



Tender

CONSTRUCTION OF A MANUFACTURING FACILITY IN ZONE 1A

AT THE

EAST LONDON INDUSTRIAL DEVELOPMENT ZONE

CONTRACT NO: EB/DF/02/18/Z1A

CONSTRUCTION OF A MANUFACTURING FACILITY IN ZONE 1A AT ELIDZ

ENVELOPE A: TECHNICAL PROPOSAL VOLUME 1 OF 2

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NOTE: DO NOT SPLIT/UN-BIND THIS DOCUMENT

CONSTRUCTION OF A MANUFACTURING FACILITY IN ZONE 1A - EB/DF/02/18/Z1A

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PART T1:
TENDERING PROCEDURES

CONTRACT NO: EB/DF/02/18/Z1A
CONSTRUCTION OF A MANUFACTURING FACILITY IN ZONE 1A

T1.1 TENDER NOTICE AND NOTICE

CONSTRUCTION OF A MANUFACTURING FACILITY IN ZONE 1A - EB/DF/02/18/Z1A

T.1.1 TENDER NOTICE AND INVITATION TO TENDER

The East London Industrial Development Zone SOC Ltd is the operator of the East London Industrial Development Zone (ELIDZ), an entity which exists to help manufacturers to become globally competitive through the development and efficient management of a modern, purpose built industrial location, which offers investing industries a streamlined business environment enhanced by a range of supporting services. The zone is already operational and currently houses a number of manufacturers that supply products for the local and international markets.

SCOPE OF WORK

Tenders are hereby invited by the East London Industrial Development Zone (Pty) Ltd from suitably qualified and experienced Building Contractors to undertake the Construction of a Manufacturing Facility in the East London Industrial Development Zone, located at our facilities within the West Bank area of the Buffalo City Metropolitan Municipality.

The successful tenderer will be required to enter into a Contract to undertake the Construction of a Manufacturing Facility with the East London Industrial Development Zone SOC (Pty) Ltd.

Tender Reference No.	Tender Description / Name	Closing Date / Time
EB/DF/02/18/Z1A	CONSTRUCTION OF A MANUFACTURING FACILITY IN ZONE 1A	26 October 2018 at 12h00

The scope of the works includes the construction of a manufacturing facility approximately 5 500m² comprising a steel structure clad in aluminium roof and side sheeting, concrete raft floor slab, electrical installation, access control, air conditioning and ventilation installation, fire protection (sprinkler system installation, fire hose reels and internal hydrants) and hot water generation installation.

Attached double storey office block approximately 1100m² comprising reinforced concrete structure/raft slab with brick infill walls clad in aluminium roof sheeting, with suspended ceilings, carpets /porcelain tile floor finish , electrical installation, access control, air conditioning and ventilation installation, fire protection (sprinkler system installation, fire hose reels and internal hydrants) and hot water generation installation.

External works comprising bulk earthworks, platforms, water, stormwater and sewer including manholes, roadways (concrete hardstand, pedestrian paving and kerbing), retaining walls, armco barriers, gate house, entrance gate, landscaping and fencing.

BRIEFING MEETING

Note: A compulsory Briefing or Site Clarification Meeting with representatives of the Employer will take place at ELIDZ Conference Center, Zone 1A, Lower Chester Road, Sunnyridge, EAST LONDON on 15 October 2018 starting at 12h00. Participants arriving more than 15 minutes late will not be allowed to attend the meeting

BID CONDITIONS:

- Tenderers are required to submit a Valid SARS Tax Clearance Certificate with their tender or SARS PIN number
- Tenderers should submit a Valid original or certified B-BBEE certification. Companies with annual turnover less than R10 million to submit an accountant or SARS letter confirming turnover.
- Tenderers to provide certified copy of Company Registration Certificate
- Tenderers to provide Letter of Good Standing from Compensation Commissioner
- Tenderers must submit technical and financial proposals in two separate envelopes clearly marked "Envelope A -Technical Proposal "and "Envelope B – Financial Proposal". The financial proposal will only be opened should the technical proposal be deemed responsive.
- Non- signed "Form of Offer" the financial proposal in "Envelope B" submission will result in the disqualification of the tender.
- Inclusion of Price Offer and/ or any other price related details in "Envelope A -Technical Proposal "will result in the disqualification of the tender.
- The successful Tenderer will be required to have sufficient and competent staff available to commence full time operations in accordance with the contract with effect from the Commencement Date, failing which the contract will be awarded to the next most preferred Tender.
- Registration with the CIDB in the category **8 GB** is compulsory for companies wishing to submit tenders
- A registered operational office within the Buffalo City municipal boundaries will be given preference
- Submit signed declaration of 100% Local content and production, for Steel and Steel components

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- ❑ The successful tenderer must sub-contract a minimum of 30% of the value of the contract to designated SMME from within the BCMM area. SMME profile must meet 51% Black ownership. Database for selection provided by ELIDZ

EVALUATION

The evaluation will be guided by the ELIDZ procurement policy. Points will be awarded on the basis of Price and BBBEE.

