

# Request for Proposals (Amended)

## Phase 2 “We the People Park”

### Full Turnkey Architectural Design, Landscape & Construction

RFP NUMBER:	CONHILL/06/FAC/2018
CLOSING DATE	30 AUGUST 2018
CLOSING TIME	11H00AM
VALIDITY PERIOD:	120 Days from the close of the tender
BID RESPONSES MUST BE HAND DELIVERED / COURIERED TO:	<p>The Constitution Hill Development Company  The Old Fort  11 Kotze Street  Braamfontein  Johannesburg</p> <p>Bidders must ensure that they sign the register at the reception when delivering their bids</p>
ATTENTION	<p>Name: Solly Malatsi  Telephone: 011 381 3124  Email: S.Malatsi@constitutionhill.org.za</p>
COMPULSORY BRIEFING	<p><b>Date: 13 AUGUST 2018</b>  <b>Time: 11H00AM</b>  <b>Venue:</b> Constitution Hill  The Old Fort  14 Kotze Street  Braamfontein</p>

*“The Constitutional Court building, indeed the entire Constitutional Hill precinct, will also stand as a beacon of light, a symbol of hope and celebration. Transforming a notorious icon of repression into its opposite, it will ease the memories of suffering inflicted in the dark corners, cells and corridors of the Old Fort Prison. Rising from the ashes of that ghastly era, it will shine forth as a pledge for all time that South Africa will never return to that abyss. It will stand as an affirmation that South Africa is indeed a better place for all.”*

Nelson Mandela

# GENERAL TENDER INFORMATION

This tender Document completed in all respects, by the tenderer, must be submitted in a sealed envelope with the name and address of the tenderer, the tender No. and title, and the closing date indicated on the envelope. The sealed envelope must be inserted into the appropriate official tender box before closing time. Note that Constitution Hill uses a two-envelope system and as such inside the pack the financial and technical proposals should always be separated. Bidders are advised to submit the mandatory requirements in a separate envelope attached to the technical proposal.

## IMPORTANT NOTICE

This Request for Proposals (RFP), incorporating all its attachments, has been produced by The Constitution Hill Development Company, for the “We the Peoples Park” opportunities at Constitution Hill. No representation or warranty, express or implied, is made, or responsibility of any kind is or will be accepted, by The Constitution Hill Development Company, with respect to the accuracy and completeness of the RFP, and any liability for the use by any interested party of the information contained in this RFP is hereby disclaimed.

The RFP is provided to the recipient to assist in making its own appraisal of the opportunity presented herein and in deciding whether to submit a proposal in connection with the opportunity. However, this RFP is not intended to serve as the basis for an investment decision on the opportunity, and each recipient is expected to make such independent investigation and to obtain such independent advice, as he or she may deem necessary for such a decision. The Constitution Hill Development Company may amend or replace any information contained in this RFP at any time, without giving any prior notice or providing any reason.

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# PART A: TERMS OF REFERENCE

## 1. OVERVIEW

Constitution Hill is a major national and international heritage site, anchored by the Constitutional Court. It comprises an integrated, multi-purpose and multi-dimensional precinct containing a range of complementary physical and institutional components. It is a site that is not just viewed but lived by visitors, users and residents. It is a site where past, present and future live side by side. The site is seen as a significant tourist destination in its own right and as well as the gateway to the range of tourist attractions that Johannesburg has to offer. The site has received numerous tourism accolades over the past few years and has been presented as a best practice case study at numerous international conferences.

The *We, the People Park* is conceived as a new cherished international destination on Constitution Hill. The overall objective of the proposed park is to create a public park in keeping with the ethos of the Constitution Hill precinct. The park will be accessible to the public, and will also be used by Constitution Hill for gatherings and public events.

## 2. BACKGROUND

Constitution Hill is developed around two principal functions and themes. It is intended that the development will become both a major tourism and heritage destination, and a national and global centre with regard to Constitutionalism, Human Rights and Democracy.

### **Brief History of the Site**

The history of the Constitution Hill site, prior to its selection as the home of the New Constitutional Court, is primarily characterised by its use as a place of incarceration. A prison was first established at the Fort during the 1890s under the Zuid Afrikaanse Republiek. During the South African War (1899 to 1902) it was used by the British to imprison Boer POWs. Indian passive resisters, including Mahatma Gandhi, were imprisoned in 1906 and 1913, as were the white miners involved in the Rand Revolt of 1922. The Treason Trialists, Nelson Mandela among them, were held at the Fort in 1956. It is its use by colonial and Apartheid governments for which the site has gained significance in the eyes of the majority of South Africans, as a place of transit where criminals and, notably opponents of government and contraveners of oppressive legislation were held pending their transfer to other jails throughout the country. Whereas Robben Island's history is associated with its history as the prison of Anti-Apartheid leaders, the history of the Fort is fundamentally linked to the effects of oppression on the masses; pass law offenders, contraveners of the Group Areas Act, hut tax and beer brewing laws. During the last century the Fort or "Number Four" as it is known by Black South Africans, gained notoriety for the harsh treatment meted out to prisoners by warders and by the notorious "Numbers Gangs" which originate there. This notoriety as a place where human rights were routinely flouted, allied with its new function as the home of Constitutional Court, the protector of human rights in democratic South Africa, creates a unique symbolism for Constitution Hill; as a place where justice triumphed over injustice, human rights over oppression, good over evil.

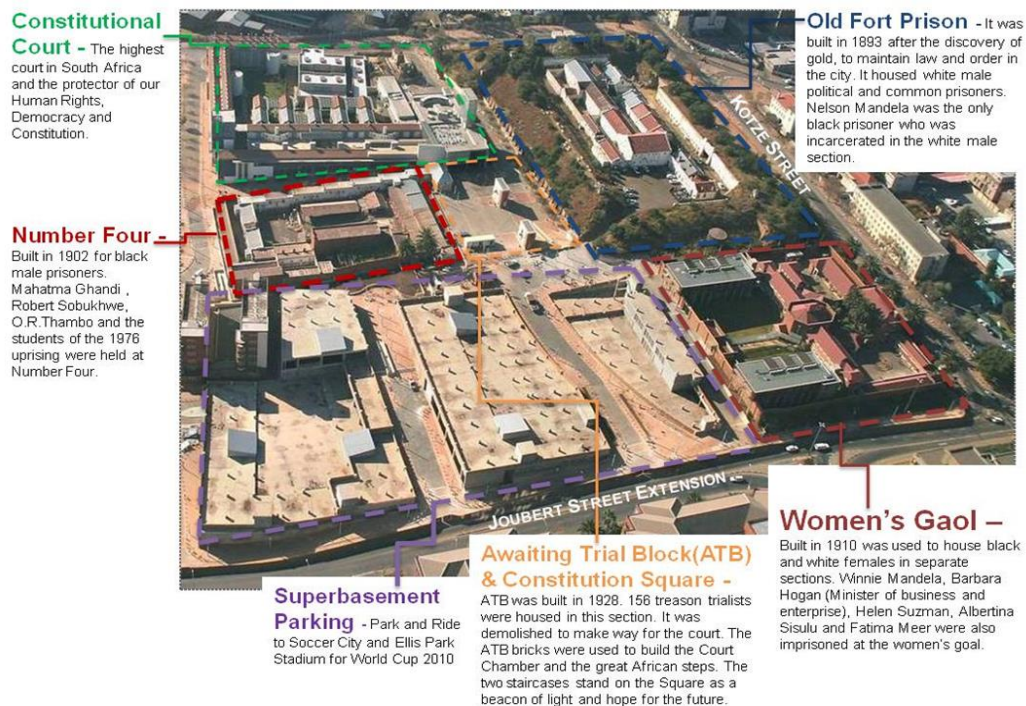
### **Project History**

The late 19th Century Old Fort was declared a National Monument in 1964 although it continued as a functioning prison until 1987 after which the buildings and the site as a whole, suffered from neglect and vandalism. The entire site was injected with a new meaning and energy when it was chosen, after extensive investigation of various sites in South Africa, in 1995 as the site for the new Constitutional Court. The recognition of the fact that the constitutional court needed to be developed in tandem with the entire precinct, culminated in the preparation of a Master Plan for Constitution Hill (completed in April 2001) and the development of the site to what it is today.

## Development Vision

The Constitution Hill precinct is a unique mixed-use development located between Braamfontein and Hillbrow, within Johannesburg's inner city. The project is part of a major inner city regeneration drive, which will contribute to the economic, social and cultural upliftment of people living and working in the inner city. Another of the objectives of the project is the provision of facilities of a standard existing in other major world-class cities.

Constitution Hill is conceptualised as a major national and international tourism and heritage site, and as the seat of Constitutional Democracy within South Africa. The precinct will comprise an integrated, multi-purpose and multidimensional series of spaces including a number of integrated and complimentary physical and institutional components.



The development vision for the precinct is guided by principles of "New Urbanism", whereby new and existing building fabric are used to define usable public spaces such as streets and squares, with building envelopes marking the boundary between public and private realms. This approach aims to achieve the following:

- The establishment of connections for both pedestrians and vehicles to and through the site;
- The creation of new streets and open spaces within the precinct to structure the present loose assortment of buildings, thereby creating a series of interconnected spaces;
- The location of a variety of land uses within the precinct to facilitate a twenty-four-hour human presence and resultant security by design, and contribute to the creation of a successful mixed-use city environment;
- The provision of robust and adaptable accommodation in the "perimeter block" configuration, laid out to accommodate future changes in use;
- The provision of a variety of parking options that can be optimally shared between various land uses, with flexibility for future changes.

## The Seat of Constitutional Democracy

A number of institutions and organisations with functions and interests connected to the Constitution of the Republic of South Africa are accommodated within the precinct. More are expected to be accommodated when the development of the additional land parcels takes off. An RFI in this regard will be issued in June 2016. The location of these institutions at Constitution Hill positions the precinct as the seat of Constitutional Democracy within South Africa and, as such, a major centre globally with regard to Constitutionalism and Constitutional Democracy.

