

PART A

INVITATION TO BID

SBD1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED

BID NUMBER:	RFP 305/2022	CLOSING DATE:	05 December 2022	CLOSING TIME:	23H55 TELKOM TIME
DESCRIPTION:	APPOINTMENT OF ORIGINAL EQUIPMENT MANUFACTURER (OEM) TO DESIGN, SUPPLY, INSTALL AND COMMISSION RELOCATABLE MODULAR UNITS (ALTERNATIVE BUILDING TECHNOLOGY) FOR 3 SCHOOLS IN THE EASTERN CAPE WITHIN THE ACCELERATED SCHOOLS INFRASTRUCTURE DELIVERY INITIATIVE (ASIDI) 47 PROGRAMME ON BEHALF OF THE DEPARTMENT OF BASIC EDUCATION (DBE) – CLUSTER D2B				

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 via Microsoft One Drive (Detailed on pg. 10)

FOR ATTENTION: SCM OFFICIAL – **Noma Rakoma, 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	<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)			

	<p align="center">VOLUME 1 OF 3</p> <p align="center">NEC3 SUPPLY CONTRACT</p> <p align="center">TENDERING PROCEDURES</p>	<p>Tender No.: RFP305/2022</p> <p>APPOINTMENT OF ORIGINAL EQUIPMENT MANUFACTURER (OEM) TO DESIGN, SUPPLY, INSTALL AND COMMISSION RELOCATABLE MODULAR UNITS (ALTERNATIVE BUILDING TECHNOLOGY) FOR 3 SCHOOLS IN THE EASTERN CAPE WITHIN THE ACCELERATED SCHOOLS INFRASTRUCTURE DELIVERY INITIATIVE (ASIDI) 47 PROGRAMME ON BEHALF OF THE DEPARTMENT OF BASIC EDUCATION (DBE) – CLUSTER D2B</p>
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NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	A REGISTERED AUDITOR	
		NAME:	
[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 (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY:	DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED		
CONTACT PERSON:		CONTACT PERSON:	
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 **NEC3 SUPPLY CONTRACT (SC) APRIL 2013 REVISION** 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.

VOLUME 1 OF 3

THE TENDER

TENDER NO. RFP 305/2022

DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED

Implementing Agent:

**Development Bank of Southern Africa Limited
1258 Lever Road
Midrand Johannesburg
Gauteng
1685**

**Contact:
As per Tender Notice and Invitation**

Programme Manager:

**Abongile Ntunja – Construction Project
1258 Lever Road
Midrand Johannesburg
Gauteng
1685**

**Contact:
As per Tender Notice and Invitation**

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THE TENDER

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T1.1 TENDER NOTICE AND INVITATION TO TENDER

The Development Bank of Southern Africa Limited (DBSA) invites tenders for **Tender No.: RFP305/2022**

APPOINTMENT OF A SERVICE PROVIDER TO MANUFACTURE, DELIVER AND COMMISSION RELOCATABLE MODULAR UNITS (ALTERNATIVE BUILDING TECHNOLOGY) FOR 3 SCHOOLS IN THE EASTERN CAPE WITHIN THE ACCELERATED SCHOOLS INFRASTRUCTURE DELIVERY INITIATIVE (ASIDI) 47 PROGRAMME ON BEHALF OF THE DEPARTMENT OF BASIC EDUCATION (DBE) CLUSTER D2B

The Tender Document and Supporting Documents are attached to this email invitation to tender. DBSA will email addendums and responses to any queries related to this tender via the DBSA Commercial contact person below and only written correspondence will be accepted.

