



TENDER DOSSIER

FOR

THE CONSTRUCTION AND SUPPLY

OF

**HAWKERS' STALLS IN LUSIKISIKI, INGQUZA HILL LOCAL
MUNICIPALITY, SOUTH AFRICA**

TENDER REFERENCE: NETS_EC_2

PART. 2- AGREEMENT AND CONTRACT DATA



Tender Dossier For The “Construction And Supply of Hawkers’ Stalls in Lusikisiki, Ingquza Hill Local Municipality, South Africa”

Application Forms

Project:

Tender reference:

NETS_EC_2

1. *Timetable*

	DATE	TIME *
Clarification meeting / site visit (if any)	21/11/2011	10:00
Deadline for requesting any clarifications from the Contracting Authority	28/11/2011	16:00
Last date on which clarifications can be issued by the Contracting Authority	01/12/2011	16:00
Deadline for the submission of tenders	05/12/2011	12:00
Tender opening session	05/12/2011	13:00
Notification of award to the successful tenderer	Within 3 days after opening session **	-
Signature of the contract	Minimum 7 days after the award notice	-

* All times are in the time zone of South Africa

** Provisional date

2. *Works and supplies to be provided*

- 2.1. The subject of the contract is the construction and supply by the Contractor of the following goods: **100 Table Top Stalls, 4 Covered Stalls, 9 Chicken Stalls, 4 Kitchen Stalls and 4 Livestock Stalls** as described in Annex IV.
- 2.2. The amount to be provided may increase or decrease within a range of 25% without any change in the unit price.
- 2.3. The Contracting Authority may issue contract instructions to the contractor regarding the alteration to design, quality or quantity of the works provided that such contract instructions shall not substantially change the scope of the works. The works must comply with the specification set out in Annex IV.
- 2.4. Tenderers and related controlling or controlled entities may not submit more than one bid.

3. *Submission of the Tender*

- 3.1. Tenders must be received before the deadline specified in the timetable above that is, **05th December 2011 at 12:00**. They must include the Tender submission form in **Annex I to Annex VII of the Tender Dossier - Application Forms** and be sent or delivered by hand to the following addresses:

NETSAFRICA South African-Tuscan Network
30 Princess Drive, Bonza Bay, East London, 5201
(for location, please call 043 748 3478)

- 3.2. All tenders must be submitted in one (1) original, marked "original", and one (1) copy signed in the same way as the original and marked "copy". All tenders must be received at the abovementioned addresses before the deadline, **05th December 2011 at 12:00**, by registered letter with acknowledgement of receipt or hand-delivered against receipt.
- 3.3. All tenders, including annexes and all supporting documents, must be submitted in a **sealed envelope** bearing only:
- the abovementioned addresses;
 - the reference code of this tender, **[NETS_EC_2]**;
 - the words "Not to be opened before the tender opening session" in English.
 - the name of the tenderer.

4. Content of tenders

All tenders submitted must comply with the requirements in the tender dossier and must comprise:

- 4.1** Annex I: Tender form.
- 4.2** Annex II: Tenderer's declaration (duly authorised signature).
- 4.3** Annex III: Information chart of the tender with the requested supporting documents. In particular a statement of overall turnover and turnover concerning the work, supplies or services covered by the contract during a period which may be not less than the last three financial years.
- 4.4** Annex IV: Financial Identification form.
- 4.5** Annex V: Technical Description
- 4.6** Annex VI: Model of financial/technical offer.
- 4.7** Annex VII: Delivery Plan/Construction Programme
- 4.8** Annex VIII: Performance guarantee form.

Annex I: TENDER FORM

PLACE:

DATE:

Publication reference: NETS_EC_2

Title of the contract: Construction and Supply of Hawkers' Stalls in Lusikisiki, Ingquza Hill Local Municipality, South Africa

Tender Ref: NETS_EC_2

TO: Oxfam Italia- NETSAFRICA Office- 30th Princess Drive, Bonza Bay, East London

1. Submitted by:

	Name(s) of tenderer(s)	Nationality
Leader		
Partner 2		
Partner 3		
Etc ... *		

* add/delete additional lines for partners as appropriate. Note that a subcontractor is not considered to be a partner for the purposes of this tender procedure. If this tender is being submitted by an individual tenderer, the name of the tenderer should be entered as '**leader**' (and all other lines should be deleted)

2 CONTACT PERSON (for this tender)

Name	
Address	
Telephone	
Fax	
E-mail	

Annex II: TENDERER'S DECLARATION(S)

*To be completed and signed by the tenderer
(including one from each partner in a consortium).*

In response to your letter of invitation to tender for the above contract, we, the undersigned, hereby declare that:

1. We have examined and accept in full the content of the dossier for invitation to tender reference number NETS_EC_2 of 14th October 2011, all the annexes included. We hereby accept its provisions in their entirety, without reservation or restriction. In particular, we expressly accept the Article 19 of the Dossier and the Article 10 of the Draft Contract attached *sub* Annex V about the applicable law, the arbitration clause, and the jurisdiction, and we expressly accept the Article 26.5 about the non-questionability of the decisions taken by the Contracting Authority in choosing the awarded tenderer.
2. We offer to construct supply and deliver, in accordance with the terms of the tender dossier and the conditions and time limits laid down, without reserve or restriction:

100 Table Top Stalls, 4 Covered Stalls, 9 Chicken Stalls, 4 Kitchen Stalls and 4 Livestock Stalls

3. The price of our tender (*excluding the discounts*) is:
(price in RANDS _____)
4. This tender is valid for a period of **90 days** from the final date for submission of tenders, i.e. from **08th November 2011**.
5. Our firm/company (and our subcontractors) has/have the following nationality:
(.....)
6. We are submitting this application in our own right and (as partner in the consortium led by (name of the leader / ourselves)*) for this tender. We confirm that we are not tendering for the same contract in any other form. (We confirm, as a partner in the consortium, that all partners are jointly and severally liable by law for the performance of the contract, that the lead partner is authorised to bind, and receive instructions for and on behalf of, each member, that the performance of the contract, including payments, is the responsibility of the lead partner, and that all partners in the joint venture/consortium are bound to remain in the joint venture/consortium for the entire period of the contract's performance).
7. We are not in any of the situations excluding us from participating in contracts which are listed in Article 4 of the instructions to tenderers. In the event that our tender is successful, we undertake to provide the proof usual under the law of the country in which we are established that we do not fall into the exclusion situations listed in article 4. The date on the evidence or documents provided will be no earlier than [indicate time limit] before the deadline for submission of tenders and, in addition, we will provide a sworn statement that our situation has not altered in the period which has elapsed since the evidence in question was drawn up.
8. We also understand that if we fail to provide this proof within [indicate number of days] calendar days after receiving the notification of award, or if the information provided is proved false, the award will be considered null and void.
9. We agree to abide by the ethics clauses that we have no potential conflict of interests or any relation with other candidates or other parties in the tender procedure at the time of the submission of this application.

10. We will inform the Contracting Authority immediately if there is any change in the above circumstances at any stage during the implementation of the contract. We also fully recognize and accept that any inaccurate or incomplete information deliberately provided in this application may result in our exclusion from this and other contracts funded by the Contracting Authority.
11. We note that the Contracting Authority is not bound to proceed with this invitation to tender and that it reserves the right to award only part of the contract or to cancel it if any of the circumstances listed in art. 24.2 of the tender dossier will occur. It will incur no liability towards us should it do so.

Name and surname: (.....)

Duly authorised to sign this tender on behalf of:

(.....)

Place and date: (.....)

Stamp of the firm/company:

This tender includes the following annexes:
(*Numbered list of annexes with titles*)

Annex I: Tender form.

Annex II: Tenderer's declaration (duly authorised signature).

Annex III: Information chart of the tender with the requested supporting documents. In particular a statement of overall turnover and the turnover concerning the work, supplies or services covered by the contract during a period which may be not less than the last three financial years.

Annex IV: Financial Identification form.

Annex V: Technical Description

Annex VI: Model of financial/technical offer.

Annex VII: Delivery and construction plan

Annex VIII: Performance guarantee form

Annex III: INFORMATION CHART OF THE TENDERER

1. Name and acronym of the firm	
2. Full name and address of legal representative of the firm. (Provide certified copy of the bylaws and copy of the VAT registration number).	
3. Number of years of experience in implementing tasks similar to the object of the contract (in the past three years) <ul style="list-style-type: none"> - Name of the implementing partner and name of the contact person for references - Brief description of the task carried out and location 	
4. Main collaborations with international Organisations and NGOs (in the past three years) <ul style="list-style-type: none"> - Name of the implementing partner and name of the contact person for references - Brief description of the tasks carried out and location 	
5. Number of skilled workers employed by the firm and description of their tasks	
6. Description of machinery and equipment held by the firm and to be employed to carry out the task	
7. Description of the measures employed to ensure the quality of supplies and services, and description of the firm's study and research facilities;	
8. Indication of the technicians or technical bodies involved, whether or not belonging directly to the firm, especially those responsible for quality control	

Signature and stamp from the Tenderer:.....

Date:.....

Annex IV: FINANCIAL IDENTIFICATION FORM**FINANCIAL IDENTIFICATION**

ACCOUT HOLDER			
NAME			
ADDRESS			
TOWN/CITY			
POST CODE			
CONTACT			
TELEPHONE			
FAX		MAIL	
VAT NUMBER			

BANK	
NAME	
ADDRESS	
TOWN/CITY	
POST CODE	
COUNTRY	
ACCOUNT NUMBER	
IBAN CODE	

REMARKS:

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DATE + SIGNATURE of ACCOUNT HOLDER

Annex V : TECHNICAL DESCRIPTION

1. General Conditions

- Please refer to the attached Bill Of Quantities and Drawings for a detailed specification and pricing schedule of the stalls.

