



Reference: S.004-005-2020/1

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Date: 22 February 2024

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3365

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Dear Tenderers

TENDER SANRAL S.004-005-2020/1

CONTRACT TITLE: ISANDLWANA ROADS UPGRADE – PACKAGE 1 [UPGRADE OF PROVINCIAL ROAD P372]

ADDENDUM NO. 1

This Addendum is issued in terms of Clause C.3.2 of the Tender Data and must be read in conjunction with and shall be deemed to form part of the Tender Document.

Kindly acknowledge receipt of this addendum by completing the ACKNOWLEDGEMENT OF ADDENDUM below. Failure to acknowledge this addendum may invalidate the Tender.

Yours sincerely,

PROCUREMENT OFFICE

SANRAL EASTERN REGION

THIS ADDENDUM IS TO BE READ IN CONJUNCTION WITH AND SHALL BE DEEMED TO BE PART OF THE RELEVANT CONTRACT DOCUMENT

ADDENDUM NO. 1

22 FEBRUARY 2024

CONTRACT SANRAL S.004-005-2020/1

ISANDLWANA ROADS UPGRADE – PACKAGE 1 [UPGRADE OF PROVINCIAL ROAD P372].

THIS ADDENDUM CONTAINS THE FOLLOWING:

- **SECTION A: MINUTES OF TENDER CLARIFICATION MEETING**

SECTION A: MINUTES OF THE COMPULSORY IN PERSON CLARIFICATION BRIEFING MEETING HELD ON 14 FEBRUARY 2024

1. AGENDA

- Welcome & Introduction
- Tendering Procedures
 - Part T1: Conditions of Tender and Tender Data
 - Part T2: Returnable Schedules
- Contract Conditions & Contract Data
- Project Details
 - Document Structure
 - Schedule of Quantities
 - Scope of Works/Part C4 Site Information
- Part D: Contract Participation Goals

2. ATTENDANCE

The attendance register was circulated around the room to be completed by all present.

3. WELCOME AND INTRODUCTION

The compulsory briefing meeting commenced at 11h00. The Project Manager welcomed all to the meeting and introduced himself and the other SANRAL representative present as well as the Consultants representatives and Tenderers present.

A roll call was then done to ensure that everyone present had signed the attendance register.

Attendees were informed that should there be any inconsistency between the PowerPoint presentation and the tender document, the tender document shall prevail.

It was indicated that there was going to be a questions and answers session after the presentation where tenderers were to be allowed to ask questions.

Official responses to any questions raised will be those included in this Addendum No. 1.

4. IMPORTANT DATES

- Submission of Form A1.1: 07 February 2024
- Submission of queries: 21 February 2024
- Tender closing date: 08 March 2024 (at 11h00)

5. TENDERING PROCEDURES

5.1. T1.1: Tender notice and invitation to tender

Only tenderers who are registered on the National Treasury Central Supplier Database as stated in the Tender Data C.2.1.1, are eligible to tender.

It is estimated that tenderers should have a CIDB contractor grading designation of 8CE or higher.

It is a requirement of this project that the successful tenderer subcontract a minimum of thirty percent (30 %) or higher as tendered of the work by the end of the contract to Targeted Enterprise(s) as defined in the Contract Data.

Tender documents are available at no cost in electronic format downloaded from the SANRAL's website by the following link <https://www.nra.co.za/service-providerzone/tenders/open-tenders/>. Tenderer must have access to MS Office ©2013 and Acrobat Adobe ©9.0, or similar compatible software.

The closing time for receipt of tenders is 11h00 on 8 March 2024.

Queries relating to issues arising from these documents may be addressed to: ProcurementER3@sanral.co.za

5.2. Conditions of Tender

The conditions of tender are the standard conditions of tender as contained in Annexure C of the CIDB STANDARD FOR UNIFORMITY IN ENGINEERING AND CONSTRUCTION WORKS CONTRACTS as per Government Notice No. 423 published in Government Gazette No. 42622 of 08 AUGUST 2019 and as amended from time to time.

5.3. Tender Data

The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard/special conditions of tender.

5.3.1. C.1.4 Communication and employer's agent

The Employer's Agent during the tender period can be contacted at ProcurementER3@sanral.co.za.

5.3.2. C.2.1 Eligibility

Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders:

a) CIDB registration (Form A12)

Only those tenderers who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a CE class of construction work, are eligible to have their tenders evaluated.

Joint ventures are eligible to submit tenders provided that:

1. every member of the joint venture is registered with the CIDB;
2. the lead partner has a contractor grading designation in the CE class of construction work; or not lower than one level below the required grading designation in the class of works construction works under considerations and possess the required recognition status;
3. the combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a CE class of construction work or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations.

