADDRESS:					
VAT REGISTRATION NUMBER:					
	TCS PIN:		AND/OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes <input type="checkbox"/> No
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			

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[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>[IF YES ENCLOSE PROOF]</i>	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>[IF YES ANSWER PART B:3 BELOW]</i>
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (<i>Attach proof of authority to sign this bid; e.g. resolution of directors, etc.</i>)			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY:	DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED		
CONTACT PERSON:	As per Tender Notice & Invitation	CONTACT PERSON:	As per Tender Notice & Invitation
TELEPHONE NUMBER:		TELEPHONE NUMBER:	
FACSIMILE NUMBER:		FACSIMILE NUMBER:	
E-MAIL ADDRESS:		E-MAIL ADDRESS:	



The Development Bank of Southern Africa has a Zero Tolerance on Fraud and Corruption.
 Report any incidents of Fraud and Corruption to Whistle Blowers on any of the following:

TollFree : 0800 20 49 33
 Email : dbsa@whistleblowing.co.za
 Free Post : Free Post KZN 665 | Musgrave | 4062
 SMS : 33490

PART B

TERMS AND CONDITIONS FOR BIDDING

SBD1

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT MICROSOFT ONE DRIVE FOLDER AS PER LINK PROVIDED. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
- 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017 (PPR2017), THE **NEC 3 ENGINEERING AND CONSTRUCTION CONTRACTS I.E. OPTION A: PRICED CONTRACT WITH ACTIVITY SCHEDULE OF APRIL 2013 (INCLUDING AMENDMENTS) AND NEC3 TERM SERVICES AGREEMENT (MAINTENANCE)** AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 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.
- 2.3 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.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.



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TollFree : 0800 20 49 33
Email : dbsa@whistleblowing.co.za
Free Post : Free Post KZN 665 | Musgrave | 4062
SMS : 33490

VOLUME 1 OF 3

THE TENDER

TENDER NO. RFP 260/2021

DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED

Client: On behalf of Project Prep, DBSA

Implementing Agent: Development Bank of Southern Africa Limited 1258 Lever Road <u>Midrand (Johannesburg)</u> Gauteng 1685 Contact: As per Tender Notice and Invitation	Project Manager: Nonhle Dlamini / Attie Ferreira 1258 Lever Road <u>Midrand (Johannesburg)</u> Gauteng 1685 Contact: As per Tender Notice and Invitation
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 <p>DBSA DEVELOPMENT BANK OF SOUTHERN AFRICA <i>Building Africa's Prosperity</i></p>	<p>VOLUME 1 OF 3</p> <p>NEC 3 ECC Option A</p> <p>TENDERING PROCEDURES</p>	<p>Tender No. RFP 260/2021</p> <p><i>Appointment of an EPC Contractor to carry out Engineering, Procurement and Construction of a 50 ton per day Biodigester Pilot Plant at Robinson Deep Landfill Site, Johannesburg and Operating and Maintaining it for a period of 3 years</i></p>
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T1.1 TENDER NOTICE AND INVITATION TO TENDER

The Development Bank of Southern Africa Limited (DBSA) invites tenders for **RFP260/2021: Appointment of an EPC Contractor to carry out Engineering, Procurement and Construction of a 50 ton per day Biodigester Pilot Plant at Robinson Deep Landfill Site, Johannesburg and Operating and Maintaining it for a period of 3 years**

The Tender Document and Supporting Documents are attached to this invitation to tender. The DBSA will publish addenda and responses to any queries related to this tender, via the DBSA Tender Site and National Treasury E-Tender as advertised up until Brief Date.

Queries may only be addressed to:

SCM: Zipho Moselakgomo Procurement & Tender Officer ziphoscsm@dbsa.org


The cut-off date for tender enquiries is **as detailed in the table on page 11.**

MIN. CIDB GRADING REQUIRED	COMPULSORY TENDER BRIEFING		
	VENUE	DATE & TIME	
8MEor Higher	Robinson Deep Landfill, CNR Turffontein & Marlborough road, Stafford Coordinates:	29 October @ 11h00am	
	26°13'51.0"S		28°02'31.4"E
	-26.230829		28.042042

The closing time for receipt of tenders is **23H55 (Telkom time) on 12 November 2021** at the **Microsoft One Drive as per Link provided.**

Tenders may only be submitted on the tender documentation that has been issued. Telegraphic, telephonic, telex, facsimile and late tenders will **not** be accepted. Tenderers should ensure that Bids are delivered timeously and to the correct address (reflected on the cover of this document). If the bid is late, or not submitted in the designated **ON-LINE** tender box, it will not be considered for evaluation.

- i. Tenderers are required to meet the minimum stipulated threshold or Local Production and Content as per **T2.4.4 of Volume 2** of the Tender Document.
- ii. Tenderers are to ensure that they submit a completed and signed *SBD 6.2 Form* and its *Annexures C, D & E* (as per **T2.4.4 of Volume 2** of the Tender Document).
 - o Annexure C **must** contain every product as listed in the Designated Sectors referred to under *Tender Volume 2, T2.4.4 – SBD6.2 Local Production and Content*.
 - o See Stage 1 Responsiveness – non-adherence results in immediate disqualification.

