August 2019

WORKS CONTRACTS
STANDARD FOR UNIFORMITY IN ENGINEERING AND CONSTRUCTION

CONSTRUCTION INDUSTRY DEVELOPMENT BOARD

NOTICE 423 OF 2019
DEPARTMENT OF PUBLIC WORKS

STARTED ON 8 AUGUST 2019

79
Formulating and completing of procurement documentation.


FIDIC (Fédération Internationale des Ingénieurs-Conseils) Short Form of Contract (Green Book) is published by the International Federation of Consulting Engineers.

NECP (National Engineering and Construction Practitioners) Contract as published by the Institution of Civil Engineers.

NEC3 Contract: Engineering and Construction Contract as published by the Institution of Civil Engineers.


Institution of Civil Engineers.

General Conditions of Contract for Construction Works as published by the South African Federation of Consulting Engineers (FIDIC).

International Federation of Consulting Engineers (FIDIC).

FIDIC (Fédération Internationale des Ingénieurs-Conseils) Conditions of Contract for Design, Build and Operate Projects (Gold Book) as published by the International Federation of Consulting Engineers.

FIDIC (Fédération Internationale des Ingénieurs-Conseils) Conditions of Contract for Design and Build Projects (Yellow Book) as published by the International Federation of Consulting Engineers.

For the purposes of the present document, the latest edition of the referenced document (including any amendments) applies.

The following referenced documents are for the application of this standard.

2. Normative references

This standard establishes requirements for engineering and construction works contracts aimed at bringing about standardization and uniformity in construction procurement documentation, procedures and practices.

Contracts for Uniformity in Engineering and Construction Works
3.12 'Fiscal offer means the cost of the procurement in monetary terms.'

3.11 'Expression of interest means a request for responses to register their interest in undertaking the associated contract-specific data.'

3.10 'Employer means an owner of the building or a person who contracts with a contractor for the provision of engineering and construction works.'

3.9 'Design and build contract means a contract under which a contractor undertakes only construction work based on designs prepared by the employer.'

3.8 'Develop and construct contract means a contract based on a scheme design prepared by the employer.'

3.7 'Design and build means a contract in which a contractor designs a project based on a brief.

3.6 'Contract data means document that identifies the applicable conditions of a contract and states.

3.5 Contracting strategy means a strategy that defines the nature of the relationship between the employer and the tenderer in terms of the methodology by which the contractor and the tenderer will be selected and the methodology by which the contract will be awarded.'

3.4 'Conflict of interest means any situation in which someone in a position of trust has competing interests that might affect their ability to act in the best interest of the public.

3.3 'Capability means the resources (human capital, financial capital, physical assets, systems, procedures) which a person or a group possesses to perform the required task.

3.2 'Qualifications' mean qualifications of the person who is to be appointed or elected to a post.

3.1 'Black people means African, Coloured, and Indian.

For purposes of this standard, the following definitions apply:

2.15 Standard conditions for the calling for expressions of interest.

2.14 Standard conditions of tender.
3.2.9 Tender offer: a tender process in terms of the Companies Act, 1973, or the Companies Act, 1994, submitting a

3.2.8 Tender data: means the document that establishes the tenderer's obligations in submitting a

3.2.7 Tender contract: means a contract that enables the employer to order work during a prescribed period or agreed rate.

3.2.6 Submission data: means the document that establishes the tenderer's obligations in submitting a

3.2.5 The information means the document that describes the site at the time of tender to enable the tenderer to decide whether or not to submit a tender.

3.2.4 Service contract: means the contract for the provision of labour or work including knowledge.

3.2.3 Scope of work: means the documentation that specifies and describes the engineering and project.

3.2.2 Quality means quality of engineering and characteristics of a product or service that bears on the

3.2.1 Preambles: means points awarded for Bread-Based Economic Empowerment (B-BEE) managed and controlled by black people.

3.1.9 Preferential procurement: means in an enterprise which is less than 50 percent owned.

3.1.8 Notice and Invitation to submit an expression of interest means the document that provides the criteria and assumptions which are

3.1.7 Management contract: means a contract under which a contractor provides consultation during

3.1.6 List of tender documents means the documents that list, either by tender number or by name:

3.1.5 Invitation to tender: formal invitation to qualified tenderers to make a written offer for

3.1.4 Functionality means the ability of a tenderer to provide engineering and construction works in

3.1.3 Form of offer and acceptance means the documents that formalize the legal process of offer

3.1.2 Procedure for calling for and receiving expressions of interest.

3.1.1 Process of calling for and receiving expressions of interest.
the contract, 

(i) defined in the interests of the contractor or the contractor's proposals as the parties to the contract;

(ii) whether the terms and conditions of the contract which are to be performed by or to be

(b) relevant to the assessment of the contractor's proposals and sufficient for the employer to evaluate the

