



INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR INDEPENDENT AUDIT ASSESSMENT WITH BUILT ENVIRONMENT SERVICES

ADVERT DATE: 17 NOVEMBER 2021

The briefing sessions will not take place due to COVID – 19. Bidders are to forward enquiries as per details provided below. Queries and answers will be uploaded on the JDA website. Bidders are requested to check the website often for any queries/responses that may have been uploaded.

CLOSING DATE: 1 DECEMBER 2021

CLOSING TIME: 12H00pm

BID NUMBER: JDA/AUDIT-IPTN 01

BID DESCRIPTION: RFP – THE PROVISION OF AN INDEPENDENT POST - CONSTRUCTION AUDIT, VALUE ENGINEERING ASSESSMENT AND CONTRACTUAL CLAIMS REVIEW SERVICES FOR PUBLIC TRANSPORT NETWORK GRANT (PTNG), SELECTED INFRASTRUCTURE PROJECTS

BID DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT:

Offices of the Johannesburg Development Agency, 3 Helen Joseph Street (former President Street), the Bus Factory, Newtown, Johannesburg, 2000

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (see definition below)

* MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of 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);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Procurement
Tel: 011 688 7800

Contact Person: Ms. L Ntuli
E-mail: lnntuli@jda.org.za

ANY REQUIRIES REGARDING THE PROJECT DETAILS MAY BE DIRECTED TO:

Department: Implementation
Tel: 011 688 7800

Contact Person: Ms. A Kgoathe
E-mail: akgoathe@jda.org.za

PLEASE NOTE: TENDERS MUST BE SUBMITTED ON THE TENDER DOCUMENTATION ISSUED. TENDER DOCUMENTATION MUST NOT BE REPRODUCED OR REARRANGED. ANY ADDITIONAL INFORMATION MUST BE SUBMITTED AS A SEPARATE ATTACHMENT TO THE TENDER DOCUMENT FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED.

RFP – POST CONSTRUCTION AUDIT, VALUE ENGINEERING ASSESSMENT AND CONTRACTUAL CLAIMS REVIEW

OFFER

**THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER.....

BID NUMBER.....

BID DESCRIPTION.....

POSTAL ADDRESS.....

STREETADDRESS.....

CONTACT PERSON

TELEPHONE NUMBER CODE NUMBER

CELLPHONE NUMBER

FACSIMILE NUMBER CODE NUMBER

E-MAIL ADDRESS.....

COMPANY REGISTRATION NUMBER

NATIONAL CENTRAL SUPPLIER DATABASE NUMBER.....

VAT REGISTRATION NUMBER

TAX VERIFICATION PIN NUMBER.....

TOTAL BID PRICE..... excluding Value Added Tax

TOTAL BID PRICE IN WORDS

.....excluding Value Added Tax

SIGNATURE OF BIDDER

CAPACITY UNDER WHICH THIS BID IS SIGNED.....

DATE.....

To all our stakeholder

RE: The channels of reporting fraudulent and Corrupt Activities

The City of Johannesburg has a **zero-tolerance approach to Fraud, Theft, Corruption, Maladministration, and Collusion** by suppliers with employees. To reinforce this commitment, more channels have been added to report any Fraudulent and Corrupt activities.

Instances of corporate fraud and misconduct remain a constant threat to service delivery. The City of Johannesburg took a resolution to adopt strategic interventions aimed at combating fraud and corruption. The City took a decision to centralized the reporting of fraudulent and corrupt activities through the establishment of an independent fraud hotline which is managed by independent service providers.

All people doing business with the Johannesburg Development Agency are encouraged to report any corrupt or illegal practice.

Employees are encouraged to report fraud, waste or other concerns suggestive of dishonest or illegal activities.

Anyone can report fraudulent and corrupt activities through one of the following channels:

- Toll free number0800 002 587
- Toll free Fax 0800 007 788
- SMS (charged @ R1.50)32840
- Email Address anticorruption@tip-offs.com
- Web site: www.tip-off.com
- Free post: Free post, KNZ 138, Umhlanga, 4320



Let's join hands to take up the Fight against Fraud and Corruption in our society.