	<p align="center">VOLUME 1 OF 3</p> <p align="center">NEC 3 ECC Option A</p> <p align="center">TENDERING PROCEDURES</p>	<p>Tender No. RFP260/2021</p> <p><i>Appointment of an EPC Contractor to carry out Engineering, Procurement and Construction of a 50 ton per day Biodigester Pilot Plant at Robinson Deep Landfill Site, Johannesburg and Operating and Maintaining it for a period of 3 years</i></p>
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KEY DATES AND ACTIVITIES		
No	Description	Date/Time
1.	Advertisement of the Bid in the National Treasury E-Tender portal, CIDB i-tender and DBSA website.	18 OCTOBER 2021
2.	There will be a Compulsory Site Briefing Session	29 OCTOBER @ 11h00
3.	Bidders to submit written questions/ clarifications. <ul style="list-style-type: none"> Each bidder is encouraged to submit one (01) consolidated questions/ clarifications email. No questions will be entertained post the stipulated date. 	03 NOVEMBER 2021 @ 14h00
4.	DBSA to respond to written questions/ clarifications posed by bidders not prior to this date. <ul style="list-style-type: none"> Such response will be published in the tender link as advertised on the National Treasury E-Tender portal and DBSA website. Bidders are required to stay updated with these platforms for any additional communications/ addenda being issued. 	08 NOVEMBER 2020 @ 16h00
5.	Tenders Closing Date and Time	12 NOVEMBER 2021 @ 23h55

Instructions for TENDER BRIEF:

- Bidders are to attend the Compulsory Briefing Session on the 29th October 2021
- The **Consolidated Questions and Answer document** to be issued post the brief, will act as the minutes.

Instructions for TENDER SUBMISSION:

- Bidders are required to request the **Tender Submission Link** from the following mail address Ziphoscm@dbsa.org, as soon as bidders are ready to submit.
- Bidders to ensure the documents being loaded are correct and accurate - once they are loaded, they cannot be accessed again or deleted.
- If incorrect documents are loaded, the new document loaded must include the wording "Corrected".
- **Only Files can be loaded**, not folders.
 - As such, Folders with all its required content should be created on the Bidders system, then be converted to either a **Compressed or Zipped Folder**.
 - This will allow Bidders to load the whole Compressed/ Zipped Folder **as a file format** to the **Tender Submission Link**.
- Uploading of submission **must be in the structure and order** as prescribed in this tender.

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T.1.2 TENDER DATA


The Conditions of Tender applicable to this contract are the Standard Conditions of Tender as contained in Annexure C of the CIDB Standard for Uniformity in Construction Procurement (August 2019) as published in Government Gazette No. 42622, Department of Public Works Notice 423 & SANS 10845. (See www.cidb.org.za), to which tenderers are referred to for their information purposes in relation to this Tender Data.

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


All references to the terms: “Tender” and “Tenders” and/or “Tenderer” and “Tenderers” in these documents and the Conditions of Tender shall have the same meaning as each other and shall be of equal force.

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:


Clause number	Tender Data
C.1.1	The employer for this Contract is Development Bank of Southern Africa Limited .
C.1.2	<p>The Tender Documents issued by the Employer comprise the following documents:</p> <p>THE TENDER</p> <p>Part T1: Tendering procedures (Volume 1 of 3)</p> <p>T1.1 - Tender notice and invitation to tender</p> <p>T1.2 - Tender data</p> <p>Part T2: Returnables documents (Volume 2 of 3)</p> <p>T2.1 - List of returnable documents</p> <p>T2.2 - Returnable schedules</p> <p>THE CONTRACT (Volume 3 of 3)</p> <p>Part C1: Agreements and Contract data</p> <p>C1.1 - Form of offer and acceptance</p> <p>C1.2 - Contract data</p> <p>C1.3 - Performance Guarantee</p> <p>Part C2: Pricing data</p> <p>C2.1 - Pricing instructions</p> <p>C2.2 - Bill of Quantities</p> <p>C2.3 - Amendments, Qualifications and Alternatives by Tenderer</p> <p>Part C3: Scope of work</p> <p>C3.1 - Project Specifications</p> <p>C3.2 - Particular Specifications</p> <p>C3.3 - Drawings</p> <p>Part C4: Site information</p> <p>C4.1 - Site information</p>

	<p align="center">VOLUME 1 OF 3</p> <p align="center">NEC 3 ECC Option A</p> <p align="center">TENDERING PROCEDURES</p>	<p>Tender No. RFP260/2021</p> <p>Appointment of an EPC Contractor to carry out Engineering, Procurement and Construction of a 50 ton per day Biodigester Pilot Plant at Robinson Deep Landfill Site, Johannesburg and Operating and Maintaining it for a period of 3 years</p>
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C.1.4	<p>The Employer is :</p> <p>Name: Development Bank of Southern Africa Limited</p> <p>Address: 1258 Lever Road, Headway Hill, Midrand, Gauteng, 1685</p> <p>Tel: (011) 313 3911</p> <p>Attention is drawn to the fact that verbal information given by the Employer or any other person prior to the close of tenders 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>
C.1.5	<p>The employer reserves the right to reject award to the highest scoring tenderer (as calculated according to Clause C.3.11 should the offer pose a commercial and/ or delivery risk to the successful completion of the project and the Employer, or in line with PPR 2017 Other Objective Criteria as detailed.</p>
C.1.6.2	<p>The competitive negotiation procedure shall not be applied.</p>
F.1.6.3	<p>A two-stage system will not be followed.</p>
C.2.1	<p>The following tenderers who are registered with the CIDB, or are capable of being so registered prior to the evaluation of submissions, are eligible to have their tenders evaluated:</p> <ol style="list-style-type: none"> Contractors who have a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) of 25(7A) of the Construction Industry Development Regulations, for a 8ME or Higher class or higher of construction work (this is applicable to the main contractor); It is not required for entities such as the waste contractors to have a CIDB grading Sub-contractors and/or any parties appointed to provide services on this project for the Operations and Maintenance (O&M) phase need to be contracted by the main contractor for the entire duration of the O&M phase Submit an offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with the employer The tenderer is registered on the National Treasury Central Supplier Data Base (https://secure.csd.gov.za) The tenderer accepts that documents that have correction fluid on them will be deemed non-responsive and the documents must remain intact Tenderers adhere to the pre-qualification criteria stated in the tender document, if any. Contractors registered as potentially emerging enterprises with the CIDB who are registered in one contractor grading designation lower than that required in terms of a) above and who satisfy the following criteria: <ol style="list-style-type: none"> the employer is satisfied that such a contractor has the potential to develop and qualify to be registered in that higher grade as determined in accordance with the provisions of the CIDB Specification for Social and Economic Deliverables in Construction Works Contracts; and the employer agrees to provide the financial, management or other support that is considered appropriate to enable the contractor to successfully execute that contract. <p>Joint ventures are eligible to submit tenders provided that:</p> <ol style="list-style-type: none"> The entity is registered as a JV, on the approved DBSA panel invited from, if not advertised in the open market; Every member of the joint venture is registered with the CIDB in the Mechanical Engineering (ME) class of work; The lead partner has a contractor grading designation in the 8ME or higher class of construction work; and 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 8ME or Higher class of construction work or a value determined in accordance with Regulation 25 (1B) of 25(7A) of the Construction Industry Development Regulations The members / parties have signed a joint venture agreement A consolidated B-BBEE verification certificate or sworn affidavit in the name of the joint venture must be submitted in order to qualify for the preference points

