

BOARD NOTICE 93 OF 2006

CONSTRUCTION INDUSTRY DEVELOPMENT BOARD**AMENDMENTS TO THE STANDARD FOR UNIFORMITY IN
CONSTRUCTION PROCUREMENT PUBLISHED IN TERMS OF THE
CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT, 2000 (ACT
NO. 38 OF 2000)**

The Construction Industry Development Board under sections 4(f), 5(3)(c) and 5(4)(b) of the Construction Industry Development Board Act, 2000 (Act no. 38 of 2000) (the Act) read with Regulation 24 of the Construction Industry Development Regulations, issued in terms of section 33 of the Act, hereby amends the **Standard for Uniformity in Construction Procurement** published in Board Notice 62 of 2004 in Government Gazette 2647 of 9 June 2004 and amended by Board Notice 67 of 2005 in Government Gazette No 27831 of 22 July 2005 and Board Notice 99 of 2005 in Government Gazette No 28127 of 14 October 2005, as set out in schedule 1.

These amendments:

- a) clarify what quality is and what it is not in the evaluation of tender offers;
- b) make provision for the extending of the tender validity period under certain circumstances; and
- c) align the requirements of the standard relating to the application of the register of contractors with the amendments to the Construction Industry Development Regulations issued in terms of the Construction Industry Development Board Act; and
- d) provide greater consistency and clarity in the meaning of certain clauses in the standard conditions of tender.

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PEPI SILINGA

CHAIRPERSON: CONSTRUCTION INDUSTRY DEVELOPMENT BOARD

Schedule 1

AMENDMENTS TO THE STANDARD FOR UNIFORMITY IN CONSTRUCTION PROCUREMENT

1 Scope

No amendments

2 Normative references

No amendments

3 Definitions

No amendments

4 Requirements

4.1 General

No amendments.

4.2 Solicitation of tender offers

No amendments

4.3 Quality (functionality)

Number the existing paragraph as 4.3.1

Add the following:

4.3.2 Quality criteria used in the evaluation of tender offers shall form an integral part of the tender offer and hence the outcome of the procurement. Such criteria shall:

- a) relate directly to the supplies, services or engineering and construction works that are being procured and to matters that cannot directly be expressed in monetary terms;
- b) be justifiable in terms of projected procurement outcomes;
- c) enable the most economically advantageous offer to be established; and
- d) to the extent practicable, be objective and quantifiable.

4.3.3 Quality criteria used in terms of 4.3.2 may include criteria such as:

- a) technical merit;
- b) response to (ability to relate to) the proposed scope of work/project design
- c) aesthetic and functional characteristics;
- d) safety and environmental characteristics;
- e) quality control practices and procedures which ensure compliance with stated employer's requirements;
- f) reliability;

- g) durability;
- h) organization, logistics and support resources relevant to the scope of work;
- i) qualifications and demonstrated experience of the key staff (assigned personnel) in relation to the scope of work;
- i) demonstrated experience of tendering entity with respect to specific aspects of the project/ comparable projects;
- j) running costs;
- k) after-sales service and technical assistance;
- l) delivery date; and
- m) delivery period or period of completion

4.3.4 Quality criteria shall not include:

- a) social considerations, such as the composition of workforces in terms of race, gender or disability; or
- b) matters relating to the basic capability or capacity of the tendering entity to execute the contract.

4.3.5 Quality criteria should wherever appropriate be rated as “poor”, “satisfactory”, “good” or “very good” in terms of qualitative criteria that is communicated to tenderers. Fixed scores should be assigned against each of these ratings.

4.4 Procurement documents

4.4.1 General

No amendments

4.4.2 Preferencing schedules

No amendments,

4.4.3 Tender Data

Replace 4.4.3.3 with the following:

The tender offer validity period provided for in the Tender Data shall generally not exceed eight weeks and in exceptional circumstances, not exceed 12 weeks.

4.4.4 Contract data

No amendments.

4.4.5 Submission Data

No amendments.

4.4.6 Subcontracting arrangements

No amendments.

4.5 Applying the CIDB register of contractorsto public contracts

Replace 4.5.2 a) and b) with the following:

- a) tenders solicited other than in terms of a quotation procedure, where the contractor grading designation is based on the estimated tender value:

It is estimated that tenderers should have a CIDB contractor grading designation of or or higher..

- b) tenders solicited in terms of a quotation procedure:

Tenderers must be registered with the CIDB in a ... orclass of construction works.

Note: Delete "or" where only one class of construction works is applicable.

Replace box beneath 4.5.3 a) with the following:

Clause number (refer to Annex F)	
F.2.1	<p>Only those tenderers who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a or* class of construction work, are eligible to have their tenders evaluated.</p> <p>Joint ventures are eligible to submit tenders provided that:</p> <ol style="list-style-type: none"> 1. every member of the joint venture is registered with the CIDB; 2. the lead partner has a contractor grading designation in the or* class of construction work; and 3. the combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a or* class of construction work or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations.