Tenderers whose CIDB registration expires within the tender validity period, need to demonstrate that there is a reasonable chance of being registered in the appropriate grading designation during the tender evaluation period, by submitting a copy of their timely application for CIDB registration, with their tender submission.

Tenderers registered as potentially emerging enterprises but with a CIDB contractor grading designation lower than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25(7A) of the Construction Industry Development Regulations, are not eligible to have their tenders evaluated.

Category of tender	Upper limits per CIDB Regulation 17 (effective 7 October 2019)	Employer's allowable margins
CE 1	R500 000	The Employer will use its discretion in terms of CIDB Practice Note 3 on allowable margins to be accepted
CE 2	R1 000 000	
CE 3	R3 000 000	
CE 4	R6 000 000	
CE 5	R10 000 000	
CE 6	R20 000 000	
CE 7	R60 000 000	
CE 8	R200 000 000	
CE 9	No Limit	

This contract is not classified in terms of CIDB Regulation 25(1B), and the value of the contract may, for the purpose of CIDB Regulation 25(1), not be taken at its annual value.

The tender will be declared non-responsive if:

- The Tenderer is not registered on CIDB within the required contractor grading and category prior to evaluation of submission.
- The Tenderer is suspended and where the tenderer has not provided proof that they have settled their outstanding CIDB annual fees or proof that they have made arrangements to pay outstanding CIDB annual fees has been made or proof of compliance with tax was submitted to CIDB, the tender will be declared non-responsive.
- The Tenderer has not declared interest of application to upgrade the grading

b) National Treasury Central Supplier Database (Form A3.4)

Tenderers, or in the event of a joint venture, each member of the joint venture, must be registered on the National Treasury Central Supplier Database at the closing date for tender submissions. If not registered as verified online at tender closing; the tender will be declared non-responsive.

5.3.3. C.2.6 Acknowledge addenda

Failure to apply instructions contained in addenda issued by the Employer will render a Tenderer's offer non-responsive in terms of Condition of Tender C.3.8. Test for Responsiveness.

5.3.4. C.2.7 Clarification meeting

The onus rests with the tenderer to ensure that the representative attending the briefing session is appropriately qualified to understand all directives and clarifications given in the briefing session.

The signature on the duly completed and signed Form A1 shall be considered proof that the tenderer attended the whole clarification briefing session and clearly understood all directives and clarifications given in the session.

5.3.5. C.2.8 Seek clarification

Request clarifications at least **twelve (12) working days** before the closing date i.e. Wednesday 21 February 2024.

5.3.6. C.2.9 Insurance

No insurance is provided by the Employer.

5.3.7. C.2.10 Pricing the tender offer

The rates and prices shall be adjusted as specified in the conditions of contract clause 13.8 Adjustments for Changes in Costs

Tenderers are required to state the rates, amounts and currencies in Rand.

5.3.8. C.2.12 Alternative tender offers

A tenderer wishing to submit an alternative offer (**excluding alternative offers of different contract duration, retention guarantees, discounted offers or different compliant material sources**) shall first apply to the Employer for confirmation that the Employer's standards and requirements envisaged in the design are not compromised or reduced. Such confirmation must have been provided by the Employer in writing at least 10 (ten) working days before the date of tender closing, or as extended by an addendum sent to all tenderers. The application shall not be submitted later than 7 (seven) working days before the date of tender closing given in Tender Data clause C.2.15, or as extended by an addendum sent to all tenderers.

5.3.9. C.2.13 Submitting a tender offer

The returnable documents shall be electronically completed in their entirety, submitted on the issued software format or fully compatible format, unless otherwise specified.

Submission in the tender box

- Submit the tender offer electronically on a flash drive and printed hard copy of Form of Offer and summary of pricing schedule.
- (In the relevant MS Word 2013 and MS Excel 2013 format as issued, and not in .pdf format, except where so specified.)

Only the following needs to be submitted:

Volume 3 – Scanned on a flash drive

The following information has to be submitted on flash drive:

The 1st file in pdf format which contains:

- Scanned copy of Form of Offer (pdf) and printed hardcopy of Form of Offer
- Scanned copies of all returnable schedules and attachments (pdf)

A 2nd file in Excel format

- Completed pricing schedule (scanned copy in .pdf and copy in Excel) and printed hardcopy of Summary of Pricing Schedule

Submission in the tender box

Only the following needs to be submitted:

a) Main Tender Offer

The following information to be submitted electronically on flash drive and marked Main Tender Offer followed by the "Tenderer name", in the following order:

- Form of Offer (signed and scanned as .pdf) and printed hardcopy of Form of Offer.
- All returnable schedules and attachments and certificates specific to the tender (signed and scanned as .pdf)
- Completed pricing schedule (scanned copy in .pdf and copy in Excel) and printed hardcopy of Summary of Pricing Schedule.

b) For alternative offers the tenderer shall submit the following additional documentation, in an electronically on a separate flash drive marked Alternative followed by the "Tenderer name":

- Form of Offer (signed and scanned as .pdf and state "Alternative Form of Offer") and printed hardcopy of Form of Offer.
- All returnable schedules and attachments and certificates applicable to the alternative offer (signed and scanned as .pdf)
- Alternative Pricing Schedule (scanned copy in .pdf and copy in Excel) and printed hardcopy of Summary of Pricing Schedule.
- Other relevant information.

In the event of any discrepancy between the contents of the electronically priced schedule in Excel, and the electronically provided pricing schedule in .pdf format, the contents of the electronically pricing schedule in .pdf format shall be taken as the valid contents. For the information provided by the tenderer as part of his submission, e.g. rates, the electronically signed schedule in .pdf shall be taken as the valid submission.

Submit the tender offer electronically on a flash drive in a sealed envelope marked with the tenderer's company name, the project number and description.

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

Provided that the omission is not a material omission, the Employer reserves the right to condone the omission and may waive any nonconformities in the tender.

Provided that the omission is not a material omission, the Employer reserves the right to condone the omission and may request the tenderer to submit the necessary information or documentation, within a reasonable period of time, to rectify nonmaterial nonconformities in the tender related to documentation requirements.

5.3.11. C.2.15 Closing time

The Employer's address for delivery of tender offers and identification details to be shown on each tender offer package are:

Location of tender box:	Reception area
Physical address:	The South African National Roads Agency SOC Ltd
	Eastern Region
	58 van Eck Place
	Mkondeni
	Pietermaritzburg, 3201

Identification details: Mark the envelope with the tenderer's company name, the project number and description:

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FOR ISANDLWANA ROADS UPGRADE – PACKAGE 1 [UPGRADE OF PROVINCIAL ROAD P372]

Tenders must be submitted during hours (09:00 to 16:00) Monday to Friday at the Employer's address.

It is in the tenderer's interest to ensure that the delivery of the tender offer is recorded in the Employer's tenders received register and deposited in the tender box

5.3.12. C.2.16 Tender offer validity

The tender offer validity period is 24 weeks.

Where a tenderer, at any time after the opening of his tender offer but prior to entering into a contract based on his tender offer:

- a) withdraws his tender;
- b) gives notice of his inability to execute the contract in terms of his tender; or
- c) fails to comply with a request made in terms of C.2.17, C.2.18 or C.3.9,

such tenderer shall be barred from tendering on any of the Employer's tenders for a period to be determined by the Employer, but not less than six (6) months from a date determined by the Employer. This sanction also applies to tenders under evaluation and not yet awarded. This sanction does not apply to tenders under evaluation where a request for extension of the validity period was not accepted by the tenderer. The Employer may fully or partly exempt a tenderer from the provisions of this condition if he is of the opinion that the circumstances justify the exemption.

5.3.13. C.3.1 Respond to requests from the tenderer

The employer shall respond to clarifications received up to twelve (12) working days before tender closing date.

The Employer shall respond to any clarifications from the tenderers emanating from the addenda until 3 working days before tender closing date.

5.3.14. C.3.2 Issue Addenda

The employer shall issue addenda until ten (10) working days before tender closing date.

5.3.15. C.3.4 Opening of tender submissions

The time for opening of the tender offers via live streaming or at Eastern Region offices are:

Time: 11h00 on Friday, 8 March 2024

Location: 58 Van Eck Place, Mkondeni, Pietermaritzburg, 3201

Location: MS Teams link [Click here to join the meeting](#)

5.3.16. C.3.7 Grounds for rejection and disqualification

Prior to disqualification, the Employer shall inform the tenderer and give the tenderer an opportunity to make representations within 14 days as to why the tender submitted should not be disqualified and as to why the tenderer should not be restricted by the National Treasury from conducting any business with any organ of state for a period not exceeding 10 years.

In the event of disqualification, the Employer may, at its sole discretion, claim damages from the tenderer and impose a specified period during which tender offers will not be accepted from the offending tenderer and, the Employer shall inform the National Treasury and the CIDB in writing.

5.3.17. C.3.8 Test for responsiveness

A Substantially responsive tender is a tender in which all of the material information and documentation submitted at close of tender contains non-material and non-conformities to the bid specifications but are not related to price. The correction of any such documentation or information, or the condonement for the non-inclusion of any such document or information may not be prejudicial towards the offer and claimed preference of any responsive tender or be construed to be giving an unfair advantage to any tender.