JOHANNESBURG DEVELOPMENT AGENCY

BID DESCRIPTION: RFP – THE PROVISION OF AN INDEPENDENT POST - CONSTRUCTION AUDIT, VALUE ENGINEERING ASSESSMENT AND CONTRACTUAL CLAIMS REVIEW SERVICES FOR PUBLIC TRANSPORT NETWORK GRANT (PTNG) SELECTED INFRASTRUCTURE PROJECTS

BID NUMBER: JDA/AUDIT- IPTN 01

Tender advertisement: 17 NOVEMBER 2021

Closing date and time: 1 DECEMBER 2021

NOVEMBER 2021

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ANNEXURES

- A : Business Declaration
- B : Declaration of Interest
- C : Declaration of Past SCM Practices
- D : Particulars of Contracts Awarded by an Organ of State
- E : MBD9 Certificate of Independent Bid Determination
- F : Declaration on state of municipal account
- G : Schedule of completed contracts
- H : Organogram and role definition

COPY OF ADVERT

TENDERING PROCEDURES

Tender Notice and Invitation to Tender

BID DESCRIPTION: RFP: THE PROVISION OF AN INDEPENDENT POST - CONSTRUCTION AUDIT, VALUE ENGINEERING ASSESSMENT AND CONTRACTUAL CLAIMS REVIEW SERVICES FOR PUBLIC TRANSPORT NETWORK GRANT (PTNG) SELECTED INFRASTRUCTURE PROJECTS

BID NUMBER: JDA/AUDIT- IPTN 01

The Johannesburg Development Agency (JDA) hereby requests proposals from reputable professional audit firms to conduct post construction financial audits, value engineering assessment and contractual claims review services for Public Transport Network Grant (PTNG) selected infrastructure projects City of Johannesburg's Integrated Public Transport Network (IPTN). The services for this bid will be for bus depots (Alexandra and Selby), median stations and Watt Street Interchange.

Documents can be downloaded from the JDA website: www.jda.org.za and e-Tender portal www.etenders.gov.za from the **17 November 2021**, only tender documents that are downloaded from the stipulated websites will be accepted. The retyping of the tender document is not permitted.

The briefing sessions will **not** take place due to COVID – 19. Bidders are to forward enquiries to as per details provided below. Queries and answers will be uploaded on the JDA website.

Queries that are procurement related to this tender document and may be addressed to Ms. L. Ntuli at tel: (011) 688 7800 or e-mail: lnntuli@jda.org.za

Project queries or queries relating to the assignment may be addressed to Ms. Kgoathe on tel: (011) 688 7800 or e-mail: akgoathe@jda.org.za

The last day to received queries is the **26 November 2021 at 15H00** and queries received after that date will not be accepted.

The closing date and time for receipt of tenders is **12:00pm on 1 December 2021** to be delivered into the JDA tender box at the offices of the JDA Bus Factory premises at no. 3 Helen Joseph Street, Newtown. Telegraphic, telephonic, telex, facsimile, e-mailed and late tenders will not be accepted.

Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data.

The JDA's selection of qualifying tenders will be at the JDA's sole discretion and will be final. The JDA does not bind itself to accept any particular tender and correspondence will be entered into with successful tenderer.

“WE ENCOURAGE ALL PEOPLE DOING BUSINESS WITH US TO REPORT ANY CORRUPT OR ILLEGAL PRACTICE, USING THE ANTI-FRAUD HOTLINE NUMBER: 0800 002 587”.

1. **INTRODUCTION**

The City of Johannesburg (CoJ) receives the Public Transport Network Grant (PTNG) for the development and implementation of an integrated public transport network (IPTN). The purpose of the grant is to provide funding for accelerated construction and improvement of public and non-motorised transport infrastructure that form part of a municipal IPTN and to support the planning, regulation, control, management and operations of fiscally and financially sustainable municipal public transport network services.

CoJ has completed infrastructure on Phases 1A and 1B of its IPTN and is completing infrastructure on its Phase 1C(a). For Phase 1C(a) the following sub-projects have been planned, designed while and most are in various construction stages (completed or nearing completion. This phase includes:

- Median stations
- Depots
 - Alexandra bus layover facility;
 - Selby 2B – bus parking, refueling, workshop and washing facilities; and
 - Selby 2C – administrative and admin block area for the bus operating company/ies
- Terminals (Greenstone, Gandhi and Sandton)
- Intelligent Transport Systems (ITS)
 - Fibre loops and CCTV (design build operate and maintain)
 - Information and Communications Technology (design and build)
- Guardhouses and customer care centers
- Roadways, including bus lanes, passing lanes and Mixed traffic
- Watt (Street) Interchange
- Land acquisition processes

2. **SCOPE OF WORK**

The City seeks an independent third-party opinion, on aspects of the sub-projects named in Chapter one (1) above. This opinion is sought to assist the City on a Post – Construction Audit and Value Engineering aspects of the IPTN programme’s sub-projects. The appointed team must evaluate, post construction:

- Cost reduction
 - Capital expenditure savings, less costly design, material and systems
 - Life cycle costing and maintenance
 - Project delivery
 - Re-design
 - Contractual claims
- Early warning on poor performing service providers (consultants and contractors)

- Risk reduction
 - Change management
 - Project scheduling
- Municipal Finance Management Act (MFMA) processes and compliance

The City further seeks a professional and independent contractual claims opinions on the assessments and determinations made by appointed (current and previous) engineers or principal agents. The services sought are to apprise the City that the contractual claims adjudications made during construction of various projects were cost effective, fair and equitable against the PTN grant, insofar as it relates to:

- Contractual claims assessments and determinations

It must be emphasized, that the City’s intention isn’t to review the claims with the objective of over-ruling decisions made, but to ascertain professionalism and fairness.