Score breakdown:

- ❑ 90 Points for Price
- ❑ 10 Points for BBBEE

All tenders not providing compulsory responsive documentation and with functionality scoring less than 75 %, will not be considered for the next stage of tender evaluation

TENDER DOCUMENT & SUBMISSION

The RFP document will be available for download at no cost on 05 October 2018 12h00 (Noon) from the East London Industrial Development Zone website : www.elidz.co.za under Opportunities >> Tenders

The tender must be returned in two separate sealed envelopes clearly marked "Envelope A - Technical Proposal" and "Envelope B - Financial Proposal" with each marked "Confidential" and with the name/address of the submitting company and the tender reference number on each envelope. Both envelopes are to be deposited in the Tender Box at the Head Office Reception Area of the ELIDZ, Lower Chester Road, Sunnyridge, East London on or before 12h00 on Friday, 26 October 2018.

ELIDZ will not be responsible for tenders placed in an incorrect tender box.

No late tenders will be accepted. The complete set of tender documentation must be returned with the submission and only original intact tenders will be considered.

Telegraphic, telephonic, telex, facsimile and e-mail tenders will not be accepted.

TENDER ENQUIRIES

Queries relating to the issue of these documents may be addressed to Ms. Anathi Mgwaza, by email at anathi@elidz.co.za

T1.2 TENDER DATA

CONSTRUCTION OF A MANUFACTURING FACILITY IN ZONE 1A -
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T.1.2 TENDER DATA

Project title:	CONSTRUCTION OF A MANUFACTURING FACILITY IN ZONE 1A		
Contract No:	EB/ASP2/02/18/Z1A		
Advertising date:	05 October 2018	Closing date:	26 October 2018
Closing time:	12h00	Validity period :	120 Days
Clause number			
	<p>The conditions of tender are the Standard Conditions of Tender as contained in Annexure F of SANS 294 : 2004 (Edition 1).</p> <p>The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard conditions of tender.</p> <p>Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.</p>		
F.1.1	The employer is the East London Industrial Development Zone SOC Ltd		
F.1.2	<p>The tender documents issued by the employer comprise:</p> <p>Envelope "A"</p> <p>Volume 1 of 2: TECHNICAL PROPOSAL</p> <p>Part T1: Tendering procedures</p> <p>T1.1 Tender Notice and Invitation to Tender</p> <p>T1.2 Tender Data</p> <p>T1.3 Functionality Scoring Criteria</p> <p>F Standard Conditions of Tender</p> <p>Part C3: Scope of work</p> <p>C3.1 Scope of Work</p> <p>C3.2 Health and Safety Specification.</p> <p>C3.3 Construction Environmental Health Plan</p> <p>C3.4 HIV/AIDS Specification</p> <p>Part C4: Site information</p> <p>C4. Site Information</p> <p>Part D1: DRAWINGS</p> <p>D1. List of drawings included in the tender document</p>		

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	<p>Envelope "A" Volume 2 of 2: RETURNABLE SCHEDULES</p> <p>Part T2: Returnable documents T2.1 List of Returnable Documents T2.2 Returnable Documents</p> <p>Envelope "B" FINANCIAL PROPOSAL</p> <p>Part C1: Agreements and contract data C1.1 Contract Data EC C1.2 JBCC Form of Guarantee</p> <p>Part C2: Pricing data C2.1 Pricing Instructions C2.2 Bills of Quantities T2.1 Financial Proposal - Guarantor Proforma Letter of Intent - Contract Data CE - Form of Offer and Acceptance - Final Summary</p>												
F.1.4	<table border="1"> <tr> <td colspan="2" data-bbox="483 1193 1412 1229">The Employer's Principal Agent is</td> </tr> <tr> <td data-bbox="483 1229 735 1292">Name:</td> <td data-bbox="735 1229 1412 1292">Cobus Gous</td> </tr> <tr> <td data-bbox="483 1292 735 1435">Address:</td> <td data-bbox="735 1292 1412 1435">Intsika Architects 2nd Floor, The Ridge, 3 Berea Terrace Berea East London.</td> </tr> <tr> <td data-bbox="483 1435 735 1478">Tel:</td> <td data-bbox="735 1435 1412 1478">(043) 726 7786</td> </tr> <tr> <td data-bbox="483 1478 735 1520">Fax:</td> <td data-bbox="735 1478 1412 1520">(043) 726 4763</td> </tr> <tr> <td data-bbox="483 1520 735 1565">E-mail:</td> <td data-bbox="735 1520 1412 1565">cobus@intsika.com</td> </tr> </table>	The Employer's Principal Agent is		Name:	Cobus Gous	Address:	Intsika Architects 2 nd Floor, The Ridge, 3 Berea Terrace Berea East London.	Tel:	(043) 726 7786	Fax:	(043) 726 4763	E-mail:	cobus@intsika.com
The Employer's Principal Agent is													
Name:	Cobus Gous												
Address:	Intsika Architects 2 nd Floor, The Ridge, 3 Berea Terrace Berea East London.												
Tel:	(043) 726 7786												
Fax:	(043) 726 4763												
E-mail:	cobus@intsika.com												
F.1.5.2	<p>Add the following sentence: The period of six months may only be reduced should all tenders received be rejected as non-responsive.</p>												
F.2.1	<p>The following tenderers who are registered with the CIDB, or are capable of being so registered prior to submissions, are eligible to submit tenders:</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 for a 8 GB class of construction work.</p>												

