



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

DUE AT 11:00 ON

14 JUNE 2023

CALL FOR EXPRESSION OF INTEREST

EOI NOTICE No: DWS08-0523WTE

FRAMEWORK AGREEMENT FOR THE SERVICES OF A MANAGEMENT CONTRACTOR FOR BULK WATER AND SANITATION PROJECTS AND OTHER REGIONAL INFRASTRUCTURE PROJECTS IN THE FREE STATE, MPUMALANGA, KWAZULU NATAL, GAUTENG AND EASTERN CAPE FOR CONSTRUCTION EAST OVER A FOUR-YEAR TERM. ONLY BIDDERS WITH CIDB GRADING 8CE OR HIGHER ARE ELIGIBLE TO BID

SUBMIT BID DOCUMENTS TO:

POSTAL ADDRESS:

DIRECTOR-GENERAL:
DEPARTMENT OF WATER AND SANITATION
PRIVATE BAG X313
PRETORIA, 0001

OR

TO BE DEPOSITED IN:

THE BID BOX AT THE ENTRANCE
OF ZWAMADAKA BUILDING
157 FRANCIS BAARD STREET
PRETORIA, 0002

Briefing Session or Clarification Meeting

Date: 30 May 2023

Time: 10:00 am

Venue: Construction East Office (Admin Block) - Grootdraai Dam, Construction East
Main Security Gate Entrance GPS Coordinates: 26°54'03.7"S and 29°17'23.5"E

BIDDER: (Company Address or Stamp)

COMPILED BY: CONSTRUCTION EAST

Department of Water and Sanitation

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E3 Indicative scope of work

Department of Water and Sanitation

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E1.1 Notice and Invitation to submit an Expression of Interest

The Department of Water and Sanitation invites expressions of interest from contractors to enter into framework agreements over a four-year term without a commitment to a quantum of work to provide management contractor services relating to Bulk Water and Wastewater Infrastructure and other Regional Infrastructure Projects. The services of the management contractor are intended to support the work of the Departments Construction East Unit in delivering various water and sanitation projects and the provision of goods and services.

The contract will be based on the NEC3 Engineering and Construction Contract (Option F: Management contract).

Respondents must have a CIDB contractor grading designation of 8CE or higher.

Only respondents who have suitable experience in the delivery of bulk water resources such as bulk-pipelines, dams, water abstraction works or water transfer schemes including associated specialist mechanical and electrical works are eligible to have their submissions evaluated.

Documents may be downloaded from the National Treasury e-Tender Portal www.etenders.gov.za/# or <https://www.dws.gov.za/Tenders/tenders.aspx>

Queries relating to the issuing of these documents may be addressed to e-mail: bidenquirieswte@dws.gov.za and stassenr@dws.gov.za

A compulsory clarification meeting with representative of the Employer will take place at the Grootdraai dam Construction offices (GPS co-ordinates 26°54'03.7"S and 29°17'23.5"E – see Submission Data for further particulars) on starting at **10:00am** on **30 May 2023**

The closing time for receipt of submissions is 11:00 hrs on 14 June 2023.

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

Department of Water and Sanitation

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E1.2 Submission Data

The conditions for the calling for expressions of interest are the latest edition of SANS ISO 10845-4:2022 Ed 2, Standard conditions for the calling for expressions of interest.

SANS ISO 10845-4:2022 Ed 2, which can be obtained on-line from the South African Bureau of Standards (see www.store.sabs.co.za), makes several references to the Submission Data for details that apply specifically to this submission. The Submission Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions for the calling for Expressions of Interest.

Each item of data given below is cross-referenced to the clause in SANS ISO 10845-4:2022 Ed 2 to which it mainly applies.

| Clause number | Submission Data |
|---------------|---|
| 4.1 | The Employer is the Department of Water and Sanitation: Construction East |
| 4.2 | The documents issued by the Employer comprise the documents listed on the contents page |
| 4.4 | The employer's agent's email address is stassenr@dws.gov.za |
| 4.4 | The language for communications is English |
| 5.1 | Only those respondents who are registered with the Construction Industry Development Board or are capable of being so registered within 21 working days from the closing date for submission, in a contractor grading designation of 8CE or higher, are eligible to have their submissions evaluated. |