A responsive tender is also one that conforms to all the terms, conditions, and scope of work of the tender documents, without material omissions. The test for a material omission is the same as the test for a material deviation or qualification.

5.3.18. C.3.9 Arithmetical errors, omissions, discrepancies and imbalanced unit rates

Check responsive tenders 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 appearing in the summary to the Pricing Schedule shall govern.

Check responsive tender offers 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.
- a) imbalanced unit rates.

Notify shortlisted tenderers of all errors, omissions or imbalanced rates that are identified in their tender offers and either confirm the tender offers as tendered or accept the corrected total prices.

Where the tenderer elects to confirm the correction of the errors, omissions or imbalanced rates, the tender offer shall be corrected 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 the unit rate and the quantity, the unit rate shall govern, and the line item total shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted 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 be corrected.
- c) Where the unit rates are imbalanced the tenderer shall adjust such rates by increasing or decreasing them and selected others while retaining the total of the prices derived after any other corrections made under (a) and (b) above.

Where there is an omission of a line item, no correction is possible, and the offer may be declared non-responsive.

Declare as non-responsive and reject any offer from a tenderer who elects not to accept the proposed correction of the; errors, omissions or imbalanced rates.

During testing of tender responsiveness, clause C3.8 of CIDB tender conditions will be applicable.

The tenderer is required to submit balanced unit rates for rate only items in the pricing schedule. The rates submitted for these items will be taken into account in the evaluation of tenders.

If the Form of Offer is submitted but the Pricing Schedule is omitted, where rate only items are applicable; or If a signed Form of Offer is submitted with an incomplete pricing schedule (no summary to tender) that

does not balance back to the Form of Offer and the Pricing schedule is incomplete; or If a signed Form of Offer is submitted with an incomplete pricing schedule that does not balance back to the Form of Offer and only summary of Pricing Schedule submitted; then the rates cannot be evaluated and the tender shall be declared non-responsive.

5.3.19. C.3.11 Evaluating price and preference

- i. 80/20 preference point system for acquisition of goods and services for Rand value equal to or above R2 000 and up to R50 million.
- ii. 90/10 preference point system for acquisition of goods and services for Rand value above R50 million.

Specific goals	Criteria	10 points		20 points	
		Point allocation	Max points	Point allocation	Max points
B-BBEE level	Level 1	10.00	10.00	20.00	20.00
	Level 2	9.00		18.00	
	Level 3	6.00		12.00	
	Level 4	5.00		10.0	
	Level 5	4.00		8.00	
	Level 6	3.00		6.00	
	Level 7	2.00		4.00	
	Level 8	1.00		2.00	
	Non-compliant contributor	0.00		0.00	

1. The tenderer's scorecard shall be a B-BBEE Certificate issued in accordance with:
 - the amended Construction Sector Codes published in Notice 931 of 2017 of Government Gazette No. 41287 on 1 December 2017 by the Department of Trade and Industry; or
 - in the event that the Measured Entity operates in more than one sector or a sub-sector, the scorecard for the sector or sub-sector in which the majority of its core activities (measured in terms of annual revenue) are located will be acceptable. The tenderer must comply with the annual revenue thresholds for EME or QSE or Generic in accordance with the amended Construction Sector Codes; and
- i. The scorecard shall be submitted as a certificate attached to Returnable Schedule Form C1; and
- ii. The certificate shall:
 - be valid at the tender closing date; and
 - have been issued by a verification agency accredited by the South African National Accreditation System (SANAS); or
 - be in the form of a sworn affidavit or a certificate issued by the Companies and Intellectual Property Commission in the case of an Exempted Micro Enterprise (EME) with a total annual revenue of less than R3 million if issued in accordance with the amended Construction Sector Codes published in Notice 931 of 2017 of Government Gazette No. 41287 on 1 December 2017 by the Department of Trade and Industry; and
 - have a date of issue less than 12 (twelve) months prior to the original advertised tender closing date (see Tender Data C.2.15); and
- iii. A valid BBBEE Certificates shall contain:
 - Name of enterprise as per enterprise registration documents issued by CIPC, and enterprise business address.
 - Value-Added Tax number, where applicable.
 - The B-BBEE Scorecard against which the certificate is issued, indicating all elements and scores achieved for each element. The actual score achieved must be linked to the total points as per the relevant Codes.
 - B-BBEE status with corresponding procurement recognition level.