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	<p>Joint Ventures are eligible to submit tenders providing that:</p> <p>Every member of the JV is registered with the CIDB the joint venture contractors are to comply with Table 9 of the CIDB Regulations.</p>
F.2.7	<p>The arrangements for a compulsory site visit and clarification meeting are:</p> <p>Location : ELIDZ Head Office Boardroom Lower Chester Road Sunnyridge East London</p> <p>Date : 15 October 2018</p> <p>Starting time : 12h00</p>
F.2.10.5	<p>Add the following Clause</p> <p>Tenderers are to submit fully priced Bills of Quantities with their tender and failure to do so will result in the tender being deemed non-responsive and disqualified.</p>
F.2.12.1	<p>Alternative tender offer NOT permitted</p>
F2.13.2	<p>The tender document, fully completed by hand in black ink, is to be deposited in the tender box at ELIDZ Head Office Reception Area.</p>
F2.13.3	<p>Only the original tender submission is required.</p>
F2.13.5	<p>The original tender offer is to be placed in two sealed envelopes, marked Volume A and Volume B, and marked with the Tender Number and Description as well as the Tenderers Name and Address on both envelopes</p>
F2.13.6	<p>A two-envelope procedure will be followed.</p>
F2.14	<p>The ELIDZ will disqualify any submission which is not suitably endorsed or which is not comprehensively completed.</p>
F2.15.1	<p>Submissions that are not received on or before the closing time will, in terms of the ELIDZ procurement policy, not be considered.</p>
F.2.16.1	<p>The tender offer validity period is 120 days.</p>
F2.16.5	<p>Add the following Clause</p> <p>Accept that should the Tenderer unilaterally withdraw his tender during this period, the Employer shall, without prejudice to any other rights he may have, be entitled to accept any less favourable tender for the Works from those received, or to call for fresh tenders, or to otherwise arrange for the execution of the Works, and the Tenderer shall pay on demand any additional expense incurred by the Employer on account of the adoption of the said courses, as well as either the difference in cost between the tender withdrawn (as corrected in terms of Clause 3.9 of the Conditions of Tender) and any less favourable tender accepted by the Employer, or the difference between the tender withdrawn (as corrected) and the cost of execution of the Works by the Employer as well as any other amounts the Employer may have to pay to have the Works completed.</p>

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F2.20	<p>Add the following to the Clause</p> <p>Accept that the Employer or his Agent, reserves the right to approach the Tenderer's banker or guarantor(s) as indicated in the tender document, or the bankers of the individual members of any joint venture that is constituted for purposes of this Contract, with a view to ascertain whether the required guarantee will be furnished, and for purposes of ascertaining the financial strength of the Tenderer or of the individual member of such joint venture. Only guarantees that are submitted in the format provided will be accepted.</p>
F2.23	<p>The tenderer is required to submit with his tender:</p> <ul style="list-style-type: none"> ❑ Tenderers are required to submit a Valid SARS Tax Clearance Certificate with their tender or SARS PIN number ❑ Tenderers should submit a valid original or certified B-BBEE certification. Companies with annual turnover less than R10 million to submit an accountant or SARS letter confirming turnover. ❑ Tenderers to provide certified copy of Company Registration Certificate ❑ Tenderers to provide Letter of Good Standing from Compensation Commissioner ❑ Tenderers must submit technical and financial proposals in two separate envelopes clearly marked "Envelope A -Technical Proposal" and "Envelope B – Financial Proposal". Then the financial proposal will only be opened should the technical proposal be found to be acceptable. ❑ Non- signed "Form of Offer" the financial proposal in "Envelope B" submission will result in the disqualification of the tender. ❑ Inclusion of Price Offer and/ or any other price related details in "Envelope A -Technical Proposal" will result in the disqualification of the tender. ❑ Proof of Registration with the CIDB in the category 8 GB. ❑ All returnable documents and schedules as listed in 1.2. ❑ Signed Local Content Declaration of 100% steel and steel components ❑ Proposed SMME work package identification for 30% sub contracting portion.
F3.4	<p>Tender submissions will be opened at the offices the ELIDZ immediately after the closing time.</p>
F3.11.1	<p>The procedure of the evaluation of tenders is the two envelope system</p> <p>Tender evaluation will be carried out using the 90/10 preference point system, where:</p> <ul style="list-style-type: none"> ▪ A maximum of 90 points are allocated for financial offer. ▪ A maximum of 10 points are allocated for preference. <p>The above mentioned evaluation will be subject to offers being responsive and passing the functionality criteria prescribed in the attached schedule.</p>
<p><u>Financial Offer Evaluation</u></p> <p>The score achieved for financial offer will be determined using formula 2 (option 1) as follows:</p> $\text{Points awarded} = 90 \left[1 - \frac{P - P_m}{P_m} \right]$	