Constitutional Court – The Court is the most important public building to have been built in the post-apartheid era. The decision to locate it within the site was the catalyst for the development of the entire precinct. The Court is the primary architectural and symbolic focus of the precinct. The building comprises a total of 8 200m<sup>2</sup> of accommodation, including a world-leading law library, and exhibition space housing an artworks collection.

Approximately 30 000m<sup>2</sup> of office space is at present leased to the western portion of the precinct including the Women's Gaol Forecourt.

### **Tourism and Heritage Destination**

All of the original buildings dating back to the site's previous use as a prison, with the exception of the Awaiting Trial Block, have been retained and had been repaired and renovated to be developed as part of the site:

**The Old Fort** – a complex of building dating back to 1893, has been adapted to provide permanent exhibition space, multipurpose space for temporary exhibitions and meetings, offices for the administration and a café/ restaurant. Visitors can access to the ramparts from the fort which provide a vantage point to look over the campus and Johannesburg,

**Old Fort Ramparts** – a circular Rampart Walk has been developed and is, accessed by means of stairs to the top.

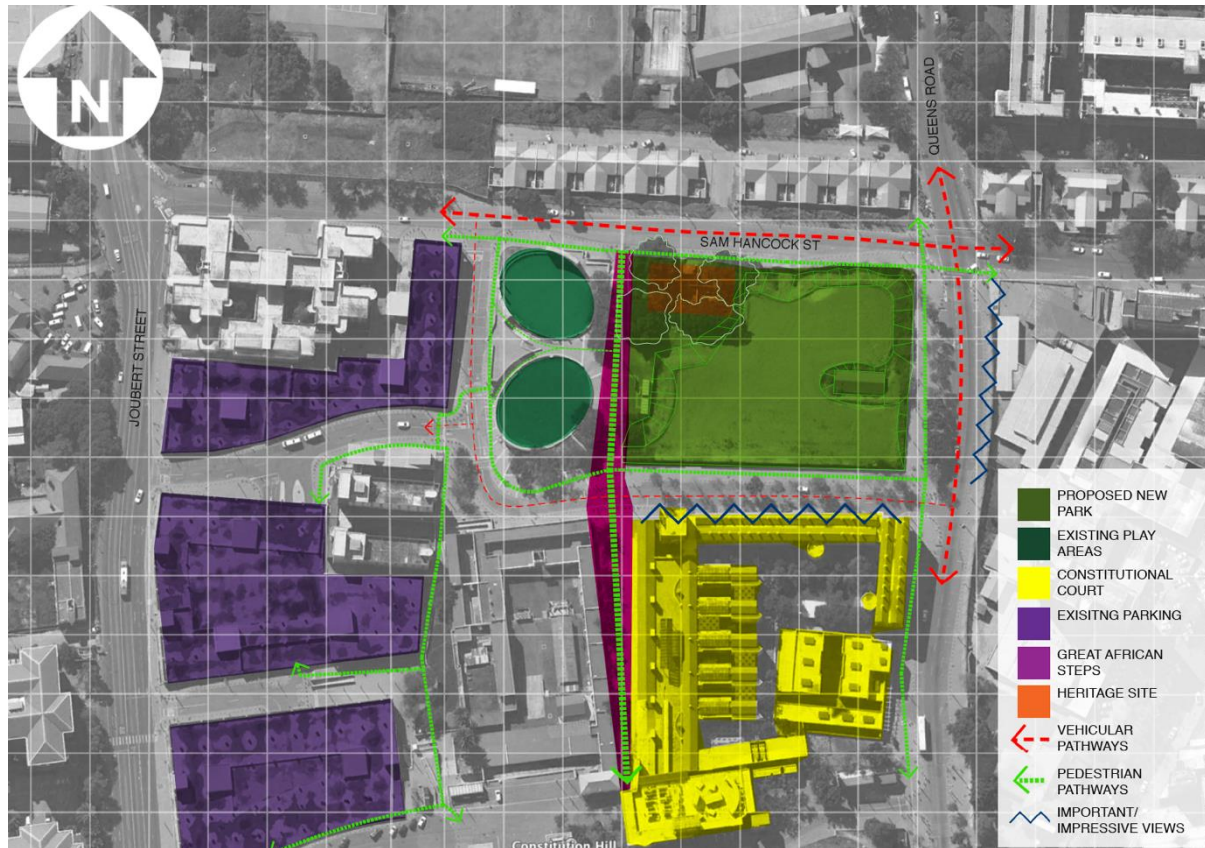
**Constitution Square** – this public square is the focus of the public open space network. Constitution Square has become a gathering point, an orientation and an outdoor pause area at the hub of the site. At its centre are the two stair towers, retained as a memory of the Awaiting Trial Building that was demolished to make way for the new Court building.

**Section 4 & 5** – these buildings, formerly the prison section occupied by black male prisoners, are preserved in their current state, and not adapted for re-use in order to preserve the emotional intensity of their spaces and to integrate this into the visitor experience.

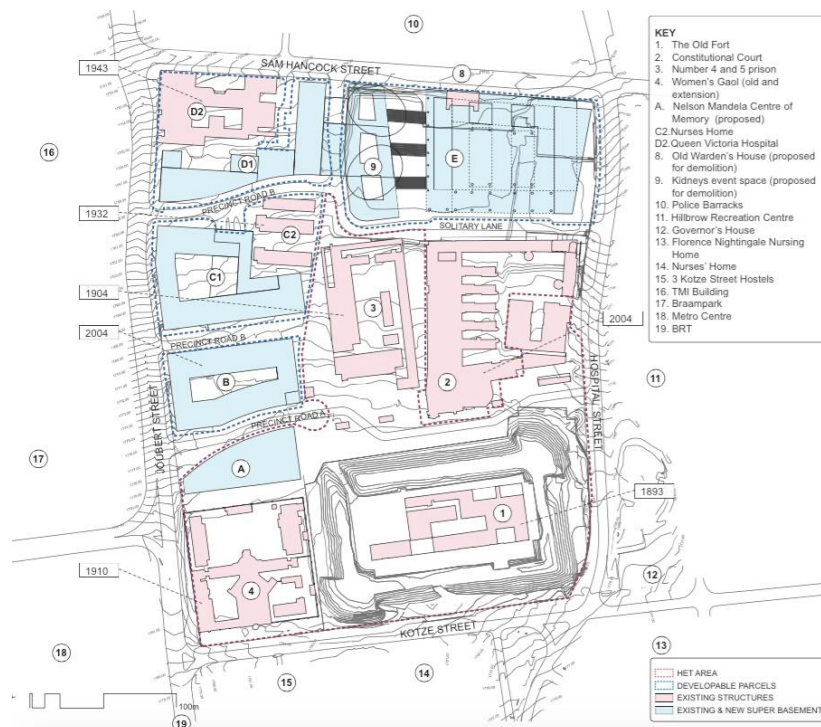
**Women's Jail** - two three-story office buildings located in the forecourt presently houses the Commission for Gender Equality and other institutions with temporary exhibition space, offices, and conference facilities located in the existing buildings. The isolation cells have been conserved in their current state.



### 3. THE WE THE PEOPLE PARK DRAWINGS



The site is located to the south of the Constitutional Court, and is bounded by Solitary Lane to the south, Sam Hancock Street to the north, and Hospital Street to the east. The Constitutional Court library on Solitary lane overlooks the site, and No.4 Prison and the Great Africa Steps are located to the south-west. Aerial view of the site is depicted below – with the Park on land-parcel E.



The Park unites the experience of Constitution Hill's heritage and human rights values in a physical space that can host public events and visitors of all ages. Since inaugurating the new home of the Constitutional Court in 2004, the Hill Precinct has become a destination for reconciling South Africa's history in the former prisons on the site, with the hope for the future embodied in one of the most progressive constitutions in the world. The park is to exemplify the values of the constitution. *We, the People*, the Preamble of the South African constitution, is followed by some of the most impactful statements and impetus for our future:

*We, the people of South Africa,  
Recognise the injustices of our past;  
Honour those who suffered for justice and freedom in our land;  
Respect those who have worked to build and develop our country; and  
Believe that South Africa belongs to all who live in it, united in our diversity.*

It is with this same sentiment that everything at Constitution Hill abides, and the same goes for the experience visitors will have within the new *We, the People Park*.

The "We the People Park" supports and complements a variety of historical uses, as well as new and innovative uses in the Constitution Hill Precinct. It will preserve and expand public access to, and use of, the precinct, including public accesses to areas/facilities around the park. The park design should provide a consistent, integrated look, feel and aesthetics throughout the Project Area that respects, and celebrates, the environment of the Constitution Hill Precinct. It should not only meet all the functional requirements but also make an aesthetic/artistic statement on its own.

The park should be designed to support a variety of public and private events and uses such as concerts, festival, outdoor movies; markets and picnics. An area close to the kidneys should also accommodate a small children's play area. The seating/audience area and venue orientation would be examined with a view toward increasing the usability for the various performance venue events and to substantially increase the overall usage during the calendar year.

**Figure 1: Example only**







**Figure 2: Example only**



As a community space the park should be about atmosphere – creating a feeling of wellbeing and contentment for the user. Play value and playable landscapes are key to our park. Together they offer the best play experience for all ages and abilities. The space should therefore incorporate a play environment that is more than just physical challenges incorporating inclusive play experiences.

## **PUBLIC ART**

### **HOPE:**

The garden in the childrens Play Area needs to accommodate the Unicef Statue of Hope – currently on Nelson Mandela Square. The statue features a young girl called Hope. The girl is symbolic of every girl and every boy in South Africa and represents the power of children to shape the future. Emulating Madiba’s dance, she is a symbol of hope, of infectious joy and innocence. Named ‘Hope’ for her celebration and defence of children’s rights, the statue takes a bold stance for children’s potential to build our country’s future. She represents children’s strength and resilience, their joy and confidence, their courage and conviction. Most importantly, she stands for their dreams and ambitions, a future where children are cherished and protected — a future where all children, no matter where they are, enjoy the right to be a child.