4.2.1 Preparation of procurement documents

4.2.2 Activities associated with the solicitation of tender offers

4.2.3 The scope of work, terms and conditions and prices that are negotiated in the procurement

4.2.4 Methods described in Table 1.

4.2.1 General

4.2 Solicitation of tender offers

4.2.1 All of section 2(3) of the Construction Industry Development Act, 39 of 2000, unless otherwise stated.

4.3.2 Threshold means a monetary value of a procurement contract established in any legislation

4.3.3 Tender offer means a written offer to supply all engineering and construction services under given

4.3.0 Tender notice means a formal communication to tenders to submit complete tenders.
<table>
<thead>
<tr>
<th>Category</th>
<th>Type of Contracting Strategies</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tender</td>
<td>Multi-stage Procedure</td>
<td>( P_{pp} )</td>
</tr>
<tr>
<td>Tender</td>
<td>Multi-stage Procedure</td>
<td>( P_{pp} )</td>
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<td>( P_{pp} )</td>
</tr>
</tbody>
</table>

Table 1: Standard Procurement Procedures and Tender Evaluation Methods
Evaluation of Tenders on Functionality

Round of offers is called for:
The minimum price offered by the lowest bidder of the category of subcategory of evaluation criteria whichever another successful round of negotiations small or large. Tenders must be notified in exchange of successful round of negotiations small or large. The evaluation criteria associated with each procurement is defined in the tender document.

Does the tenderer meet the minimum price offered by the lowest bidder of the category of subcategory of evaluation criteria whichever another successful round of negotiations small or large. Tenders must be notified in exchange of successful round of negotiations small or large. The evaluation criteria associated with each procurement is defined in the tender document.


4.2.3 Competitive negotiation procedures

Methods for the evaluation of tenders:
In order to arrive at the most acceptable offer in terms of one of the defined parameters, the evaluation criteria associated with each procurement is defined in the tender document.

The employer shall apply the tender documents as a requirement to any contract:

<table>
<thead>
<tr>
<th>Category of Services</th>
<th>Type of Contacting Strategies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for Tender</td>
<td>Contract for Provision of Goods and Services</td>
</tr>
<tr>
<td>Request for Quotation</td>
<td>Contract for Provision of Goods and Services</td>
</tr>
<tr>
<td>Invitation to Tender</td>
<td>Contract for Provision of Goods and Services</td>
</tr>
</tbody>
</table>

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No. 4782
4.3. Design by an employer

4.3.1. The value of the project or quantum shall not be used to determine whether the project is of a complex or specialist nature. The works shall be classified as follows:

- **Specialist work** - requiring considerable innovation, creativity, and expertise in skill (or both) or
- **Complex work** - characterized by requirements for higher levels of skills, greater resources or
- **Simple/straightforward routine work** - where the less is or activities are of a straightforward nature.

To apply different contracting strategies, works shall be classified as follows:

4.3.2. Functionality in different Contracting Strategies

4.3.2.1. Regulation 1 of the Preferential Procurement Regulations, 2017 (as amended), further to the criteria for the preparation of the project or quantum and any objective criteria envisaged in the tender documents is one acceptable tender.

4.3.2.5. A tender that fails to attain the minimum qualifying score for functionality or as indicated in the tender documents is not an acceptable tender.

4.3.3. A tender that attains the minimum qualifying score for functionality must be rounded off to the nearest two decimal places.

4.3.4. Tender that fails to attain the minimum qualifying score for functionality must be rounded off to the nearest two decimal places.

4.3.5. The evaluation criteria for measuring functionality must be objective.
Table 3: Documents that relate to a call for expressions of interest

- Table 6: Standard headings and sequencing of documents in the contract.
- Table 5: Tenders are invited using a single volume.
- Table 4: Tenders are invited using a three-volume.
- Table 3: Calling for expressions of interest.

The documents related to the tender must be submitted in accordance with the approach adopted under the headings contained in:

4.4.1 General

4.4 Procedure documents

4.3.3 Where functionality is evaluated, at least three persons who are fully conversant with the technical aspects of the scope of works shall undertake such evaluation.

4.3.4 Management Contract

Any other registered requirements as per the scope of work.

4.3.5 Design and Build/Construction

Any other registered requirements as per the scope of work.

4.3.6 Develop and Construct

Any other registered requirements as per the scope of work.

Note: The following procurement strategies are deemed to be deployed in circumstances where construction works contracts are

The employer must in the tender data, specify functionality criteria and such criteria shall include:

- Specific functionality criteria and such criteria shall include:

- Professional qualifications with relevant bulk environmental professions councillors.

- Demonstrated experience of key personnel in relation to the scope of works.

- Any other registered requirements as per the scope of work.

- The employer must in the tender data, specify functionality criteria and such criteria shall include:

- Professional qualifications with relevant bulk environmental professions councillors.

