

T1.1 Tender Notice and Invitation to Tender

SECTION 1: NOTICE TO TENDERERS

1. INVITATION TO BID

Responses to this Tender [hereinafter referred to as a **Tender**] are requested from persons, companies, close corporations or enterprises [hereinafter referred to as a Tenderer].

DESCRIPTION	The provision of professional services pertaining to provision of guidance and advice with regards to planning, design, construction, modification, repair and commissioning of large above welded steel storage tanks
BID FEE AND BANKING DETAILS	This Tender may be downloaded directly from the National Treasury eTender Publication Portal at www.etenders.gov.za free of charge. Alternatively, this RFP may be collected for those Tenders that require a copy from TCP rather than downloading from the website. If a copy of the tender document is required, prior arrangements must be made one (1) day in advance and a CD containing the tender document may be collected during work hours.
INSPECT / COLLECT DOCUMENTS FROM	The office of the Secretariat, Local Acquisition Council Ground Floor Reception, 237 Mahatma Ghandi Road, Durban, 4000
ISSUE DATE AND COLLECTION DATE DEADLINE	Between 09:00 am and 15:00 pm from 26 September 2016 until 07 October 2016 Bidders are to note that the Tender may also be downloaded directly from the National Treasury Tender Publication Portal free of charge. If Tenderers intend to download the bid off the Portal, they are required to indicate their intention to respond to this tender by 07 October 2016 by sending an email with their contact details to the following address: Dhanapalan.govender@transnet.net . This is to ensure that any required communication (e.g. addenda to the tender) in relation to this tender reaches those intending to respond. Transnet will not be held liable if Tenderers do not respond by this date and do not receive the latest information regarding this Tender as a result thereof.
COMPULSORY BRIEFING SESSION	Refer to "formal briefing" Paragraph 2 for details.
CLOSING DATE	12:00 pm on Friday, 14 October 2016 Tenderers must ensure that tenders are delivered timeously to the correct address. As a general rule, if a tender is late or delivered to the incorrect address, it will not be accepted for consideration.
VALIDITY PERIOD	60 (Sixty) Business Days from Closing Date Tenderers are to note that they may be requested to extend the validity period of their tender, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the successful Tenderer(s), the validity of the successful Tenderer(s)' bid will be deemed to remain valid until a final contract has been concluded.

2. FORMAL BRIEFING

A pre-proposal Tender briefing will be conducted at Gary Frost Road, NMPP TM1 Site, Bayhead, Durban on **05 October 2016, at 10:00 [10 O'clock]** for a period of ± 3 (three) hours. [Tenderers to provide own transportation and accommodation]. The briefing session will start punctually and information will not be repeated for the benefit of Tenderers arriving late.

2.1 A Certificate of Attendance in the form set out in the **Returnable Schedule T2.2-15** hereto must be completed and submitted with your Tender as proof of attendance is required for a **compulsory** site meeting and/or tender briefing. Tenders are required to bring this **Returnable Schedule T2.2-15 (attached to the Tender document)** to the briefing session to be signed by the *Employer's* Representative.

2.3 Respondents without a valid RFP document in their possession will not be allowed to attend the RFP briefing.

3. TENDER SUBMISSION

Tender Offers must be submitted in a sealed envelope addressed as follows:

The Secretariat, Transnet Capital Projects Local Acquisition Council

RFP No: 3342620.107P

Description: The provision of professional services pertaining to provision of guidance and advice with regards to planning, design, construction, modification, repair and commissioning of large above welded steel storage tanks

Closing date and time: Friday, 14 October 2016 at 12:00 pm

Closing address: *[Refer to options in paragraph 4 below]*

All envelopes must reflect the return address of the Respondent on the reverse side.

4. DELIVERY INSTRUCTIONS FOR TENDER

4.1. Delivery by hand

If delivered by hand, the envelope must be deposited in the Transnet tender box which is located at The TCP Offices at Queens Warehouse (Transnet Capital Projects), Ground Floor Reception, 237 Mahatma Gandhi Road, Durban, 4000 and must be addressed as follows:

WELCOME HLONGWANE, THE SECRETARIAT
TRANSNET CAPITAL PROJECTS LOCAL ACQUISITION COUNCIL
TCP OFFICES AT QUEENS WAREHOUSE
GROUND FLOOR RECEPTION,
237 MAHATMA GHANDI ROAD,
DURBAN,
4000

The measurements of the "tender slot" are 400mm wide x 100mm high, and Tenderers must please ensure that tender documents or files are no larger than the above dimensions. Tenders which are too bulky [i.e. more than 100mm thick] must be split into two or more files, and placed in separate envelopes, each such envelope to be addressed as required in paragraph 3 above.

