



EMALAHLENI LOCAL MUNICIPALITY



BID NO: ELM 04/2021(RE- ADVERT)

CONSTRUCTION WORK AT LEEUWPOORT LANDFILL SITE

T1.2 TENDER DATA

The conditions of tender are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity in Construction Procurement (May 2010) (Available on www.cidb.co.za).

The Tender Data makes several references to the CIDB Standard Conditions of Tender for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the CIDB Standard Conditions of Tender.

Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.

Clause No.	:
F.1.1	The Employer is: The Municipal Manager: Emalahleni Local Municipality P.O. Box 3 EMALAHLENI, 1035
F.1.2	The tender document's contents are as follows: Part T1: Tendering Procedures T1.1 Tender Notice and invitation to tender T1.2 Tender Data

T1.2.1



Contractor



Witness 1



Witness 2



Employer



Witness 1



Witness 2



	<p>Part T2: Returnable Documents</p> <p>T2.1 List of Returnable documents T2.2 Returnable schedules</p> <p>THE CONTRACT</p> <p>Part C1: Agreements and Contract Data</p> <p>C1.1 Form of Offer and Acceptance(Yellow) C1.2 Contract Data(Yellow)</p> <p>Part C2: Pricing Data</p> <p>C2.1 Pricing Instructions(Yellow) C2.2 Bill of Quantities(Yellow)</p> <p>Part C3: Scope of Work</p> <p>C3 Scope of Work</p> <p>Part C4: Site Information</p> <p>C4 Site Information</p> <p>Part C5: Additional Relevant Documents(White)</p> <p>C5 Tender drawings</p>			
F1.3	<p>Interpretation</p> <p>The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these tender conditions.</p>			
F.1.4	<p>Communication</p> <p>The Employer's Representative is;</p> <table border="1" style="width: 100%; margin: 10px 0;"> <tr> <td style="width: 33%; vertical-align: top;"> <p>Accounting Officer:</p> <p>The Municipal Manager Emalahleni Local Municipality Tel: 013 690 6911 Fax: 013 690 6207 Tel: 013 690 6323</p> </td> <td style="width: 33%; vertical-align: top;"> <p>Procurement Enquiries:</p> <p>Supply Chain Management Emalahleni Local Municipality Tel: 013 690 6497 Fax: 013 690 6207</p> </td> <td style="width: 33%; vertical-align: top;"> <p>Technical Enquiries:</p> <p>Ms Mpho Masuku Siyandiza Consulting Engineers Tel: 082 257 7628</p> </td> </tr> </table> <p>Attention is drawn to the fact that verbal communication given by the Employer's representative 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 the tenders, under the signature of the Accounting Officer or his nominee will be regarded as amending the tender documents. Tender offer communicated on paper shall be submitted as an original.</p> <p>In the event that no correspondence or communication is received from the ELM within ninety (90) days after the stipulated closing date and time of the tender, the tender proposal will be deemed to be unsuccessful.</p>	<p>Accounting Officer:</p> <p>The Municipal Manager Emalahleni Local Municipality Tel: 013 690 6911 Fax: 013 690 6207 Tel: 013 690 6323</p>	<p>Procurement Enquiries:</p> <p>Supply Chain Management Emalahleni Local Municipality Tel: 013 690 6497 Fax: 013 690 6207</p>	<p>Technical Enquiries:</p> <p>Ms Mpho Masuku Siyandiza Consulting Engineers Tel: 082 257 7628</p>
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F.1.5	<p>The Employer's right to accept or reject any tender offer</p>			

T1.2.2

<i>Contractor</i>	<i>Witness 1</i>	<i>Witness 2</i>	<i>Employer</i>	<i>Witness 1</i>	<i>Witness 2</i>