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<p>Where P = the comparative offer of the tender offer under consideration Pm = the comparative offer of the lowest responsive tender</p>	
	<p><u>Preference Evaluation Criteria</u></p> <p>A maximum of ten (10) points will be awarded to a tenderer for achieving BBBEE objectives. BBBEE points shall be computed using a relevant scorecard as guided by the company's annual turnover. This is in accordance with the new Codes of Good Practice. BBBEE evaluation shall be done based only on the information submitted in the ELIDZ Procurement Handbook. No points will be awarded for achieving BBBEE objectives if the total percentage scored for BBBEE is less than 30%.</p> <p>The tender will be awarded to the bid with the highest number of points. A tender may be awarded to a bidder that did not score the highest number of points if reasonable and justifiable grounds exist.</p> <p>Any contract offered by the ELIDZ will be based on the correctness of information submitted by the service providers. Any misrepresentation of facts by a service provider may lead to disqualification. Should such misrepresentation be uncovered after the commencement of the contracted work, the ELIDZ reserves the right to terminate the contract and recover all payments made to that service provider and any costs that may have been incurred in the process.</p> <p>ELIDZ reserves the right to have the tenderer's Black Economic Empowerment Credentials verified by an independent agency. Returnable documents ELIDZ Procurement Handbook must be fully completed and supplementary information may be forwarded to reflect on empowerment initiatives not covered in the form.</p> <p>In instances of a joint venture, each participating person and/or company and/or firm must complete and submit the enclosed ELIDZ Procurement Handbook (copies available on request) with the proposal together with all profit sharing percentage information.</p>
<p>F3.13.1</p>	<p>Tender offers will only be considered if:</p> <ol style="list-style-type: none"> a) the tenderer has in his or her possession an original valid Tax Clearance Certificate issued by the South African Revenue Services b) the tenderer in in possession of a valid or certified BBBEE certificate c) the tenderer or any of its directors is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector. d) the tenderer has not: <ol style="list-style-type: none"> i) abused the Employer's Supply Chain Management System; or ii) failed to perform on any previous contract and has been given a written notice to this effect. e) Proof of registration with the Compensation Commissioner is submitted with this tender. f) Proof of Company Registration is submitted with this tender. g) Proof of of Registration with the CIDB in the category 8 GB is submitted with this tender h) All returnable documents and schedules as listed in 1.2.1 have been completed and submitted with this document. i) Signed Local Content Declaration of 100% steel and steel components j) Proposed SMME work package identification for 30% sub contracting portion.
<p>F.3.18</p>	<p>The number of paper copies of the signed contract to be provided by the employer is 1 (one).</p>

T1.3 FUNCTIONALITY SCORING CRITERIA

T1.3 Functionality Scoring Criteria

FUNCTIONALITY SCORING CRITERIA		
<p>Tenderers scoring less than 75 points for Functionality will not be considered further and the envelope containing their Financial Proposal will be returned unopened.</p>		
<p>Tenderers are to submit information in respect of the following criteria upon which they will be scored for Functionality. Provision is made for Tenderers to submit this information in Envelope A Technical Proposal, Volume 2 of 2 - Returnable Schedules. Failure to submit the relevant information will result in zero scores in the applicable categories.</p>		
DETAILED BREAKDOWN OF FUNCTIONALITY POINTS		
Details	Points Score	Item Max. Points
Criteria 1. Approach		40
<p>1.1. Construction Program Draft a Detailed Construction Programme (MS Projects) relevant to the Scope of Work. The Programme must demonstrate the Tenderer's approach and allocation of resources to achieve activities with timeframes.</p>		
Unacceptable (Does not demonstrate basic programming techniques & capabilities to meet project objectives.)		0
Poor (Provided a construction programme but details are missing.)		5
Acceptable (Provided a detailed and convincing construction programme and demonstrated implementability to meet project objectives.)		15
Good (Submitted a construction programme acceptable for approval by the Principal Agent with innovative programming interventions to accelerate project objectives.)		20
<p>1.2. Methodology and Execution Strategy Tenderer demonstrates the ability to implement the Construction Programme and have a work implementation strategy assigned to the respective tasks for the optimisation of resources and activities:</p>		
Unacceptable (Does not demonstrate a basic implementation strategy linked with the construction programme and project objectives.)		0
Poor (Provided a basic implementation strategy but lacks a clear understanding of the project scope and detailed deliverables (multi-disciplinary).)		5
Acceptable (Provided a detailed methodology and execution strategy with associated activities and resource optimization synchronized to meet the project objectives. A multi-disciplinary approach is to be documented with special emphasis on the management of all subcontractors and the accommodation of direct contractors. The methodology is to include a schedule of required construction plant and resources required for the successful implementation of the project.)		15
Good (Submitted an excellent methodology and execution strategy that demonstrates clearly how the project objectives will be met along with a clear risk management plan. An innovative approach is to be presented that ensures successful implementation of critical activities.)		20

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Criteria 2. Tenderer's Expertise and Resources	35
2.1. Management Organogram and Key Staff	
2.1.1 Provide an adequately resourced project organogram with supporting CV's and qualifications:	
Unacceptable (Does not demonstrate that the project organogram and project team will be able to meet the project objectives.)	0
Poor (Provided a basic project organogram but are not convincing that the project team is capable of meeting the project objectives. Comprehensive CV's and qualifications of key team members are not adequate.)	2.5
Acceptable (Provided a detailed organogram with appropriately qualified and experienced key team members. The project team is to be able to implement a multi-disciplinary project including management of domestic, selected and direct subcontractors. Key team members are to be registered with the required professional bodies (e.g. ECSA, SACPCMP, SACQSP, SACAP). Key team members are to have performed work of a similar nature.)	7.5
Good (Submitted an excellent organogram and including the necessary mechanisms to ensure that staff performs at the required levels. The plan is to demonstrate that all disciplines, activities and sub-contractors will be managed and implemented successfully. Key team members are to be registered with the required professional bodies (e.g. ECSA, SACPCMP, SACQSP, SACAP). Key team members are to have performed work of a similar nature.)	10
2.1.2. Contract (Project) Director (10 years minimum experience)	
If CPD has ≥ 20 years' appropriate experience and has completed similar projects successfully in the last 5 years.	5
If CPD has ≥ 15 years' appropriate experience and has completed similar projects successfully in the last 5 years.	4
If CPD has ≥ 10 years' appropriate experience and has completed similar projects successfully in the last 5 years.	3
If CPD has ≥ 10 years' appropriate experience but has NOT completed a similar project in last 5 years, regardless of other experience.	0
2.1.3 Site Agent (7 years minimum experience, professional project management registration required):	
If SA has ≥ 15 years' appropriate experience and has completed similar projects successfully in the last 5 years.	5
If SA has ≥ 10 years' appropriate experience and has completed similar projects successfully in the last 5 years.	4
If SA has ≥ 7 years' appropriate experience and has completed similar projects successfully in the last 5 years.	3
If SA has ≥ 7 years' appropriate experience but has NOT completed a similar project in the last 5 years, regardless of other experience.	0
2.2. Schedule of Construction Plant	
If Tenderer has the necessary Construction Plant available to execute the works:	
Unacceptable (Does not demonstrate that the Tenderer has access to required plant.)	0
Poor (The Tenderer demonstrates that he has access to the required schedule of plant and equipment, but lacks detail.)	2
Acceptable (Submitted detailed information pertaining to access to the required schedule of plant and equipment.)	4
Good (Submitted an excellent document pertaining to access to the required schedule of plant and equipment including condition of all plant and equipment.)	5