2.1 Status Quo

The table below summarize the status quo of the projects that the City intends on conducting a Value Engineering assessment (post or during construction) and the contractual claims assessment. We summarize the status of the sub-projects as per below.

No	Project Name and Type	Intervention Sought	Project Status	Form of Contract
1	13 BRT Median Stations	Construction Value Engineering	3 stations to be completed end of November 2021	JBCC 2007 series
		Re-assessment of 20 no Contractual Claims and associated costs		
2	Alexandra Bus Layover Facility	Post – construction Value Engineering	Construction completed; close-out underway	GCC 2015
		Re-assessment of 11 no. Contractual Claims and associated costs		
3	Selby Depot 2B	Post Construction Value Engineering	Construction completed; close-out underway	JBCC 2007 series
		Re-assessment of 11 no. Contractual Claims and associated costs		
4	Selby Depot 2C	Construction Value Engineering	50% construction completed	JBCC 2007 series
5	Watt Interchange	Post – construction Value Engineering	Construction completed; close-out underway	GCC 2015
		Re-assessment of 27 no. Contractual Claims and associated costs		

2.2 Expected Outcome

The expected outcome per project is a cost analysis per project outlining:

- Potential savings, post or in – construction savings, that the City could have realized
- To ascertain whether contractual claims assessment was fair and equitable
- Assurance on governance and financial processes
- If there was value for money on expenditure (including variations)
- Determine whether costs already incurred are justified and relevant to projects
- Check whether Cost overruns are justified

- Check Project delays whether they are justified, and costs are carried by the correct party
- Check whether Contingencies were used in line with the conditions of contracts
- Assessment on MFMA processes and compliance
- A report outlining the above, to City of Johannesburg: Transport.

3. POTENTIAL CONFLICT OF INTEREST

For the removal of any potential or perceived conflict of interest that may arise; the following should happen:

- All reporting shall be directly to the City of Johannesburg: Transport
- It is encouraged that the submission **should not** be made by entities who were direct or indirect (sub-consultants) appointees who have worked on the projects mentioned herein.
- During the advertisement and queries period, bidders may request the JDA for a list of juristic persons who were appointed in the projects mentioned in 2.1 above, to ascertain no conflict may arise.

4. LITERATURE REVIEW

The JDA will make the following documentation available to the appointed team for their review, in order for them to undertake this task:

- Systems planning report and business plan that informed the design of infrastructure for this phase
- Design documentation (detailed design reports, drawings, relevant studies undertaken) for all projects
- Contractual claims assessments and determinations by appointed professionals on the projects
- Any supply chain management reports pertaining to the projects
- Any other documents deemed necessary to undertake the works.

5. PRICING TABLE

Parties are to price in accordance with the Department of Public Service and Administration (DPSA) Hourly fees for consultants – with effect from 1 July 2020. The salary band sought here are for Directors / Partner / Specialists Consultants (Band 15 /16 within a company).

No	Task / Description	Unit of Measure	Quantity	Rate	Total
1	Familiarisation with scope of services / Material Review	SUM	1		
2	Consultation with JDA and Documentation Review				
	Audit Specialist	Hours	24		
	Contracts' Specialist	Hours	24		
	Cost Specialist	Hours	24		

	Civil / Structural Engineer	Hours	24		
3	Post Construction Value Engineering: Contracts Specialist				
	Stations Contract	Weeks	2		
	Alexandra Bus Layover Facility	Weeks	2		
	Selby Depot 2B	Weeks	2		
	Watt Interchange	Weeks	2		
4	Post Construction Value Engineering: Cost Specialist				
	Stations Contract	Week	1		
	Alexandra Bus Layover Facility	Week	1		
	Selby Depot 2B	Week	1		
	Watt Interchange	Week	1		
5	Post Construction Value Engineering: Civil/Structural Engineer				
	Stations Contract	Week	1		
	Alexandra Bus Layover Facility	Week	1		
	Selby Depot 2B	Week	1		
	Watt Interchange	Week	1		
6	Re-assessment of Contractual Claims (both specialists)				
	Stations Contract	Hours	40		
	Alexandra Bus Layover Facility	Hours	40		
	Selby Depot 2B	Hours	40		
	Watt Interchange	Hours	40		
7	Traffic and Transport Engineers: Systems and Business Plan Review	SUM	1		
8	Geotechnical Study: Watt Interchange (only)	SUM	1		
9	Report and Recommendations	SUM	1		

10	Discount	Percentage	%	R -
	Total (Excl. VAT)			R -

The GRAND TOTAL (excl vat) must be carried to the "Offer" page. Failure to price as indicated above will lead to tenderers bids being disqualified.