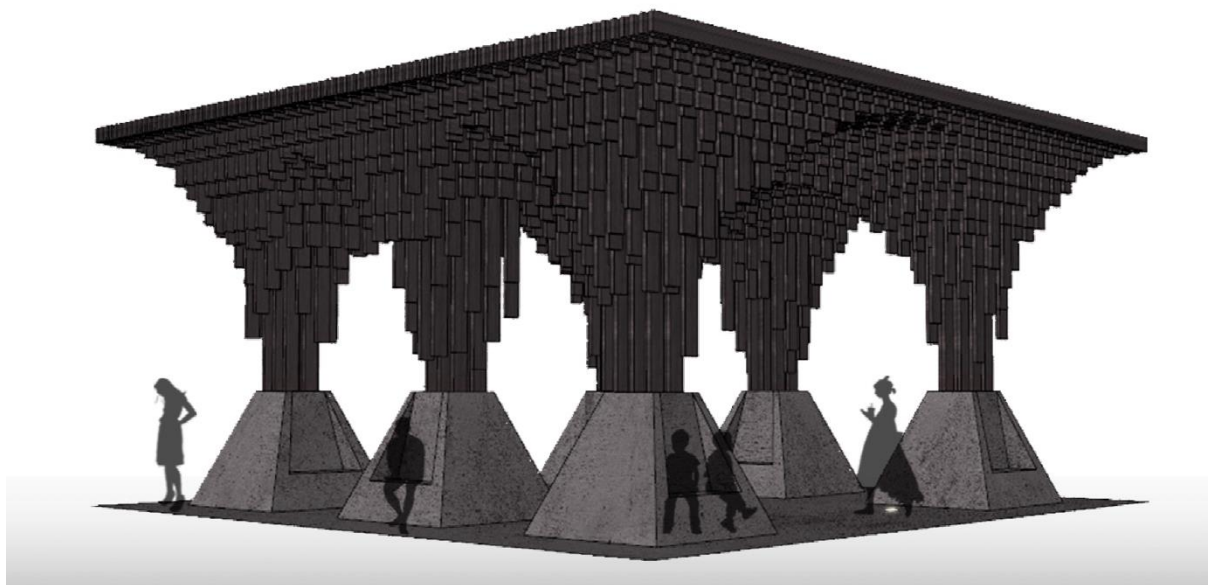
**Figure 3: Example only**

### **DAVID ADJAYE PAVILLION**

Award winning architect, David Adjaye OBE, has designed a pavilion that will be a focal point to the Park. It will provide visitors with an immersive and multi-sensual experience. The pavilion is like a giant piece of architectural furniture that continues David Adjaye's investigation into proto-public buildings, gathering places from which to reflect on the state of the surrounding city.

The Pavillion will provide a space for urban activations, and events and will invite global collaboration as a symbolic gesture of goodwill and create a welcoming space for all local and international citizens to visit, work, collaborate and celebrate in South Africa's diversity, freedom and democracy.

The Pavillion needs to be incorporated into the proposed design between the kidneys and the park. The construction will be implemented and funded separately by the JDA and should **not** be incorporated into the tenderers price proposal.



**Figure 4: Example Only**

#### 4. SCOPE OF WORK

This Design-Build Turnkey RFP is to solicit proposals for a architectural landscape/design/build firm and team for the design and development of the *We, the People Park*. The appointed service provider must provide comprehensive professional services including design, development, landscaping & construction for a park and event space. Proposals should also demonstrate how they will incorporate labour absorption and income transfers to poor households through the project implementation. This project is funded through the National Department of Tourism Expanded Public Works Programme (EPWP) which is a deliberate attempt by public sector bodies to use expenditure on goods and services to create work opportunities for the unemployed. EPWP Projects employ workers on a temporary or on-going basis either by government, by contractors, or by other non-governmental organisations under the Ministerial Conditions of Employment for the EPWP or learnership employment conditions.

A Cidb minimum grading of 6 SH or 5 SH PE or higher is required for this project.

Phase 1 of the project, completed in 2017, primarily comprised civils and earthworks. This work included:

- Earthworks as required, including removal of the shale deposits to create a level platform for the park.
- Existing heritage houses and toilet block on site were demolished.
- The provision of water, electrical, sewerage reticulation to termination points for use during events and for further work during phase two, as well as storm water reticulation
- The necessary vehicular entrance and loading point to enable events at the park.

**Phase 2 of the project will see the completion of the park and will include:**

- Construction of a retaining wall to the north and an embankment to the south to meet with Solitary Lane.
  - The 'extension' of the Great Africa Steps down to Sam Hancock Street, creating a broad public promenade as envisaged in the urban design controls.
  - A landscaped bank of terraced seating and steps going down from Solitary Lane to the park area to form a natural amphitheatre.
  - The provision of public toilets to service the park.
  - New and enhanced public lighting provision in the park, along the promenade and along the street edges.
  - New hard and soft landscaping and planting provision, including perimeter fencing around the north and east sides of the park.
  - Outdoor Street furniture, paving, lighting and signage (Only locally produced or locally manufactured furniture will be considered, as per *National treasury designated sectors instruction 6 of 2016/2017*)
  - Repurposed container VIP hospitality area incorporating the box office and Merch Shop
- Figure 6: Example only**





- Completion of the provision of water, electrical, sewerage reticulation to termination points for use during events, as well as storm water reticulation.
- Statutory and wayfinding signage.
- Stage area with load in area from Hospital Road
- Hardscaping and structural design elements
- Pre-manufactured container building to support storage as well as festival VIP viewing area and bar/catering facilities
- A small children's play area
- Incorporation of public art works

In considering models of existing parks around the world that adjoin public space and museums or heritage sites, please also keep in mind:

- Surfaces must be able to have lots of foot-traffic.
- There must be dedicated areas for staging and scaffolding.
- Accommodate a minimum of 10,000 audience for festivals.
- Designs should target a broad range of age groups and users.
- Designs should incorporate inclusive play elements if/when appropriate.
- Explore pedestrian circulation.
- Address accessibility and ADA compliance (*American with disabilities Act*)

A main feature of the *We, The People Park* is its location below the Constitutional Court. Between the Constitutional Court and the No4/5 Prison to its west are the Great African Steps, constructed out of bricks from the old prison. The new Park should tie in as a continuation of those steps and the boundary of past, present and future that they symbolise.



***Figure 7: African Steps***



## 5. PROCESS AND TIMETABLE

The project assignment is planned to be completed over a period of about 12 months. The Consultant will be expected to provide a detailed time schedule for undertaking the various activities.

This timetable is provided as an indication of the timing of the tender process. It is indicative only and subject to change by Constitution Hill. Bidders are to provide proposals that will allow achievement of the intended commencement date.

Activity	Date
Advert date	Friday, 20 July 2018
<b>Compulsory Tender Briefing</b>	Monday, 13 August 2018
<b>Closing Date and Time</b>	Friday, 30 August 2018
Presentations by shortlisted candidates (optional)	Monday, 6 September 2018
Intended completion of evaluation of tenders	Friday 7 <sup>th</sup> September 2018
Intended formal notification of successful Bidder(s)	Friday 28 <sup>th</sup> September 2018
Inception Meeting	2nd October 2018
Signing of Service Level Agreement	5th October 2018
<b>Effective date</b>	<b>8<sup>th</sup> October 2018</b>

# PART B: SUBMISSION REQUIREMENTS

All annexures must be completed in full, using the given numbering format. All attachments or references to attachments must be clearly marked and specific to information required. Compliance or non-compliance with detailed information must be indicated per paragraph as per numbering format if there are additional and/or alternative products/services, options must be separately tendered for in the form of a separate proposal, and with a complete schedule describing deviations from specifications and technical brochures must be submitted where applicable.

## 1. RESPONSE FORMAT (RETURNABLE SCHEDULES)

Bidders shall submit their responses in accordance with the response format specified below (each schedule must be clearly marked):

### SECTION 1 –WE THE PEOPLE PARK CONCEPT PROPOSAL

Based on the information provided in this tender document as well as information gathered during the tender briefing, prospective landscape architectural firms are required to submit as part of their bid documents a concept design and report illustrating their understanding of the brief and demonstrating their value as potential landscape architectural firms on this project. These concepts are intended to be used to select the preferred company based on their understanding of the brief and may or may not be taken forward to final design once the preferred company is appointed. The documentation should discuss the merits of the proposed concept design, listing out the pros and cons.

In your proposal indicate the value add that you will bring to this project.

#### Your submission should:

- Be subdivided in to sections in-line with this tender document sections;
- Include your design proposal in this section 1 of your submission;
- Include design on A3 paper size format and complimented by CAD Drawings.
- Include executive summary limited to 1 page and any other detailed explanatory notes/discussion not exceeding 3 pages.

### SECTION 2 - TENDERER INFORMATION; RESOURCE ALLOCATION, QUALIFICATIONS & EXPERIENCE

#### TENDERER INFORMATION

- The identity and particulars of the applicant must be furnished, including the names of the directors of the Entity.
- The experience of the tenderer as apposed to the key staff members / experts in similar projects or similar areas and conditions in relation to the scope of work will be evaluated. Tenderers should very briefly describe his or her experience in this regard and attach this to this schedule.

Project Contact person Telephone number	Description of work (service)	Value of work (i.e. the service provided) inclusive of VAT (Rand)	Date completed

- If the applicant is a consortium, then (i) particulars of each significant member of the consortium must be provided and (ii) a lead member for the purposes of this proposal must be nominated and its contact details provided.
- The legal status of the applicant (include for all entities in case of a joint venture/partnership or sub-contracted)

## RESOURCE ALLOCATION

Tenderers should indicate what resources (human and otherwise) they have available and intend allocating to this project should their tender be successful, and on what basis (that is, for what aspect of the work and whether full or part time). This should include the key personnel plus others. The tenderer should propose the structure and composition of their team i.e. the main disciplines involved, the key staff member / expert responsible for each discipline, and the proposed technical and support staff. The roles and responsibilities of each key staff member / expert should be set out as job descriptions. In the case of an association / joint venture / consortium, it should, indicate how the duties and responsibilities are to be shared. The tenderer must attach his / her intended resource availability schedule and organization and staffing proposals in this section.