2. Other requirements:

Marketing And Promotion

The Contracting Authority requires that the stalls make provision for marketing and branding material to be provided by the contracting authority on completion of project.

3. Quantities, Distribution Places & Delivery of goods:

Quantities: the total quantity of stalls to be constructed and supplied to be delivered according to the table here below:

Type of Stall	Location Of Stall	No. Of Stalls At Location
Table Top Stalls	Road Reserve in front of Erf 164 in Main Road	45
Table Top Stalls	Undercover Taxi Rank on Erf 40 adjacent to Boxer Superstore	45
Table Top Stalls	Proposed New Taxi Rank next to Erf 55 off Stanford Road	10
Covered Stalls	Road Reserve along side Erf 26 in Brickfield Street	4
Livestock Stalls	Proposed New Taxi Rank next to Erf 55 off Stanford Road	4
Kitchen Stalls	Proposed New Taxi Rank next to Erf 55 off Stanford Road	4
Chicken Stalls	Existing Bus Rank Behind Erf 164 off Deodar Road	6
Chicken Stalls	Proposed New Taxi Rank next to Erf 55 off Stanford Road	3
TOTAL		121

Annex VI: MODEL OF FINANCIAL/TECHNICAL OFFER

TENDER REFERENCE: NETS_EC_2

NAME OF TENDERER: (_____)

THE PRICE MUST BE TRANSFERRED FROM THE BILL OF QUANTITIES FINAL SUMMARY PAGE

Item No.	Bill Of Quantities Reference Page	Technical specification offered	Unit Of Measurement	Quantity Required	Unit price in Rands (Excluding VAT)	Total Price Of Units in RAND (Excluding VAT)
1		Preliminaries	Item	1		
2		Table Top Stalls – Single Trader	Item	1		
3		Chicken Stalls – Three Traders	Item	1		
4		Covered Stall – Two Traders	Item	1		
5		Livestock Stall – Four Traders	Item	1		
6		Kitchen Stall – Four Traders	Item	1		
Sub-Total						
7		Contingency Allowance	Item	1		
Sub-Total						
Value Added Tax @ 14%						
Total Amount Tendered For						

Other notes:

Done at: _____, __/__/__ by: (name)_____

Tender reference: NETS_EC_2

On behalf of: _____ (tenderer's stamp and signature)

Annex VII: DELIVERY PLAN/CONSTRUCTION PROGRAMME

	Month 1				Month 2				
Activity	week1	2	3	4	5	6	7	8	Notes

Signature and stamp from the Tenderer:.....

Date:.....

Annex VIII: PERFORMANCE GUARANTEE FORM

Performance Guarantee

Specimen performance guarantee

< To be completed on paper bearing the letterhead of the financial institution >

For the attention of <Address of the Contracting Authority> referred to below as the "Contracting Authority"

<Date>

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

Subject: Guarantee No...

Performance Guarantee for the full and proper execution of contract Construction and Supply of Hawkers' Stalls in Lusikisiki, Ingquza Hill Local Municipality, South Africa
Ref: NETS_EC_2

We the undersigned, <name and address of financial institution>, hereby irrevocably declare that we guarantee as primary obligor, and not merely as a surety on behalf of <Contractor's name and address>, hereinafter referred to as "the Contractor", payment to the Contracting Authority of <amount of the performance guarantee>, representing the performance guarantee mentioned in Article 13 of the Instruction to Tenderers of the contract <contract number and title> concluded between the Contractor and the Contracting Authority, hereinafter referred to as "the Contract".

Payment shall be made without objection or legal proceedings of any kind, upon receipt of your first written claim (sent by registered letter with confirmation of receipt) stating that the Contractor has failed to perform his contractual obligations fully and properly and that the Contract has been terminated. We shall not delay the payment, nor shall we oppose it for any reason whatsoever. We shall inform you in writing as soon as payment has been made.

We accept notably that no amendment to the terms of the Contract can release us from our obligation under this guarantee. We waive the right to be informed of any change, addition or amendment to the Contract.

We note that the guarantee will be released within **30 days** after the successful completion of the supply.

The law applicable to this guarantee shall be that of <country of the Contracting Authority/country in which the financial institution issuing the guarantee is established>. Any dispute arising out of or in connection with this guarantee shall be referred to the courts of <name of the country of the Contracting Authority>

This guarantee shall enter into force and take effect upon its signature.