Queries may only be addressed to:

SCM: Noma Rakoma, Procurement & Tender Officer @ nomascm@dbsa.org

The cut-off date for tender enquiries is **as per data on page 11**

MIN. CIDB GRADING REQUIRED	COMPULSORY TENDER/SITE BRIEFING	
	VENUE	DATE & TIME
N/A	1ST: DBSA offices, Palm Square Business Park, 1 st Floor Chestnut House, Bonza Bay Road, Beacon Bay East London	21 November 2022 @09h00
	2ND: Site visits – 1. Mayibongwe PS (<i>First Stop</i>) 2. Jongintsizi PS 3. Lampta PS,	21 November 2022 @12h30

The closing time for receipt of tenders is **23H55 (Telkom time) on 05 December 2022** at the designated **Tender Box folder for RFP305/2022 via Microsoft One Drive as per Link provided.** (Please request for submission link).

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.

- 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.
- 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).

- 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
- See Stage 1 Responsiveness – non-adherence results in immediate disqualification.

Instructions:

- Bidders that attended the compulsory briefing session are required to **request** for a Tender Submission Link and all other enquiries to nomascm@dbsa.org **ONLY**.
- **No** – Tender Submission Link requests will be accepted after **16h00 on the 01 December 2022**. Any requests after the stipulated date and time will be disregarded.
- Bidders will thereafter receive a OneDrive Link to upload their tender submission documents electronically.

KEY DATES AND ACTIVITIES

No	Description	Date /Time
1.	Tender Invitation	07 November 2022
2.	There will be a compulsory Briefing Session at EL DBSA Officers	21 November 2022 @09:00am
3.	There will be a compulsory Site Visit	21 November 2022 @12:30am
4.	Bidders to submit written questions/clarification. <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. • 	01 December 2022
5.	Cut-off date for Tender Link Requests	01 December 2022 @16H30
6.	Tenders Closing Date and Time	05 December 2022 @23H55

Instructions for TENDER BRIEF:

- Please follow instructions as provided on page 10.

Instructions for TENDER SUBMISSION:

- Bidders are required to request for a **Tender Submission Link** as soon as bidders are ready to submit.
- The link will be provided after the compulsory briefing session as per bidders' request that attended.
- Bidders are required to click on the Tender Submission Link which will be provided.
- Bidders are to ensure the documents being loaded are correct and accurate – once they are loaded, they cannot be accessed again, edited or deleted.
- Only Files can be loaded, not folders.
- As such, Folders with all its required content should be created on the Bidders PC, **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.
- Once documents have been loaded, the Bidder will receive a confirmation email of the upload.
- Bidders are requested to not create and submit excessively large files, but rather to break it up into its components.
- Uploading of submission must be in the structure and order as prescribed in this tender and **MUST BE LABELLED CORRECTLY**.

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) T1.1 - Tender notice and invitation to tender T1.2 - Tender data</p> <p>Part T2: Returnable documents (Volume 2 of 3) T2.1 - List of returnable documents T2.2 - Returnable schedules</p> <p>THE CONTRACT (Volume 3 of 3)</p> <p>Part C1: Agreements and Contract data C1.1 - Form of offer and acceptance C1.2 - Contract data C1.3 - Performance Guarantee</p> <p>Part C2: Pricing data C2.1 - Pricing instructions C2.2 - Pricing Schedules C2.3 - Amendments, Qualifications and Alternatives by Tenderer</p> <p>Part C3: Scope of work C3.1 - Project Specifications C3.2 - Particular Specifications C3.3 - Drawings</p> <p>Part C4: Site information C4.1 - Site information</p>
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 3500</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 F13.11.5 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>
C.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> <p>a) contractors who have a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) and 25(7A) of the Construction Industry Development Regulations, for a 6GB class or higher of construction work; and</p> <p>b) 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:</p> <p>i) 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</p> <p>ii) 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> <p>Joint ventures are eligible to submit tenders provided that:</p> <p>1) the entity is registered as a JV, on the approved DBSA panel invited from, if not advertised in the open market;</p> <p>2) every member of the joint venture is registered with the CIDB;</p> <p>3) the lead partner has a contractor grading designation in the 6GB or higher class of construction work; and</p> <p>4) 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 6GB or higher class of construction work or a value determined in accordance with Regulation 25 (1B) and 25(7A) of the Construction Industry Development Regulations</p>
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	Request clarification in line with the dates stipulated under “KEY DATES AND ACTIVITIES” on page 11 .
C.10.3	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.
C.2.12	Alternative tender offers and Qualification not documented as required, will not be considered .
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	Where the tendering entity is a joint venture, it is recommended that the standard CIDB Joint Venture Agreement document be used.