## QUALIFICATIONS AND EXPERIENCE OF KEY STAFF

Experience of Key Staff Experience of the key staff (assigned personnel) in relation to the scope of work will be evaluated from three different points of view:

1. General experience (total duration of professional activity), level of education and training and positions held of each key staff member / expert member.
2. The education, training and experience of the key staff members / experts, in the specific sector, field, subject, etc which is directly linked to the scope of work.
3. The key staff members' / experts' knowledge of issues which the tenderer considers pertinent to the project. A CV of each key staff member of not more than 2 pages should be attached to this schedule. The CV's should be structured under the following headings:
  - Personal particulars
  - Qualifications (degrees, diplomas, grades of membership of professional societies and professional registrations)
  - Name of current employer and position in enterprise
  - Outline of recent assignments / experience that has a bearing on the scope of work.

Project Personnel Schedule must be provided as outlined below:

Name	Qualifications	Professional Registration Details	Specific Duties for this Project

The following minimum requirements will be sought and the bidders must provide relevant official documentation as regard to their eligibility to meet these requirements in their offers:

- The company involved in the project should have highly qualified landscape architects & landscape designers, who will be engaged in the project.
- CVs of personnel suggested by the company to be assigned to this project should be provided.
- All experts, architects and other engineers, involved in the project must be licensed/registered experts in their field of expertise, with a minimum of three (3) years of experience in profession.
- The company must submit a list of selected projects from the last ten (10) years, of a similar scale
- The company should provide the list of its clients during the last ten (10) years – Constitution Hill reserves the right to contact any of the clients for references and feedback on company's performance.
- Preference will be given to organizations that are fully represented in Gauteng;

**Attach your company profile , personal , personal schedule and CV**

### SECTION 3 - PRICING PROPOSAL

- Bidders are required to provide the professional fees and landscaping and construction fees that will be charged for the overall project. *Please complete SBD 3.1 form attached in this tender document.*
- Constitution Hill will not entertain pricing adjustments after the signing of any contracts, and it is therefore most important that all pricing elements are disclosed.
- Sufficient detail should be included to enable the Constitution Hill to fully understand the make-up of the overall pricing. Refer to SBD 3.1 for pricing breakdown
- It is critically important to detail all exclusions.
- All baseline assumptions and numbers must be clearly stated.
- Constitution Hill assumes that the pricing document as supplied is complete and covers all costs associated with this project.
- Whilst complying with normal commercial confidentiality requirements, the Constitution Hill reserves the right to discuss aspects of the pricing with experts in this industry to satisfy itself that the pricing as contained in any received proposal avoids fruitless and wasteful expenditure and is regarded as fair and equitable for the services offered.
- Constitution Hill requires transparency concerning the financial aspects and will work closely with the prospective Vendor to ensure a fair and equitable pricing regime for the required services.
- Bidders are required to provide a firm price.

**Attach your pricing proposal here.**

### SECTION 4 - ACCEPTANCE OF GENERAL TENDER CONDITIONS

**Attach the signed Acceptance of General Tender Conditions form here.**

### SECTION 5 - DECLARATION OF INTEREST FOR TENDERS (SBD4)

Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where- the bidder is employed by the state; and/or the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

<sup>1</sup>**"State" means –**

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

<sup>2</sup>**"Shareholder"** means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

**The fully completed SBD 4 must be included here.**

## **SECTION 6 - TENDER ENTERPRISE DECLARATION AFFIDAVIT**

An affidavit detailing the company structure, classification, sector, assets etc of a firm is required. The affidavit provides vital information required to evaluate a tender e.g. the SMME/HDI status of a firm may be ascertained from the information provided. It is therefore compulsory that the document be completed and stamped by a Commissioner of Oath.

**Attach the certified declaration here.**

## **SECTION 7 - TAX CLEARANCE CERTIFICATE (SBD 1)**

**Attach your Tax Clearance Certificate here.**

## **SECTION 8 - DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (SBD 8)**

This annexure serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system. The tender of any tenderer may be disregarded if that tenderer, or any of its directors have:

- Abused the institution's supply chain management system;
- Committed fraud or any other improper conduct in relation to such system; or
- Failed to perform on any previous contract.

**Attach your Declaration of Past Supply Chain Management Practices here.**

## **SECTION 9 - CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9)**

Take note that:

- Should all of these documents not be included, the bidder may be disqualified on the basis of non-compliance.
- The same documents must be submitted for all other companies that are involved in the tender in case of a consortium.
- The following documentation must be submitted, failure to comply and submit any one of the documents will disqualify the submission.

**Attach your Certificate of Independent Bid Determination here.**

## **2. CONDITIONS OF BIDDING**

### **2.1 PROPRIETARY INFORMATION**

Constitution Hill considers this tender and all related information, either written or verbal, which is provided to the respondent, to be proprietary to Constitution Hill. It shall be kept confidential by the respondent and its officers, employees, agents and representatives. The respondent shall not use this specification or related information for any purpose other than responding to this tender without the prior written consent of Constitution Hill.

### **2.2 ENQUIRIES**

All communication and attempts to solicit information of any kind relative to this tender should be in writing and channeled to:

Name: Solly Malatsi  
Email: solly@conhill.org.za

All the documentation submitted in response to this tender must be in English.



The Bidder should check the numbers of the pages to satisfy themselves that none are missing or duplicated. No liability will be accepted by Constitution Hill in regard to anything arising from the fact that pages are missing or duplicated.

## **2.3 VALIDITY PERIOD**

Responses to this tender received from suppliers will be valid for a period of **120 days** counted from the closing date of the tender.

## **2.4 BRIEFING SESSION AND CLARIFICATIONS**

The briefing session for the bid will be held at Constitution Hill, Old Fort Building, 11 Kotze Street, Braamfontein, Johannesburg. Compulsory Briefing session date: Wednesday 13 August 2018.

## **2.5 SUBMISSION OF TENDERS**

Tenders should be submitted in a sealed envelope endorsed, "*We the People Park – Phase 2*" The envelopes must be placed in the tender box at the Old Fort Building, 11 Kotze Street, Braamfontein, Johannesburg by no later than **30 August 2018 - 11h00 am**.

The closing date, company name and the return address must also be endorsed on the envelope. If a courier service company is being used for delivery of the bid document, the bid description must be endorsed on the delivery note/courier packaging to ensure that documents are delivered into the BID BOX at the reception, at Constitution Hill.

No bid received by email, facsimile or similar medium will be considered. Where a tender document is not in the tender box at the time of the bid closing, such a bid document will be regarded as a late bid. Late bids will not be considered.

Amended bids may be sent, together with the original bid, in an envelope marked "Amendment to bid" and should be placed in the bid box before the closing date and time. An amendment bids without original bid document will not be considered.

The bidder is responsible for all the cost that they shall incur related to the preparation and submission of the bid document.

Kindly note that Constitution Hill is entitled to amend any bid conditions, validity period, specifications, or extend the closing date of bids before the closing date. All bidders, to whom the bid documents have been issued, will be advised in writing of such amendments in good time.

Constitution Hill reserves that right not to accept the lowest bid of any tender in part or in whole. It normally awards the contract to the bidder who proves to be fully capable of handling the contract and whose financially advantageous to Constitution Hill.

Constitution Hill also reserves the right to award this bid to an empowerment company or may award this bid on conditions that a joint venture with an empowerment company is formed. This may be added to the criteria when evaluating the bids. Constitution Hill also reserves the right to award this bid as a whole or in part without furnishing reasons.

Constitution Hill reserves the right to, amongst other things, conduct scheduled site visit/s to satisfy itself, as to the validity of the information provided on this bid documents. No extensions of time will be granted and all late submissions will not be considered. The submission of five RFP documents is required. One original and 4 copies.

All submissions must be hand delivered to the Constitution Hill Development Company Offices and placed in the tender box prior to closing date and time. No posted, e-mailed or faxed submissions will be considered. Constitution Hill may exclude any submission that does not comply fully with submissions requirements.

## **2.6 CONSTITUTION HILL'S RIGHTS**

Constitution Hill is entitled to amend any bid conditions, validity period, specifications, or extend the closing date of bid before the closing date. All bidders, to whom the bid documents have been issued and where Constitution Hill have record of such bidders, may be advised in writing of such amendments in good time and any such changes will also be posted on Constitution Hill's website under the relevant tender information. All prospective bidders should therefore ensure that they visit the ConHill website ([www.constitutionhill.org.za](http://www.constitutionhill.org.za)) regularly and before they submit their tender response to ensure that they are kept updated on any amendments in this regard.

- Constitution Hill reserves the right not to accept the lowest bid or any bid in part or in whole. It normally awards the contract to the bidder who proves to be fully capable of handling the contract and whose bid is technically acceptable and/or financially advantageous to Constitution Hill.
- Constitution Hill reserves the right to give preference to an empowerment company and /or may elect to award this bid on condition that a joint venture with an empowerment company is formed. The implications of such arrangement will be subject to negotiations between Constitution Hill and the successful bidder.
- Constitution Hill reserves the right to award this bid as a whole or in part without furnishing reasons.
- Constitution Hill reserves the right to conduct site visits at bidder's corporate offices and / or at client sites if so required.

## **2.7 UNDERTAKINGS BY THE BIDDER**

The bidder is required to render all or any of the services described in the attached documents to Constitution Hill on the terms and conditions and in accordance with the specifications stipulated in this Bid documents (and which shall be taken as part of, and incorporated into, this Proposal at the prices inserted therein).