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C.2.7	<p>The arrangements for a compulsory clarification meeting are as stated in the Tender Notice and Invitation to Tender.</p> <p>Tenderers must sign the attendance register in the name of the tendering entity. Addenda will be issued to and tenders will be received only from those tendering entities appearing on the attendance list.</p>
C.2.8	<p>Request clarification in line with the dates stipulated under “KEY DATES AND ACTIVITIES” on page 11.</p>
C.10.3	<p>Rates and prices are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data. The prices are the lump sum prices for each activity on the Activity Schedule unless later changed in accordance with this contract.</p>
C.2.12	<p>Alternative tender offers will not be considered.</p>
C.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.</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 in confirming the acceptability of the detailed design.</p>
C.2.13.1	<p>Where the tendering entity is a joint venture, it is recommended that the standard CIDB Joint Venture Agreement document be used.</p>
C.2.13.3	<p>Parts of each tender offer communicated on paper shall be submitted to the Microsoft One Drive Tender Box folder in the following specific format only:</p> <p>i. Main Submission Folder – file clearly named “<i>RFP260/2021– Bidder Name</i>”</p> <ul style="list-style-type: none"> Your RFP submission must be filed in the exact order as stipulated below. “Envelope” in terms of hardcopy submissions, here now refers to a “Folder” as per required online submissions. Your submission must contain an accurate index and clear cover pages for the different sections. <p>ii. Sub-folder Envelope 1 – file clearly named <i>Envelope 1</i></p> <ul style="list-style-type: none"> Complete Volume 1 separately – file clearly named <i>Volume 1</i> Complete Volume 2 separately – file clearly named <i>Volume 2</i> B-BBEE Certificate – file clearly named <i>B-BBEE</i> Supporting Evidence Files – file clearly named <i>Supporting Evidence</i>. <p>iii. Sub-folder Envelope 2 – file clearly named <i>Envelope 2</i></p> <ul style="list-style-type: none"> Complete Volume 3 – file clearly named <i>Volume 3</i> Including any and all price related data/ info BoQ's to be loaded as Excel version, fully priced and populated, plus the same in PDF format, signed. <p>NB: FAILURE TO SUBMIT IN THE FORMAT/ ORDER REQUIRED MAY RENDER THE BID INVALID.</p>

	<p align="center">VOLUME 1 OF 3</p> <p align="center">NEC 3 ECC Option A</p> <p align="center">TENDERING PROCEDURES</p>	<p>Tender No. RFP260/2021</p> <p>Appointment of an EPC Contractor to carry out Engineering, Procurement and Construction of a 50 ton per day Biodigester Pilot Plant at Robinson Deep Landfill Site, Johannesburg and Operating and Maintaining it for a period of 3 years</p>
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C.2.13.4	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, authenticated by a notary public or other official deputed to witness sworn statements, in which is defined precisely 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.
C.2.13.5	<p>The employer's details and address for delivery of tender offers and identification details that are to be shown on each tender offer package are:</p> <p>Location of tender box: Designated tender folder as per link provided.</p> <p>Physical address: Microsoft One Drive</p> <p>Identification details: Tenderers full name</p>
C.2.13.6	<p>A two-envelope system is not required.</p> <p>Non-adherence to this will disqualify the submission.</p>
C.2.13.9	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.
C.2.14	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 true and correct.
C.2.15	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.
C.2.16	The tender offer validity period is 90 days from the closing time for submission of Tenders.
C.2.18	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.
C.2.19	Access shall be provided for inspections and testing by personnel acting on behalf of the Employer.
C.2.20	The tenderer is required to submit with his tender a letter of intent from an approved insurer or financial institution undertaking to provide the Performance Bond to the format included in Part T2.2 of this procurement document.
C.2.23	<p>The tenderer is <u>required to submit</u> with his tender:</p> <ul style="list-style-type: none"> a) A valid and active Tax Compliance Status Pin issued by the South African Revenue Services. b) An original or certified Copy of the B-BBEE Certificate/ Affidavit. c) A copy of the entity's Professional Indemnity Insurance (<i>where applicable</i>). d) A Valid Copy of the Tenderer's Workmen's Compensation Certificate, Act 4 of 2002. e) A Valid Copy of the Tenderer's Unemployment Insurance Certificate, Act 4 of 2002. f) A Valid Copy of the Certificate of Incorporation (if Tenderer is a Company); or g) A Valid Copy of the Founding Statement (if Tenderer is a Closed Corporation); or h) A Valid Copy of the Partnership Agreement (if Tenderer is a Partnership); or i) A Valid Copy of Identity Document (if Tenderer is a Sole Proprietor); or j) A signed Joint Venture Agreement (if Tenderer is a Joint Venture). k) Letter of Intent for Performance Bond. l) A valid ORHVS Authorised Person Certificate
C.3.1.1	The Employer will respond to requests for clarification received as specified in the table on pg. 11