- The relevant Codes used to issue the B-BBEE verification certificate.
 - Date of issue and expiry (e.g. 9 June 2018 to 8 June 2019). Where a measured entity was subjected to a re-verification process, due to material change, the B-BBEE Verification Certificate must reflect the initial date of issue, date of re-issue and the initial date of expiry. Re-verification does not extend the lifespan of the B-BBEE Verification Certificate.
 - Financial period which was used to issue the B-BBEE Verification Certificate.
- iv. A valid Sworn Affidavit shall contain:
- Name/s of deponent as they appear in the identity document and the identity number.
 - Designation of the deponent as either the director, owner or member must be indicated in order to know that person is duly authorised to depose of an affidavit.
 - Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
 - Percentage black ownership, black female ownership and whether they fall within a designated group.
 - Indicate total revenue for the year under review and whether it is based on audited financial statements or management accounts.
 - Financial year-end as per the enterprise's registration documents, which was used to determine the total revenue. **The valid format of the Financial Year-End is Day/Month/Year**
 - B-BBEE status level. An enterprise can only have one status level.
 - Date deponent signed and date of Commissioner of Oath must be the same.
 - Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest, and
- v. Compliance with any other information requested to be attached to Returnable Schedule Form C1; and
- vi. In the event of a Joint Venture (JV), a project-specific consolidated (SANRAL project number indicated) valid B-BBEE verification certificate in the name of the JV, issued by a verification agency accredited by the South African National Accreditation System (SANAS) shall be submitted.

Sub-contracting

If the tender documents indicate that the tenderer intends sub-contracting more than 25% of the value of the contract to any other person not qualifying for at least the status level that the tenderer qualifies for, 0 (zero) points for B-BBEE level (under Specific Goals) shall be awarded, unless the intended sub-contractor is an EME that has the capacity to execute the sub-contract.

Criteria for breaking deadlock

If two or more tenders score the same number of points and these tenders are also the highest ranked tenders, the tender with the highest preference points will be recommended for award.

If functionality is part of the evaluation process and two or more tenders score equal total points and equal preference points, the tender that scored the highest points for functionality will be recommended for award.

If two or more tenders score the same number of financial points and preference points and these tenders are also the highest ranked tenders, the tenderer to be recommended for award will be decided by the drawing of lots.

5.3.20. C.3.13 Acceptance of a tender offer

The conditions stated in clauses C..13(a) to (f) of the Conditions of Tender as well as the following additional clauses C.3.13(g) to (k) shall be applied as objective criteria in terms of section 2(1)(f) of the Preferential Procurement Policy Framework Act, 2000 and as compelling and justifiable reasons in terms of Conditions of Tender clause 5.11:

- g) 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;
- h) the tenderer has not abused the Employer's supply chain management system;
- i) the tenderer has not failed to perform on any previous contract and has not been given a written notice to this effect; and
- j) the tenderer is tax compliant. The recommended tenderer who becomes non-compliant, prior to award, shall be notified and must become compliant within 7 working days of the date of being notified. A recommended tenderer who remains non-compliant after the 7 working days of being notified, shall be declared non-responsive.
- k) the tenderer is registered and in good standing with the compensation fund or with a licensed compensation insurer. The licensed compensation insurer shall be approved by Department of Labour in terms of Section 80 of the Compensation for Injury and Disease Act, 1993 (Act No. 130 of 1993).
- l) Price Negotiations
 - 1. If the price offered by a tenderer scoring the highest points is not market related, the Organ of state may not award the tender to that tenderer.
 - 2. The Organs of state may –
 - i. Negotiate a market related price with the tenderer scoring the highest points or cancel the tender;
 - ii. If the tenderer does not agree to a market related price, negotiate a market related price with the tenderer scoring the second highest points or cancel the tender;
 - iii. If the tenderer scoring the second highest points does not agree to a market related price, negotiate a market related price with the tenderer scoring the third highest points or cancel the tender;
 - 3. If a market related price is not agreed as envisaged in paragraph 2(iii), the organ of state must cancel the tender.

In addition to the requirements under paragraph (b) of the Conditions of Tender, in the event that a due diligence is performed as part of the tender evaluation, the due diligence report will be used to evaluate the tenderer's ability to perform the contract as stated in paragraph (b). The due diligence will evaluate the overall risk associated with the tender. The due diligence will take into consideration the following:

- Assessment of financial statements to assess the financial position of the tenderer and its ability to obtain the necessary guarantees or insurances,
- Evaluation of managerial and technical ability & available resources in relation to the proposed tender,
- Integrity Risk Evaluation,
- Operations, Activities, Locations and Key Customers,
- Reference checks from previous clients, and
- Risk rating (i.e. High Risk, Medium to High risk, Medium risk or Low risk) of the tenderer
- Past Contracts comprising the following quantities of work completed satisfactorily and certified by the Engineer to demonstrate capacity and capability in relation to the proposed tender:

COTO CHAPTER	COTO CHAPTER DESCRIPTION	QUANTITY COMPLETED
4 & 5	Earthworks and Pavement Layers: Materials	64,000 m ³
9	Asphalt Layers	2,500 tons
10	Surface Treatments / Seal	100,000m ³

5.3.21. C.3.16 Registration of the award

SANRAL will notify unsuccessful tenderers when the tender process has been concluded. Any unsuccessful tenderer may request a debriefing in writing as specified in clause C.3.18.