Bids submitted by Companies must be signed by a person or persons duly authorised thereto by a resolution of a Board of Directors, a copy of which Resolution, duly certified be submitted with the Bid. The bidder shall prepare for a possible presentation should Constitution Hill require such and the bidder shall be notified thereof in good time before the actual presentation date.

The bidder hereby agree that the offer herein shall remain binding upon him/her and receptive for acceptance by Constitution Hill during the validity period indicated and calculated from the closing hour and date of the Bid; this offer and its acceptance shall be subject to the terms and conditions contained in this bid document.

The bidder furthermore confirm that he/she has satisfied himself/herself as to the correctness and validity of his/her Bid response that the price(s) and rate(s) quoted cover all the work/item(s) specified in the Bid response documents and that the price(s) and rate(s) cover all his/her obligations under a resulting contract and that he/she accept that any mistakes regarding price(s) and calculations will be at his/her risk.

The bidder hereby accepts full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under this agreement as the Principal(s) liable for the due fulfilment of this contract.

## **2.8 REASONS FOR DISQUALIFICATION**

Constitution Hill reserves the right to disqualify any bidder for one or more of the following, and such disqualification may take place without prior notice to the offending bidder, however the bidder will be notified in writing of such disqualification:

- Bidders who submitted information that is fraudulent, factually untrue or inaccurate information;

- Bidders who received information not available to other vendors through fraudulent means; and/or
- Bidders who do not comply with *mandatory requirements* as stipulated in this bid document.

## **2.9 SPECIAL TENDER CONDITIONS**

This tender and its acceptance will be subject to the terms and conditions described below. Constitution Hill is/will not be liable for any costs incurred in preparation and delivery of tenders. All documents, samples and materials submitted as part of a tender becomes the property of Constitution Hill, and yet in any event Constitution Hill will not be liable for loss or damage to any documents, samples and materials submitted.

### **A. Tender Surety**

The tenderer must provide to the Constitutional Hill within 15 days of acceptance of construction offer an initial construction guarantee equal 10% of the contract sum and keep such security valid and enforceable until the final payment certificate has been issued to the contractor.

### **B. Upscaling or Downscaling of Work**

Constitution Hill reserves the right to upscale or downscale the required services should the need arise. In such cases, Constitution Hill will only upscale or downscale such services after every completed contractual period of twelve (12) months. At least three (3) months' notice of such uploading or downscaling will be provided to the successful bidder.

### **C. Validity Period**

The tender proposal must remain valid for at least four (4) months after the tender due date. All prices indicated in the proposal and other recurrent costs must remain firm for the period of the contract.

### **D. Completeness of Solution**

The tenderer must complete all documents in full and submit these with the proposal. Failure to comply with these requirements may invalidate the tenderer or disqualify the proposal. Notwithstanding any possible shortcomings and / or inconsistency in the specifications, the tenderer

must ensure that the solution offered will form a complete, cost effective and functional proposal for the whole project solution.

### **E. Contractual Implications**

The tenderer must complete all documents in full and submit these with the proposal. Failure to comply with these requirements may invalidate the tenderer or disqualify the proposal. Upon submission of the tender response, the Tenderer is unconditionally bound by the terms and conditions of the Request for Proposal (RFP) and the tender response. In the event of any conflict or confusion arising between the terms and conditions of the RFP and the tender response, the RFP shall prevail.

The Tenderer acknowledges that awarding of the Tender is based solely on the information supplied in the tender response, accordingly the relevant Terms and Conditions of the Request for Proposal and the tender response will be incorporated in the subsequent written agreement, unless otherwise provided by Constitution Hill.

Other than providing rights to Constitution Hill, nothing in this Tender Request and tender response should be construed to give rise to Constitution Hill having any obligations or liabilities whatsoever, express or implied.

The successful Tenderer shall only be entitled to render services and/or provide goods to Constitution Hill once a separate written contract, which will be aligned to: "GOVERNMENT PROCUREMENT GENERAL CONDITIONS OF CONTRACT".

(Please visit <http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/default.aspx> or further information issued in 2010 in this respect), has been signed by both the Tenderer and Constitution Hill, whereupon the Request for Proposal and tender response will cease to have force and effect. The successful tenderer will assume sole responsibility, regardless of any third party or subcontracting agreements it may enter into.

The terms and conditions of this Request for Proposal and any agreement entered into between Constitution Hill Board and Tenderer as a result of a successful proposal by the Tenderer to this Request for proposal shall always be interpreted and subject to the laws of the Republic of South Africa and the jurisdiction of the South Gauteng High Court in Johannesburg. The terms and conditions of this sub shall survive any subsequent contractual provision or agreement attempting to evade, amend or nullify the said provisions to the Request for Proposal.

#### **F. Conditions of Payment**

Constitution Hill will approve all content reviews and assessments set. No service will be provided to Constitution Hill before an official order has been issued to the supplier and service delivery will be within the specified time scale after the receipt of the official order.

Tenderer shall be responsible for any foreign exchange loss incurred due to currency fluctuations, without having any recourse whatsoever against Constitution Hill for such loss.

- **Payment to contractor:**

The successful tenderer will be paid by the Constitution Hill according to the physical progress on site. The tender shall co-operate and assist the PA in the preparation of payment valuations by providing all required documents and quantities amounts of work duly executed. Where the successful tenderer has not provided such information, the principal agent shall make a fair estimate of the work executed. The principal agent shall regularly by the due date issue payment certificate to the tenderer until and including the issue of a final payment certificate. Constitution Hill will pay the successful tender an amount certified in an issued payment within 14 calendar days of the date of issue of payment certificate.

- **Payment to Professional service provider:**

Professional services providers shall co-operate and assist Constitution Hill in the preparation of their professional fees claim. Constitution Hill shall if satisfied certify professional service provider fees claim and pay such claim within 14 days of the certification of such claim. The value of each professional fees claim will be based on the progress of the six stages: Inception, Concept and Viability, Design Development, Documentation and Procurement, Construction and Supervision, Close Out and the relevant government gazette fees that will be approved by the Constitutional Hill.

#### **G. Quality Assurance**

All services rendered by the Tenderer, its personnel, agents or sub-contractors will be subject to on-going evaluation to determine its effectiveness and will be so guaranteed for the full contract period by the Tenderer after acceptance by Constitution Hill.

#### **H. Intellectual Property Rights**

All intellectual property rights, applicable to the awarded bidder, including, but not limited to, copyright, trademarks, design rights, patent rights and other similar rights in the Request for Proposal and the tender response and in any works or products created as a result of the performance of the Tenderer in relation to this Request for Proposal and tender response, will vest in, and are hereby assigned to

Constitution Hill, unless specifically agreed otherwise, in the form of individual written Agreements signed by both parties.

#### **I. Awarding of Contract**

Proven relevant experience and success, as well as the ability to deliver services required will be important considerations.

By the submission of tender, each submitter warrants that he/she/it is highly skilled, professional, competent and experienced in the area for which he/she has tendered. Any work performed by a successful tenderer will be evaluated.

The tenderer also warrants that the service provided will be of a superior standard, and is unlikely to cause undue difficulties.

The proposal may be awarded, in part or in full, at the sole discretion of Constitution Hill, to one or more concerns on a non-exclusive basis. Proposals that are qualified by a tenderer's own conditions may be rejected as being invalid, and failure of the submitter to renounce such conditions when called upon to do so may invalidate the proposal. Constitution Hill may request clarification or additional information regarding any aspect of the proposal. The tenderer must supply the requested information within 48 hours after the request has been made, otherwise the tenderer may be disqualified. Constitution Hill may also request a demonstration, and submitters must comply with such a request within 48 hours.

#### **J. Professional Indemnity**

The professional indemnity that will be required from the tenderers is R 2000 000.00.

It is required of professional service providers to enter into PROCSA CLIENT/CONSULTANT AGREEMENTS prior to commencement of professional service.

#### **K. Insurance: Contractor and Employer**

Constitution Hill shall effect and keep in force in the joint names of the parties the following insurance policies from handover of site until the contractor's responsibility has ended.

1.1 Contract Works Insurance Including the value of free issue and of direct contractor's works and temporary works (as defined in insurance policy) and adequate cover for cleaning away and removing of all debris and any other costs to reinstate the works and where required, damage to the employer's surrounding property in the care, custody or control of the contractor or to be worked upon.

1.2 Supplementary Insurance for the works against loss or damage caused by civil commotion, riot, strike, labour disturbances and lockout to the extent not insured the Contract Works Insurance.

1.3 Public Liability Insurance providing indemnity in respect of accidental death or bodily injury contracted by any person and accidental loss of or physical damage to tangible property (other than property of the contractor and his/or his employees) to remain in force to final completion.

1.4 Removal of lateral Support Insurance where the employer considers that the execution of the works could cause the removal of lateral support of or weakening of or interfere with support of land or property adjacent to or within the site and the consequences thereof.

The employer shall appoint an agent to design and monitor appropriate support structures for use in excavations and/or in an existing property that forms part of the works and/or the site.

2.1 The Employer shall provide the contractor with the entire policy wording of such policy.

2.2 The Employer shall notify the insurers of any relevant changes in respect of this agreement.

2.3 The Contractor shall be responsible for the policy deductibles in respect of the insurances arranged by the employer where an action or inaction by the contractor is the cause of a claim.

2.4 Should any incident or event occur which could give rise to a potential claim in terms of the insurances arranged by the employer, the contractor shall give notice to the principal agent.

2.5 The contractor shall effect and keep in force until the contractor's responsibility has ended insurance in respect of the Contractor's employees and Contractor's vehicle and construction equipment.