* insert class of construction work (see Table G2). Delete "or" where only one class of construction works is applicable.

Replace box beneath 4.5.3b) with the following:

Clause number (refer to Annex F)	
F.2.1	<p>Only those tenderers who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, in a or* class of construction work, are eligible to have their tenders evaluated.</p>

Replace italic text below 4.5.4 and add note:

Respondents must have a contractor grading designation of ... or or higher.

Note: Delete "or" where only one class of construction works is applicable.

Clause number (refer to Annex H)	
H.2.1	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 of tenders, in a contractor grading designation of or * or higher, are eligible to have their submissions evaluated.

Replace box below 4.5.6 with the following:

Clause number (refer to Annex H)	
H.2.1	<p>Joint ventures are eligible to have their submissions evaluated provided that:</p> <ol style="list-style-type: none"> 1 every member of the joint venture is registered with the CIDB not later than 21 working days on the closing date for tenders; 2 the lead partner has a contractor grading designation in the . . . or * class of construction work; and 3 the combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than the required contractor grading designation..

* insert class of construction work (see Table G2). Delete "or" where only one class of construction works is applicable.

Replace text in italic below 4.5.7 a) with the following and add note:

It is estimated that tenderers should have a CIDB contractor grading designation of or * or higher. . . . or **potentially emerging enterprises who satisfy criteria stated in the Tender Data may submit tender offers.

* insert estimated contractor grading designation in one or two construction classes, as relevant.

** insert one contractor grading designation below estimated contractor grading designation

Note: Delete "or . . ." where only one class of construction works is applicable.

Replace box below 4.5.7b) with the following:

Clause number (refer to Annex F)	
F.2.1	<p>The following tenderers who are registered with the CIDB, or are capable of being so registered prior to the evaluation of submissions, are eligible to have their tenders evaluated:</p> <ol style="list-style-type: none"> a) contractors who have a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a or *. class of construction work; and b) contractors registered as potentially emerging enterprises with the CIDB who are registered in one contractor grading designation lower than that required in terms of a) above and who satisfy the following criteria:

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* insert class of construction work (see Table G2). Delete "or" where only one class of construction works is applicable.

**state criteria relevant to employer's targeted development programme

Replace text in italic below 4.5.7 c) with the following and add note:

Respondents must have a contractor grading designation of ... or or higher. orpotentially emerging enterprises who satisfy criteria stated in the Submission Data may submit expressions of interest.

Note: Delete "or..." where only one class of construction works is applicable.

Replace box below 4.5.7 d with the following:

Clause number (refer to Annex H)	
H.2.1	<p>The following respondents who are registered with the CIDB, or are capable of being so registered not later than 21 working days from the closing date for the submission of tenders, are eligible to have their submissions evaluated:</p> <ul style="list-style-type: none"> a) 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 of tenders, in a contractor grading designation of or*or higher; and b) contractors registered as potentially emerging enterprises with the CIDB who are registered in one contractor grading designation lower than that required in terms of a) above and who satisfy the following criteria: **

* insert contractor grading designation for one or two classes of construction works. Delete "or" where only one class of construction works is applicable.

**state criteria relevant to employer's targeted development programme

Annex A: Best practice guidelines

No amendments.

Annex B: Standard Notice and Invitation to Tender

Replace 2, 3 and 4 sentence in first column with the following:

<p>It is estimated that tenderers should have a CIDB contractor grading of ... or or higher.</p> <p>It is estimated that tenderers should have a CIDB contractor grading of ... or or higher. orpotentially emerging enterprises who satisfy criteria stated in the Tender Data may submit tender offers.</p> <p><i>tenderers must be registered with the CIDB in a orclass of construction works.</i></p>
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Annex C: Form of offer and acceptance

No amendments.

Annex D: Sample preferencing schedule where direct preferences are granted in respect of targeted enterprise status

No amendments.

Annex E: Sample preferencing schedule where preferences are granted in respect of the direct participation of targeted enterprises and / or labour

No amendment.

Annex F: Standard Conditions of Tender

Replace F.2.17 with the following:

Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.

Replace F.3.8.1 with the following:

F381 Determine, after opening and before detailed evaluation, whether each tender offer properly received:

Annex G: Form of Guarantee

No amendments.

Annex H: Standard Conditions for the calling for Expressions of Interest

No amendment

Annex I: Selection of subcontractors by employers and contractors

Replace Annex I with the following:

Annex J: Standard Notice and Invitation to submit an Expression of Interest

No amendment

Annex K: Record of Addenda to tender documents

Annex L: Compulsory enterprise questionnaire