6. TIMELINES

The City is in the process of making applications to National Treasury and National Department of Transport for future infrastructure grant applications. This exercise is key to the applications and the anticipated timeframes are as follows:

No	Description / Milestone	Anticipated Timeframe
1	Request for Proposal (RFP)	17 November 2021
2	Closing of RFP	1 December 2021
3	Evaluation and Adjudication	17 December 2021
4	Appointment	20 December 2021
5	The Works (Assessments, Reviews and Report)	11 February 2022
6	Final Report to City if Joburg: Transport	28 February 2022

The period for the assignment is for 3 months, with appointment not exceeding 6 months.

7. NOTES

7.1 Applicants are to ensure that they have adequate resources to mobilise for commencing with the operations to undertake the work under stringent timeframes. Which could approximately be within a week after confirmation of appointment.

7.2 The JDA reserves the right to ask tenderers to replace any member/s of the proposed team if they do not meet the JDA requirements.

7.3 Tenderers must note that they will be required as and when necessary to attend

- (a) prepare and conduct presentations to JDA, and stakeholders;
- (b) attend site meetings and inspections; and
- (c) consultations with relevant persons and authorities.

This needs to be taken into consideration in the tenderer's fee proposal.

8 PROPOSAL CONTENT

The bidder's submission must provide the JDA with sufficient information to enable the employer to make a sound and fair evaluation of the proposal. It must clearly indicate the relevant previous experience, capability, and capacity of the bidding entity to undertake the project. The proposal should use the same item numbers as below.

The following minimum documentation must be provided:

8.1 the "offer" (VAT excl) page must be completed in full and signed. any bidder who fails to do so will be disqualified.

8.2 Tenderers are required to submit separate detailed fee proposal based on the requirements

set out in item 4 above and to ensure that the final GRAND TOTAL FEE is correctly transferred to the "OFFER" PAGE. Any bidder who fails to do so will be disqualified.

- 8.3 A valid BBBEE status levels verification certificate or a certified copy thereof, substantiating the bidding entities BBBEE rating. Only certificates issued by verification agencies accredited by the South African Accreditation System (SANAS). An EME must submit a sworn affidavit confirming the following:
- 8.3.1 Annual turnover revenue of between R10 million and R 50 million or less; and
8.3.2 Level of black ownership
- 8.4 Any misrepresentation in terms of bullet point above constitutes a criminal offence as set out in the B-BBEE Act as amended.
- 8.5 Company registration documents.
- 8.6 A certified copy of the bidder's Public liability Insurance certificate indicating the maximum value per claim in an insurance period, the applicable excess, and the expiry date. A minimum cover of R5m is required for this project.
- 8.7 A copy of the bidding entity's current municipal rates account in the name of the bidding entity or alternatively in the names of the directors / partners of the bidding entity. (lease agreement).
- 8.8 An Audited financial statement for the past three years.
- 8.9 Details of directors / partners / members and shareholders with certified copies of their identity documents.
- 8.10 The bidding entity's certificates of membership/s to industry bodies.
- 8.11 The forms A to G annexed, must be scrutinized, completed in full and submitted together with your quotation.
- 8.12 A corporate brochure alternatively a brief summary of the entity's background.
- 8.13 Provide information on the individuals who will be assigned to manage this project (NOT the entire company). The following **must** be addressed:
- Organogram (service provider to provide)
 - role/s and responsibility/ies on this project
 - relevant qualifications and attach proof hereof
 - number of years of relevant experience in the industry **and** in the proposed role
 - detailed CV's for each member of the team noting their specific relevant project experience [**project description, role and responsibilities, project value**]
 - individual memberships to industry associations and attach proof hereto.
- 8.15 A schedule of **current** contracts. The following details **must** be included on the schedule:
- Description of the project
 - Service rendered
 - Name of employer / client and their representative's contact details
 - Cost of the works
 - Fee to be obtained for services
 - Expected date of completion

Tenderers are to submit 2 copies of their proposal (1 original plus 1 copy).

FAILURE TO COMPLY WITH THE REQUIREMENTS IN ITEM 5 WILL RESULT IN TENDERERS BEING DISQUALIFIED FOR NON-COMPLIANCE OR NEGATIVELY SCORED IN THE TECHNICAL ASSESSMENT.