C.3.4	Tenders will not be opened in public. Tenders will be opened immediately after the closing time (23:55hrs Telkom Time) for receipt of tenders as stated in the Tender Notice and Invitation to Tender, or as stated in any Addendum extending the closing date.																												
C.3.11.	<p>The procedure for the evaluation of responsive tenders is Method 1: Price and Preference.</p> <p>Evaluation will be in three stages modified to comply with the Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2017, namely:</p> <ul style="list-style-type: none">Stage 1: Responsiveness EvaluationStage 2: Financial Offer and Preference EvaluationStage 3: Objective Criteria & Risk Analysis																												
F.3.11.3	<p>The procedure for the evaluation of responsive tenders is Method 2: Functionality, Price and Preference.</p> <p>Evaluation will be in four stages modified to comply with the Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2017, namely:</p> <ul style="list-style-type: none">Stage 1: Responsiveness EvaluationStage 2: Functionality EvaluationStage 3: Financial Offer and Preference EvaluationStage 4: Objective Criteria & Risk Analysis																												
	<p><u>Stage 1: Responsiveness Evaluation</u></p> <p>The Tenderer should be able to provide all the relevant information required in the Supplier Information Form (SIF) which will include but not limited criteria selected in below table.</p> <p>A. Tenderers who do not adhere to these criteria listed as PRE-QUALIFIER, will be <u>disqualified immediately</u>:</p> <table><tr><th colspan="2">Responsiveness Criteria</th><th>Prequalifying Criteria</th><th>Applicable to this Tender (Y/N)</th></tr><tr><td>1</td><td>Attendance of Compulsory Site Briefing.</td><td>Pre-Qualifier</td><td>Y</td></tr><tr><td>2</td><td>Adherence to the Two-Envelope (<i>Technical and Finance seperated</i>) process.</td><td>Pre-Qualifier</td><td>Y</td></tr><tr><td>3</td><td>Fully populated, priced, and signed Form of Offer.</td><td>Pre-Qualifier</td><td>Y</td></tr><tr><td>4</td><td>Level One to Four BBEE Contributor (Consortiums, Joint Venture Companies and Partnership must submit Consolidated BBEE Certificate) Valid Certified B-BBEE Certificate/ Affidavit submitted as proof.</td><td>Pre-Qualifier</td><td>Y</td></tr><tr><td>5</td><td>Full Compliance in terms of Returnable T2.4.2: Prequalify & Subcontracting Schedule & Tender Data.</td><td>Pre-Qualifier</td><td>Y</td></tr><tr><td>6</td><td>Compliance with T.2.4.4 SBD6.2 Local Content & applicable Annexures. Contractors to ensure that the list of items as per the applicable scope of works are fully completed as per DTI list. If one or more items are left out the bidder will be disqualified.</td><td>Pre-Qualifier</td><td>Y</td></tr></table>	Responsiveness Criteria		Prequalifying Criteria	Applicable to this Tender (Y/N)	1	Attendance of Compulsory Site Briefing .	Pre-Qualifier	Y	2	Adherence to the Two-Envelope (<i>Technical and Finance seperated</i>) process.	Pre-Qualifier	Y	3	Fully populated, priced, and signed Form of Offer.	Pre-Qualifier	Y	4	Level One to Four BBEE Contributor (Consortiums, Joint Venture Companies and Partnership must submit Consolidated BBEE Certificate) Valid Certified B-BBEE Certificate/ Affidavit submitted as proof.	Pre-Qualifier	Y	5	Full Compliance in terms of Returnable T2.4.2 : Prequalify & Subcontracting Schedule & Tender Data.	Pre-Qualifier	Y	6	Compliance with T.2.4.4 SBD6.2 Local Content & applicable Annexures . Contractors to ensure that the list of items as per the applicable scope of works are fully completed as per DTI list. If one or more items are left out the bidder will be disqualified.	Pre-Qualifier	Y
Responsiveness Criteria		Prequalifying Criteria	Applicable to this Tender (Y/N)																										
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2	Adherence to the Two-Envelope (<i>Technical and Finance seperated</i>) process.	Pre-Qualifier	Y																										
3	Fully populated, priced, and signed Form of Offer.	Pre-Qualifier	Y																										
4	Level One to Four BBEE Contributor (Consortiums, Joint Venture Companies and Partnership must submit Consolidated BBEE Certificate) Valid Certified B-BBEE Certificate/ Affidavit submitted as proof.	Pre-Qualifier	Y																										
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6	Compliance with T.2.4.4 SBD6.2 Local Content & applicable Annexures . Contractors to ensure that the list of items as per the applicable scope of works are fully completed as per DTI list. If one or more items are left out the bidder will be disqualified.	Pre-Qualifier	Y																										

B. Tenderers who do not adhere to the response time indicated for clarification inquiries by the Employer **will be deemed non-responsive** and not be evaluated further.