Name:Position:

¹ Signature: Date: <Date>

¹ The name(s) and position(s) of the persons signing on behalf of the guarantor must be shown in printed characters.
Tender reference: NETS_EC_2

ADDITIONAL PARTICULARS OF TENDERER

BID NUMBER:

1. PARTICULARS OF SURETIES

Bidders must submit, together with the Returnable Schedules and the Bid form, a letter of intent by the guarantors for the provision of the specified security from a registered financial institution, to be approved and accepted by the Department. Failure to submit the letter of intent for the security will **invalidate** the Bid.

Name of surety

Address of surety

..... Code:

Tel: Fax: E-mail:

2. BANK ACCOUNT DETAILS

* Bidder to take note of Clause 16 and 17 of the Conditions of Bid.

Bank Name

Branch Name Branch Code

Account Name: Account Number:

Contact Person at Bank:

Tel: Fax: E-mail:

3. BRIDGING FINANCE

I/we supply the following details on the availability of bridging finance on Bid No.....

Name of Bank/Financial Institution..... Branch: Tel:.....

Bridging finance available from Bank/Financial Institution: R.....

4. PARTICULARS OF COMPANIES

If the Bidder is a company, a certified copy of the resolution of the board of directors (personally signed by the chairman of the board) authorizing the person who signs this Bid to do so, as well as to sign any contract resulting from this Bid and any other documents and correspondence in connection with this Bid and/or contract on behalf of the company, must be submitted with this Bid.

5. PARTICULARS OF THE CLOSED CORPORATION

If the Bidder is a Close Corporation, certified copies of the founding statement and/or the association agreement must be submitted with the Bid.

We, the undersigned members in the Closed Corporation who are dealing as:

.....

.....

Name of members

.....

.....

.....

Hereby authorize.....

To sign this Bid as well as any contract resulting from the Bid and any other documents and correspondence in connection with this Bid and/or contract on our behalf.
If there are more than four members, please attach the details on a separate page.

Full name of member	Residential address	Signature

SIGNATURE

DATE

6. PARTICULARS OF THE PARTNERSHIP

We, the undersigned partners in the business trading as:

.....

hereby authorize
to sign this Bid as well as any contract resulting from the Bid and any other documents and correspondence in connection with this Bid and/or contract on our behalf.

If there are more than four members, please attach the details on a separate page.

Full name of member	Residential address	Signature

SIGNATURE

DATE

7. PARTICULARS OF THE JOINT VENTURE

We, the undersigned partners to the Joint Venture, having Bid as Joint Venture.

.....

hereby authorize
to sign this Bid as well as any contract resulting from the Bid and any other documents and correspondence in connection with this Bid and/or contract on our behalf.

If there are more than four members, please attach the details on a separate page.

Full name of JV member	Residential address	Signature

SIGNATURE

DATE

NOTE:

Please include the following statements / proof of registration in respect of each individual member to the Joint Venture where such entities are closed corporations or registered companies. Resolutions authorizing the nominated representative of the Joint Venture to sign Bid / contract documentation must also be submitted.

8. PARTICULARS OF THE ONE-MAN BUSINESS			
<p>I, the undersigned</p> <p>hereby confirm that I am the sole owner of the business trading as:</p> <p>SIGNATURE DATE</p>			
9. WORK CAPACITY			
8.1 The Bidder is requested to furnish the following particulars. Failure to do so may result in the Bid being disregarded.			
A. Skilled artisans employed		B. Unskilled employees employed	
Categories of artisans	Number	Categories of employees	Number

C. Key personnel to be Employed			
Categories of key personnel	Initials and Surname	Highest qualifications	Experience (Years)

8.2 Give full particulars of:

Machinery	Plant	Workshops

Vehicles	Type and Model	Registration No.

8.3 Particulars of commitments which the Bidder is at present engaged with: Date of completion / Expected date of completion (Complete applicable blocks A & B).

A. STATE INSTITUTIONS

Project	Place	Client	Contact Person	Contact Tel. No.	Contract Amount	Contract period	Date of Commencement	Date of Completion
1								
2								
3								
4								
5								
6								
7								

B. PRIVATE SECTOR

Project	Place	Client	Contact Person	Contact Tel. No.	Contract Amount	Contract period	Date of Commencement	Date of Completion
1								
2								
3								
4								
5								
6								
7								

8.4 Particulars of projects which the Bidder has successfully completed: (Complete applicable blocks A & B).

A. STATE INSTITUTIONS

Project	Place	Client	Contact Person	Contact Tel No.	Contract amount	Contract period	Date of completion
1							
2							
3							
4							
5							
6							
7							
8							
9							

B. PRIVATE SECTOR

Project	Place	Client	Contact Person	Contact Tel No.	Contract amount	Contract period	Date of completion
1							
2							
3							
4							
5							
6							
7							
8							
9							

SIGNATURE

DATE