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2.3. Relevant Experience		
2 points to a maximum of 10 points can be scored for each confirmed similar project in progress or carried out in the past 5 years.		10
If no similar successful projects in the last 5 years		0
Criteria 3. Health ,Safety and Environment		10
OHS and CEMP performance:		
Unacceptable (Does not demonstrate a basic OHS and CEMP implementation strategy linked with the construction programme and project objectives.)		0
Poor (Provided a basic OHS and CEMP implementation strategy and policies but lacks a clear understanding of the project scope and detailed deliverables (multi-disciplinary).)		2.5
Acceptable (Provided detailed OHS and CEMP methodology and execution strategy with associated activities and resource optimization synchronized to meet the project objectives. A multi-disciplinary approach is to be documented with special emphasis on the management of all subcontractors and the accommodation of direct contractors. OHS management and staff are to be registered with the relevant SACPCMP categories pertaining to OHS positions occupied in the company. The submission also has to include evidence of good performance with respect to OHS and CEMP.)		7.5
Good (Over and above the abovementioned the Tenderer submitted an excellent Health and Safety File adequate for approval by the ELIDZ's OHS Agent and for submission to the Department of Labour for the issue of a Construction Work Permit.)		10
Criteria 4. Financial Standing		5
4.1. Current Financial Rating of Applicant		
Proof of a Bank Rating of Category B and better		5
Proof of a Bank Rating of Category C		3
If Bank Rating of Applicant is Category D or worse		0
Criteria 5. Local Operational Office		10
5.1 Local Operation Office		
Proof of a local operational office within the confines of the BCM Municipal area		10
Proof of an operational office within the confines of the Eastern Cape area		5
No local office in operation		0
	Total Point score	Maximum Points
TOTAL EVALUATION SCORE FOR FUNCTIONALITY		100
TENDERERS WITH A SCORE OF LESS THAN 75 OUT OF 100 WILL NOT BE CONSIDERED FURTHER		

F: STANDARD CONDITIONS OF TENDER

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F Standard Conditions of Tender

F.1 General

F.1.1 Actions

F.1.1.1 The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in F.2 and F.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices

F.1.1.2 The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the tender process or as soon as they become aware of such conflict, and abstain from any decisions where such conflict exists or recuse themselves from the procurement process as appropriate.

Note 1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.

Note 2) Conflict of interests in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions made.

F.1.1.3 The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract.

F.1.2 Tender Documents

The documents issued by the employer for the purpose of a tender offer are listed in the tender data.

F.1.3 Interpretation

F.1.3.1 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 conditions of tender.

F.1.3.2 These conditions of tender, the tender data and tender schedules which are only required for tender evaluation purposes, shall not form part of any contract arising from the invitation to tender.

F.1.3.3 For the purposes of these conditions for the calling for expressions of interest, the following definitions apply:

- a) **conflict of interest** means any situation in which:
 - i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially
 - ii) an individual or organisation is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit
 - iii) incompatibility or contradictory interests exist between an employee and the organisation which employs that employee.
- b) **comparative offer** means the tenderer's financial offer after the factors of non-firm prices, all unconditional discounts and any other tendered parameters that will affect the value of the financial offer have been taken into consideration
- c) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process; and

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- d) **fraudulent practice** means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels
- e) **organisation** means a company, firm, enterprise, association or other legal entity whether incorporated or not, or a public body
- f) **quality (functionality)** means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs

F.1.4 **Communication and employer's agent**

Each communication between the employer and a tenderer shall be to or from the employer's agent only, and in a form that can be read, copied and recorded. Communications shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data.

F.1.5 **The employer's right to accept or reject any tender offer**

F.1.5.1 The employer may accept or reject any variation, deviation, tender offer, or alternative tender offer, and may cancel the tender process and reject all tender offers at any time before the formation of a contract. The employer shall not accept or incur any liability to a tenderer for such cancellation and rejection, but will give written reasons for such action upon written request to do so.

F.1.5.2 The employer may not subsequent to the cancellation or abandonment of a tender process or the rejection of all responsive tender offers re-issue a tender covering substantially the same scope of work within a period of six months unless only one tender was received and such tender was returned unopened to the tenderer.