Responsiveness Criteria		Clarification Time	Applicable to this Tender (Y/N)
7	Standard conditions of tender as required.	48 hours	Y
8	Returnable documents completed and signed.	48 hours	Y
9	Submission of Registration with National Treasury Central Supplier Database (CSD) Summary Report: - Bidder must be fully registered & compliant to do business with the DBSA.	48 hours	Y
10	A valid and active Tax Compliance Status Pin issued by SARS.	48 hours	Y
11	Valid certified letter of good standing (COIDA).	48 hours	Y
12	Proof of Professional Indemnity Insurance to the value of minimum R10 million.	48 hours	N
13	Proof of Letter of Intent for Performance Guarantee or retention amount to the value of 10% of the Contract Sum. – refer to Volume 2 & 3.	48 hours	Y
14	Proof of Registration with a recognized professional body/ institution for the listed Team & Design Leaders.	48 hours	Y
15	Valid & Active CIDB contractor grading designation of 8ME or higher. – refer F2.1 of the Tender Data and Returnable T2.1.6. (CIDB application needed if update in progress)	48 hours	Y
16	Latest 2 Years (3-year view) Audited Financial Statements or Financial Statements signed off by an Accountant.	48 hours	Y

Stage 2: Functional Evaluation

The following main criteria with detailed score breakdown will be used to score functionality:

CATEGORY	FUNCTIONALITY CRITERIA	POINTS (MAXIMUM)
1	Experience of Tenderer (Bidding Entity Track Record)	30
2	Key Team / Personnel (Experience) & Availability/ allocation of Resources (organogram)	30
3	Construction Methodology & Timeframes (Detailed Implementation Schedule)	30
4	Health and safety management system questionnaire	10
Total		100

Bidders must meet a **minimum** Total Threshold of **65 points**.

Only bidders who score a minimum 65 will proceed to the next stage of (**Stage 3: Financial Offer and Preference**).

Criteria 1: Experience of Tenderer

- Service provider should briefly describe company experience and attach these in their response.
- The list of references and similar or relevant assignments completed should be as per the table hereunder.
- Contractors and/or Consortium partners should have a proven track record in related/similar works (obtained within the past fifteen years).
- There should be at least one biogas plant or equivalent Operations and Maintenance contract reference for any bidder.
- In addition to a list of Contactable references required elsewhere in the tender document, the Bidders should supply signed copies of previous related Completion Certificates or Client Reference Letters. (Reference info should include details of Appointment and Completion including Project Value, Date of commissioning, Plant Size and Location).
- Experience and references in any of the following:
 - Construction, installation and commissioning of operational gas power plants, including biogas and landfill gas (>500 kW), **or**
 - Construction, installation and commissioning of operational waste transfer stations (>50 ton per day input design capacity), **or**
 - Construction, installation and commissioning of operational composting plants (>50 ton per day input design capacity), **or**
 - Construction, installation and commissioning of operational anaerobic digestion plants (>50 ton per day input design capacity).

1	Experience of Tenderer	Score (Max 30)
1.1	Minimum Three completed projects	30
1.2	Two completed projects	20
1.3	One completed project	10
1.4	None	0

Criteria 2: Key Personnel (Experience) & Availability

The tender is for the Engineering, Procurement and Construction (EPC) of the Biodigester Pilot Plant for the City of Johannesburg. The Bidder (EPC contractor) is expected to provide the complete project on a turnkey basis; therefore, the Bidder will have to procure and coordinate professional services necessary to detail the current concept design and produce drawings approved for construction. On this basis, CV's of all professionals proposed for the project submitted by the Bidding entity will be evaluated under functionality. In accordance with the Council for the Built Environment (CBE) Act, 2000, the professions' Acts referred to therein, require that relative councils be formed who will identify work to be performed by registered persons in terms of a respective profession Act relevant to their field of

practice. The Bidder is expected to ensure that all professionals forming part of their teams and contracted by it are registered with the relevant councils as legislated, proof of registration is required as stipulated below.

CV's with detailed experience, certified copies of certificates and the Proof of Registration with recognized professional bodies / institutions must be submitted for evaluation. CV's for Resources Required (Min. 10 years' post professional registration experience for the Project Manager and 5 years for the rest). All resources should be professionally registered as stipulated and valid.

An organogram indicating the allocation of resources should be included in the submission.

- **The minimum required resources for the project are listed below:**
 - Project Manager (Team leader) – (SACPCMP registered - PrCPM)
 - Architect – (SACAP registered - Pr. Arch)
 - Quantity Surveyor – (SACQSP registered - Pr. QS)
 - Civil Engineer – (ECSA registered - Pr. Eng / Pr. Tech. Eng)
 - Structural Engineer – (ECSA registered - Pr. Eng / Pr. Tech. Eng)
 - Electrical Engineer – (ECSA registered - Pr. Eng / Pr. Tech. Eng)
 - Mechanical & Process Engineer – (ECSA registered - Pr. Eng / Pr. Tech. Eng)
 - Fire Engineer – (ECSA registered - Pr. Eng / Pr. Tech. Eng)
 - Gas practitioner – (SAQCC registered)
 - Construction Health and Safety Manager – (SACPCMP registered – PrCHSM)
 - Social / Development Facilitator – (5 years associated experience)
 - Plant Manager (Process Engineer) – (GCC)
 - Operations Health, Safety, Environment and Quality Officer – (SACPCMP registered)