- Demonstrated experience of key personnel in relation to the scope of works.

- Any other registered requirements as per the scope of work.
Table 4: Standard headings and sequencing of documents when soliciting tenders where a three-stage process is adopted

<table>
<thead>
<tr>
<th>Volume</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume 1</td>
<td>Tender Notice and Invitation to Tender, sealed and submitted under the headings contained in Volume 6.</td>
</tr>
<tr>
<td>Volume 2</td>
<td>Confirmation of receipt</td>
</tr>
<tr>
<td>Volume 3</td>
<td>Confirmation of receipt</td>
</tr>
</tbody>
</table>

**Legend**

- **E1:** Line of Requerent Documents
- **E2:** Submission Schedule
- **E3:** Indicative scope of work
- **E4:** Schedule of documents
- **E5:** Supplementary information
- **E6:** Confirmation of receipt
- **E7:** Tender Notice and Invitation to Tender
- **E8:** Tender Data
- **E9:** Tender Submission
- **E10:** Confirmation of receipt
- **E11:** Indicative scope of work
- **E12:** Submission Schedule
- **E13:** Line of Requerent Documents

**Table:**

<table>
<thead>
<tr>
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</tr>
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<td>Volume 3</td>
<td>Confirmation of receipt</td>
</tr>
<tr>
<td>Table 6: Standard headings and sequencing of documents in the contract</td>
<td></td>
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<tr>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Page 1: The information (Engineering and construction work contracts only)</td>
<td></td>
</tr>
<tr>
<td>Scope of Work</td>
<td></td>
</tr>
<tr>
<td>C3: Scope of Work</td>
<td></td>
</tr>
<tr>
<td>C22: Activity Schedule of Bilts</td>
<td></td>
</tr>
<tr>
<td>C21: Procurement Assumptions</td>
<td></td>
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<tr>
<td>C20: Procuring Data</td>
<td></td>
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<tr>
<td>C19: Form of Order and Acceptance</td>
<td></td>
</tr>
<tr>
<td>C18: Agreement and Contract Data</td>
<td></td>
</tr>
<tr>
<td>11.1: Tender Data</td>
<td></td>
</tr>
<tr>
<td>11.2: Tender Documents</td>
<td></td>
</tr>
<tr>
<td>11.3: tendering Procedures</td>
<td></td>
</tr>
<tr>
<td>12.1: Remit Schedules</td>
<td></td>
</tr>
<tr>
<td>12.2: List of Remit Schedules</td>
<td></td>
</tr>
<tr>
<td>12.3: Tender Notice and Invitation to Tender</td>
<td></td>
</tr>
<tr>
<td>12.4: Tender Notice and Invitation to Tender</td>
<td></td>
</tr>
</tbody>
</table>

Function and breadth of contents

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No. 24622
4.4.2 The standard data is required to be used by the employer.

4.4.3 The tender data is required to be used by the employer.

4.4.4 The tender data is required to be used by the employer.

4.4.5 The tender data is required to be used by the employer.

4.4.6 The tender data is required to be used by the employer.
The Gazette is also available free online at www.gazette.co.za

4.5.1 Applying the official register of contractors to public contracts

4.5.2 The following wording must be included in the Notice and Invitation to Tender in engineering works contracts:

4.5.3 The following wording must be included in the Tender Data, where the class of work is

4.5.4 The scope of work shall, wherever possible be:

4.5.5 Subcontracting is a condition of tender

4.4.4 Submission data

4.4.4.1 The submission data shall refer to the Standard Conditions for the Calling for Expressions of Interest contained in Annex C.
<table>
<thead>
<tr>
<th>Class number (upper)</th>
<th>Class number (lower)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C21</td>
<td>C21</td>
</tr>
<tr>
<td>To Annex (E)</td>
<td>To Annex (E)</td>
</tr>
<tr>
<td>Conversion number 43</td>
<td>Conversion number 43</td>
</tr>
</tbody>
</table>

**The working in the Tender Data provided in terms of 4.3 shall be amended as follows:**

Note: Delete all of "... where only one class of construction works is applicable..."

"...where the condition for granting of tender is applicable..."

"...where the condition for granting of tender is applicable..."

Note: Delete my similar tender offers. Further or otherwise provided either by way of tender..."

If it is estimated that tenders must have a cd or a counter grading distribution of..." or of..."

**The working provided in the Notice and Involvement to Tender in terms of 4.5 shall be amended as follows:**

Regulations:

4.57 Where an employer provides opportunities and facilities for the free development..."

4.58 Where an employer provides opportunities and facilities within a framework of a negotiated..."

<table>
<thead>
<tr>
<th>Class number (upper)</th>
<th>Class number (lower)</th>
</tr>
</thead>
<tbody>
<tr>
<td>E2.1</td>
<td>E2.1</td>
</tr>
<tr>
<td>Conversion number 43</td>
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</tr>
</tbody>
</table>

The following working must be included in the Submission Data:

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Conversion number 43 - 4.56 The following working must be included in the Submission Data:

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By means of one or more of the following:

4.5(6) Employer, wherever appropriate in support of industry development, shall in the application of the register of contractors, promote the participation and development of registered contractors and providing data and the scope of work, as relevant.