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 format only:</p> <ol style="list-style-type: none"> Your RFP submission must be filled in the exact order as stipulated in the below table. All forms must be properly completed and signed as required and the document shall not be taken apart or altered in any way whatsoever. All forms must be duly completed and signed as required. <p>Envelope 1 – file clearly named <i>“RFP – Bidder Name”</i></p> <ul style="list-style-type: none"> Complete Volume 1 separately – file clearly named <i>“RFP Volume 1 – Bidder Name”</i> Complete Volume 2 separately – file clearly named <i>“RFP Volume 2 – Bidder Name”</i> Complete Volume 3 separately – file clearly named <i>“RFP Volume 3 – Bidder Name”</i> B-BBEE Certificate – file clearly named <i>“RFP B-BBEE – Bidder Name”</i> Supporting Evidence Files – file clearly named <i>“RFP Supporting Evidence – Bidder Name”</i> Including any and all price related data/ info – file clearly named <i>“RFP Price Data – Bidder Name”</i> <p>(Further Naming Convention, is as per Volume 1, Volume 2 & Volume 3).</p> <p>NB: FAILURE TO SUBMIT IN THE FORMAT/ ORDER REQUIRED MAY RENDER THE BID INVALID.</p>
C.2.13.4	<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, 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.</p>
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: Tender reference number, Title of Tender and the closing date and time of the tender</p>
C.2.13.6	<p>A two-envelope procedure is not required.</p> <p>(Envelope 1 must contain Volumes 1 & 2 of 3) / (Envelope 2 must contain Volume 3 of 3 only).</p> <p>Non-adherence to this will disqualify the submission.</p>
C.2.13.9	<p>Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted, unless otherwise specified within this tender document.</p>
C.2.14	<p>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.</p>
C.2.15	<p>The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.</p>
C.2.16	<p>The tender offer validity period is 90 days from the closing time for submission of Tenders.</p>
C.2.18	<p>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>

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 required to submit 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.
C.3.1.1	The Employer will respond to requests for clarification received stipulated on page 11 up to three (3) working days before the tender closing time.
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.3.11.1	The financial offer may be reduced to a comparative basis using the Tender Assessment Schedule.
C.3.11.2	<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 Evaluation • Stage 2: Financial Offer and Preference Evaluation • Stage 3 : Objective Criteria & Risk Analysis
C.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 Evaluation • Stage 2: Functionality Evaluation • Stage 3: Financial Offer and Preference Evaluation • Stage 4: Objective Criteria & Risk Analysis

Stage 1: Responsiveness Evaluation

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.

A. Tenderers who do not adhering to those criteria listed as **PRE-QUALIFIER**, will be **disqualified immediately**.

Responsiveness Criteria		Prequalifying Criteria	Applicable to this Tender (Y/N)
1	Attendance of a Compulsory On site tender briefing <ul style="list-style-type: none"> A compulsory briefing session (for tender clarification) will be held at DBSA Offices, Palm Square Business Park, 1st floor Chestnut House, Bonza Bay Road, Beacon Bay, East London followed by compulsory site visits as indicated on volume 1 of the tender documentation 	Pre-Qualifier	Y
2	Full Compliance with T.2.4.4 SBD6.2 Local Content & applicable Annexure C . (Ensure the Declaration & Annex C is fully populated).	Pre-Qualifier	Y
3	<u>Valid and current</u> Agrément Certificate for the supply of Alternative Building Technology (ABT) modular units specifically appropriate for Educational / Places of Instruction occupancy (If bidders do not have an Agrément Certificate of their own, the ABT suppliers Certificate is to be provided and there must be a letter of intent from the supplier to work with the bidder and the projects must be specified).	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)
4	Standard conditions of tender as required.	48 hours	Y
5	Returnable documents completed and signed.	48 hours	Y
6	Submission of Registration with National Treasury Central Supplier Database (CSD) Summary Report: - Bidder must be fully registered & compliant in order to do business with the DBSA.	48 hours	Y
7	A valid and active Tax Compliance Status Pin issued by SARS.	48 hours	Y
8	Valid original/ certified letter of good standing (COIDA).	48 hours	Y
9	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
10	Recent 2 Years (3 Year view) Audited Financial Statements or Financial Statements signed off by an Accountant.	48 hours	Y