2	Key Personnel Experience & Availability (years of experience refers to post registration experience)	Score (Max 30)
2.1	Key personnel have outstanding levels of experience (more than 15 years for Project Lead and more than 10 years for other professionals) based on their CV/profiles and proof of qualifications attached.	Very good (score 30)
2.2	Key personnel have the required levels of experience (equal to or more than 10 years for Project Lead and equal to or more than 5 years for other professionals) based on their CV/profiles and proof of qualifications attached.	Good (score 20)
2.3	Key personnel of bidder's management team have limited levels of experience (equal to or more than 10 years for Project Lead and some of the other team members do not have more than 5 years' experience) based on their CV/profiles and proof of qualifications attached.	Adequate (score 10)
2.4	All personnel of bidder's management team do not comply with minimum experience required, or Bidder does not provide all minimum required resources listed above.	Non-Responsive (score 0)

Criteria 3: Proposed Approach and Methodology with Timeframes / Implementation Schedule (The following must be covered):

As part of the proposal the Bidder shall provide a document that describes in detail how the Bidder proposes to undertake the scope of work, i.e. detailed design, construction, installation, operations and maintenance of the proposed biogas plant. This should include, but not be limited to:

- A technical proposal in the form of an approach and methodology submission that details how the bidder intends to undertake the scope of work and deliver on the objectives of the client;
- Detailed Project timeframe / schedule should be part of the methodology / technical proposal;
- A description of the proposed services addressing requirements listed above;
- A responsibility assignment / allocation matrix clearly demonstrating the roles and responsibilities of the above resources for the duration of the entire project (detailed design, construction, installation, operations and maintenance of the proposed biogas plant); and
- Bidder must provide DBSA with any value-added services that they provide outside the scope of work.
- Contractor's own block flow diagram and mass and energy balance.

- Technical Description of Offer.
- Implementation Schedule based on Activity Schedule.
- Quality Assurance Plan split into:
 - EPC (Part 1)
 - Operations (Part 2)
- Staffing plan and organogram.
 - During EPC (include consortium members and subcontractors if applicable)
 - During Operations and Maintenance (include consortium members and subcontractors if applicable)
- Operations plan with envisaged schedules for waste delivery, compost removal, digestate management, and biomethane supply.
- Consumable's list and quantities required.
- Critical spares list and normal spares list.
- Confirmation of Performance Guarantees of the plant:
 - Minimum on-specification Bio CNG produced per week (GJ/week) 450 GJ/week based on LHV.
 - Minimum weekly organic waste processing – 350 tons/week.
 - Maximum moisture content of digestate solids – 77%.
 - Maximum solids concentration in digestate liquid – 2%.
 - Maximum moisture in compost product – 40%.
- Resolution to enter into required agreements with Municipal owned Entity's and the energy supplier to operate the facility.

3	Construction Methodology & Timeframes (Implementation Schedule)	Weighting
3.1	Over and above the preceding criteria the important issues are approached in a logical efficient way, indicating that the respondent has outstanding knowledge of state-of-the-art approaches. The approach paper details ways to improve the facility performance and the quality of the outputs. The bidder suggests cost saving and revenue generating options for the client.	30
3.2	The approach is specifically tailored to address the specific programme objectives and methodology and is sufficiently flexible to accommodate the accelerated nature of the programme and the implied challenges. The quality plan and approach to managing risk etc. is specifically tailored to the critical characteristics of the programme.	20
3.3	The approach is generic and not tailored to address the specific programme objectives and methodology. The approach deals superficially with the critical characteristics of the project. The quality plan, way risk is to be managed etc. is too generic.	10
3.4	The approach and / or methodology is poor / is unlikely to satisfy programme objectives or requirements. The Respondent has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the project.	5
3.5	No response. Failed to address the question / issue	0

Criteria 4: Health and safety management system questionnaire:

4	Health and safety management system questionnaire				Weighting
(i)	In addition to responses to the questionnaire below, please prepare and submit a narrative covering safety aspects such as but not limited to: <div><div>1. Gas system installation safety regulation compliance.</div><div>2. CNG vehicle fuel station regulations compliance.</div><div>3. Waste processing and house-keeping regulation compliance.</div><div>4. Waste management regulations compliance.</div><div>5. Personal protective measures for gas system workers and work in confined spaces</div></div>				Score (Max 10)
	No	Requirements	Y/N	If yes, please provide the following	

	1	Do you have an effective Safety Management System?		<ul style="list-style-type: none">- SHEQ plan- Six months synopsis of SHE incidents, description, type, and action taken.- SHE challenges envisaged for the project and how they will be addressed and overcome.	
	2	Do you have a construction health and safety manager?		CV, Certified SACPCMP CHSM Certificate.	
	3	Do you have a health and safety officer? [Construction Regulation 8 (5 & 6)]		CV, Certified SACPCMP CHSO Certificate.	
	4	Provide an organogram.		With all the SHE personnel	
	5	Attach your method statement.		<p>The method statement must cover the following:</p> <ul style="list-style-type: none">- Gas system installation safety regulation compliance.- CNG vehicle fuel station regulations compliance.- Waste processing and house-keeping regulation compliance.- Waste management regulations compliance.- Personal protective measures for gas system workers and work in confined spaces)	
4.1	Relevant responses to the health and safety management system questionnaire with documents required				Very good (score 10)
4.2	Relevant response to the health and safety system questionnaire without required documents				Adequate (score 5)
4.3	Service provider has not responded to the questionnaire and not submitted required information				Non-Responsive (score 0)

Total		100
<ul style="list-style-type: none">• Bidders must meet a minimum total of 65 points as an overall minimum requirement to proceed to the next stage of evaluation.• (These points must be documented sufficiently and supporting evidence provided where relevant, to allow for an unambiguous conclusion by the evaluators).		