	<p>The Employer has the right not to accept the lowest tender and tender to accept the whole or part of any tender or not to consider any tender no suitably endorsed is fully reserved by the Emalahleni Local Municipality.</p>
F.2.1	<p>Tenderer Obligations</p>
F.2.1	<p>Eligibility Only those tenderers who satisfy the following criteria are eligible to submit tenders:</p> <p>Only those Tenderers, who are registered with the Construction Industry Development Board (CIDB), in a Contractor grading designation equal to or higher than 4CE or 3CE PE or higher class construction work, are eligible to have their tenders evaluated.</p> <p>Responsive tenders are ONLY those tenders with all documents and pages, contained herein, that have been signed by the responsible person duly authorised to sign all documents indicated on the returnable document 'FORM D Authority of Signatory.'</p> <p>Joint ventures are eligible to submit tenders provided that every member of the Joint Venture has professionals registered with the CIDB. The combined contractor grading designation calculated in accordance with CIDB Regulations is equals to or higher than 4 CE or 3 CE PE class of construction work</p>
F.2.2	<p>Cost of Tendering</p> <p>The Employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer satisfy requirements.</p>
F.2.3	<p>Check documents</p> <p>The tender documents on receipt for completeness and notify the employer of any discrepancy or omission.</p>
F.2.4	<p>Confidentiality and copyright</p> <p>Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.</p>
F.2.7	<p>Clarification Meeting</p> <p>No compulsory clarification meeting will be held.</p>

T1.2.3

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2



F.2.15	Closing Time: The time and location for opening of the Tender offers are: Closing Time: 11h00 Closing Date: 26 November 2021 Location: Emalahleni Local Municipality P.O. Box 3 EMALAHLENI, 1035
F.2.10	Pricing the tender State the rates and prices in Rand
F.2.11	Alterations to documents No alterations may be made to the tender document issued by the employer. Proposals and any other supporting documents must be attached to the back of this tender document.
F.2.12	Alternative tender offers No alternative tenders offers will be considered or accepted Alternative offers may be submitted only if a main tender offer, strictly in accordance withal the requirements of the tenders document is also submitted. The alternative tender offer is to be submitted with the main tender offer together with a schedule that compares the requirements of the tender document with the alternative requirements the tenderer proposes.
F.2.16	Tender offer Validity The tender offer validity period is 90 days from the closing date.
F.2.17	Tender clarification after submission A tender may be regarded as non- response if the tenderer fails to provided clarification requested by the employer within the time submission stated in the employer's written request.
F.2.18	Provide other material Proposals Proposals should be well organized, straight forward, clear and concise. Proposals must respond specifically to the criteria specified in this tender document. Colour: black Font: Aerial: Size 12: Spacing one and half: pages not more than 50 on one side. (excluding appendices)

T1.2.4



Contractor



Witness 1



Witness 2



Employer



Witness 1



Witness 2



<p>THE HEADINGS OF THE PROPOSAL SHOULD FOLLOW THE CRITERIA ON CLAUSES.</p> <p>The Contractor, in his/her proposal, shall state the categories and number of staff and personnel that he considers necessary to perform the services, including the core professional team and support staff. The Contractor shall provide brief descriptions of the responsibilities and duties envisaged for the professional positions of the supervision team. The Contractor shall make a clear distinction between resources required, time allocation and costs for the project.</p> <p>The proposals and all supplementary documents and correspondences shall be drawn up and submitted in English.</p>
<p>The Council retains the right to call for any additional information that it may deem necessary.</p>
<p>If tendering as a Joint Venture, Joint venture must be constituted by means of a comprehensive and fair, written agreement between the members, which sets out their obligations, rights, risks, and rewards.</p> <p>Joint venture members should share at least the following aspects of the joint venture activities in a meaningful and equitable manner:</p> <ol style="list-style-type: none">1. Control2. Management3. Operations4. Risk5. Profit and Loss
<p>If a Tenderer, or any person employed by him is found to have either directly and indirectly, promised or given to any person in the employment of Council, any commission, gratuity, gift or other consideration, The Council shall have the right to summarily and without recourse to law and without prejudice to any other legal remedy which it may have in regard to any loss and/or additional costs or expenses, to disqualify the Tender or cancel the Contract without paying any compensation to the aforesaid Tender or Contract.</p>
<p>At the request of the Municipal Manager or his authorised representative from furnishing him with additional information, or with sample or specimen for testing purposes or otherwise, or from giving a demonstration so as to enable the recommendation to the Council's responsible Committee on the contract be formulated></p>