Note for consortium and joint ventures

- **Each** party to a consortium and joint venture is to submit the requisite documents and / or information as requested in item 5
- An agreement or Heads of Terms recording the arrangement between the parties to the consortium / joint venture is to be submitted.
- A trust, consortium or joint venture will qualify for points for their BBBEE status level as an unincorporated entity, provided that the entity submits their consolidated BBBEE scorecard as if they were a group structure and that such a consolidated BBBEE scorecard is prepared for every separate tender.

9 ASSESSMENT CRITERIA

Submissions will be evaluated on the criteria to follow:

- Compliance
- Technical
- Price / BBBEE
- Risk Tolerance

9.1 Compliance

Bidder's will be disqualified:

- Bidders will be disqualified where the proposed team consists of companies or persons who were originally directly or indirectly (sub-consultants) appointees in the mentioned projects.
- If any of its directors are listed on the register of defaulters;
- A bidder who during the last five years has failed to perform satisfactorily on previous contracts with the JDA or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.
- Who did not complete, in full, the tender offer page (ie. priced, all registration numbers provided and signed);
- Who's tender document has been completed in pencil;
- Who's tender document has been faxed;
- Who's tender document has been received after the closing time;
- Who's tender document has not been deposited in the tender box at the time of closing;
- Who failed to price as required i.e. as stipulated in item 4 here in.
- Who did not comply with any other requirement as set out in the tender specifications.
- Who is in the employment of the state.

9.2 Technical Assessment

The technical assessment is based on the criteria set out below namely:

- (i) Company experience
- (ii) Key personnel

Tenderers will have to submit compliant documents and score a minimum number of points in the technical evaluation to be considered further in the evaluation process.

Total points per Specialist = 280 and bidders are required to score a minimum of 196 points (70%) to proceed to next evaluation stage.

9.2.1 Audit Specialist

	(i) COMPANY EXPERIENCE	Total Points	Criteria	Description of criteria	Points
1	Affiliated with the Institute of Internal Auditors	10	Lead Specialist Auditor: affiliated member of the Institute of Internal Auditors.	Points will only be allocated for auditor with engineering or infrastructure projects audit experience. If No = 0, if Yes = 10 points	10
	(ii) KEY PERSONNEL				
2	Provide individual detailed CV, qualifications and professional registration for the Company director	50	Attach CV, more than 15 years' experience in auditing infrastructure projects, qualifications in specialist internal auditing.	Bidder must provide all the required info to score full points. Specialist auditor in infrastructure project.	50
					60

9.2.2 Contractual Claims Specialist

	(i) COMPANY EXPERIENCE	Total Points	Criteria	Description of criteria	Points
1	Consulting Engineers South Africa affiliates	10	Is the company an affiliated of Consulting Engineers South Africa (CESA).	Points will only be allocated for engineering consulting firms that are affiliated with CESA. If No = 0, if Yes = 10 points	10
	(ii) KEY PERSONNEL				
2	Provide individual detailed CV, qualifications and professional registration for the Company director	50	Attach CV, experience (more than 15 years working experience) and qualifications (Engineer / Technician). With a minimum of an Engineering degree	Bidder must provide all the required info to score full points.	50

3	Person is a fellow with certification with the Association of Arbitrators Southern Africa (AASA)	20	Person who is a fellow with AASA	Person who is a fellow with AASA	20
					80

9.2.3 Cost Specialist

	(i) COMPANY EXPERIENCE	Total Points	Criteria	Description of criteria	Points
1	Association of South African Quantity Surveyors	10	Is the company an affiliate of Association of South African Quantity Surveyors.	Points will only be allocated for engineering consulting firms that are affiliated with ASAQS. If No = 0, if Yes = 10 points	10
	(ii) KEY PERSONNEL				
2	Provide individual detailed CV, qualifications and professional registration for the Company director	50	Attach CV, experience (more than 15 years working experience) and qualifications (Quantity Surveyor). With a minimum of an Quantity Surveying degree / diploma	Bidder must provide all the required info to score full points.	50
3	Person is a fellow/member/associate with a recognisable quantity surveying body, local and / or international	20	Person is a fellow/member/associate with a recognisable quantity surveying bodies, local and / or international	Person is a fellow/member/associate with a recognisable quantity surveying bodies, local and / or international	20
					80