#### **M. Disputes resolution.**

- 1.1 Save as otherwise provided in this Agreement, should any dispute of whatever nature arise in regard to the interpretation of or effect of, or the validity, enforceability or rectification (whether in whole or in part) of, or the respective rights or obligations of the Parties under, or a breach or termination or cancellation of, this Agreement, then the Parties shall meet as soon as possible after such dispute arises in order to attempt to negotiate an amicable settlement of such a dispute.
- 1.2 Within 5 (five) days after a dispute has arose, the Parties shall refer then dispute to a joint committee comprised of a single designated representative of each Party who shall have the authority of the Party he/she represents to settle the dispute.
- 1.3 Should the designated representatives, within 5 (five) days after the dispute has been referred to them, conclude in good faith that they are unable to settle the dispute or should either Party have failed to appoint a designated representation on the written request of the other within 5 (five) days after being requested to do so, then either Party may within 10 (ten) days refer the matter for to the most senior executive of the Parts who shall endeavor to resolve this dispute.
- 1.4 If the Parties' senior executives are unable to resolve such a dispute, within 30 (thirty) days of the dispute being referred to them, any party may refer the dispute to any court in the Republic of South Africa that has the jurisdiction to hear any legal proceedings connected

#### **2.10 TERMINATION OF CONTRACT**

Constitution Hill reserves the right to curtail the scope of any tender awarded or to curtail any aspect of any tenderer. In the event of any such curtailment, the tenderer will have no claim against Constitution Hill. Supplier Performance Management is viewed by Constitution Hill as critical component in ensuring value for money acquisition and good supplier relations between Constitution Hill and all its suppliers. The successful bidder shall upon receipt of written notification of an award, be required to conclude a Service Level Agreement (SLA) with Constitution Hill, which will form an integral part of the supply agreement. The SLA will serve as a tool to measure, monitor and assess the supplier's performance level and ensure effective delivery of service, quality and value add to Constitution Hill's business.

Refer to General Conditions of Contract (GCC) attached to this tender document for more information relating to SLA expected to be signed with the winning bidder.

# PART C: BID EVALUATION

## 1. CRITERIA FOR THE EVALUATION OF BIDS

Constitution Hill will use a pre-determined evaluation criterion when considering received bids. The evaluation criteria will consider the commitment made for Mandatory, Functionality / Technical, Price and B-BBEE. During the evaluation of received bids Constitution Hill will make an assessment whether all the bids comply with set minimum requirements and whether all returnable documents /information have been submitted. Bidders which fail to meet minimum requirements, thresholds or have not submitted required mandatory documents will be disqualified from the bid process. The requirements of any given stage must be complied with prior to progression to the next stage. Constitution Hill reserves the right to disqualify bidders without requesting any outstanding document/information. Bids will be evaluated in accordance with the 80/20 preference point system contemplated in the *PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000: PREFERENTIAL PROCUREMENT REGULATIONS, 2017*

A staged approach will be used to evaluate bids and the approach will be as follows:

PHASE 1	PHASE 2	PHASE 3
Compliance to Mandatory Criteria	Evaluate on Functionality or Technical Aspects of Bid	Price and BEE

Bids will be evaluated in terms of the evaluation criteria embodied in the bid document. The amendment of evaluation criteria, weights, applicable values and/or the minimum qualifying score for functionality after the closure of bids is not allowed as this may jeopardize the fairness of the process.

A bid will be considered further if it achieves the prescribed minimum qualifying score for functionality. Bids that fail to achieve the minimum qualifying score for functionality will be disqualified. Score sheets will be prepared and provided to panel members to evaluate the bids. The score sheet will contain all the criteria and the weight for each criterion as well as the values to be applied for evaluation as indicated in the bid documents.

As a pre-requisite, bids must comply with the requirements of the bid solicitation and meet the minimum threshold of the technical evaluation criteria to be declared responsive.

All tenderers who score a minimum threshold of 70 or more on Phase 2 of the functional evaluation will be evaluated for Price and Preferential Points. Any bidder who does not achieve at 70 points or more will be eliminated and will not qualify for further evaluation.

### PHASE 1: COMPLIANCE WITH MANDATORY REQUIREMENTS

Bids that comply with the minimum requirements will advance to Phase 2 of the evaluation.

#### **MANDATORY QUALIFICATION**

Any landscape architectural firms or Joint venture or consortium submitting a proposal for this project should have experience with large landscaping projects and must be registered with the following institutes and provide proof of registration and certificate of CIDB grading.

- The Institute for Landscape Architecture in South Africa (ILASA) or South African Council for the Landscape Architectural Profession or The South African Council for the Landscape Architecture Profession (SACLAP) or The South African Council for the Architectural Profession (SACAP) or equivalent profession.
- A minimum CIDB grading 6 SH or 5 SH PE or higher is required as per the guidelines below.

Table 8 as amended by Government Notice No. 751 of 22 July 2005, published in Government Gazette No. 27831 of 22 July 2005, substituted by Government Notice No. 8986 of 14 November 2008, published in Government Gazette No. 31603 of 14 November 2008.

**Table 8**

<b>Contractor Grading Designation</b>	<b>Less than or equal to (R)</b>
1(class of construction works)	200 000
2(class of construction works)	650 000
3(class of construction works)	2 000 000
4(class of construction works)	4 000 000
5(class of construction works)	6 500 000
6(class of construction works)	13 000 000
7(class of construction works)	40 000 000
8(class of construction works)	130 000 000
9(class of construction works)	No limit

Failure to provide the above will render your bid non-responsive.

## **PHASE 2: FUNCTIONALITY (TOTAL POINTS 100)**

Bids will first be assessed on the Functionality Criteria as contained in this document. A minimum score of 70 is required for the tender to advance to stage. Each submitter will be evaluated and short-listed based on their Statement of Qualifications score (100 points maximum) as determined through a qualification review process and scoring criteria noted below:

### **1. TENDERERS EXPERIENCE (10 POINTS)**

The scoring of the tenderer's experience will be as follows:

<b>Poor</b> 4 Points	Tenderer has limited experience
<b>Satisfactory</b> 6 Points	Tenderer has relevant experience but has not dealt with the critical issues specific to the assignment.
<b>Good</b> 8 Points	Tenderer has extensive experience in relation to the project and has worked previously under similar conditions and circumstances.
<b>Very Good</b> 10 Points	Tenderer has outstanding experience in projects of a similar nature.

### **2. PROJECT RESOURCE ALLOCATION (10 POINTS)**

<b>Poor</b> 4 Points	The tenderer does not have adequate resources available as required to provide the professional services for the project. The organization chart is sketchy, the staffing plan is weak in important areas. There is no clarity in allocation of tasks and responsibilities.
<b>Satisfactory</b> 6 Points	The tenderer has demonstrated that they have satisfactory resources available as required to provide the professional services for the project. The organizational chart is complete and detailed, the technical level and composition of the staffing arrangements are adequate.
<b>Good</b> 8 Points	The tenderer has demonstrated that they have adequate and more than sufficient resources available as required to provide the professional services for the project. Besides meeting the "satisfactory" rating, the staffing organizational chart is well balanced and shows good co-ordination, complimentary skills, clear and defined duties and responsibilities, and limited number of short term experts. Some members of the project team have worked together before on limited occasions.

<b>Very Good</b> 10 Points	The tenderer has demonstrated that they have extensive resources available as required to provide the professional services for the project. Besides meeting the “good” rating, the proposed team is well integrated and several members have worked together extensively in the past.
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### 3. EXPERIENCE OF KEY STAFF (20 POINTS)

The scoring of the experience of key staff will be as follows:

Note:

Evidence to be provided:

- Name of Project,
- Value,
- Duration,
- Reference
- Name and contact number

Greater weighting will be given to the Landscape Architect as lead project manager

<b>A. LANDSCAPE ARCHITECT – LEAD PROJECT MANAGER (10 POINTS)</b>			
	<b>General Experience</b>	<b>Adequacy for the assignment</b>	<b>Knowledge of issues pertinent to the project</b>
<b>Does not meet Requirements</b> 0 Points	No information Provided	No information Provided	No information Provided
<b>Poor</b> 4 Points	Key staff have limited levels of general experience. 3-4 or more years’ experience as a registered professional	Key staff have limited levels of project specific education, training and experience	Key staff have limited experience of issues pertinent to the project
<b>Satisfactory</b> 6 Points	Key staff have reasonable levels of general experience. 5-6 or more years’ experience as a registered professional	Key staff have reasonable levels of project specific education, training and experience	Key staff have reasonable experience of issues pertinent to the project
<b>Good</b> 8 Points	Key staff have extensive levels of general experience. 7-8 or more years’ experience as a registered professional	Key staff have extensive levels of project specific education, training and experience	Key staff have extensive experience of issues pertinent to the project
<b>Very good</b> 10 Points	Key staff have outstanding levels of general experience. 9+ or more years’ experience as a registered professional	Key staff have outstanding levels of project specific education, training and experience	Key staff have outstanding experience of issues pertinent to the project

<b>A. KEY OTHER PROJECT TEAM MEMBERS (10)</b>			
	<b>General qualifications</b>	<b>Adequacy for the assignment</b>	<b>Knowledge of issues pertinent to the project</b>
<b>Does not meet Requirements</b> 0 Points	No information Provided	No information Provided	No information Provided
<b>Poor</b> 4 Points	Key staff have limited levels of general experience. 3-4 or more years' experience as a registered professional	Key staff have limited levels of project specific education, training and experience	Key staff have limited experience of issues pertinent to the project
<b>Satisfactory</b> 6 Points	Key staff have reasonable levels of general experience. 5-6 or more years' experience as a registered professional	Key staff have reasonable levels of project specific education, training and experience	Key staff have reasonable experience of issues pertinent to the project
<b>Good</b> 8 Points	Key staff have extensive levels of general experience. 7-8 or more years' experience as a registered professional	Key staff have extensive levels of project specific education, training and experience	Key staff have extensive experience of issues pertinent to the project
<b>Very good</b> 10 Points	Key staff have outstanding levels of general experience. 9+ or more years' experience as a registered professional	Key staff have outstanding levels of project specific education, training and experience	Key staff have outstanding experience of issues pertinent to the project