T1.2.5

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2



F.3.11

Tender evaluation points

The value of this bid is estimated to exceeds R 30,000.00 and up to R 50 million (all applicable taxes included) and therefore the 80/20 system shall be applicable.

Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTION	20

Evaluation of Tenders

The tenders notice is drawn to the fact that the evaluation, adjudication and awarding of this tender will be in terms of the Supply Chain Management Policy of the ELM.
 Clause 36.5 of the Supply Management Policy which entails balance between financial offer and functionality.

The following steps will be followed in evaluation:

1. Determine of whether or not tender offers are complete
2. Determine of whether or not tender offers are responsive
3. Determination of the reasonableness of tender offers.
4. Confirmation of the eligibility of preferential points claimed by tenderers.
5. Determination of expertise and experience of tenderers
6. Awarding of points for financial offer
7. Ranking of tenderers according to the total points
8. Performance of risk analyst by checking the credit

Evaluation Criteria

The procedure for the evaluation of responsive Bids will be on the average of the previous three projects where the firm was involved for Emalahleni Local Municipality (ELM) projects or other clients. Reference of clients other than ELM **MUST** be provided.

Tenders are adjudicated in terms of ELM Supply Chain Management Policy, and the following framework is provided as a guideline in this regard.

T1.2.6

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2



Technical adjudication and General Criteria

- Tenderers will be adjudication in terms of inter alia:
- Compliance with Tender conditions
- Technical specifications

If the Tenderer does not comply with the Tender Conditions, the Tenderer may be rejected. If technical specifications are not met, the Tender may also be rejected.

With regard to the above, certain actions or errors are unacceptable and warrants **REJECTION OF THE TENDER**, for example

- Central Supplier Database (CSD) Summary Report
- Non submission of the offer in the prescribed format
- Pages to be completed, removed from the Tender document, and have therefore not been submitted.
- If tender document is not fully completed as required and as stipulated in the tender data.
- If any tender document is tempered with or it is unbinded or unbundled
- Failure to complete the schedule of quantities as required – only lump sums provided
- Scratching out without initialling next to the amended rates or information.
- Writing over / painting out rates / the use of tippex or any erasable ink, e.g. pencil.
- The Tender has not been properly signed by a party having the authority to do so, according to the **Form D – “Authority for Signatory”**
- A Resolution by a Board of Directors of the Company authorizing the Tenderer to sign of Tender requirements and/or specifications.
- The Tenderer’s attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.
- The Tender has been submitted after the relevant closing date and time
- Failure to complete and sign Form C1.1 Form of Offer and Acceptance
- If any municipal rates and taxes or municipal service charges owed by that Tenderer or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months.

T1.2.7

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2



- If any Tenderer who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that Tenderer that performance was unsatisfactory.

Size of enterprise and current workload

Evaluation of the Tenderer's position in terms of:

- Previous and expected current annual turnover
- Current contractual obligations
- Capacity to execute the contract

Staffing profile

Evaluation of the Tenderer's position in terms of:

- Staff available for this contract being Tendered for
- Qualifications, registration and experience of key staff to be utilised on this contract

Proposed Key Personnel

In this part of the tender, the Tenderer shall also supply Curriculum Vitae (CV's) for the Staff available named and working on full time basis for the Tenderer. The CV should follow the normal Professional Format as used by Professional Service Providers.