5.3.22. C.3.17 Provide copies of the contracts

The number of paper copies of the signed contract to be provided by the Employer is 1.

5.3.23. C.3.18 Provide copies of the contracts

All requests shall be in writing.

5.3.24. SPECIAL CONDITIONS OF TENDER CLAUSES:

SC3.19 Jurisdiction

Unless stated otherwise in the tender data, each tenderer and the Employer undertake to accept the jurisdiction of the law courts of the Republic of South Africa.

Part T2: Returnable Schedules

Notes to tenderer:

1. Returnable schedules have been based on the CIDB Standard for Uniformity in Construction Procurement and incorporate National Treasury requirements within them. Returnable schedules are separated into the following categories:
 - Forms, certificates and schedules for completion by the tenderer for use in the quantitative and qualitative evaluation of the tender (Forms A to E)
 - A list of all returnable documents for completion by the tenderer (Form F1)
2. Failure to submit fully completed relevant returnable documents may render such a tender offer non-responsive.
3. Tenderers shall note that their signature appended to each returnable form represents a declaration that they vouch for the accuracy and correctness of the information provided.
4. Notwithstanding any check or audit conducted by or on behalf of the Employer, the information provided in the returnable documents is accepted in good faith and as justification for entering into a contract with a tenderer. If subsequently any information is found to be incorrect such discovery shall be taken as wilful misrepresentation by that tenderer to induce the contract. In such event:
 - a. the Employer shall inform the tenderer and give the tenderer an opportunity to make representations within 14 days as to why the tender submitted should not be disqualified and as to why the tenderer should not be restricted by the National Treasury from conducting any business with any organ of state for a period not exceeding 10 years;
 - b. if the Employer has already entered into a contract with the Tenderer, the Employer has the discretionary right under FIDIC Particular Condition 15.2(g) to terminate the contract.
5. These forms must be completed in non-erasable ink and any alterations made prior to tender closure countersigned by an authorised signatory.

6. PART C1: AGREEMENTS AND CONTRACT DATA

6.1. C1.2.1 Conditions of Contract

The Conditions of Contract for Construction (1999 edition) published by the Federation Internationale des Ingenieurs-Conseils (FIDIC), as amended, shall apply to this contract. The amendments are those published by FIDIC and reproduced hereafter, together with additional amendments (particular conditions of contract) as prescribed by the South African National Roads Agency SOC Limited.

6.2. C1.2.2 Appendix to Tender: Contract Data – Information Provided by the Employer

The following was highlighted and amended to the tenderers:

- 24 months maximum (including the contractor's holidays in December and January) of which 3 months will be the Mobilisation Period;
- Defects Notification Period is 12 calendar months;
- One Performance Security totaling 10% of the Accepted Contract Amount (excluding VAT) is required;
- The Construction Manager shall be: employed full time on the Works, the single point accountability and responsible for the management of the construction works and shall be registered with SACPCMP as PrCM or ECSA as PrEng or PrTechEng with minimum experience of 10 years.
- The percentage of the contract value that may be sublet is dependent on the Minimum Targeted Enterprise subletting targets and shall not exceed the Maximum Subcontracting allowed % as per the following table:

Minimum Targeted Enterprise (TE) subletting (%)	Maximum Subcontracting allowed (%)
≤30	50
>30 to ≤40	60
>40 to <45	65
≥45 to <50	70
≥50	80

- The list of special non-working hours/days
- Restricted working conditions relating to the accommodation of traffic. During the contractor's annual shutdown period between December and January, the contractor shall maintain a minimum two-way traffic within the contract limits.

Refer to A1.2.7 (c) Scheme 2 and refer to the Drawings for restrictions related to the accommodation of traffic.

- Delay Damages – R30,000/ day.
- Retention money:

- 10% of value of completed work;
- Limit of retention: 5% of the Accepted Contract Amount (Including VAT);
- Retention money guarantee:

This will be considered provided that the tenderer submits his proposal as an alternative tender and provided that a discount equal to or more than R1 400 000 is offered.