| | |
|-----|--|
| 5.1 | <p>Only those respondents who satisfy the prescribed CIDB Contractor Grading Designation requirements and the following eligibility criteria and who provide the required evidence in their submissions are eligible to submit submissions, have their submission evaluated and be invited to submit tender offers.</p> <ol style="list-style-type: none"> 1) The respondent is: <ol style="list-style-type: none"> a) not an unincorporated joint venture; and b) registered in terms of the Companies Act, 2008 (Act 71 of 2008) or Close Corporation Act, 1984, (Act No. 69 of 1984); 2) The respondent and any of its directors/shareholders are not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 or the National Treasury's Database of Restricted Suppliers (see www.treasury.gov.za) as a person prohibited from doing business with the public sector; 3) The respondent has completed the Compulsory Declaration and there are no legal reasons for not permitting the respondent from contracting with the Employer; 4) The respondent, unless a foreign supplier, is tax compliant or provides written proof from SARS that the respondent has made arrangements to meet outstanding tax obligations; 5) The respondent's municipal rates and taxes and municipal service charges are not in arrears; 6) The respondent can provide financial statements complying with applicable legislation for the financial year (12 months). 7) The respondent has a best annual turnover from the two financial years immediately preceding the tender closing date which is not less than R 65 million; 8) The respondent can provide at least three contactable references as a main contractor for works comprising dams, water abstraction works or water transfer schemes including associated specialist mechanical and electrical works having a contract value of at least R 30 million including VAT and which has been satisfactorily completed during the last five years. Bidder should submit schedule of demonstrable experience (a contactable) in associated mechanical and electrical work or bidder should subcontract a CIDB contractor/s with grading of EP and ME. 9) The respondent is registered and in good standing with the compensation fund or with a licensed compensation insurer; 10) The respondent is capable of producing a health and safety plan for a dam, water abstraction works or water transfer scheme; and 11) The respondent is registered on the Central Supplier Database (CSD) for the South African government (see https://secure.csd.gov.za/) unless it is a foreign supplier with no local registered entity. |
| 5.5 | <p>The arrangements for a compulsory clarification meeting are as stated in the Notice and Invitation to Submit an Expression of Interest.</p> <p>The Construction East Office is situated at the Grootdraai dam, next to the R39 and accessed through a controlled gate approximately 4 km North-east of the Standerton Town in the Mpumalanga province. The access road is easily accessible.</p> <p>A full-time employee of the respondent who is involved in the preparation of submissions shall sign the attendance list in the name of the respondent. Addenda will be issued to, and respondents will be evaluated from only from those respondents appearing on the attendance list.</p> |

| | |
|-----|--|
| 5.7 | <p>The employer's address for delivery of submissions and identification details to be shown on each submission package are:</p> <p>Location of tender box: THE BID BOX AT THE ENTRANCE</p> <p>Physical address: ZWAMADAKA BUILDING 157 FRANCIS BAARD STREET, PRETORIA, 0001</p> <p>Identification details: Tender No, EOI NOTICE NO: DWS08-0523WTE Title of Project: FRAMEWORK AGREEMENT FOR THE SERVICES OF A MANAGEMENT CONTRACTOR FOR BULK WATER AND SANITATION PROJECTS AND OTHER REGIONAL INFRASTRUCTURE PROJECTS IN THE FREE STATE, MPUMALANGA, KWAZULU NATAL, GAUTENG AND EASTERN CAPE FOR CONSTRUCTION EAST OVER A FOUR-YEAR TERM. ONLY BIDDERS WITH CIDB GRADING 8CE OR HIGHER ARE ELIGIBLE TO BID. Closing date and time for submissions: 14 June 2023 at 11:00am</p> <p>Name of respondent (Shall be clearly shown)</p> |
| 5.7 | <p>Parts of each submission communicated on paper shall be submitted as an original plus two copies The respondent is requested to also provide a scanned PDF copy of the complete submission in electronic format on a flash disk and to include this in their submission.</p> |
| 5.9 | <p>The closing time for submissions is as stated in the Notice and Invitation to Submit an Expression of Interest.</p> |
| 5.9 | <p>Telephonic, telegraphic, telex, facsimile or e-mailed submissions offers will not be accepted.</p> |
| 6.9 | <p>All respondents who submit responsive submissions will be invited to submit tender offers unless they have abused the Employer's Supply Chain Management System or have failed to perform on any previous contract and have been given a written notice to this effect will not be invited to submit tender offers.</p> |
| | <p>The additional conditions of submission are:</p> <p>1. nil</p> |

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E.2.1 List of returnable documents

Respondents shall provide or complete the following documents:

| Doc. Ref. Nr. | Description | Completed (tick) |
|----------------------|--|-------------------------|
| SBD 1 | Invitation to bid | |
| SBD 4 | Bidders Disclosure | |
| Form A | Compulsory Declaration | |
| Form B | Municipal Declaration | |
| Form C | Enterprise Declaration: together with the following attachments: | |
| | a. Proof of company registration in terms of the Companies Act, 2008 (Act 71 of 2008) or Close Corporation Act, 1984, (Act No. 69 of 1984) as applicable; | |
| | b. Annual Financial Statements Declaration for the respondent including suitable annual financial statements for the best annual turnover from the two financial years immediately preceding the Tender closing date (Annexure A); | |
| | c. Confirms experience in works as required, and provided three contacts (Annexure B) | |
| | d. National Treasury Central Supplier Data Base unless the respondent is a foreign supplier with no local registered entity – CSD Registration report printed not earlier than 2 weeks prior to the closing date for submissions; | |
| | e. A letter of good standing from the Compensation Fund or a licensed compensation insurer as contemplated in the Compensation for Occupational Injuries and Disease Act, 1993 (Act No. 130 of 1993); | |
| | f. a copy of a recent health and safety plan for works of a similar nature | |
| Form D | Certificate of Attendance at the Compulsory Clarification Meeting | |