<table>
<thead>
<tr>
<th>Class number (Refer to Annex D)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2</strong> Construction and building description for one or two classes of construction works. Details of &quot;where only one class of contractor is applicable&quot;.</td>
</tr>
</tbody>
</table>

Following classes:

(a) Contractor engaged in construction and building works as described in the above and who satisfy the following criteria:

(b) Contractor engaged in construction and building works as described in the above and who satisfy the following criteria:

(c) Contractor engaged in construction and building works as described in the above and who satisfy the following criteria:

(d) The working provided in the submission data shall be amended as follows:

Note: Delete "or", "where only one class of construction works is applicable".

Respondents must have contractor building designation of one or higher. Or

The working provided in terms of 4.5 shall be amended as follows:
Tenders must only be submitted on the tender documentation that is issued.

The closing time for receipt of tenders is ........ on ......... this month.

A company-owned computer, fax machine, telephone, facsimile, & mail and the tenders will not be accepted.

Compliments copies of tenders must be submitted to the Employer's Head Office.

A Tender in a non-renewable format of R ...... payable in cash or by bank draft.

Documents may be collected during working hours after 09:00 on .................

The physical address for collection of tender documents is:

When applicable, the essence of erasable pressure-erased or
deprecated, pururdy obtainable from the contractor.

Preference is offered to tenders who are eligible to submit tenders.

Only tenders who .......... are eligible to submit tenders.

Quality, quantity and price will be negotiated.

If the tender is received by the Employer prior to the closing time, it is subject to the conditions of the tender.

If the tender is received after the closing time, it is subject to the conditions of the tender.

Compliments copies of tenders must be submitted to the Employer's Head Office.

Invoices tenders for

Annex A
The Form of Offer and Acceptance

Annex B

Government Gazette, 8 August 2019

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The Offer

Form of Offer and Acceptance

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Note: 1. This Form of Offer and Acceptance is identical to that contained in Annex F of SANS 10945: 1: Construction

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Table:

<table>
<thead>
<tr>
<th>Date</th>
<th>(Name and address of tenderer)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Name and signature) for the tenderer</td>
</tr>
<tr>
<td></td>
<td>Capacity</td>
</tr>
<tr>
<td></td>
<td>Name(s)</td>
</tr>
<tr>
<td></td>
<td>Signature(s)</td>
</tr>
</tbody>
</table>

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The Offerer, identified in the acceptance signature block, has solicited offers to enter into a contract for the performance of the work in accordance with the conditions of contract detailed in the contract data.

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### Contract Between the Parties

According to the agreement, the conditions of this agreement include the following commitments:

- **Date:**
- **Signature of witness:**
- **Name and address of employer:**
- **Capacity:**
- **Name(s):**
- **Signature(s):**

#### Confidential Information

Appointment with those whom may consider as an employee of the agreement.

- **Signature of witness:**
- **Name and address of employer:**
- **Capacity:**
- **Name(s):**
- **Signature(s):**

The employee will receive a copy of the agreement containing the schedule of developments (if any).
Agreement shall have any meaning of effect in the contract between the parties arising from this agreement.

It is expressly agreed that no other matter whatever in writing, oral communication or implied during the period of acceptance.

Agreement to the terms of the offer agreed by the tenderer and the employer during this process of tender and change to the terms as agreed by the tenderer as set forth in the tendering schedule, as well as any communication, clarification of the tender decision, and amendments to the documents issued in the tendering schedule of developments as the only document amendments to the employer and the tenderer agree to and accept.

<table>
<thead>
<tr>
<th>Details</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td></td>
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<tr>
<td>3</td>
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<td>2</td>
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<td>1</td>
<td></td>
</tr>
</tbody>
</table>

Incorporated into the final draft of the contract.

Any changes or additions to the tender documents arising from the above agreements and recorded here shall also be received by the tender documents and which is agreed by the tenderer as of agreement of the contract shall also be

Any other matter arising from the process of tender and acceptance other than a confirmation, clarification or change to

The extent of developments from the tender documents issued by the employer before the tender closing date is limited to.

Schedule of Developments

Goverment Gazette, 8 August 2019
b) **Conflict of Interest** means any situation in which:

- C.1.3.3 For the purposes of these conditions of tender, the following definitions apply:
  - Evaluation Criteria: shall form part of any contract arising from the invitation to tender.
- C.1.3.2 These conditions of tender, the tender data and tender schedules which are to be used for tender in the tender documents are deemed to be part of these conditions of tender.