9.2.4 Civil and Structural Engineer

	(i) COMPANY EXPERIENCE	Total Points	Criteria	Description of criteria	Points
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1	Consulting Engineers South Africa affiliates	10	Is the company an affiliated of Consulting Engineers South Africa (CESA).	Points will only be allocated for engineering consulting firms that are affiliated with CESA. If No = 0, if Yes = 10 points	10
	(ii) KEY PERSONNEL				
2	Provide individual detailed CV, qualifications and professional registration for the Lead Engineer	50	Attach CV, experience (more than 15 years working experience) and qualifications (a Civil/Structural Engineer). The individual must have extensive experience in highways, roads and bridges.	Bidder must provide all the required info to score full points.	50
					60
Grand total					___/280

9.3 Price and Empowerment

Having completed a technical evaluation, the procedure for the evaluation of technically qualifying tenders is Method 2 (Price and Preferences). The Preference Point System assigns a score to each tenderer based on the tender price and on the tenderer's BBBEE status. These scores are combined to determine an overall score for the tender. The tender with the highest score will be considered for acceptance.

The Preference Point System will be applied as follows:

The below will apply to the services required for this project (80:20)

- For tenders up to R 50 million
 - 80 points are assigned to price
 - Up to 20 points are assigned to BBBEE status per the table under item 7.3.1
- Points scored will be rounded off to the nearest 2 decimal places
- Bidders are to note that JDA does not bind itself to accept the lowest priced bid.

9.3.1 Points awarded for BBBEE status level

Having completed a technical evaluation, points will be awarded for empowerment (BBBEE), in accordance with the Preferential Procurement Regulations 2017 published in Government Gazette No. 40553 dated 20 January 2017. The following table is applicable in this regard:

B-BBEE Status Level Of Contributor	Number of Points
	Tenders up to R50 million
1	20
2	18
3	14
4	12
5	8
6	6

7	4
8	2
Non-Compliant contributor	0

Notes:

- 9.3.1.1 “B-BBEE status level of contributor” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act (Act No.53 of 2003).
- 9.3.1.2 Tenderers must submit their original and valid B-BBEE status level verification certificate substantiating their B-BBEE rating. Certificates or certified copy issued by either verification agencies accredited by the South African Accreditation System (SANAS) or by registered auditors approved by the Independent Regulatory Board for Auditors (IRBA) are acceptable. **FAILURE TO SUBMIT A BBEE STATUS LEVEL CERTIFICATE WILL RESULT IN THE BIDDER SCORING ZERO (0) POINTS FOR BBEE.**
- 9.3.1.3 An EME must submit a sworn affidavit confirming the following:
- Annual Turnover Revenue of R10 million or less; and
 - Level of Black ownership
 - Any misrepresentation in terms of bullet point above constitutes a criminal offence as set out in the B-BBEE Act as amended.
- 9.3.1.4 The submission of such certificates must comply with the requirements of instructions and guidelines issued by the National Treasury and are in accordance with notices published by the Department of Trade and Industry in the Government Gazette.
- 9.3.1.5 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.
- 9.3.1.6 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 tender.
- 9.3.1.7 A person will not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer 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 tenderer qualifies for.
- 9.3.1.8 A person awarded a contract will not be permitted to 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 level than the person concerned.
- 9.3.1.9 No tender will be awarded to a bidder whose tax matters are not in order with SARS.
- 9.3.1.10 No tender will be awarded to a bidder who is not registered on CSD.
- 9.3.2 Formula for scoring tender price

The following formula will be used to calculate the points for price.

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

Where

P_s = Points scored for comparative price of tender under consideration

P_t = Comparative price of tender under consideration

P_{min} = Comparative price of lowest acceptable tender

X = Points assigned to price

793.3 The total preference points for a tender are calculated with the formula

$$PP = P_s + P_{bee} \text{ Where}$$

PP is the total number of preference points scored by the tenderer

P_s is the points scored for the comparative price of the tenderer, and

P_{bee} is the number of points awarded to the tenderer based on his certified B-BBEE status level.

10 **RISK TOLERANCE**

The JDA has adopted a Risk Tolerance Framework (RTF) which enjoins the JDA to consider its risk exposure to contractors / service providers in terms of the number of contracts awarded to a single contractor / service provider in a particular year.

In terms of the Risk Tolerance Framework, the JDA determines the risk exposure as excessive in instances where the value of the contracts are:

- The greater of R 8million or four contracts / projects in the current financial year or
- The greater of R12 million or six contracts / projects over two financial years (current year and previous financial year).

A risk analysis shall be undertaken on the bidder with the highest number of points obtained, to determine whether the tenderer does not exceed the JDA's risk framework criteria as stated above. In other words, whether it falls within the ambit of the Risk Tolerance Framework as acceptable.

JDA reserves the right to award a contract to a bidder who has exceeded the threshold as stated above. Bidders will be requested to attend interview should there be a need for clarity.

The validity period of the tender is 90 days.