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E.2.2 Submission schedules

Note: The respondent is required to insert a tax compliance pin number in the Compulsory Declaration so that the respondent's tax compliance status can be confirmed

SBD1

**PART A
INVITATION TO BID**

| | | | | | |
|---|--|---------------|--|--|---------|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY) | | | | | |
| BID NUMBER: | DWS08-0523WTE | CLOSING DATE: | 14 June 2023 | CLOSING TIME: | 11:00am |
| DESCRIPTION | FRAMEWORK AGREEMENT FOR THE SERVICES OF A MANAGEMENT CONTRACTOR FOR BULK WATER AND SANITATION PROJECTS AND OTHER REGIONAL INFRASTRUCTURE PROJECTS IN THE FREE STATE, MPUMALANGA, KWAZULU NATAL, GAUTENG AND EASTERN CAPE FOR CONSTRUCTION EAST OVER A FOUR-YEAR TERM. ONLY BIDDERS WITH CIDB GRADING 8CE OR HIGHER ARE ELIGIBLE TO BID | | | | |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS) | | | | | |
| THE BID BOX. AT THE ENTRANCE OF ZWAMADAKA BUILDING | | | | | |
| 157 FRANCIS BAARD STREET, PRETORIA 0001 | | | | | |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO | | | TECHNICAL ENQUIRIES MAY BE DIRECTED TO: | | |
| CONTACT PERSON | Bid Office | | CONTACT PERSON | Mr R Stassen | |
| TELEPHONE NUMBER | 012 336 8241/6562/7780 | | TELEPHONE NUMBER | | |
| E-MAIL ADDRESS | bidenquirieswte@dws.gov.za | | E-MAIL ADDRESS | stassenr@dws.gov.za | |
| SUPPLIER INFORMATION | | | | | |
| NAME OF BIDDER | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELLPHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |
| VAT REGISTRATION NUMBER | | | | | |
| SUPPLIER COMPLIANCE STATUS | TAX COMPLIANCE SYSTEM PIN: | | OR | CENTRAL SUPPLIER DATABASE No: | MAAA |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE | TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | [TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| [A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE] | | | | | |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3] | |
| QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS | | | | | |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | |

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

**PART B
TERMS AND CONDITIONS FOR BIDDING**

| |
|--|
| 1. BID SUBMISSION: |
| 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. |
| 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT. |
| 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |
| 2. TAX COMPLIANCE REQUIREMENTS |
| 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. |
| 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER’S PROFILE AND TAX STATUS. |
| 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. |
| 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. |
| 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. |
| 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. |
| 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.” |

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g., company resolution)

DATE:

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**
- 2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?
YES/NO

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, _____ the _____ undersigned,
(name)..... in submitting the
accompanying bid, do hereby make the following statements that I certify to be true
and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5 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.

² 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.

- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

| | |
|-----------|----------------|
| | |
| Signature | Date |
| | |
| Position | Name of bidder |

FORM A



FORM A: COMPULSORY DECLARATION

The following particulars shall be furnished.

Note: ~~Each partner in a joint venture are required to complete this form~~

Section 1: Enterprise Details

| | |
|---------------------|--|
| Name of enterprise: | |
| Contact person: | |
| Email: | |
| Telephone: | |
| Cell no | |
| Fax: | |
| Physical address | |
| Postal address | |

Section 2: Particulars of companies and close corporations

| | |
|---|--|
| Company / Close Corporation registration number | |
|---|--|

Section 3: SARS Information

| | |
|---|--|
| Tax reference number | |
| Tax compliance status pin number (unless a foreign supplier) | |
| VAT registration number: | <i>State Not Registered if not registered for VAT</i> |
| The tender is a foreign supplier (tick appropriate boxes) | The tenderer: <input type="checkbox"/> is not a resident of the Republic of South Africa; and <input type="checkbox"/> does not have a branch in South Africa, a permanent establishment in South Africa or any source of income from South Africa. |

Section 4: CIDB registration number (if applicable)

| | |
|--------------------------|--|
| CIDB Registration number | |
|--------------------------|--|

Section 5: National Treasury Central Supplier Database

| | |
|--|--|
| CSD Master Registration Number (Supplier Number) | |
|--|--|

Attach CSD registration or summary report **not older than 2 weeks prior to tender closing**

Section 6: Particulars of principals

principal: means a natural person who is a partner in a partnership, a sole proprietor, a director of a company established in terms of the Companies Act of 2008 (Act No. 71 of 2008) or a member of a close corporation registered in terms of the Close Corporation Act, 1984, (Act No. 69 of 1984).

| Full name of principal | Identity number |
|------------------------|-----------------|
| | |
| | |
| | |
| | |

Attach separate page if necessary

FORM A



Section 7: Declaration by tendering entity

1) Is the tendering entity, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise, employed by the state?

tick appropriate box yes no

If yes, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in the tabulation below.

| Full Name | Identity Number | Name of State institution |
|-----------|-----------------|---------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
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| | | |
| | | |

Note: A controlling interest is the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence

2 Do you, or any person connected with the tendering entity, have a relationship with any person who is employed by the procuring institution?

If so, furnish particulars:

.....

.....