The tender data and additional requirements contained in the tender documents that are indicated

C.1.3.1 The documents issued by the employer for the purpose of a tender offer are listed in the tender data.

C.1.2 Tender Documents

- Information and the capacity to proceed with the contract:
  - C.1.3.1 The employer shall not seek and a tenderer shall not submit a tender without having a firm

The ability of tenderers to be properly in the position to submit tender documents in response to the tender documents issued by the employer for the purpose of a tender offer are listed in the tender data.

Note: 1 A conflict of interest may arise when a company or firm has a financial or other interest in some aspect of the tender process.

2 A conflict of interest may arise when a company or firm has a financial or other interest in some aspect of the tender process.

3 A conflict of interest may arise when a company or firm has a financial or other interest in some aspect of the tender process.

The employer and the tenderer shall declare any conflicts of interest and submit a detailed report of known conflicts of interest.

C.1.1 The employer and each tenderer submitting a tender shall comply with these conditions of tender in their dealings with each other. They shall disclose their interests and obligations in their dealings with each other and disclose any other conflicts of interest that may arise during the tender process.

**Annex C**

**Standard Conditions of Tender**

No. 4652 8 August 2019

**Actions**

C.1.
Proposed solutions and associated information include competitive negotiation based on the principles of equal treatment, keeping conditional the are higher prices, in terms of the evaluation criteria specified in the tender data, shall be invited to enter the tender in which the highest bids for the proposed contract in the first round of

C.1.6. General
C.1.6.1 Procurement Procedures

C.1.5.3 An employer may, prior to the prior approval of the relevant Crown director, cancel a tender invitation if no acceptable bids are received. The decision to cancel a tender invitation must be published in the same manner in which the works specified in the invitation.

C.1.5.1 An employer may, prior to the prior approval of the relevant Crown director, cancel a tender invitation if any tenderer(s) are unable to cover the total envisaged expenditure.

The name and contact details of the tenderer(s) are stated in the tender data. Further, the tenderer shall not take any responsibility for non-compliance of communications form or in the language specified by the employer, and in a form that can be readily read, copied and recorded. Communications shall be in the English language. The tenderer shall take any responsibility for non-compliance of communications in the English language. The tenderer shall provide the employer with the tenderer's agent, being a person to whom the employer has appointed the tenderer.

C.1.4 Communication and Employers' agent

Communicating detailed information to suppliers during the course of the tender, including supplementary tenders, and in a form that can be readily read, copied and recorded. Communications shall be in the English language. The tenderer shall state the tender results, including supplementary tenders, and in a form that can be readily read, copied and recorded. Communications shall be in the English language.
Commission.

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

C.3 Check documents.

Tender documents, as set out in the tender document. Employers are advised to make available the
tender documents on the website so as not to incur any costs pertaining to the printing of the tender

cost of the tender documents charged by the employer shall be limited to the actual cost

C.2.2 The cost of the tender documents charged by the employer shall be limited to the actual cost

C.2.1 Accidental loss or otherwise notified in the tender data. The employer will not compensate the

C.2 Cost of tendering.

The tender document is the basis for the tender. The tender is submitted as a tender offer and obtained the

tender document must be submitted, along with any other forms or documents needed by the employer. The tender offer shall

C.1.1 Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the

Eligibility.

Tenderer's obligations.

the criteria stated in the tender data and award the contract in terms of these conditions of

c.1.3.2.2 The employer shall evaluate the tenders received during the second stage in terms of the

documents.

all responsive tenders submitted in the second stage following the issuing of procurement

C.1.3.2 Option 2.

Tenderers shall submit in the first stage only technical proposals. The employer shall invite

Tenderers' obligations.

the tenderer scoring the highest number of evaluation points and award the contract in terms of these

C.1.6 Tenderers have been requested to submit their best and final offer.

Proposed procedure using the two-stage system.

Tenderers shall be advised when they are to submit their best and final offer.

C.1.5.2.4 The contract shall be awarded in accordance with the provisions of C.3.11 and C.3.13 after

C.1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be advised by the employer to

STARKESKARANT 8 AUGUSTUS 2019

No. 48522
C.2.11 Alterations to documents

Conditions of contract identified in the contract data may provide for part payment in other currencies. Any agreed changes or alterations to the tender documents, except to comply with instructions provided in response to the tender, are subject to the Buyer’s written approval. The Buyer may withdraw or modify any such alterations prior to the close of the tender date. Proprietary software, if included, may not be used for the full duration of the contract and must be removed from the tender data.

C.2.10.1 Provide the tender data

Working days before the closing time stated in the tender data.

C.2.10 Seeking additional advice regarding insurance.