4.2 **Dispatch by courier**

If dispatched by courier, the envelope must be addressed as follows and delivered to the Office of The Secretariat, Transnet Capital Projects Local Acquisition Council and a signature obtained from that Office:

WELCOME HLONGWANE, THE SECRETARIAT
TRANSNET CAPITAL PROJECTS LOCAL ACQUISITION COUNCIL
TCP OFFICES AT QUEENS WAREHOUSE
GROUND FLOOR RECEPTION,
237 MAHATMA GHANDI ROAD,
DURBAN,
4000

- 4.3 If tender offers are not delivered as stipulated herein, such tenders will not be considered.
- 4.4 No email or faxed tenders will be considered, unless otherwise stated herein.
- 4.5 The tender offers to this tender will be opened as soon as possible after the closing date and time. Transnet shall not, at the opening of tenders, disclose to any other company any confidential details pertaining to the Tender Offers / information received, i.e. pricing, delivery, etc. The names and locations of the Tenderers will be divulged to other Tenderers upon request.
- 4.6 Envelopes must not contain documents relating to any Tender other than that shown on the envelope.

5. **DISCLAIMERS**

Tenderers are hereby advised that Transnet is not committed to any course of action as a result of its issuance of this Tender and/or its receipt of a tender offer. In particular, please note that Transnet reserves the right to:

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- 5.1. Modify the tender services and request Tenderers to re-tender on any changes;
- 5.2. Reject any tender which does not conform to instructions and specifications which are detailed herein;
- 5.3. Disqualify tender/s submitted after the stated submission deadline [closing date];
- 5.4. To award the business to the highest scoring Tenderer/s unless objective criteria justify the award to another Tenderer.
- 5.5. Not necessarily accept the lowest priced tender or an alternative Tender;
- 5.6. Go to the open market if the quoted rates (for award of work) are deemed unreasonable;
- 5.7. Reject all tenders, if it so decides;
- 5.8. Withdraw the tender on good cause shown;

- 5.9. Award business in connection with this tender at any time after the tender closing date;
- 5.10. Award business for only a portion of the proposed services which are reflected in the scope of this tender
- 5.11. Split the award of business between more than one service providers should it be more advantageous in terms of, amongst others, cost or developmental considerations at Transnet's discretion;
- 5.12. Should the Tenderers be awarded business on strength of information furnished by the Tenderer, which after conclusion of the contract is proved to have been incorrect, Transnet reserves the right to cancel the contract;
- 5.13. To request audited financial statements or other documentation for the purposes of a due diligence exercise;
- 5.14. Not accept any changes or purported changes by the Tenderer to the tender rates after the closing date;
- 5.15. To verify any information supplied by a Tenderer by submitting a tender, the Tenderer/s hereby irrevocably grant the necessary consent to the Transnet to do so;
- 5.16. To conduct the evaluation process in parallel. The evaluation of Tenderers at any given stage must therefore not be interpreted to mean that Tenderers have necessarily passed any previous stage(s);
- 5.17. Undertake post-tender negotiations with those persons/Tenderers appearing on the list of preferred Tenderers once such list is approved by relevant person(s) with delegated authority;
- 5.18. Unless otherwise expressly stated, each tender lodged in response to the invitation to tender shall be deemed to be an offer by the Tenderer. The Employer has the right in its sole and unfettered discretion not to accept any offer.
- 5.19. Not be held liable if Bidders do not respond with their contact details by the date stipulated in "Issue date and collection date deadline" above, and do not receive the latest information regarding this RFP with the possible consequence of being disadvantaged or disqualified as a result thereof.
- 5.20. **National Treasury's Central Supplier Database**
 - 5.19.1. Tenderers are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. The CSD can be accessed <https://secure.csd.gov.za/>. Tenderers are required to provide the following to Transnet in order to enable it to verify information on the CSD: Supplier Number and Unique Reference Number.
- 5.21. **Repeal of Construction Sector Codes**
 - 5.20.1. The minister of the Department of Trade and Industry issued a Government Notice No.184 in the Government Gazette No. 39703 on the 17th February 2016, to repeal the Construction Sector Codes.
 - 5.20.2. The repeal implies that the Construction Sector Codes cease to exist from the 17th of February 2016.

Part C3 : Scope of Services

1. Employer's Objectives

The *Employer* requires the services of a consultant with extensive expertise and experience in the fabrication, construction, modification, repair and commissioning of large above ground welded steel storage tanks for oil storage with sound knowledge of API650, API 653, API 579 and BS EN 14015.

Description of the *services*

The *services* are:

- The consultant provides guidance and advice to assist the *Employer* including but not limited to the planning, design, construction, modification, repair and commissioning of large above ground welded steel storage tanks.

2. Deliverables

The *Consultant* provides the resource in accordance with 2.1.1 and 2.1.2 below, and as directed by the *Employer*.