F.1.6 **Procurement procedures**

F.1.6.1 **General**

Unless otherwise stated in the tender data, a contract will, subject to F.3.13, be concluded with the tenderer who in terms of F.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.

F.1.6.2 **Competitive negotiation procedure**

F.1.6.2.1 Where the tender data requires that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of F.3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of F.3.8 relating to the material deviations or qualifications which effect the competitive position of tenderers shall not apply

F.1.6.2.2 All responsive tenders, or not less than three responsive tenderers that are highest ranked in terms of the evaluation method and evaluation criteria stated in the tender data, shall be invited in each round to enter into competitive negotiations, based on the principle of equal treatment and keeping confidential the proposed solutions and associated information. Notwithstanding the provisions of F.2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

F.1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to make a fresh offer, based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final bid.

F.1.6.2.4 The contract shall be awarded in accordance with the provisions of F.3.11 and F.3.13 after tenderers have been requested to submit their best and final offer.

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F.1.6.3 Proposal procedure using the two stage system

F.1.6.3.1 Option 1

Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender.

F.1.6.3.2 Option 2

F.1.6.3.2.1 Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents.

F.1.6.3.2.2 The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data, and award the contract in terms of these conditions of tender.

F.2 Tenderer's obligations

F.2.1 Eligibility

F.2.1.1 Submit a tender offer only if the tenderer complies with the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer.

F.2.1.2 Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders.

F.2.2 Cost of tendering

Accept that, unless otherwise stated in the tender data, 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.

F.2.3 Check documents

Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.

F.2.4 Confidentiality and copyright of documents

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.

F.2.5 Reference documents

Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.

F.2.6 Acknowledge addenda

Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.

F.2.7 Site visit and clarification meeting

Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.

F.2.8 Seek clarification

Request clarification of the tender documents, if necessary, by notifying the employer at least five working days before the closing time stated in the tender data.

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F.2.9 Insurance

Be aware that the extent of insurance to be provided by the employer (if any) may not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

F.2.10 Pricing the tender offer

F.2.10.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable 14 days before the closing time stated in the tender data.

F.2.10.2 Show VAT payable by the employer separately as an addition to the tendered total of the prices.

F.2.10.3 Provide rates and prices that 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.

F.2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

F.2.11 Alterations to documents

Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations. Erasures and the use of masking fluid are prohibited.

F.2.12 Alternative tender offers

F.2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.

F.2.12.2 Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.

F.2.13 Submitting a tender offer

F.2.13.1 Submit one tender offer only, either as a single entity or as a member of a joint venture to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.

F.2.13.2 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non erasable ink.

F.2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.

F.2.13.4 Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner, whom the employer shall hold liable for the purpose of the tender offer.

F.2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

F.2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

F.2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.

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- F.2.13.8** Accept that the employer shall not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.
- F.2.13.9** Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.
- F.2.14** **Information and data to be completed in all respects**
- Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.
- F.2.15** **Closing time**
- F.2.15.1** Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery.
- F.2.15.2** Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.
- F.2.16** **Tender offer validity**
- F.2.16.1** Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.
- F.2.16.2** If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period.
- F.2.16.3** Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted.
- F.2.16.4** Where a tender submission is to be substituted, submit a substitute tender in accordance with the requirements of F.2.13 with the packages clearly marked as "SUBSTITUTE".
- F.2.17** **Clarification of tender offer after submission**
- Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.
- F.2.18** **Provide other material**
- F.2.18.1** Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment. Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.
- F.2.18.2** Dispose of samples of materials provided for evaluation by the employer, where required.
- F.2.19** **Inspections, tests and analysis**
- Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.
- F.2.20** **Submit securities, bonds, policies, etc.**
- If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

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F.2.21 Check final draft

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

F.2.22 Return of other tender documents

If so instructed by the employer, return all retained tender documents within 28 days after the expiry of the validity period stated in the tender data.

F.2.23 Certificates

Include in the tender submission or provide the employer with any certificates as stated in the tender data.

F.3 The employer's undertakings

F.3.1 Respond to requests from the tenderer

F.3.1.1 Respond to a request for clarification received up to five working days prior to the tender closing time stated in the Tender Data and notify all tenderers who drew procurement documents.

F.3.1.2 Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

- a) an individual firm, or a joint venture as a whole, or any individual member of the joint venture fails to meet any of the collective or individual qualifying requirements;
- b) the new partners to a joint venture were not prequalified in the first instance, either as individual firms or as another joint venture; or
- c) in the opinion of the Employer, acceptance of the material change would compromise the outcome of the prequalification process.

F.3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that the tender documents are available until seven days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify all tenderers who drew documents.

F.3.3 Return late tender offers

Return tender offers received after the closing time stated in the Tender Data, unopened, (unless it is necessary to open a tender submission to obtain a forwarding address), to the tenderer concerned.

F.3.4 Opening of tender submissions

F.3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

F.3.4.2 Announce at the opening held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened, the total of his prices, preferences claimed and time for completion, for the main tender offer only.

F.3.4.3 Make available the record outlined in F.3.4.2 to all interested persons upon request.

F.3.5 Two-envelope system

F.3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

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F.3.5.2 Evaluate the quality of the technical proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the quality evaluation above the minimum number of points for quality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any preferences claimed. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for quality.

F.3.6 Non-disclosure

Not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer.

F.3.7 Grounds for rejection and disqualification

Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.

F.3.8 Test for responsiveness

F.3.8 .1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:

- a) complies with the requirements of these Conditions of Tender,
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the tender documents.