Insurance cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek additional advice regarding the extent of insurance to be provided by the employer (if any) and that the tenderer may retain insurance with any other insurer of the employer’s choice.

C.2.9 Insurance

C.2.8 Seek clarification

Details of the meaning(s) of the conditions or terms.

C.2.7 Clarification meeting

Attend, where required, a clarification meeting at which tenderers may illuminate the meaning(s) of the conditions or terms.

C.2.6 Acknowledge addresses

Applicable to the tender documents by reference, incorporated into the tender documents.

C.2.5 Reference documents

In response to the tender, use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender after request.

C.2.4 Confidentiality and copyright of documents

Tender as confidential, all matters arising in connection with the tender. Use and copy the documents.
the form required, may be regarded by the employer as non-responsive.

C.2.14 Information and data to be completed in all respects.

unless stated otherwise in the tender data.

C.2.15 Accept that under other circumstances by e-mail or post mail will be regarded by the employer.

Opening of the tender other than package is not searched and marked as sealed.

outside only the tenderer's address and identification details are sealed in the tender data.

C.2.17 Seal the original tender offer and copy packages together in an outer package that states on the

C.2.18 Where a two-envelope system is specified in terms of the tender data, place and seal the

C.2.19 The employer will not assume any responsibility for the misplacement of packages

C.2.20 Furnish the original and each copy of the tender offer as separate packages making the packages

C.2.21 When the tenderer sends bid package for the purpose of the tender offer.

C.2.22 Submit the sealed original and all copies of the tender offer where required in terms of the tender data.

C.2.23 The employer, and the parties communicating electronically in the same format, as they were issued by the

C.2.24 As ORIGINALLY received, and to be received in electronic form if by TELEX or by non-electronic

C.2.25 Electronic documents to the employer after completing them in their entirety, either

C.2.26 Submitting a tender offer

C.2.27 An alternative tender offer must only be considered if the main tender offer is the winning

C.2.28 An alternative tender offer must only be considered if the main tender offer is the winning

C.2.29 Accept that an alternative tender offer must be based only on the criteria stated in the tender

C.2.30 Unless otherwise stated in the tender data, submit alternative tender offer only if a main tender

C.2.31 Submissions of the tender documents with the alternative tender offers
C.2.17 Provide a list of tender details.

C.2.14 Tender offer after submission.

According to the requirements of C.2.13 the tender offers must be submitted in a sealed tender in accordance with the requirements of C.2.13 with the packages duly marked as 'SUBMITTED'.

C.2.16.4 Where a tender offer is to be submitted a tenderer must submit a substitute tender in accordance with the requirements of C.2.13 with the packages duly marked as 'SUBMITTED'.

C.2.12 Tender offer validly extended.

The requirements of these conditions of tender apply equally to the extended deadline.

C.2.15 Ensure that the tenderer receives the tender offer at the address specified in the tender offer.
C.3.3 Return of tender documents

Tenders who collected tender documents

The employer may grant such extension and, shall then notify all

Tender documents in the Tender Data (2) working days before the

C.3.2 Issue of tender submissions

welcome the employer's tender document.

C.2.3.2 Consider any request to make a material change in the tender

C.2.3.1 Request to reissue the tender.

C.2.3 The employer's undertakings

Inclined in the tender submission or provide the employer with any clarifications as stated in the tender

C.2.23 Certificates

the expiry of the validity period stated in the tender data.

C.2.22 Return of other tender documents

To issue the contract.

C.2.21 Check final details
Reflected a non-responsive tender, and not allow to be subsequently made responsive by correction of.

be rectified.

c) Rejected or.

(b) Significantly change the Employer's or the Tenderer's risks and responsibilities under the.

(2) Determined the scope, quality, or performance of the Works, Services or Supply.

which, in the Employer's opinion, would:

C.3.2.2 A responsive Tender is one that conforms to all the Terms, Conditions and Specifications of the.

received.

C.3.1. Determine, after opening, before detailed evaluation, whether each Tender is fully property.

C.3.8 Test for Responsiveness

and satisfactorily compared with the requirements of the Tenders.

Grounds for Rejection and Disqualification

Determine whether there has been any effort by a Tenderer to influence the processing of Tender.

recommended for the award of a contract, until after the award of the contract to the successful.

Not disclose to Tenderers, or to any other person not officially concerned with such processes.

C.3.2. Non-disclosure

minimum number of points for functionality.

Level, reflected non-responsive Tenders to Tenders whose Technical proposals failed to achieve the.

score obtained for the Technical proposals and the overall, and any points claimed on BBEES.

more than the minimum number of points for functionality stated in the Tender data, and announce the.

open only the Technical proposals of Tenderers, who score within the minimum criteria. The Technical proposals will.

C.3.2.5 Evaluate functionality of the Technical proposals offered by Tenderers, then advise Tenderers who.

is opened.