11 **CLOSING DATE, TIME AND VENUE FOR SUBMISSIONS**

The completed tender document shall be placed in a sealed envelope. Bearing the words:

RFP – THE PROVISION OF AN INDEPENDENT POST – CONSTRUCTION AUDIT, VALUE ENGINEERING ASSESSMENT AND CONTRACTUAL CLAIMS REVIEW SERVICES FOR PUBLIC TRANSPORT NETWORK GRANT (PTNG), SELECTED INFRASTRUCTURE PROJECTS

must be written / typed clearly on the envelope.

The envelope must be deposited in the tender box at the offices of the **Johannesburg Development Agency, Ground Floor, The Bus Factory, 3 Helen Joseph Street (former President Street), Newtown** only between the hours of 08H00 and 12H00.

The Tender closes at 12h00 on the 1 December 2021.

Envelopes will be stamped on receipt. There will be a public opening of tenders.

NO LATE / TELEPHONIC /E-MAILED/ FAXED / POSTAL TENDERS WILL BE ACCEPTED OR CONSIDERED.

The Johannesburg Development Agency's selection of qualifying tenders shall be in the Johannesburg Development Agency's sole discretion and shall be final. The Johannesburg Development Agency does not bind itself to accept any particular tender and no correspondence will be entered into.

ANNEXURE A: BUSINESS DECLARATION

Tender/RFP Number :
Tender/RFP Description :

Name of Company :
Contact Person :
Postal Address :

Physical Address :

Telephone Number :
Fax Number :
Cell Number :
E-mail Address :

Company/enterprise Income Tax Reference Number :
(Insert personal income tax number if a one person business and personal income tax numbers of all partners if a partnership)

VAT Registration Number :
Company Registration Number :

1. Type of firm

- Partnership
- One person business/sole trader
- Close corporation
- Public company
- Private company

(Tick one box)

2. Principal business activities

.....
.....
.....

3. Total number of years company has been in business:

4. Detail all trade associations/professional bodies in which you have membership

.....
.....
.....

5. Did the firm exist under a previous name?

- Yes
- No

(Tick one box)

If yes, what was its previous name?

6. How many permanent staff members are employed by the firm: Full

Time :

Part Time :

7. In the case of a firm which renders services for different disciplines, how many permanent staff members are employed by the firm in the discipline for which you are tendering:

Full Time :

Part Time :

8. What is the enterprise's annual turnover for the last two years and what is the estimated turnover of current commitments from 1 July 2019 to 30 June 2020 (excl. VAT):

R	Year
R	Year
R	Year

9. List all contracts which your company is engaged in and have not yet completed:

CONTRACT DESCRIPTION	LOCATION	COMPANY/ EMPLOYER	PROJECT VALUE	ESTIMATED FEES	EXPECTED COMPLETION (MONTH & YEAR)

10. Banking details

I/We hereby request and authorise you to pay any amounts which may accrue to me/us to the credit of my/our account with the mentioned bank.

I/We understand that the credit transfers hereby authorised will be processed by computer through a system known as the “ACB Electronic Fund Transfer Service” and

I/We also understand that no additional advice of payment will be provided by my/our bank, but details of each payment will be printed on my/our bank statement or any accompanying voucher.

This authority may be cancelled by me/us giving **30 days** notice in writing.

BANK :

BRANCH :

BRANCH CODE :

ACCOUNT NUMBER :

ACCOUNT HOLDER :

TYPE OF ACCOUNT :

CONTACT PERSON :

CONTACT NUMBER :

Please include letter from bank confirming banking details or a cancelled cheque

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the company, affirms that the information furnished in response to this request for proposal is true and correct:

SIGNATURE :
NAME IN FULL :
CAPACITY :
DULY AUTHORIZED TO SIGN ON BEHALF OF:
DATE :

COMPANY STAMP

ANNEXURE B : DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state*.
- 2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name:

3.2 Identity Number:

3.3 Position occupied in the company (director, trustees, shareholder**)

3.4 Company Registration Number:

3.5 Tax Reference Number:

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders / members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state* **YES / NO**

If yes, furnish particulars

.....
.....

3.9 Have you been in the service of the state for the past twelve months? **YES / NO**

If yes, furnish particulars

.....
.....

3.10 Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be

involved with the evaluation and or adjudication of this bid?

YES / NO

If yes, furnish particulars

.....
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

If yes, furnish particulars

.....
.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

If yes, furnish particulars

.....
.....

3.13 Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

If yes, furnish particulars

.....
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders or stakeholders of this company have any interest in any other related companies or businesses whether or not they are bidding for this contract? **YES / NO**

If yes, furnish particulars

.....
.....

4. Full details of directors / trustees / members / shareholders.

FULL NAME	IDENTITY NUMBER	STATE EMPLOYEE NUMBER

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....