F.3.8 .2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
- b) significantly change the Employer's or the tenderer's risks and responsibilities under the contract, or
- c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified.

Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

F.3.9 Arithmetical errors, omissions and discrepancies

F.3.9 .1 Check responsive tender offers for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.

F.3.9 .2 Check the highest ranked tender or tenderer with the highest number of evaluation points after the evaluation of tender offers in accordance with F.3.11 for:

- a) the gross misplacement of the decimal point in any unit rate;
- b) omissions made in completing the pricing schedule or bills of quantities; or
- c) arithmetic errors in:
 - i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
 - ii) the summation of the prices.

F.3.9 .2 Notify the tenderer of all errors or omissions that are identified in the tender offer and invite the tenderer to either confirm the tender offer as tendered or accept the corrected total of prices.

F.3.9 .3 Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows:

- a) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of a unit rate and the quantity, the line item total shall

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govern and the rate shall be corrected. Where there is an obvious gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.

- b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

F.3.10 Clarification of a tender offer

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.

F.3.11 Evaluation of tender offers

F3.11.1 General

Appoint an evaluation panel of not less than three persons. Reduce each responsive tender offer to a comparative offer and evaluate them using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

F3.11.2 Method 1: Financial offer

In the case of a financial offer:

- a) Rank tender offers from the most favourable to the least favourable comparative offer.
- b) Recommend highest ranked tenderer for the award of the contract, unless there are compelling and justifiable reasons not to do so.
- c) Re-rank all tenderers should there be compelling and justifiable reasons not to recommend the highest ranked tenderer and recommend the highest ranked tenderer, unless there are compelling and justifiable reasons not to do so and the process set out in this subclause is repeated.

F3.11.3 Method 2: Financial offer and preference

In the case of a financial offer and preferences:

- a) Score each tender in respect of the financial offer made and preferences claimed, if any, in accordance with the provisions of F.3.11.7 and F.3.11.8.
- b) Calculate total tender evaluation points (T_{EV}) in accordance with the following formula:

$$T_{EV} = N_{FO} + N_P$$

where: N_{FO} is the number of tender evaluation points awarded for the financial offer made in accordance with F.3.11.7;

N_P is the number of tender evaluation points awarded for preferences in accordance with F.3.11.8.

- c) Rank tender offers from the highest number of tender evaluation points to the lowest.
- d) Recommend the tenderer with the highest number of tender evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.
- e) Rescore and re-rank all tenderers should there be compelling and justifiable reasons not to recommend the tenderer with the highest number of tender evaluation points, and recommend the tenderer with the highest number of tender evaluation points, unless there are compelling and justifiable reasons not to do so and the process set out in this subclause is repeated.

F3.11.4 Method 3: Financial offer and quality

In the case of a financial offer and quality:

- a) Score each tender in respect of the financial offer made and quality offered in accordance with the provisions of F.3.11.7 and F.3.11.8, rejecting all tender offers that fail to score the minimum number of points for quality stated in the tender data, if any.
- b) Calculate total tender evaluation points (T_{EV}) in accordance with the following formula:

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$$T_{EV} = N_{FO} + N_Q$$

where: N_{FO} is the number of tender evaluation points awarded for the financial offer made in accordance with F.3.11.7;

N_Q is the number of tender evaluation points awarded for quality offered in accordance with F.3.11.9.

- c) Rank tender offers from the highest number of tender evaluation points to the lowest.
- d) Recommend the tenderer with the highest number of tender evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.
- e) Rescore and re-rank all tenderers should there be compelling and justifiable reasons not to recommend the tenderer with the highest number of tender evaluation points, and recommend the tenderer with the highest number of tender evaluation points, unless there are compelling and justifiable reasons not to do so and the process set out in this sub clause is repeated.

F3.11.5 Method 4: Financial offer, quality and preferences

In the case of a financial offer, quality and preferences:

- a) Score each tender in respect of the financial offer made, preferences claimed, if any, and the quality offered in accordance with the provisions of F.3.11.7 to F.3.11.9, rejecting all tender offers that fail to score the minimum number of points for quality stated in the tender data, if any.
- b) Calculate total tender evaluation points (T_{EV}) in accordance with the following formula:

$$T_{EV} = N_{FO} + N_P + N_Q$$

where: N_{FO} is the number of tender evaluation points awarded for the financial offer made in accordance with F.3.11.7;

N_P is the number of tender evaluation points awarded for preferences offered in accordance with F.3.11.8.

N_Q is the number of tender evaluation points awarded for quality offered in accordance with F.3.11.9.

- c) Rank tender offers from the highest number of tender evaluation points to the lowest.
- d) Recommend the tenderer with the highest number of tender evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.
- e) Rescore and re-rank all tenderers should there be compelling and justifiable reasons not to recommend the tenderer with the the highest number of tender evaluation points, and recommend the tenderer with the highest number of tender evaluation points, unless there are compelling and justifiable reasons not to do so and the process set out in this subclause is repeated.

F.3.11.6 Decimal Places

Score financial offers, quality and preferences, as relevant, to two decimal places.

F.3.11.7 Scoring Financial Offers

Score the financial offers of remaining responsive tender offers using the following formula:

$$N_{FO} = W_1 \times A$$

where:

N_{FO} is the number of tender evaluation points awarded for the financial offer.

W_1 is the maximum possible number of tender evaluation points awarded for the financial offer as stated in the Tender Data.