C.3.2. Where selected in the Tender data that a two-envelope system is to be followed, open only the.

C.3.4. Where available the record utilised in C.3.4.2 to all interested persons upon request.

C.3.4.2 Main Tenderer other only.

applicable, the total of his price, number of points claimed for its BBEES status level and time for
The standard conditions of Tender are based on a procurement system that satisfies the following conditions:

**C.3.11 Evaluation of tender offers**

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

**C.3.10 Condition of a tender offer**

- Where there is an error in the total of the prices or a result of the tenderers' calculations, the errors shall be corrected.

- If bills of quantities or pricing schedules apply and there is an error in the line item total, the amount shall be the amount resulting from the product of the unit rate and the quantity. The line item total shall be the gross misplacement of the decimal point by the supplied tenderer.

- If any tenderer fails to provide the correct total of prices, the tender offer shall be rejected.

**C.3.9 Nullity of tender offer**

- The tenderer shall provide all errors or omissions that are identified in the tender offer, and either:
  - The total results from the product of a unit rate and a quantity in bills of quantities or
  - The arithmetic errors in the tender offer in computing the pricing schedule or bills of quantities or
  - The errors in the tender offer in accordance with C.3.11 for:

- Where there is a discrepancy between the amounts in figures and the amount in words, the amount in figures shall govern.

- Where two or more tenderers are tied for the highest number of tender evaluation points, the tenderer with the highest number of tender evaluation points shall be declared the successful tenderer.
C.3.14 Prepare contract documents

(1) in the opinion of the employer, to perform the contract free of conflicts

is the opinion of the employer, to perform the contract free of conflicts.

(2) is subject to legal proceedings in respect of any of the foregoing:

is subject to legal proceedings in respect of any of the foregoing.

(3) is not insolvent in receivership under business rescue as provided for in chapter 6 of

is not insolvent in receivership under business rescue as provided for in chapter 6 of

the Companies Act No. 2008, banking or being wound up, has entered

the Companies Act No. 2008, banking or being wound up, has entered

annexation by a court or a judgment office, has suspended further business activities or

annexation by a court or a judgment office, has suspended further business activities or

is under restrictions, or any person, who are under restrictions.

is under restrictions, or any person, who are under restrictions.

(4) has the legal capacity to enter into the contract:

has the legal capacity to enter into the contract:

(5) can exercise and in relation to the proposed contract, demonstrate that he or she

can exercise and in relation to the proposed contract, demonstrate that he or she

in performing specified duties in the employer’s interest:

in performing specified duties in the employer’s interest:

(6) is not under restrictions of any provisions who are under restrictions.

is not under restrictions of any provisions who are under restrictions.

(7) accepts the tender offer.

accepts the tender offer.

(8) in the opinion of the employer, it does not present any risk and only if the

in the opinion of the employer, it does not present any risk and only if the

C.3.13 Acceptance of tender offer

C.3.12 Assistance provided by the employer

C.3.11 General

The activities associated with evaluating tender offers are as follows:
C.3.10 Provide written reasons for actions taken.

The contract is signed as soon as possible after completion and signing of the form of tender and acceptance.

C.3.11 Provide copies of the contracts.

C.3.12 Registration of the award.

C.3.13 Complete adjudicator's contract.

C.3.14.2 Complete the schedule of decisions attached to the form of tender and acceptance, if any.
corrupt practice means the obtaining, giving, seeking or soliciting of anything of value to influence the action of the employer or his agent or agent in the tender process.


Incompetency or conflict of interest means any situation in which:

1. conflict of interest means any situation in which:


Definitions applicable:

D.1.2 For the purpose of this Act, the calling for expressions of interest or the calling for expressions of interest, the calling for expressions of interest or the calling for expressions of interest, the calling for expressions of interest.

D.1.3 The document issued by the employer for the purpose of obtaining expressions of interests are listed in the document attached.

D.1.4 The submission data.

D.1.5 The submission data of the employer for the purpose of obtaining expressions of interests are listed in the document issued by the employer for the purpose of obtaining expressions of interests.

Section 2. The employer shall make a submission without having a firm intention and the capacity to perform the contract.

D.1.6 The Respondent shall make a submission without having a firm intention and the capacity to perform the contract.

D.1.7 The Respondent shall make a submission without having a firm intention and the capacity to perform the contract.

Annex D

Standard Conditions for the Calling for Expressions of Interest
address.

Identification details should be included in the submission data, as well as the respondent’s name and contact.

D.2.7 Seal the original and each copy of the submission as separate packages, making the packages electronically (if they were issued in electronic format) or writing legibly in non-erasable ink.

D.2.7.1 Refer all relevant documents to the employer after completing them in their entirety, either.

D.2.7 Making a submission

(5) Working days before the closing time stated in the submission data.