2.1 Work to be performed by the Consultant to provide the Services

Scope of the Services	2.1.1	The <i>Consultant</i> performs the following tasks in accordance with the tendered Role Description and the prescribed guidelines of the relevant NEC3 documentation: <ul style="list-style-type: none">• Site visits and inspections• Studies tank surveys and reports• Root Cause Analysis• Prepare proposals for remedial works• Participate in tank reviews• Review and approve tank Hydro test or surcharge procedures• Verifying dimensional checks of tank• Review and comment on <i>Employer</i> and others QC documentation• Advise on settlement criteria during hydro fill and/or surge charge loading of the process• Advise on Jacking procedures and process including monitoring• Compile, review and approve repair procedures and other tank related method statements• Compile reports on the current quality of tanks• Review and provide comments on tank reports and information;• Provide counsel for tanks, roofs and foundations• Write and/or review standards, specifications or test methods• Liaise and advise third party professionals including FEA specialist• Present findings to technical and non-technical panels• Inspect tanks in accordance to API 653• Inspect and propose a comprehensive solution to repair the tank to code requirements (EN and API)• Evaluate the current foundations as well as the tank shell
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- Supervise the proposed repair carried out by *Others*
- Review internal documentation on the accumulator tanks and advise on recommendations
- Review the data from the surcharging/hydrotest and recommend a solution
- Be part of the evaluation panel in appointing a contractor
- Review the condition of tanks built to API, EN and DEP codes
- Advise on a suitable repair method
- Prepare the works information for construction and repairs of the tanks
- Prepare a comprehensive repair procedure and detailed methodology for the tanks to meet design codes and other specifications
- Recommend possible repair options not within the scope of the codes and/or specifications
- Manage the execution of the repair or rebuild
- Respond, manage and control all technical queries relating to the tanks
- Recommend any other tests required to evaluate the tanks
- All of the above services need to be provided within the required standards namely, API 650, 653, 579 and BS EN 14015 and/or acceptable engineering practices where standards are not applicable or when instructed. In order to competently achieve these objectives it is necessary that the individual has sufficient experience in tank building construction (top down and bottom up) and specific experience in large diameter tank repair

Secrecy and Security 2.1.3

All documentation, drawings and specifications and other information the *Consultant* obtains from the *Employer* in connection with the *services*, is held in confidence by the *Consultant* and is not used by the *Consultant* for any purpose other than for the Provision of Services, or as the *Employer* instructs. All documents furnished by the *Employer* to the *Consultant*, remain the property of the *Employer* and, upon completion of the *services*, the *Consultant*, if the *Employer* requests, either destroys or returns to the *Employer*, all such documents including any copies thereof.

Taking photographs of the *Employer's* property or that of *Others* is forbidden, unless authorised in writing by the *Employer*. The *Consultant* is responsible for observance of the provisions of this clause by its employees, agents, Subconsultants and employees of the said agents and Subconsultants.

The documentation provided by the *Employer* may involve National Key Points. The *Consultant* is therefore subject to Section 2 of the National Key Points Act, Act Number 102 of 1980 and the Official Secrets Act, Act number 15 of 1956. The *Consultant's* attention is directed to Section 3 of the Official Secrets Act. The disclosure of any information in connection with a National Key Point by the *Consultant* is a punishable offence.

The *Consultant* shall sign confidentiality agreements with *Employer* and where required, with Others.

Rights to 2.1.4 The *Consultant* does not make any news releases or issue for advertising any Material without prior written approval of the *Employer*.

2.2 Programming and Planning

The *Consultant* provides the resource on an ad hoc basis from the starting date until the completion of the whole of the *services*, as directed by the *Employer*. The *Employer* will indicate where and with which instruction specific programmes are required, no programme is submitted until requested from the *Employer*.

Dates constraining the work and a list of activities to be carried out by Others (i.e. the order and timing of the work to be provided by the *Employer* and Others, including a description of interfacing with the work to be executed by Others that the *Consultant* needs to allow for in his planning), if applicable, will be provided by the *Employer*.

2.3 Completion

The *Consultant* performs all the work that 2.1.1 of the Scope states has to be done by Completion of the whole of the *services*, as directed by the *Employer*.

2.4 Site services, procedures and title to Site materials

The *Employer*, as a rule, obtains documentation from Others and provides it to the *Consultant*. It may, however, become necessary for the *Consultant* to obtain or issue such documentation directly to Others, in which case the *Employer* will give clear instruction.

The *Employer* provides to the *Consultant*:

- Copies of any client specific regulations and procedures, statutory acts, etc. pertaining to each individual contractor enquiry tender document for the *Consultant* purpose to ensure that it does not clash with the applicable conditions of contract.

2.5 Financial Records and Accounts

Forecasting 2.5.1 At each assessment interval, the *Consultant* submits to the *Employer* a rate of of Invoicing forecast rate of invoicing that includes all the expected payments by the *Employer* to the *Consultant* on a month-by-month basis.

Invoicing 2.5.2 The *Consultant* provides in Microsoft Excel spreadsheet format, his calculations and details of his assessment of the amount due.

The *Consultant's* invoices contain, as a minimum, the following information:

- The registered name of the company;
- The VAT registration number of the *Employer* and the *Consultant*;
- The *Employer's* contact number;
- The physical address of the *Employer* and the *Consultant*;
- The invoice sequence number;
- Any interest payable (where applicable);
- Escalation formula used (where applicable);