3 Does the tendering entity or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are tendering for this contract?

tick appropriate box yes no

If yes, furnish particulars:

.....

.....

.....

Section 8: Record of termination of previous contracts with an organ of state

Was any contract between the tendering entity including any of its joint venture partners terminated during the past 5 years for reasons other than the employer no longer requiring such works or the employer failing to make payment in terms of the contract.

Yes No (Tick appropriate box)

If yes, provide particulars (insert separate page if necessary):

.....

.....

FORM A



Section 9: Declaration

I the undersigned, (*name*) who warrants that I am duly authorised to do so on behalf of the tendering entity, in submitting the accompanying tender, do hereby make the following statements that I certify to be true and complete in every respect:

- 1) I have read and I understand the contents of this disclosure;
- 2) I understand that the accompanying tender will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3) The tendering entity has arrived at the accompanying tender offer independently from, and without consultation, communication, agreement or arrangement with any competitor.

Note: A communication between partners in a joint venture or consortium (i.e. 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) will not be construed as collusive tendering.

- 4) There have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the tender, tendering with the intention not to win the tender and conditions or delivery particulars of the products or services to which this tender invitation relates.
- 5) The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening or of the awarding of the contract.
- 6) There have been no consultations, communications, agreements or arrangements made by the tenderer with any official of the procuring institution in relation to this procurement process prior to and during the tendering process except to provide clarification on the tender submitted where so required by the institution; and the tenderer was not involved in the drafting of the specifications or terms of reference for this tender.
- 7) I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to tenders and contracts, tenders 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.
- 8) I confirm that neither the name of the tendering entity or any of its principals appears on:
 - a) the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004 (Act No. 12 of 2004); or
 - b) National Treasury's Database of Restricted Suppliers (see www.treasury.gov.za)

Signed

Name

Enterprise name

Date

Position

Name of witness: Signature of witness:

NOTE The Standard Conditions of Tender contained in SANS ISO 10845-3 prohibits anticompetitive practices (clause 4.1) and requires that tenderers avoid conflicts of interest, only submit a tender offer if the tenderer or any of his principals is not under any restriction to do business with employer (5.1.1) and submit only one tender either as a single tendering entity or as a member in a joint venture (clause 5.13.1). Clause 5.7 also empowers the Employer to disqualify any tenderer who engages in fraudulent and corrupt practice. Clause 4.1 also requires tenderers to comply with all legal obligations.

FORM B



FORM B: MUNICIPAL DECLARATION

Declaration of state of municipal accounts

In the case of a joint venture, separate municipal declarations shall be submitted in respect of each partner.

Section 1: Enterprise Details

| | |
|----------------------------|--|
| Name of enterprise: | |
| Contact person: | |
| Email: | |
| Telephone: | |
| Cell no | |
| Fax: | |
| Physical address | |
| Postal address | |

| | |
|---|--|
| Municipality where the business is situated | |
| Municipal account number for rates | |
| Municipal account number for water and electricity | |

Attach a copy of municipal accounts which includes the municipal account number for rates and for water and electricity not older than 3 months

I, the undersigned who warrants that I am duly authorised on behalf of the tendering entity, hereby declare that tendering entity's municipal rates and taxes and service charges in the municipality where the business is situated are not in arrears

Signature:

Name:

Duly authorised to sign on behalf of:

Telephone: Date:

Name of witness: Signature of witness:



FORM C

FORM C: ENTERPRISE DECLARATION

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the respondent confirms that:

1) The respondent is not an unincorporated joint venture and is (tick appropriate box):

a close corporation – ck no

a company – company no

(Attach Proof of company registration in terms of the Companies Act, 2008 (Act 71 of 2008) or Close Corporation Act, 1984, (Act No. 69 of 1984) as applicable)

2) The respondent confirms that the respondent’s best annual turnover from the two financial years immediately preceding the tender closing date, is not less than R 65 million.
(Complete Annual Financial Statements Declaration – Annexure A)

3) The respondent confirms experience in works comprising bulk-pipelines, dams, water abstraction works, or water transfer schemes including associated specialist mechanical and electrical works and has successfully completed three contracts as a main contractor involving such works over the last five years, each of which has a contract value including VAT of at least R 30 million.
(Attach completed Annexure B)

4) The respondent hereby confirms that the enterprise:

a) Is registered on the National Treasury Central Supplier Data Base (attach CSD Registration report printed not earlier than 2 weeks prior to the closing date for submissions);

b) Is in possession of a letter of good standing from the Compensation Fund or a licensed compensation insurer as contemplated in the Compensation for Occupational Injuries and Disease Act, 1993 (Act No. 130 of 1993) (attach letter).

c) is capable of producing a health and safety plan for dam, water abstraction works or water transfer scheme (attach a copy of a recent Health and Safety Plan for a bulk-pipeline, dam, water abstraction works or water transfer scheme)

Protection of Personal Information Act acknowledgement

The undersigned acknowledges that:

1) The Employer requires the personal data as defined in the Protection of Personal Information Act, 2013, and which is included in the List of Returnable Schedules, for tender evaluation purposes enabling a contract to be concluded with the successful tenderer

2) The Employer will retain personal information for audit purposes and dispose of personal information when such information is no longer required in the manner prescribed in the Act

The tendering entity’s tender submission cannot be evaluated should the required personal information not be provided

I hereby declare that the contents of this Declaration are within my personal knowledge and save where stated otherwise are to the best of my belief both true and correct.