Each CV should give at least the following:

- Position in the firm and within the organisation of this assignment
- Educational qualifications
- Professional Registration
- Relevant experience (actual duties performed, involvement and responsibility), including locations, dates and durations of assignments, starting with the latest.
- Language proficiency and
- References (company name, individual name, position held, contact details).

Much importance will be placed on the experience of the staff proposed. The Tender must ensure that, if selected, the nominated staff will be assigned as proposed. Failure to do so may result in the annulment of any acceptance of the Tenders' proposal and/ or Agreement entered into by the Client for the execution of the services.

Previous experience

The procedures for the evaluation of responsive Bids will be on the average of the previous three projects where the firm was involved for EMALAHLENI LOCAL MUNICIPALITY (ELM)

T1.2.8



Contractor



Witness 1



Witness 2



Employer



Witness 1



Witness 2



	<p>projects or other clients. Reference of clients other than ELM MUST be provided. The tenderer shall list in the appropriate Forms the appropriate related projects undertaken by the member firms of the tenderer within the last five (5) years</p> <p>Evaluation of the Tenderer's position in terms of his previous experience. Emphasis will be placed on the following:</p> <ul style="list-style-type: none">▪ Experience in the relevant technical field▪ Experience of contracts of similar size▪ Some or all of the references will be contacted to obtain their input <p>The tenderer shall provide documentation of company experience of each member of the Consortium /Joint Venture related projects:</p> <p>Financial ability to execute the contract:</p> <p>Evaluation of the Tenderer's financial ability to execute the contract. Emphasis will be placed on the following:</p> <ul style="list-style-type: none">▪ Professional indemnity▪ Contact the Tender's bank manager to assess the Tenderer's financial ability to execute the contract and the Tenderer hereby grants his consent for this purpose. <p>If the Tender does not meet the requirements contained in the ELM Procurement Policy, and the mentioned framework, it will be rejected by the Council, and may not subsequently be made acceptable by correction or withdrawal of non- conforming deviation or reservation.</p> <p>Penalties</p> <p>The Emalahleni Local Municipality will if upon investigation it is found that a preference in terms of the Act and these regulations has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract, one or more of the following penalties will be imposed:</p> <ul style="list-style-type: none">▪ Cancel the contract and recover all losses or damages incurred or sustained from the Tenderer.▪ Impose a financial penalty of twice the theoretical financial preference associated with the claim, which was made in the Tender.▪ Restrict the firm, its shareholders and directors on obtaining any business from the Emalahleni Local Municipality for a period of 5 years.
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T1.2.9

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2



F.3.11.5	<p>Evaluation Method 4</p> <p>Which entails the balance between financial offer, preferences and Quality and 80-20 points system, will be adopted</p> <p>COMPETENCE ACHIEVEMENT SCHEDULES</p> <p><u>REFER TO T.2.15: METHOD 4 THE TENDER IS REQUIRED TO SCORE AT LEAST 60 PERCENT IN</u></p> <p><u>TABLE A1 – A4 TO AVOID REJECTION OF THE TENDER</u></p> <p><u>TABLE A1: REPUTATION AND REFERENCES FOR SIMILAR PROJECTS</u></p> <p><u>NOTE:</u> Attach a letter from a Client/ Consultant involved in Previous Similar Projects, indicating:</p> <ul style="list-style-type: none">• The Type and Value of Project (will be used to determine if the project was Similar)• Quality of Work by the Tenderer (1 point if Client/Consultant states that Quality was acceptable)• Tenderer’s Ability to keep to the program (1 Point if Client/consultant stated that Tenderer kept to program) <p>Non-Submission of such a letter will result in no point being given under this section</p> <p>Summary of functionality;</p> <ul style="list-style-type: none">• Organising and Staffing – 30 points• Plant – 30 points• Experience of Firm – 20 points• Bank Ratings – 20 points <p>See T2.1.5 for a detailed evaluation criteria</p>
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T1.2.10

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2