D.2.6 Seek clarification

Request clarification of the submission data. If necessary, by notifying the employer at least five

D.2.5 Clarification meeting

Attend the clarification meeting(s) at which respondents may familiarize themselves with the proposed

D.2.4 Acknowledge appendix

Addenda to the submission data, in order to take the necessary action for an extraction to the closing time stated in the submission data, in order to take the

D.2.3 Check documents

Check the submission documents or receive, including pages within them, and notify the employer of

D.2.2 Cost of submissions

Accept the cost of the submission, not exceeding the respondent for any costs incurred in the preparation

D.2.1 Eligibility

D.2 Respondent’s obligations

D.2.4 Communication and employer’s agent

The employer, including policymakers, should be aware of the need to influence the

D.1.4 Fraudulent practice means the misrepresentation of the facts in order to influence the

STAKES-CERTANT: 8 AUGUST 2019

[Signature]

NO. 42622 111
Information relating to the evaluation and comparison of submissions will, after the evaluation process is complete:

D.3.5 Non-disclosure

Submissions to all interested persons upon request.

D.3.4 Opening of submissions

Each submission:

Record the name of each respondent whose submission is opened and acknowledge receipt of the submission.

D.3.3 Late submission

Unless otherwise stated in the submission data, return submissions received after the closing time stated.

D.3.2 Issue Addenda

Any of those respondents.

Respond in a request for clarification received up to five (5) working days before the submission closing time.

D.3.1 Respond to clarification

D.2 Employee’s undertakings

Provide clarification of a submission in response to a request to do so from the employer during the evaluation of the responses of interested parties.

D.2.10 Clarification of submission

Ensure that the employee receives the submissions at the address specified in the submission data.

D.2.9 Closing time

The self-declared deadline may be extended by the employer as non-responsive.

Accept that the submission, 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.

D.2.8 Information and data to be completed in all respects

Accept that the employee shall assume any responsibility for the misrepresentation or premature opening of the submissions if the other package is not sealed and marked as sealed.
between respondents to provide written reasons for actions taken.

D.3.10 Evaluation of responsive submissions

D.3.11 Notify the respondents of the outcome of the evaluation process within two (2) weeks of the evaluation criteria established in the submission data.

D.3.12 Appoint an evaluation panel of not less than three persons to evaluate submissions using the evaluation criteria established in the submission data.

D.3.13 Evaluation of responsive submissions

D.3.8 Non-responsive submissions

D.3.7 Test for responsiveness

D.3.6 Grounds for rejection and disqualification
Standard Notice and Invitation to Submit an Expression of Interest

Annex E

Government Gazette, 8 August 2019
<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Position</th>
<th>Name</th>
<th>Signed</th>
<th>Date</th>
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Attach additional pages if more space is required.

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<th>Date</th>
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Record of Attachments to Tender Documents

Annex F

STATEMENT

6th A U G U S T 2 0 1 9

NO. 42622 416
<table>
<thead>
<tr>
<th>Enterprise name</th>
<th>Position</th>
<th>Name</th>
<th>Signed</th>
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and controlled in the context of this directive are within my personal knowledge and are to the best of my belief both true and correct.

In the context of this directive, any of the recipients of the information referred to any other recipient under the heading 'other parties' or the recipient's control over the enterprise will be within the year of the previous financial period of the enterprise.

The undersigned, who are members of the board of directors of the enterprise, hereby declare that the information is true to the best of our knowledge and belief.

Section 1: 859D issued by National Treasury must be submitted for each tender and be attached as a tender.

Section 2: 868B issued by National Treasury must be submitted for each tender and be attached as a tender.

Section 3: 844A issued by National Treasury must be submitted for each tender and be attached as a tender.

Section 4: 844C issued by National Treasury must be submitted for each tender and be attached as a tender.

Section 5: Particulars of companies and close corporations.

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<th>Name</th>
<th>Identity number</th>
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Section 6: Particulars of sole proprietors and partners in partnerships.

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<tr>
<th>Name</th>
<th>Identity number</th>
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</table>

The undersigned shall be submitted. In the case of a joint venture, separate enterprise questionnaires in respect of each enterprise.

Appendix C

COMPLIANCE QUESTIONNAIRES

The undersigned, who are members of the board of directors of the enterprise, hereby declare that the information is true to the best of our knowledge and belief.

<table>
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<tr>
<th>Enterprise name</th>
<th>Position</th>
<th>Name</th>
<th>Signed</th>
</tr>
</thead>
</table>

Section 1: Name of enterprise

Section 2: DIT registration number if any

Section 3: VAT registration number if any

Section 4: CTS registration number if any

Section 5: Identity of sole proprietor or partner in partnerships

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<th>Identity of sole proprietor or partner in partnerships</th>
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Section 6: Identity number of a company

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Section 7: Identity number of a company

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<th>Identity number of a company</th>
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