Signed _____ Date _____

Name _____ Position _____

Tenderer _____



ANNEXURE A

ANNEXURE A: ANNUAL FINANCIAL STATEMENTS DECLARATION

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the respondent, confirms that:

- 1) The enterprise's financial year end is
- 2) The enterprise's financial statements have been prepared in accordance with the provisions of the Companies Act of 2008 or the Close Corporation Act of 1984, as applicable
- 3) The enterprise has compiled its financial accounts [tick one box]:
 - internally independently
- 4) The following statement applies to the enterprise [tick one box and provide relevant information]
 - enterprise has had its financial statements audited;
name of auditor
 - enterprise is required by law to have an independent review of its financial statements
name of independent reviewer
 - enterprise has not had its financial statements audited and is not required by law to have an independent review or audit of such statements
- 5) The attached income statement and balance sheet is a true extract from the financial statements complying with applicable legislation for the preceding financial year within 12 months of the financial year end.
[Attach the income statement and the balance sheet contained in the financial statement]
- 6) The annual turnover for the last financial year is R
- 7) The total assets as at the end of the last financial year is R
- 8) The total liabilities as at the end of the financial year is R

I hereby declare that the contents of this Declaration are within my personal knowledge and save where stated otherwise are to the best of my belief both true and correct.

| | |
|----------|----------|
| Signed | Date |
| | |
| Name | Position |
| | |
| Tenderer | |
| | |



ANNEXURE B

ANNEXURE B: CONTACTABLE CLIENT REFERENCES

| Contactable reference #1. | | Description of works undertaken as a main contractor for | Particulars |
|------------------------------|----------------------------------|--|---------------------------------------|
| Name of client organisation: | | | Contract value including VAT (R m) |
| Contact Person: | | | |
| Telephone: | Landline: Mobile: | | Completion date (within last 5 years) |
| Email (if available): | | | |
| Contactable reference #2. | | Description of works undertaken as a main contractor for | Particulars |
| Name of client organisation: | | | Contract value including VAT (R m) |
| Contact Person: | | | |
| Telephone: | Landline: Mobile: | | Completion date (within last 5 years) |
| Email (if available): | | | |



ANNEXURE B

| Contactable reference #3. | | Description of works undertaken as a main contractor for | Particulars |
|------------------------------|----------------------------------|--|---------------------------------------|
| Name of client organisation: | | | Contract value including VAT (R m) |
| Contact Person: | | | |
| Telephone: | Landline: Mobile: | | Completion date (within last 5 years) |
| Email (if available): | | | |

FORM D



FORM D: CERTIFICATE OF ATTENDANCE AT COMPULSORY CLARIFICATION MEETING

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the respondent, confirms that the following full-time employee who is engaged in the preparation of tender submission attended the compulsory clarification meeting and signed the attendance register:

Name:

Identity number:

Telephone no:

Job description:

Company Name:

| | | | |
|-------------------|-------|----------|-------|
| Signed | _____ | Date | _____ |
| Name | _____ | Position | _____ |
| <i>Respondent</i> | _____ | | _____ |
| | _____ | | _____ |

Department of Water and Sanitation

EOI NOTICE NO: DWS08-0523WTE

FRAMEWORK AGREEMENT FOR THE SERVICES OF A MANAGEMENT CONTRACTOR FOR BULK WATER AND SANITATION PROJECTS AND OTHER REGIONAL INFRASTRUCTURE PROJECTS IN THE FREE STATE, MPUMALANGA, KWAZULU NATAL, GAUTENG AND EASTERN CAPE FOR CONSTRUCTION EAST OVER A FOUR-YEAR TERM. ONLY BIDDERS WITH CIDB GRADING 8CE OR HIGHER ARE ELIGIBLE TO BID

E3: Indicative scope of work

1 Background

1.1 DWS Construction Units

The Department of Water and Sanitation (DWS) has its own Construction Units which undertake a range of water infrastructure projects falling within the DWS's mandate. These construction infrastructure projects are clustered in 5 based construction unit offices over different regions. Construction East unit office area is in Standerton in the Mpumalanga Province.

Resources are required for the delivery of infrastructure projects i.e., finance, fuel, people, materials, and plant which are incorporated into the works and equipment which is used to provide the works but are not incorporated into the work. Equipment can either be owned or hired. DWS owns and maintains most of its equipment but needs to hire some specialised or bespoke equipment where it makes no sense to own and maintain such equipment. DWS also has a manufacturing capability in its workshop to manufacture certain components for incorporation into the works e.g., large diameter pipes and associated assemblies. It has people to perform the works, but as is the case with private sector contractors, it needs to procure materials and subcontract portions of the works to specialist companies who have the necessary capabilities to perform aspects of the works.