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

.....
Name of Bidder

.....
Date

- * MSCM Regulations: “in the service of the state” means to be –
 - (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
 - (b) a member of the board of directors of any municipal entity;
 - (c) an official of any municipality or municipal entity;
 - (d) an employee of 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);
 - (e) a member of the accounting authority of any national or provincial public entity; or
 - (f) an employee of Parliament or a provincial legislature.

** “Stakeholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

ANNEXURE C: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities 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.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 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 as a company or person 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 National Treasury after the <i>audi alteram partem</i> rule was applied).	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)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

Item	Question	Yes	No
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside 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	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other 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"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

.....

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

.....
Name of Bidder

.....
Date

ANNEXURE D: PARTICULARS OF CONTRACTS AWARDED BY AN ORGAN OF STATE*** DURING THE LAST 5 YEARS cont.

CLIENT	ACCOUNT MANAGER	NATURE OF WORK	VALUE OF WORK	YEAR COMPLETED

*** Organ of State means-

- ◆ a) a national or provincial department;
- ◆ b) a municipality;
- ◆ c) a constitutional institution defined in the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- ◆ d) Parliament;
- ◆ e) a provincial legislature;
- ◆ f) any other institution or category of institutions included in the definition of "organ of state" in section 239 of the Constitution and recognised by the [Minister](#) by notice in the *Government Gazette* as an institution or category of institutions to which [this Act](#) applies

.....
Signature
(of person authorised to sign on behalf of the organisation)

.....
Position

.....
Name of Bidder

.....
Date

ANNEXURE E : CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

RFP - THE PROVISION OF AN INDEPENDENT POST - CONSTRUCTION AUDIT, VALUE ENGINEERING ASSESSMENT AND CONTRACTUAL CLAIMS REVIEW SERVICES FOR PUBLIC TRANSPORT NETWORK GRANT (PTNG), SELECTED INFRASTRUCTURE PROJECTS

in response to the invitation for the bid made by:

Johannesburg Development Agency

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 will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraph 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

.....
Position

.....
Bidders

.....
Date

ANNEXURE F: DECLARATION ON STATE OF MUNICIPAL ACCOUNTS

A Any bid will be rejected if:
Any municipal rates and taxes or municipal service charges owed by the bidder or any of the directors to the municipality or a municipal entity, or to any other municipality or municipal entity, are in arrears for more than three months.

B Bid Information

- i. Name of bidder:
- ii. Registration Number:
- iii. Municipality where business is situated
- iv. Municipal account number for rates:
- v. Municipal account number for water and electricity:
- vi. Names of all directors, their ID numbers and municipal account number.
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.
 - 6.
 - 7.

C Documents to be attached.

- i. A copy of municipal account mentioned in B (iv) & (v) (Not older than 3 months)
- ii. A copy of municipal accounts of all directors mentioned in B(vi) (Not older than 3 months)
- iii. Proof of directors

I/We declare that the abovementioned information is true and correct and that the following documents are attached to this form:

.....
.....

Signature

Date

ANNEXURE G: SCHEDULE OF COMPLETED CONTRACTS

The tenderer shall list below a **maximum of 5 projects completed in the past 5 years of a similar nature** to this project i.e., Mediation/Arbitration/adjudications of Contractual Claims and Value Engineering, Value Engineering, Financial Audit Assessment over and above normal scope of services

CLIENT Company name and contact person's name, tel, cell & e-mail address	PROJECT Name and description	SERVICE RENDERED	PROJECT VALUE	COMPLETION DATE

NOTE: Contactable references for the above listed projects must be provided. Said references MUST be on the client's letter head or on a document stamped and signed by client and must confirm the name of the project, description of the project, description of the service rendered, the value of the project, the completion date, and it must rate the service rendered.

.....
Signature

.....
Position

.....
Name of Bidder

.....
Date

ANNEXURE H: ORGANOGRAM

LOCATION	DESIGNATION	NAME AND NATIONALITY OF PROPOSED CANDIDATE	SUMMARY OF QUALIFICATIONS & EXPERIENCE
	Lead: Audit Specialist		
	Contractual Claims Specialist		
	Cost Specialist		
	Civil and Structural Engineer		

For the removal of any potential or perceived conflict of interest that may arise; the following should happen:

- All reporting shall be directly to the City of Johannesburg: Transport
- It is encouraged that the submission should not be made by entities who were direct or indirect (sub-consultants) appointees who have worked on the projects mentioned herein.
- During the advertisement and queries period, bidders may request the JDA for a list of juristic persons who were appointed in the projects mentioned in 2.1 above, to ascertain no conflict may arise.