The discount shall be affected through two equal deductions from IPC 1 and 2.

- Minimum amount of interim payment certificate: R 3 500 000 excluding payments during the Mobilisation Period
- Time period for submission of evidence of insurance and copies of insurance: As stated in the Form of Acceptance
- Minimum Insurance cover for Injury to persons and Damage to Property: R 20 000 000.00

7. PART C4: PROJECT INFORMATION

7.1. Roadworks

The Contract comprises the upgrade of Road P372 which traverse through the Nquthu Villages and Isandlwana Battlefield Heritage Site areas.

The current route is a gravel road starting from km 0.000 to km 31.000. The project road is a single carriageway two-lane inter-urban road. There are no slow lanes to be introduced. The road will be upgraded to a Surfaced Standard Road, having 2 x 3.25m lanes and 2 x 1m shoulders.

The project will comprise of the construction of a new NME4 pavement structure and drainage system upgrade implemented as required along the route. There are no plans to upgrade the road to a dual carriageway.

This contract and the construction limits are therefore as follows:

- P372, From Luvisi Village (Start Km 0.0) To Gwebeni Village (End Km 31.0)
- The total length of upgrade under this Project is = 31km.

Works includes the listed below, but may not be limited to this list:

- Traffic accommodation
- Mass Earthworks (Cut and Fill)
- Earthworks (Pavement Strengthening and Upgrading)
- Prime coat & surfacing
- Installation of road signs
- Drains, Culverts and wingwalls
- Kerbs, channel and concrete lined drains, Stone pitching and erosion protection
- Non-Structural Gabions
- Road Marking and road studs
- Guide blocks and Kilometre markers
- Road Restraint Systems
- Landscaping and planting of plants
- Finishing the road and road reserve and treating old roads

- Construction of pedestrian walkways and bus bays

The above has been specified on the Drawings included in Volume 4. The ensuing sections shall contain further details on the scope of works required.

7.2. Structural Works

The structures located along the route P372 are listed below:

- 1 Bridges
- 5 Major Culverts
- 14 Lesser Culverts/Pipe Crossings

The visual assessments illustrated that, some pipe culverts are silting up due to flat culvert slopes and outlets getting blocked, restricting the flow of water. These culverts were fairly big culverts (more than 600mm), therefore it could be attributed to sizing.

Nine (9) of the culverts were identified as Armco Steel Pipes in a poor condition and will be replaced with adequate pipe culverts as per the hydrological analysis:

Catchment No.	Existing Drainage Structures	Km	Required Capacity Upgrade	New Design BMS Classification
1	Low level River Crossing	30.81	2 x 1.5 m dia. PC	Lesser Culvert
2	None	26.310	2 x 1.2 m dia. PC	Lesser Culvert
3	None	24.308	2 x 1.2 m dia. CP	Lesser Culvert
4	None	23.845	2 x 1.2 m dia. CP	Lesser Culvert
5	0.22 m dia. Armco pipe	21.295	2 x 1.8 m dia. CP	Lesser Culvert
6	Bridge	20.500	-	-
7	None	17.610	2 x 1.5 m dia. CP	Lesser Culvert
8	None	17.085	1 x 1.2 m dia. CP	Lesser Culvert
9	None	16.995	1 x 0.6 m dia. CP	Lesser Culvert
10	None	16.880	2 x 1.2 m dia. CP	Lesser Culvert
11	1 x 1.7 m dia. Armco Pipes	15.590	1 x 1.5 m dia. PC	Lesser Culvert
12	1 x 2.3 m dia. Armco Pipes	15.435	1 x 1.5 m dia. PC	Lesser Culvert
12.1	2 x 1.2 m dia. Armco Pipes	14.245	2 x 1.5 m dia. PC	Lesser Culvert
13	1 x 2.5 m dia. Armco Pipe	13.657	1 x 3m dia. PC	Major Culvert
14	1 x 0.6 m dia. Pipe Culvert	13.657	2 x 0.6 m dia. CP	Lesser Culvert
15	2 x 1,15 m dia. Pipe Culvert	12.755	2 x 1.2 m dia. CP	Lesser Culvert
16	2 x 0.85 m dia. Pipe Culvert	12.207	2 x 1.5 m dia. CP	Lesser Culvert
17	2 x 0.85 m dia. Pipe Culvert	12.072	2 x 1.2m dia. CP	Lesser Culvert
18	1 x 0.85 m dia. Pipe Culvert	11.953	2 x 1.05 m dia. CP	Lesser Culvert