#### **4. PROJECT UNDERSTANDING, APPROACH AND DELIVERABLE QUALITY (20 POINTS)**

*Please refer to scope of work*

<b>Does not meet Requirements</b> 0 Points	No information Provided
<b>Poor</b> 6 Points	The tenderer has not demonstrated that they understand the assignment and their ability to carry it out efficiently and effectively. The Bidder does not meet the description of how they intend executing the assignment from inception to completion.
<b>Satisfactory</b> 12 Points	The proposal has demonstrated that they have a satisfactory understanding of the assignment and their ability to carry it out efficiently and effectively. The Bidder meets the satisfactory description of how they intend executing the assignment from inception to completion. This includes: <ul style="list-style-type: none"> <li>• a proposed project plan and timelines.</li> <li>• A basic workflow process covering most aspect of the requirements must be apparent in the bid proposal.</li> </ul>
<b>Good</b> 16 Points	The proposal has demonstrated that they have adequate understanding of the assignment and their ability to carry it out efficiently and effectively. The Bidder has met the satisfactory description of how they intend executing the assignment from inception to completion. This includes: <ul style="list-style-type: none"> <li>• a proposed project plan and timelines.</li> <li>• A clearly outlined workflow process covering each aspect of the requirements must be apparent in the bid proposal.</li> </ul>
<b>Very Good</b> 20 Points	The proposal is thorough and demonstrates their complete understanding of the assignment and their ability to carry it out efficiently and effectively. The Bidder



	<p>has provided a detailed description of how they intend executing the assignment from inception to completion. This includes:</p> <ul style="list-style-type: none"> <li>• a detailed and realistic project plan and timelines.</li> <li>• A clearly outlined workflow process covering each aspect of the requirements must be apparent in the bid proposal.</li> </ul>
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## 5. PROJECT DESIGN, INNOVATION AND CREATIVITY (40 POINTS)

CRITERIA							
<b>CRITERIA 1 WEIGHTING: The applicable values that will be utilized when scoring each criterion below ranges from: 0 no information provided   2 being poor   4 being average   6 being good   8 being very good   10 being excellent.</b>							
10	<b>1. Suitability of design to the brief</b> This means the ability to translate and interpret lucidly and creatively the necessities as set forth in the Brief.	0	2	4	6	8	10
<b>CRITERIA 2 – 7 WEIGHTING: The applicable values that will be utilized when scoring each criterion below ranges from: 0 no information provided   1 being poor   2 being average   3 being good   4 being very good   5 being excellent.</b>							
5	<b>2. Spatial integration</b> The design should exemplify the ability to complement and be sensitive to its surroundings and the way people interact with the space. An overall sense of place needs to be established to give the park a unique character, enhance the precinct environment, and create pride in individual and whole space integration.	0	1	2	3	4	5
5	<b>3. Functionality of the design solution</b> Function refers to the purpose for which the project is intended. Good functionality means the project works well for the intended use. Functionality of the design should be seen as playing a crucial part of and as contributing to the benefit of the precinct.						
5	<b>4. Innovation and originality of the design solution</b> Architecture/landscape/design is a forward-looking field that embraces new technologies and countenances, keeping in step with social developments and needs, sometimes even creating a new expression that sets a new trend. The adjudicators will be looking for innovative design solutions. The proposal should present a strong overall design vision or strength of concept or iconic design theme.						
5	<b>5. Form</b> The jury will consider how the project's form manifests the stated intent through its materiality, shape, detailing, etc. The project's form should have a clear stance on its relationship to its surroundings, its users, and the public at large. It is not enough to be beautiful, and the form need not be cutting-edge or trendy, but rather of high quality, and is appropriate and relevant for its audience and the message it is supporting. The project should demonstrate design excellence and quality, that it should fit its purpose and that it should be sustainable.						
5	<b>6. Environmental considerations</b> This looks at the rational use of available natural resources in the project. Attention will be made to those proposals that creatively formulate active and passive means to minimise negative impacts on the ecological environment.						
5	<b>7. Reality</b> The aim of this criterion is to determine physical and social parameters affecting the park space and how the design has responded to these, i.e. the technical and economic feasibility.						

**Overall, these 7 broad aspects will consider the following:**

1. Capacity to inspire, engage and delight its visitors and passers-by
2. Design vision – is this reflected in all aspects of the design
3. Extent of innovation, invention and originality
4. Does the design fit its purpose, especially in response to the brief
5. Response to the issues of accessibility and other social factors; does the design allow for easy human traffic flow and access to amenities and other parts of the precinct
6. Selection of materials.
7. The spatial experience it offers
8. Suitability of its structural and servicing systems
9. Timetable – the project should not go over time without good cause

**Total points for functionality = 100 (A minimum of 70 points needs to be scored to proceed to the next stage )**

### **PHASE 3: EVALUATION IN TERMS OF THE 80/20 PREFERENCE POINTS SYSTEM**

Evaluation in terms of the 80/20 preference points systems is prescribed in Preferential Procurement regulations. Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts. The bidder obtaining the highest number of points may be awarded the contract. Points scored will be rounded off to the nearest 2 decimal places. In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

#### **AWARDING OF PREFERENCE POINTS FOR PRICE**

The 80/20 preference point system will be applied in the adjudication of all qualifying bids/tenders where a maximum of 80 points will be allocated for price, but will not exceed the 80 points.

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where  $P_s$  = Points scored for price of bid under consideration

$P_t$  = Rand value of bid under consideration

$P_{\min}$  = Rand value of lowest acceptable bid

#### **AWARDING OF PREFERENCE POINTS FOR B-BBEE (STATUS LEVEL OF CONTRIBUTION)**

In terms of Preferential Procurement Regulations of 2011, Regulation 5(2) and 6(2), preference points must be awarded to a bidder for attaining the B-BBEE Status Level of Contribution in accordance with the B-BBEE Points Allocation Table below:

<b>B-BBEE Status Level Contributor</b>	<b>Number of points (80/20 System)</b>
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non Compliant Contributor	0

In terms of the Generic Codes of Good Practice, an enterprise including a sole propriety with annual revenue of R10 million or less qualifies as an EME (with the exception of Sector Charters I.e. Tourism and Construction).

**\*\*In instances where EME's are more than 50% Black owned, such EME's qualify as "BBBEE status level two (2) contributors". \*EME's are deemed to have a B-BBEE status level four (4) contributor.**

Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer or a Verification Agency accredited by SANAS or a sworn affidavit confirming the annual total revenue of R10m or less and level of Black ownership.

Bidders who qualify as QSEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer or a Verification Agency accredited by SANAS or a sworn affidavit confirming the annual total revenue of between R10m and R50m and level of Black ownership.

Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS. A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status

The bidders that have successfully progressed through to Phase 2 will be evaluated in accordance with the 80/20 preference point system contemplated in the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000) and the accompanying new Preferential Procurement Regulations. 80 points will be awarded for price while 20 points will be allocated for preference points for BBBEE as prescribed in the regulations.

PHASE 3: PRICE & PREFERENTIAL PROCUREMENT								
CRITERION	RATING					WEIGHT	TOTAL	
	1	2	3	4	5			
4.1 Price								
Relative competitiveness of proposed price								
Total points for price						80		
4.2 Preference points								
BBBEE status								
Subtotal (maximum 20 points)						20		
TOTAL						100		

## PRESENTATIONS

Constitution Hill may request presentations by the bidders ranked first to third once price and preference points have been combined. Constitution Hill may, if it is considered in the interest of the state, expand the shortlist to include more bidders. The date for the presentations is included in this bid document. Should the dates change the bidders required to attend a presentation will be notified at least three working days prior to the presentation date.

## ADJUDICATION OF BID

The Bid Adjudication Committee will consider the recommendations and make the final award. The successful bidder will usually be the service provider scoring the highest number of points or it may be a lower scoring bid on justifiable grounds or no award at all.

## **PART D: MANDATORY SUPPORTING DOCUMENTATION**

## **1. TENDER FORMS OR BID DOCUMENTS**

**SBD 1 – Attached**

## SBD 3.1

3.

### 4. **PRICING SCHEDULE – FIRM PRICES (PURCHASES)**

**NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED**

**IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT**

Name of bidder.....	Bid number.....
Closing Time 11:00	Closing date.....

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

---

**Attach a Price schedule in your companies letterhead.**

**NB: Your pricing schedule must include all elements required for this project.**

---

**Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.**

**\*\* “all applicable taxes” includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.**



#### **SBD4: DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
  - the bidder is employed by the state; and/or
  - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or
  - where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:

.....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):

.....

2.4 Company Registration Number:

.....

2.5 Tax Reference Number:

.....

2.6 VAT Registration Number:

.....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

2.7 Are you or any person connected with the bidder presently employed by the state?

**YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

Name of state institution at which you or the person connected to the bidder is employed:

.....

Position occupied in the state institution: .....

Any other particulars:

.....

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector?

**YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document?

**YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?

**YES / NO**

2.8.1 If so, furnish particulars:

.....

.....

2.8.2 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

**YES / NO**

2.9.1 If so, furnish particulars.

.....

.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

**YES / NO**

2.10.1 If so, furnish particulars.

.....

.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

**YES / NO**

2.11.1 If so, furnish particulars:

.....

.....

.....

.....

### 3. Full details of directors / trustees / members / shareholders.

Full details of directors / trustees / members / shareholders. Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

### 4. DECLARATION

I, THE UNDERSIGNED

(NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

**Signature**

.....

**Date**

.....

**Position**

.....