DWS management has recognised the need for a step change in approach to enable DWS construction units to deliver projects efficiently and economically. It is anticipated that the Management tender will assist in the expediting of the implementation of the Projects.

1.2 DWS Infrastructure Procurement Strategy

DWS has developed an Infrastructure Procurement Strategy which establishes the selected packaging, contracting, pricing, and targeting strategy and procurement procedure for categories of procurement spend. The objectives of this strategy are:

a) primary procurement objectives (tangible and intangible objectives):

- 1) accelerate progress in improving the reliability of the water service and access to sustainable sanitation services;
- 2) respond rapidly to emerging needs and emergencies as and when they arise in the shortest possible time;
- 3) enable DWS Construction Units to function efficiently, effectively and economically through the timeous and in sequence delivery of resources to sites or workshops;
- 4) reduce costs through more efficient procurement practices;
- 5) reduce the time taken to solicit tenders and award contracts;

- 6) improve the quality of existing and future infrastructure;
- 7) increase the internal capacity and capability of DWS to efficiently, economically and effectively deliver infrastructure projects; and
- 8) deliver value for money, while minimising the scope for corruption

b) secondary objectives (that which can be promoted through a procurement):

- 1) promote broad based black economic empowerment in support of the economic transformation of South Africa;
- 2) develop internal skills and capacity to execute projects;
- 3) support skills development by increasing the number of people who have part qualifications, national qualifications and professional designations awarded by statutory councils;
- 4) promote and support local participation throughout the supply chain and local employment through the delivery of infrastructure;
- 5) promote enterprise development amongst CIDB registered contractors who are black owned or at least 30% black women owned;
- 6) promote local production and content of designated goods.

The DWS has recently also put in place a Supply Chain Management Policy for Infrastructure Procurement and associated standard operating procedures to implement the strategy.

2 Objective of the call for an expression of interest

The objective of this call for an expression of interest is to prequalify interested CIDB registered contractors so that they can be invited to submit tenders for management contracting services within the Mpumalanga, Gauteng, Free State, Kwa-Zulu Natal, and Eastern Cape Provinces:

- a) for the Bulk Water and Wastewater Infrastructure and other Regional Infrastructure Projects as well as other bulk pipeline, dam, water abstraction works or water transfer schemes including associated specialist mechanical and electrical works projects falling within the area where the Construction East Unit has responsibilities; and
- b) to provide capacity to deal with any water and sanitation infrastructure related projects including those relating to water resources, bulk supply, water use reticulations, sanitation and outfall sewers and wastewater treatment and return flow which may be planned or arise from an emergency.

3 Framework agreements

A Framework agreement is an agreement between the Employer and one or more contractors, the purpose of which is to establish the terms governing orders to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. An order, on the other hand, is an instruction to provide work under a framework agreement. Framework agreements enable the Employer to procure on an as-instructed basis (call offs) over a set term without committing to any quantum of work. Such agreements do not bind the Employer to make use of such agreements to meet its needs. The Employer may approach the market for work falling within the scope of work of the Framework agreement, whenever it considers that better value in terms of time, cost and the quality may be obtained.

The issuing of orders to contractors having framework agreements covering the same scope of work may be made with or without requiring competition amongst such contractors. Competition amongst such contractors for orders takes place where there is no justifiable reason for issuing an order to a particular contractor, the terms in the order are insufficiently precise or complete to cover the particular requirement, or a better quality of service can be obtained through a competitive process.

The Employer will apply the provisions of SANS ISO 10845-1:2022, *Construction Procurement - Part 1: Processes, Methods and Procedures*, in the implementation of framework agreements.

4 Projects and required services.

4.1 Projects

The current and planned projects within the Mpumalanga, Gauteng, Free State, Kwa-Zulu Natal, and Eastern Cape Provinces which have been assigned to the Construction East Unit include:

a) Rehabilitation of the Vlakfontein Canal:

The Vlakfontein Canal is situated 26Km from Standerton in the Mpumalanga Province, due to the fact that it has outlived its design life of 25 years it is in need of major Rehabilitation throughout its whole length of 37Km.

DWS Construction East was appointed to do the rehabilitation on the canal Project scope include but is not limited to:

- Site Establishment.
- Relocation and re-construction of Permanent Fibre Optic Cable.
- Re-Lining of the existing Canal with a 100mm thick reinforced concrete lining.
- Construction of Reject and Screen Structures.
- Repair of Bridges and repair of super passes.
- Installation of specialized Handrails.
- Installation of drainage system.
- Repair/demolishing of damaged slabs.
- Construction of new Canal Gravel Road.
- Landscaping.

b) Bucket Eradication Project - Senekal

The Bucket Eradication Project comprises of the installation of sewer main lines in the Township of Matwabeng. These sewer lines consist of Class 34 and Class 12 uPVC pipes ranging from 160mm to 400mm in diameter according to design specifications. The secondary part is the construction of sewer pump stations and collection sumps. The pump stations are placed at low laying points throughout the township and will collect and pump the sewerage to the main wastewater treatment works.