Stage 3 : Financial Offer and Preference Evaluation

With reference to the PPPFA 2017, the evaluation shall be based on the **90/10** Principle and the points for evaluation criteria are as documented. ~~(Where it is unclear which preference point system will be applicable, either the 80/20 or 90/10 preference point system will apply, and the lowest acceptable tender will be used to determine the applicable preference point system).~~

Evaluation Criteria		Points
1.	Price	90
2.	Broad Based Black Economic Empowerment	10
3.	Total	100

- The contract may be awarded to a tenderer that did not score the highest points, in accordance with **section 2(1)(f) of the PPPFA 2017**.

Stage 4 : Objective Criteria & Risk Analysis

- a)** Firstly, in addition to the financial offer and preference evaluation, the Tenderers having the highest ranking / number of points, will additionally be reviewed against the following points listed as **"Other Objective Criteria"** in terms of the PPPFA Regulations of 2017, in order to ascertain suitability for award.
- If having passed Responsiveness, the tenderer will again be checked in terms of having a Compliant Tax Status at time of recommendation to confirm that the status has not changed, based on an active and Tax Complaint Pin issued by the South African Revenue Services.
 - Fully compliant and registered with the National Treasury Central Supplier Database.
 - No misrepresentation in the tender information submitted.
 - 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; and
 - The tenderer has completed the Compulsory Enterprise Questionnaire and there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are permitted to submit tenders or participate in the contract.
 - Convicted by a court of law for fraud and corruption
 - Removed from a contract between them and any organ of state on account of failure to perform on or comply with the contract.
 - Financial health of the bidder may be assessed if deemed necessary, to ensure that the service provider will be able to operate as per required deliverables (Ratios: Accounts Receivable & Payable Turnover, Liquidity & Solvency).
 - Unduly high or unduly low Tendered rates in the Tender offer. In this regard, a financial risk analysis will be performed to verify that the costs are reasonable and balanced. Tenderers may be disqualified if tendered rates are found to be distorted. The market average of received bid prices excluding Outliers, as well as the DBSA QS estimate will be used as a guide to indicate financial risk.
 - In terms of unduly high Tendered amounts in the Tender offer, refer to the PPR2017.
 - PEP Check and Procure Check to be initiated and if negative, may result in exclusion.
 - As per **Additional Conditions of Tender**.
- b)** Secondly, a further risk analysis may be performed on the Tenderers having the highest ranking / number of points to ascertain if any of the following, as relevant, presents an unacceptable commercial risk to the employer in terms of:
- The contents of project specific tender returnable will be assessed i.e. project specific resources, professional indemnity insurance other insurance required, professional registration, approach and methodology which are to be included in the contract, of Main Contractor.

	<p>ii) The placement of tendered resources will be assessed to ensure that resources indicated by CV's and tendered to work on the program will indeed work on the program and will not be replaced by more junior or less competent resources.</p> <p>iii) Additional Conditions of Tender.</p>
C.3.11.1	The financial offer may be reduced to a comparative basis using the Tender Assessment Schedule.
C.3.17	The number of paper copies of the signed contract to be provided by the employer is one (1) .
	<p><u>The additional conditions of tender in terms of Returnable T2.4.2 – Prequalifying & Subcontracting Schedule are:</u></p> <p>The Development Bank of Southern Africa Limited (DBSA), as a state-owned enterprise, is tasked with achieving government socio-economic transformation and development initiatives through its procurement spend. The DBSA therefore endeavours to promote such initiatives through its procurement, by means of one or a combination of the following, in terms of the Preferential Procurement Policy Framework Act (PPPFA), 2000: Preferential Procurement Regulations (PPR), 2017:</p> <ol style="list-style-type: none"> 1. Application of Pre-Qualification Criteria in line with the PPPFA: PPR 2017; 2. Application of Subcontracting as a Condition of Tender, in line with the PPPFA: PPR 2017; <p>2.1 The basis and conditions for sub-contracting as a condition of tender, is further detailed under Table 2 below.</p> <p>The Tenderer if successful in this bid offer, will be provided specific time stipulated in the Conditional Appointment Letter from communication of the Conditional Appointment Letter, to provide the Signed Subcontracting Agreement(s) and Supporting Documents, in line with the information detailed in this Returnable. Failure to adhere to this will result in the immediate retraction of the Conditional Appointment Letter, without an option to rectify.</p> <p><u>Additional information to subcontracting requirement in terms of Regulations 4 or 9 PPR 2017:</u></p> <ol style="list-style-type: none"> i. It is the responsibility of the tenderer to select competent subcontractors that meet all the requirements of the tender. The fact that the DBSA/Employer may make a list of potential subcontractors available as registered on the National Treasury CSD or on a DBSA Client database does not result in any liability of the DBSA/Employer or a warranty that the listed suppliers are competent. ii. Subcontractors may not be allocated work which contradicts any regulations, regulatory body and/or compliance requirements relevant to the work being sub-contracted for i.e. requirements by CIDB Regulations, accreditations and registrations to professional / regulatory institutions in the case of professional services etc. iii. The lead tenderer will be responsible for all due diligence on the selected subcontractors and will be held liable for any non-performance. iv. With reference to the Preferential Procurement Regulations 2017, Regulation 6(5), 7(5) and 12(3); <i>“A person awarded a contract <u>may not subcontract more than 25% of the value of the contract to any other enterprise, that does not have an equal or higher B-BBEE status level of contributor than the person concerned.</u>”</i> <ul style="list-style-type: none"> • <i>“<u>Unless</u> the contract is subcontracted to an <u>EME</u> that has the capability and ability to execute the subcontract”.</i> • Or the tenderer <u>may not be awarded points for B-BBEE status level of contribution.</u>

v. Tenderers are to provide formal proof of the subcontracting arrangement/s (Signed/ Proposed Subcontracting Agreement(s)), also stipulating the percentage and equivalent Rand value being subcontracted if successful as part of the appointment conditions.

vi. Tenderers are to provide the following documentation for each of the relevant subcontractors, as a minimum, in support of the Signed/ Proposed Subcontracting Agreement(s):

Supporting Documents to Subcontracting Agreement/s

Certified Copy of valid B-BBEE Certificate/ Affidavit.
(Non-Compliance will result in Preference score of 0).