Stage 2: Financial Offer and Preference Evaluation

With reference to the PPPFA 2017, the evaluation shall be based on the 80/20 Principle and the points for evaluation criteria are as follows:

- if 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	80
2.	Broad Based Black Economic Empowerment	20
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 3: 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. Tenders 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 fees in the Tender offer, refer to the PPR2017.
 - PEP and Procure Checks will be conducted to the recommended bidder prior to award.
 - As per additional conditions of tender.
- a)** 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, other insurance required, approach and methodology which are to be included in the contract (where applicable).

C.3.17 The number of paper copies of the signed contract to be provided by the employer is **one (1)**.

The additional conditions of tender in terms of Returnable T2.4.2 – Prequalifying & Subcontracting Schedule are:

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:

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;
- 2.1 The basis and conditions for sub-contracting as a condition of tender, is further detailed under Table 2 below.

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.

Additional information to subcontracting requirement in terms of Regulations 4 or 9 PPR 2017:

- 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)**: “A person awarded a contract 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.”
 - “Unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract”.
 - Or the tenderer may not be awarded points for B-BBEE status level of contribution.
- 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.
 - Tenderers are requested to provide a Signed Subcontracting Agreement(s) if in place, or the Proposed Subcontracting Agreement(s) and list of suppliers to be subcontracted with the tender, failing which the tenderer will be disqualified as non-compliant.

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.

- a) It is the intention of the DBSA to **award one (1) RFP per Service Provider**, under the tenders RFP's 304 /2022 -305/2022.
- b) The offer of award will be informed by the best Value for Money, Risk Allocation and Risk Profile of the bidder.
 - i. Value for Money = Improved total cost.
 - ii. Risk Allocation = Considering other awards made, including the logistical allocation of other projects.
 - iii. Risk Profile = Considering the profiles of entities, such as but not limited to Procure Check, PEP Checks, Directorship and DBSA Project non-performance concerns etc.
- c) The DBSA reserves the right to not award any bidder that has a **total of three (3) active awards/ orders**.
- d) Where the next highest ranked bidder is being considered for an offer of award (based on the principle of One RFP per service provider), the DBSA reserves the right to negotiate with the next highest ranked bidder in hierarchical order, to ensure the value for money principle is not compromised.
- e) The DBSA reserves the right to award the scope in full or part thereof, subject to budget availability.
- f) The DBSA reserves the right to negotiate to ensure the value for money principle is not compromised.
- g) The subsequent Appointment/ Contract if successful, will be the full & final offer.
- h) 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.
- i) The DBSA reserves the right to disqualify a tenderer with unrealistic price offers.
- j) In cases where negotiations are unsuccessful, the DBSA may revert to a higher ranked bidder.
- k) All recommendations/ awards are subject to the CIDB value threshold of the registered contractor.
- l) Tenderers are motivated to appoint local subcontractors for feasible works.
- m) 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 province.

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

- 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);
- b) If the tender is not completed in non-erasable ink;
- c) If the Form of Offer and Acceptance has not been signed;
- d) 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:

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

#	Document	Applicable (Y/N)
1	NEC3 SUPPLY CONTRACT (SC) 2013 including amendments and Z-clauses	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 of 1993, Edition 23 (latest edition) including the Code of Practice: Managing exposure to SARS-CoV-2 in the workplace.	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 the 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;	Y
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