Catchment No.	Existing Drainage Structures	Km	Required Capacity Upgrade	New Design BMS Classification
19	2 x 1.2 m dia. Armco Pipes	11.580	1 x 2.4 m dia. PC	Major Culvert
20	1 x 2.3 m dia. Armco Pipes	10.224	1 x 2.4 m dia. PC	Major Culvert
21	1 x 1.1 m dia. Concrete Pipe	9.850	2 x 1.5 m dia. PC	Lesser Culvert
22	1 x 2.2 m dia. Armco Pipe	9.020	2 x 2.4 m dia. PC	Major Culvert
23	2 x 5.75 m dia. Armco Pipe	7.838	5 x (4x3) m dia. PC	Bridge
24	1 x 0.85 m dia. Pipe Culvert	7.075	2 x 1.5 m dia. CP	Lesser Culvert
25	1 x 1.2 m dia. Pipe Culvert	2.950	2 x 1.2 m dia. CP	Lesser Culvert
26	3 x 0.6 m dia. Pipe Culvert	0.462	2 x 1.5 m dia. PC	Lesser Culvert

7.3. Traffic accommodation

Refer to PowerPoint presentation.

7.4. Road Signage and Road Markings

Refer to slide show.

7.5. Existing Services

Refer to slide show.

8. PART C4: Site Information

SANRAL will not make any land available for the use of the Contractor. The Contractor shall make his own arrangements in respect of his site camps and the Engineer's offices.

9. PART D: Contract Participation Goals

SANRAL's representative briefly went through the Contract Participation Goals. Tenderers must carefully read through this section and request clarification from the Client if any anything is unclear. This section must be priced adequately with a dedicated team to perform the functions required of the contractor.

10. QUESTIONS

The following question was asked during the Clarification Meeting:

No.	QUESTION	ANSWER
1.	What are the material sources on this area nearest to the project location?	<ul style="list-style-type: none"> Afrimat Dundee Shisalanga Dundee <p>Tenderers are encouraged to explore other commercial sources that may be available.</p>

No.	QUESTION	ANSWER
2.	How must the R26 500 000-00 startup capital be proven in the returnable schedule Form A8?	There needs to be a project-specific letter confirming the availability of the amount required. The letter needs to be issued by a Registered Financial Services Provider.
3.	How does the JV Calculations work?	As per CIDB.
4.	Are there any projects that are currently being constructed using TRH24/NME?	To the best of SANRAL knowledge, No. This will be one of the first contracts to be rolled out requiring implementation of TRH24 / NME.
5.	CIDB requires a contractor to have completed a project of R30 000 000-00 to qualify for grade 8CE, but the tender requires 3xNo of projects, each with a minimum of R45 000 000-00 completed within the last 15 years, can SANRAL be lenient as it will disadvantage most Grade 8CE companies?	<p>SANRAL requires tenderers to prove their technical competence, best way to achieve this is to request previous experience in more than one contract, hence the request is for the 3xNo of projects.</p> <p>SANRAL has already been lenient in this requirement in that the window projects allows for contracts completed in the last 15 years (i.e., from year 2009); this is an adequate window covering the period when the construction industry was at a "boom".</p> <p>As such, the requirement of having 3xNo of projects, each with a minimum value of R45,000,000-00 cannot be relaxed.</p>
6.	Is the ECSA or SACPCMP registered Contracts Director required to be on the company registration documents (i.e., CIPC)?	No. The Contracts director is the position in the contract, not in the organisation, as such – it is not a requirement that the Contracts Director appear in the CIPC documentation.

11. CLOSE

The meeting closed at 14h10.

12. QUESTIONS SUBMITTED IN WRITING BEFORE THE MEETING

None

13. QUESTIONS SUBMITTED IN WRITING AFTER THE MEETING

No.	QUESTION	ANSWER
1.	Please may you send us VOL5 on the material investigations for the boreholes.	Volume 5 will form part of Addendum 2 to be issued.

The South African National Roads Agency SOC Limited

P.O. Box 415

Pretoria

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ACKNOWLEDGEMENT OF ADDENDUM NO. 1

TENDER SANRAL S.004-005-2020/1

CONTRACT TITLE: ISANDLWANA ROADS UPGRADE – PACKAGE 1 [UPGRADE OF PROVINCIAL ROAD P372]

I _____

Representing Messrs _____

Hereby acknowledge that I have received the above Addendum and that I am conversant with the contents thereof.

SIGNATURE: _____

DATE: _____

This Addendum is to be read in conjunction with and shall be deemed to form part of the Contract Documents.

You must therefore acknowledge receipt of this addendum by emailing this form to the South African National Roads Agency SOC Limited at ProcurementER3@sanral.co.za and the original must be attached to the Returnable Schedules.

Failure to acknowledge receipt of this addendum may invalidate the Tender.