Extent of the works

- Site establishment
- Site clearance along the pipeline routes

- Excavation of pipeline trenches
- Bedding material for the pipelines
- Providing and laying of required pipelines
- Providing and placing of suitable blanket material for the pipelines
- Testing of pipes
- Constructing manholes
- Fix and repair existing roads, fences and services where required.
- Reinforced concrete works according to the drawings for the construction of the pump
- Brickwork according to the drawings for the construction of the pump stations
- Fencing around pump station areas

c) Temporary Syphon Mthatha Dam

Construction East was appointed to construct a temporary syphon over the embankment of the Mthatha dam.

The outlet works of the Mthatha Dam feeds water through two pipes located underneath the dam spillway return channel via a pump station to Thornhill Water Treatment Works in Mthatha. These pipes provide the main supply of raw water to Mthatha.

It is assumed that one of the pipes has burst underneath the spillway return channel, resulting in excessive leakage and a high drop in pressure. The pressure drop has resulted in a significant reduction of supply to the treatment works, which is insufficient to meet the current requirements, while the leakage water is resulting in excessive erosion in the area surrounding the leak, accelerating the deterioration of the infrastructure.

A siphon was therefore proposed over the dam wall. Due to the rapid deterioration and accelerated erosion, as well as the reduced supply resulting from the excessive leakage, the project is regarded as very urgent. The system is very vulnerable, and complete failure with dire consequences is highly likely should no intervention be exercised imminently.

The work entails the construction and installation of a siphon (4 x 450 mm diameter pipelines) over the Mthatha dam, as well as a pipeline (1 400 mm diameter) from the manifold chamber to the connection point of the completed constructed pipeline by OR Municipality connecting to the Thornhill Water Treatment Works. The pipe works shall have sufficient capacity to supply the Thornhill Treatment Works with 85 ML/day over a 24-hour day under gravity flow conditions. At this flow rate a maximum drawdown of 3.16 m from the dam's FSL should be achievable. The work consists of a manifold chamber in which the four 450mm siphon pipes will enter one pipe. Four isolation valves will be fitted inside this chamber, one on each siphon pipe. Furthermore, two gate valves will be installed on a scour pipe within the chamber. A 1.4 m nominal diameter transfer pipe, which will be trenched and buried, from the manifold chamber up to the connection point has a length is approximately 180 meters. The works consist of the following:

- Four 450mm Steel Pipelines consisting of flanged pipe lengths bolted together. The length of the siphon is approximately 120 meters. The upstream end will be fitted with foot valves and the downstream end will be fitted with isolation valves before entering a common manifold.
- A concrete encasing for the pipes over the crest of the dam. The pipes cut through the dam crest and the materials removed from the embankment will be replaced with concrete. This will be a two-phase construction in order to maintain the existing crest elevation at all times.
- A priming chamber on the crest of the dam, at the highest point on the siphon. Each of the four siphon pipes will be fitted with an air release pipe, as well as a priming pipe, all fitted within the priming chamber.
- A concrete platform upstream of the priming chamber.
- Installation of steel cradle structure to house and support the four siphon pipes upstream of the dam crest. The one end of steel cradle will hinge at a point on the concrete platform above the Full Supply Level, and the other end will rest on an embankment approximately 9 meters below the water surface. The structure will be approximately 4 meters wide, 30 meters long and 1.3 meters high. It will be fitted with buoyancy tanks for ease of installation and for raising the structure as and when required for future work and maintenance. The structure will be supplied by the Employer. •

A concrete cradle starting downstream of the concrete encasing on the dam crest and ending at the toe dam wall. The cradle will house the four siphon pipes.

- A manifold chamber in which the four 450mm siphon pipes will enter one pipe. Four isolation valves will be fitted inside this chamber, one on each siphon pipe. Furthermore, two gate valves will be installed on a scour pipe within the chamber.
- A 1.4m nominal diameter transfer pipe, trench and buried, from the manifold chamber up to the connection pointed at the existing pump station. The length is approximately 450 meters.

d. Mzimvubu Water Project

Based on the planning undertaken by the Department of Water and Sanitation the scope of the Mzimvubu Water Project that was granted Environmental Authorisation (EA) consists of the following infrastructure components.

Ntabelanga Dam and Associated Works

In order to cater for the multi-purpose objectives of the project, including inter-basin transfer, Ntabelanga dam is designed to have a storage capacity of 490 million m³ for domestic water supply, hydropower generation and irrigated agriculture. Associated works including the operators' compound, water treatments work, wastewater treatment works, and access roads form part of the works. Single access to site and realignment of inundated local roads are the only roads to be constructed as part of the project excluding any roads built by the Department of Water and Sanitation as part of advance infrastructure prior to appointment of the service provider. In addition, local roads damaged by construction vehicles will be upgraded in accordance with the conditions of EIA.