Copy of valid/ active CIDB registration in the case of construction work.
(Non-Compliant info will result in disqualification).

Copy of valid/ active registration to application regulatory institutions (where stipulated) in the case of professional services work. (Non-Compliant info will result in disqualification).

A valid and active Tax Compliance Status Pin issued by SARS.
(Non-Compliant info will result in disqualification).

Submission of National Treasury Central Supplier Database (CSD) Summary Report.
(Non-Compliant info will result in disqualification).

Note: It is incumbent and expected that the Tenderer will apply the same due care and diligence in selecting and managing its sub-contractors / joint venture partner as would have been the case in their own appointment.

The Additional Conditions of Tender are:

- The DBSA reserves the right to award the scope in full or part thereof, subject to budget availability.
- The DBSA reserves the right to disqualify a tenderer with unrealistic price offers.
- The subsequent Appointment/ Contract if successful, will be the full & final offer with option to increase after award.
- In the event of a partial award, the DBSA reserves the right for items excluded from the award, to be retendered in a new tender process.
- The decision to award will be based on best commercial offer and value for money principle for the DBSA.
- The DBSA reserves the right to negotiate to ensure the value for money principle is not compromised.
- All subcontractors will need to be from the Local area i.e Gauteng Province, to be sourced through a localised procurement process post award. Such subcontractors must be in line with the Preferential Procurement Regulations 2017, Regulation 6(5), 7(5) and 12(3);
- SMMEs locality must be prioritized from the immediate locality of the project i.e ward/village, expanding to the local municipality, to district and then to province.
- SMMEs need to be construction entities preferable registered on CIDB and not suppliers.

The following circumstances may deem a bid invalid if not addressed:

- 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);
- If the tender is not completed in non-erasable ink;
- If the Form of Offer and Acceptance has not been signed;
- If the Form of Offer and Acceptance is signed, but the name of the tenderer is not stated or is indecipherable.


Negotiations with preferred tenderers

The Employer may negotiate the final terms of a contract with tenderers identified through the competitive tendering process as preferred tenderers, provided that such negotiation:

- does not allow any preferred tenderer a second or unfair opportunity;
- is not to the detriment of any other tenderer; and
- Does not lead to a higher price than the tender as submitted.

Minutes of any such negotiations shall be kept for record purposes.

The following documents are relevant to this Tender and Tenderers are advised to obtain their own copies

	<p align="center">VOLUME 1 OF 3</p> <p align="center">NEC 3 ECC Option A</p> <p align="center">TENDERING PROCEDURES</p>	<p>Tender No. RFP260/2021</p> <p><i>Appointment of an EPC Contractor to carry out Engineering, Procurement and Construction of a 50 ton per day Biodigester Pilot Plant at Robinson Deep Landfill Site, Johannesburg and Operating and Maintaining it for a period of 3 years</i></p>
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thereof:

#	Document	Applicable (Y/N)
1.1	NEC 3 Engineering and Construction Contract Option A: Priced Contract with Activity Schedule of April 2013 (including amendments).	Y
1.2	NEC 3 Term Services Agreement	Y
2	Standardized Specifications for Civil Engineering Construction SANS 1200	Y
3	Code of Practice for the application of the National Building Regulations" SABS 0400-1990	Y
4	The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, Construction Regulations 2014, Disaster Management Act, 2002 Regulations issued in terms of section 27 (2) of the Disaster Management Act, 2002 and COVID-19 Occupational Health and Safety Measures in Workplaces COVID-19 (C19 OHS), 2020	Y
5	Safety, Health, Environmental and Quality Policy for Construction and Maintenance Programmes, Health and Safety Baseline Specification and Baseline Risk Assessment including amendments to COVID-19 requirements.	Y
6	The Standard Conditions of Tender to follow is obtained from Annexure C of CIDB Standard for Uniformity in Construction Procurement, Board Notice 423 Government Gazette No. 42622 of 8 August 2019, which contains references to the Tender Data for details that apply specifically to the Tender.	Y
7	In addition, Tenderers are advised, in their own interest, to obtain their own copies of the following acts, regulations and standards referred to in this document as they are essential for the Tenderer to get acquainted with the basics of construction management, the implementation of preferential construction procurement policies and participation of targeted enterprise and labour.	Y
7.1	The Construction Industry Development Board Act No 38 of 2000 and the Regulations in terms of the CIDB Act 38/2000, Government Gazette Notice No 38960 of 10 July 2015	Y
7.2	SANS 1921:2004 Construction and Management:	Y
7.2.1	Part 1 : General Engineering and Construction Works;	Y
7.2.2	Part 2 : Accommodation of Traffic on Public Roads occupied by the Contractor;	N
7.2.3	Part 3 : Structural Steelwork;	Y
7.2.4	Part 5 : Earthworks Activities which are to be performed by hand.	Y
7.3	Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and its Regulations as published in the Government Gazette No. 40553 of 20 January 2017	Y