**Name of Bidder**

**SBD8: DECLARATION OF PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- This Standard Bidding Document must form part of all bids invited.
- It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- The bid of any bidder may be disregarded if that bidder, or any of its directors have abused the institution's supply chain management system; committed fraud or any other improper conduct in relation to such system; or failed to perform on any previous contract.
- In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

I, THE UNDERSIGNED

.....  
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT. I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
 Signature

.....  
 Position

.....  
 Date

.....  
 Name of Bidder

## SBD9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

**<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.**

**<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.**

**<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**

## 2. ANNEXURES

### ANNEXURE 1 - TENDER REQUIREMENTS CHECKLIST

Mandatory requirements will include the following and must be labelled and submitted in the following order:

N0	DOCUMENT	√	REFERENCE
	1 original tender document with 4 copies (clearly marked as original and copy 1 of 3, etc.)		
	1 original copy of the Pricing and Preference Points Proposals in a separate envelope (together with the relevant copies)		
	Audited Past three years Annual financial statements with signed audit report in case of a company.		
	Past three year Annual financial statements prepared by an independent accountant in case of a CC.		
	Original Certified copies (Copy with original stamp) of your CIPRO company registration documents listing all members with percentages, in case of a CC.		
	Latest Original Certified copies of all share certificates (i.e. copy with original stamp), in case of a company.		Indicate if not applicable
	Shareholding breakdown per race, gender and percentage shareholding with shareholders of the bidding company who are not individuals		
	BEE rating certificate issued by a SANAS Accredited BEE verification agency		
	List of references of past and present clients		Appendix
	Acceptance Of General Tender Conditions Of Constitution Hill		
	General conditions of contract form		SBD1
	Tender Enterprise Declaration Affidavit		
	Declaration Of Interest For Tenders		SBD4
	National Industrial Participation Programme		SBD5-Not Applicable
	Declaration Certificate For Local Production And Content		SBD6.2
	Declaration of Bidder's Past SCM Practices		SBD8
	Certificate Of Independent Bid Determination		SBD9
	Design Concept Proposal		
	Company Profile		
	Completed Price Schedule with detailed breakdown		SBD 3.1
	Joint Venture/consortium agreement (IF Applicable)		

Signed

Name in Print

Capacity

Date



## ANNEXURE 2 - ACCEPTANCE OF GENERAL BID CONDITIONS

Name of supplier: \_\_\_\_\_

**Bidders shall provide full and accurate answers to all questions posed in this document, and, are required to explicitly state Accept" or Do not accept" (with a √ or an X)**

This Bid is subject to the General Conditions of Contract stipulated in this RFP document.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

The laws of the Republic of South Africa shall govern this RFP and the Bidders hereby accept that the courts of the Republic of South Africa shall have the jurisdiction.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Constitution Hill shall not be liable for any costs incurred by the Bidder in the preparation of response to this RFP. The preparation of response shall be made without obligation to acquire any of the items included in any Bidder's proposal or to select any proposal, or to discuss the reasons why such vendor's or any other proposal was accepted or rejected.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Constitution Hill may request written clarification or further information regarding any aspect of this proposal. The Bidders must supply the requested information in writing within two working days after the request has been made, otherwise the proposal may be disqualified.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

In the case of Consortium, Joint Venture or subcontractors, Bidders are required to provide copies of signed agreements stipulating the work split and Rand value.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

In the case of Consortium, Joint Venture or subcontractors, all Bidders are required to provide mandatory documents as stipulated in schedule 1 of the Response format.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Constitution Hill reserves the right to; cancel or reject any proposal and not to award the proposal to the lowest Bidder or award parts of the proposal to different Bidders, or not to award the proposal at all.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

By submitting a proposal in response to this RFP, the Bidders accept the evaluation criteria as it stands.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Where applicable, Constitution Hill reserves the right to run benchmarks on the requirements equipment during the evaluation and after the evaluation.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Constitution Hill reserves the right to conduct a pre-award survey during the source selection process to evaluate contractors' capabilities to meet the requirements specified in the RFP and supporting documents.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Only the solution commercially available at the proposal closing date shall be considered. No Bids for future solutions shall be accepted.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

The Bidder should not qualify the proposal with own conditions. <b>Caution:</b> If the Bidder does not specifically withdraw its own conditions of proposal when called upon to do so, the proposal response shall be declared invalid.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

By submitting a proposal in response to this RFP, the Bidders accept the evaluation criteria as it stands.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Should the Bidder withdraw the proposal before the proposal validity period expires, Constitution Hill reserves the right to recover any additional expense incurred by Constitution Hill having to accept any less favorable proposal or the additional expenditure incurred by Constitution Hill in the preparation of a new RFP and by the subsequent acceptance of any less favorable proposal.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Delivery of and acceptance of correspondence between Constitution Hill and the Bidder sent by prepaid registered post (by air mail if appropriate) in a correctly addressed envelope to either party's postal address or address for service of legal documents shall be deemed to have been received and accepted after (2) two days from the date of postage to the South African Post Office Ltd.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Should the parties at any time before and/or after the award of the proposal and prior to, and-or after conclusion of the contract fail to agree on any significant product price or	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

service price adjustments, change in technical specification, change in services, etc. Constitution Hill shall be entitled within 14 (fourteen) days of such failure to agree, to recall the letter of award and cancel the proposal by giving the Bidder not less than 90 (ninety) days written notice of such cancellation, in which event all fees on which the parties failed to agree increases or decreases shall, for the duration of such notice period, remain fixed on those fee/price applicable prior to the negotiations. Such cancellation shall mean that Constitution Hill reserves the right to award the same proposal to next best Bidders as it deems fit.		
--	--	--

In the case of a consortium or JV, each of the authorised enterprise's members and/or partners of the different enterprises must co-sign this document.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Any amendment or change of any nature made to this RFP shall only be of force and effect if it is in writing, signed by Constitution Hill signatory and added to this RFP as an addendum.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Failure or neglect by either party to (at any time) enforce any of the provisions of this proposal shall not, in any manner, be construed to be a waiver of any of that party's right in that regard and in terms of this proposal. Such failure or neglect shall not, in any manner, affect the continued, unaltered validity of this proposal, or prejudice the right of that party to institute subsequent action.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Bidders who make use of subcontractors. The proposal shall however be awarded to the Bidder as a primary contractor who shall be responsible for the management of the awarded proposal. A Bidder which was awarded the contract after scoring HDI goals is not allowed to subcontract more than 25% of the contract to a non-HDI entity. No separate contract shall be entered into between Constitution Hill and any such subcontractors. Copies of the signed agreements between the relevant parties must be attached to the proposal responses.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

All services supplied in accordance with this proposal must be certified to all legal requirements as per the South African law.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

No interest shall be payable on accounts due to the successful Bidder in an event of a dispute arising on any stipulation in the contract.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Evaluation of Bids shall be performed by an evaluation panel established by Constitution Hill. Bids shall be evaluated on the basis of conformance to the required specifications as outlined in the RFP. Points shall be allocated to each Bidder, on the basis that the maximum number of points that may be scored for price is 90, and the maximum number of preference points that may be claimed for HDI (according to the PPPFA) is 10.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

If the successful Bidder disregards contractual specifications, this action may result in the termination of the contract.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

The Bidders' response to this Bid, or parts of the response, shall be included as a whole or by reference in the final contract.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Should the evaluation of this Bid not be completed within the validity period of the Bid, Constitution Hill has discretion to extend the validity period.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Upon receipt of the request to extend the validity period of the Bid, the Bidder must respond within the required time frames and in writing on whether or not he agrees to hold his original Bid response valid under the same terms and conditions for a further period.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Should the Bidder change any wording or phrase in this document, the Bid shall be evaluated as though no change has been effected and the original wording or phrasing shall be used.	<b>ACCEPT</b>	<b>DO NOT ACCEPT</b>

Name:

Name:

Signed:

Signed:

Date:

Date:

**Note: To be signed by all parties in a Joint Venture**

### ANNEXURE 3 – BIDDERS DETAILS

Request for Proposal No:	
Name of Bidder:	
Authorised signatory:	
Name of Authorised Signatory	
Position of Authorised Signatory	

By signing above the bidder hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under this agreement as the Principal(s) liable for the due fulfilment of this contract.

*[Note to the Bidder: The Bidder must complete all relevant information set out below.]*

BIDDING STRUCTURE Indicate the type of Bidding Structure by marking with an 'X':	
Individual Bidder	
Joint Venture/ Consortium	
Other	

REQUIRED INFORMATION If Individual Bidder:	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	

If Joint Venture or Consortium, indicate the following for each partner:	
Partner 1	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	

Fax Number	
Email address	
Postal Address	
Physical Address	
<b>Partner 2</b>	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	

Name:  
Signed:  
Date:

Name:  
Signed:  
Date

**ANNEXURE 4 - REFERENCES TEMPLATE**

NAME:

At least three recent contactable references from customers or companies to which the tenderer has worked for / provided or is providing goods/services that are substantially similar to the services required. If possible, include references for one event that was executed for more than 120 guests. These references must include the name of the entity, nature of contract, contact person (contract manager), office telephone number and email address and all other information requested below. Operators must ensure that the references are aware that they will be contacted. Failure of references to respond will result in a zero score.

At least three references provided must not be older than three (3) years

Name of reference company	Contact person	Telephone number	Email address	Overview of the Contract	Contract start - end date	Contract period in months / years

SIGNED

\_\_\_\_/\_\_\_\_/\_\_\_\_  
DATE



## CERTIFICATE OF ATTENDANCE AT SITE/BRIEFING MEETING

This is to certify that (*tenderer*).....

of (*address*) .....

..... was represented by the person(s)

named below at the compulsory meeting held for all tenderers at (*location*).....

..... on (*date*)..... starting at (*time*) .....

I / We acknowledge that the purpose of the meeting was to acquaint myself / ourselves with the site of the works and / or matters incidental to doing the work specified in the tender documents in order for me / us to take account of everything necessary when compiling our rates and prices included in the tender.

### Particulars of person(s) attending the meeting:

Name: ..... Signature: .....

Capacity: .....

Name: ..... Signature: .....

Capacity: .....

### Attendance of the above person(s) at the meeting is confirmed by the ConHill's representative, namely:

Name: ..... Signature: .....

Capacity: ..... Date and Time: .....