Lalini Dam and Hydropower Scheme

In addition to the Ntabelanga dam constructed for potable water and irrigation water supply, the Lalini dam is designed to have a storage capacity of 232 million m³ to generate hydropower for cross-subsidising the operational energy requirements of the conjunctive scheme. Water is released from Ntabelanga dam to support hydropower generation at Lalini dam situated downstream on the same river (the Tsitsa River). The Lalini storage capacity is designed to also capture the incremental runoff generated from the intermediate catchment between the two dams. In this way, the Lalini dam acts primarily as a balancing dam to regulate variable streamflow before it is directed to the power plant to meet the operational requirements of the turbines. In addition to supplying the operational energy requirements of the scheme, the hydropower generated at the Lalini dam provides surplus revenue that greatly improves the project economics. The Ntabelanga and Lalini dams will be operated as a conjunctive scheme to make the scheme sustainable over its useful life; the Lalini dam must therefore be viewed as an integral part of the solution.

Potable Bulk Distribution Infrastructure

The bulk distribution infrastructure for potable water includes primary distribution infrastructure, secondary distribution infrastructure and local reticulation. The primary and secondary distribution infrastructure is implemented by the Department of Water and Sanitation and transferred afterwards to Amatola Water to own, operate and maintain using collected revenue. The construction of local reticulation is the responsibility of the district municipalities of OR Tambo, Alfred Nzo and Joe Gqabi, each responsible for the schemes in their area of jurisdiction. The secondary distribution infrastructure and local reticulation which will be connected to the primary distribution infrastructure through off-take points need to be optimised before implementation.

Irrigation Conveyance Infrastructure

The proposed irrigation development is located in areas around the Town of Tsolo and along the Tsitsa River downstream of Ntabelanga dam. The conveyance infrastructure delivers raw water released from Ntabelanga dam to field edge of the irrigation areas while the on-farm developments deliver water to the crops and provide for other services on the farms such as roads and storage sheds. The conveyance infrastructure is implemented and operated by the Department of Water and Sanitation while on-farm developments are implemented by the Department of Agriculture, Land Reform and Rural Development (DALRRD) and the emerging farmers are each responsible for their operations.

e. Other Projects

The Construction East Unit may also be called upon to undertake projects relating to any water and sanitation infrastructure related projects including those relating to water resources, bulk supply, water use reticulations, sanitation and outfall sewers and wastewater treatment and return flow which may be planned or arise from an emergency.

4.2 Required Services

The works associated with a project may comprise any or all the following over a four-year term without any commitment to a quantum of work:

- a) the provision of engineering and construction works including any level of design responsibility for a site;
- b) the supply and delivery of goods, materials, construction plant and equipment to a delivery place or site;
- c) the supply of plant and related services including design, manufacture, delivery and installation for a site;
- d) the servicing, maintenance, and repair of DWS construction plant and equipment;
- e) the provision of professional services which are required to support the work of an Employer's Construction Unit or for a site; and
- f) the management and provision of a service to support the work of an Employer's Construction Unit or for an affected property for a period of time.

5 Procurement strategy

The Employer intends entering into a framework agreement with a limited number of contractors, following a competitive selection process (qualified procedure). The NEC3 Engineering and Construction Contract (ECC), Option F: Management contract will form the basis of the framework agreement entered into with the Employer. The management contractor's responsibilities for construction work are the same as those of a contractor working under one of the other options provided in the NEC3 ECC for engineering and constructions works. However, the management contractor performs only a limited amount of construction works typically relating to site establishment and de-establishment and may be called upon to provide the DWS Construction Unit with resources. The remainder of work will be contracted from local sub-contractors and suppliers who will be subcontracted through direct contracts with the contractor, who acts as a management contractor.

The management contractor tenders his Fee and is paid on a cost reimbursable basis i.e. Defined Cost uplifted by his Fee percentage. Defined Cost includes subcontract amounts and the prices of the work done by the Contractor himself less Disallowed Cost. Disallowed Cost includes costs not justified by accounts and record, costs not in accordance with a Subcontractor's contract, costs incurred because procedures were not followed and payment to a Subcontractor for work which the Contractor is to do himself and the Contractor's management.

The management contractor is responsible for supplying management services. The management contractor's Fee will increase if subcontractors' prices (part of Defined Cost to the contractor) increase due to compensation events. However, he will not receive separate payment for his work in dealing with compensation events and he will not receive any additional Fee for work on compensation events which does not lead to an increase in subcontractors' prices.

The NEC3 ECC will be modified to accommodate the range of works required in addition to engineering and construction works i.e. the supply and delivery of goods, materials, equipment and plant to a delivery place, the provision of professional services and the management and provision of a service to support the work of an Employer's Construction Unit or for an affected property for a period of time. Such works will also be undertaken on the basis of Defined Cost uplifted by a Fee.

The Respondents will be evaluated in a two-phase process.

- Phase 1 will be this document; the Expression of Interest for the framework agreement. This will be evaluated and all bidders who comply to the requirements as set out will be requested to complete a second document.
- Phase 2: Respondents who are invited to submit tenders will be evaluated on the basis of financial offer, preference, quality and other requirements. Tenderers will be required to tender their direct fee percentage and subcontracted fee percentages. These parameters will be reduced to a comparative offer in terms of a tender assessment schedule. A framework agreement will be entered into with the highest scoring tenderers.

6 Secondary procurement objectives and obligations

Respondents will be required in the performance of the contract to attain key performance indicators relating to the aforementioned secondary objectives in the execution of orders.