A is a number calculated using the formula and option described in Table F.1 as stated in the Tender Data.

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Table F.1: Formulae for calculating the value of A

Formula	Comparison aimed at achieving	Option 1 ^a	Option 2 ^a
1	Highest price or discount	$A = \frac{1 + (P - P_m)}{P_m}$	$A = P/P_m$
2	Lowest price or percentage commission/fee	$A = \frac{1 - (P - P_m)}{P_m}$	$A = P_m/P$

- a
- P_m is the comparative offer of the most favourable comparative offer.
 P is the comparative offer of tender offer under consideration.

F.3.11.8 Scoring preferences

Confirm that tenderers are eligible for the preferences claimed in accordance with the provisions of the tender data and reject all claims for preferences where tenderers are not eligible for such preferences.

Calculate the total number of tender evaluation points for preferences claimed in accordance with the provisions in the tender data.

F.3.11.9 Scoring quality

Score each of the criteria and sub criteria for quality in accordance with the provisions of the tender data.

Calculate the total number of tender evaluation points for quality using the following formula.

$$N_Q = W_2 \times S_O / M_S$$

where: S_O is the score for quality allocated to the submission under consideration
 M_S is the maximum possible score for quality in respect of a submission; and
 W_2 is the maximum possible number of tender evaluation points awarded for quality as stated in the tender data.

F.3.12 Insurance provided by the employer

If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide.

F.3.13 Acceptance of tender offer

F.3.13.1 Accept tender offer, if in the opinion of the employer, it does not present any unacceptable commercial risk and only if the tenderer:

- is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement
- can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract
- has the legal capacity to enter into the contract
- is not insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing.
- complies with the legal requirements, if any, stated in the tender data
- is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

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F.3.13.2 Notify the successful tenderer of the employer's acceptance of his tender offer by completing and returning a copy of the form of offer and acceptance before the expiry of the validity period stated in the tender data, or agreed additional period. Providing the form of offer and acceptance does not contain any qualifying statements, it will constitute the formation of a contract between the employer and the successful tenderer as described in the form of offer and acceptance.

F.3.14 **Notice to unsuccessful tenderers**

After the successful tenderer has acknowledged the employer's notice of acceptance, notify other tenderers that their tender offers have not been accepted.

F.3.15 **Prepare contract documents**

If necessary, revise documents that shall form part of the contract and that were issued by the employer as part of the tender documents to take account of:

- a) addenda issued during the tender period,
- b) inclusion of some of the returnable documents,
- c) other revisions agreed between the employer and the successful tenderer, and
- d) the schedule of deviations attached to the form of offer and acceptance, if any.

F.3.16 **Issue final contract**

Prepare and issue the final draft of contract to the successful tenderer for acceptance as soon as possible after the date of the employer's signing of the form of offer and acceptance (including the schedule of deviations, if any).

F.3.17 **Complete adjudicator's contract**

Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.

F.3.18 **Provide copies of the contracts**

Provide to the successful tenderer the number of copies stated in the Tender Data of the signed copy of the contract as soon as possible after completion and signing of the form of offer and acceptance.

F.3.19 **Provide written reasons for actions taken**

Provide upon request written reasons to tenderers for any action that is taken in applying these conditions of tender, but withhold information which is not in the public interest to be divulged, which is considered to prejudice the legitimate commercial interests of tenderers or might prejudice fair competition between tenderers.

PART C3: SCOPE OF WORK

C3.1 SCOPE OF WORK

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C3.1 Scope of Work

1 DESCRIPTION OF THE WORKS

1.1 Employer's objectives

The Employer wishes to make available to the ELIDZ tenants the most up to date manufacturing facilities and is desirous of engaging a suitably competent Building Contractor to construct the Construction of a Manufacturing Facility in Zone 1A.

1.2 Overview of the works

The contract comprises the Construction of a Manufacturing Facility in Zone 1A.

1.3 Extent of the works

The scope of the works includes the construction of a manufacturing facility approximately 5 500m² comprising a steel structure clad in aluminium roof and side sheeting, concrete raft floor slab, electrical installation, access control, air conditioning and ventilation installation, fire protection (sprinkler system installation, fire hose reels and internal hydrants) and hot water generation installation.

Attached double storey office block approximately 1100m² comprising reinforced concrete structure/raft slab with brick infill walls clad in aluminium roof sheeting, with suspended ceilings, carpets /porcelain tile floor finish , electrical installation, access control, air conditioning and ventilation installation, fire protection (sprinkler system installation, fire hose reels and internal hydrants) and hot water generation installation.

External works comprising bulk earthworks, platforms, water, stormwater and sewer including manholes, roadways (concrete hardstand, pedestrian paving and kerbing), retaining walls, armco barriers, gate house, entrance gate, landscaping and fencing.

1.4 Location of the Works

Zone 1A of the East London Industrial Development Zone situated on the West Bank.

1.5 Temporary works

N/A

C3.2 HEALTH AND SAFETY SPECIFICATION

C3.3 CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

C3.4 HIV/AIDS SPECIFICATION

C4 SITE INFORMATION

C4 Site Information

C4.1 The site is in Zone 1A of the EAST LONDON INDUSTRIAL DEVELOPMENT ZONE situated on the West Bank.

PART D1: DRAWINGS

D1: LIST OF DRAWINGS INCLUDED IN THE TENDER DOCUMENT

D1 DRAWINGS

See drawings attached separately (ELIDZ Website)