

**REF NO: 012/2023/PMID/INFRASTRUCTURE/RFB NOTICE 2**

14 NOVEMBER 2023

**CONSULTANCY SERVICES FOR uMWP-1: SMITHFIELD DAM AND ASSOCIATED INFRASTRUCTURE FOR 95 MONTHS**

Dear Bidder,

TCTA acknowledges receipt of the requests for clarification listed in the attached table. The response to each request for clarification is provided in the attached table.

Yours faithfully

---

Azwi Nelwamondo  
Senior Manager: Procurement

No.	Requests for Clarification	TCTA Responses
1	Will an environmental consultancy company have to tender under an environmental company?	This RFB is issued as one bid document without an option to bid for one or part of the scope of services. Companies can therefore be the bidder (as a single company, joint venture, or consortium) or subconsultants for the bidder.
2	Will the environmental consultancy company have to be from Gauteng to be able to tender?	Any bidder or company can participate irrespective of the province they come from. Reference or restriction to Gauteng under Appendix 1: Scope of Services will be removed through an addendum.
3	<p>We are intending to join other consulting teams to undertake the environmental scope of work for the construction of Smithfield Dam and water conveyance infrastructure as part of the uMkhomazi Water Supply project. We are writing this email today to get clarification on a number of aspects of the tender.</p> <p>Firstly, we have previously compiled the EIA for this project. We assume that this won't prevent us from being involved as environmental consultants in this phase of the project. Environmental legislation does not prevent our involvement in any future phases, and we will remain independent from other parties involved in any previous or future phases.</p> <p>Secondly, we assume that we are not prevented from joining multiple consulting teams putting in proposals. Our input is specialised and a small part of the overall scope of work. Please advise on whether you agree with the above.</p>	<p>Notwithstanding the responses below, TCTA reserves its rights under the Conditions of Bid should there be any material conflict of interests.</p> <p>Companies that were involved with the EIA and feasibility studies will not be disqualified or prevented from being involved.</p> <p>Companies will not be disqualified or prevented to join multiple consulting teams as sub-consultants, unless if they are the bidder.</p>
4	<p><b>CLOSING DATE:</b></p> <p>For a large, complex project such as this one, with a large and diverse multidisciplinary team, a great deal of research and effort is required to prepare a compliant bid with levels of staffing that can adequately service the project and achieve the desired outcomes for both Client and Consultant. In particular, partnering arrangements that achieve both technical and developmental goals take significant time to set up. In order to achieve the best outcome and minimise the risk of non-comparable bids being received, and issues arising during contract negotiations, we hereby request that the closing date for tenders be extended to the end of January 2024, allowing adequate time for all queries to be raised and addressed and fully responsive tenders to be prepared.</p>	The project is critical; however, we are reviewing the project milestones and will issue an addendum relating to the closing date.

No.	Requests for Clarification	TCTA Responses
	<p><b>EXTENSION OF TENDER DEADLINE:</b></p> <p>The uMkhomazi Water Project is a significant undertaking, for the which the Consultancy Services contracts are a vital component. The scope of these engagements is considerable, with many layers of effort and detail required. To ensure high quality and well-structured submissions, it is important that sufficient time is allowed for these tenders to be properly scoped and resourced.</p> <p>It is therefore requested that an extension be granted to the tender submission deadline. In considering an extension, it needs to be emphasized that the pending year-end closure will impact most if not all engineering consultancies in South Africa.</p> <p>Additionally, note is now taken of the recent announcement that Friday 15 December 2023 is to be proclaimed a new Public Holiday.</p> <p>In light of the above factors, it is recommended that an extension be granted to end-January 2024, to cater for the year-end office closure, and to provide sufficient time for properly resourced and costed bids to be compiled.</p>	
5	<p><b>SITE STAFF LEVEL OF EFFORT</b></p> <p>In a project such as this one, where the construction supervision and contract administration component is typically well over half the overall staff cost, bid prices are likely to vary considerably if the required staffing levels are not adequately defined in the Request for Proposals, as the deliverables for this phase of the project cannot be clearly defined as in the case of the design and procurement phase. This leads to the dilemma of the client having to evaluate tender prices that vary widely but are not comparable. To avoid this, as has been the case on a number of recent projects, we propose that TCTA broadly prescribes the staffing levels for each major construction activity and considers a requirement to link the various positions to specific activities in the construction programme (the feasibility study construction programme may be adequate). This would ensure that all tenderers price on the same basis and that TCTA gets the level of supervision they require, without having to embark on lengthy negotiations with the lowest bidder.</p> <p>General: Site Staff: In many calls for proposals for schemes of a similar type, size and complexity, the level of Site Staff presence is specified by the Client. The size and duration of this part of the team means it contributes a considerable percentage of the overall price, and different interpretations of the required level and seniority of staffing, and their duration of involvement, can mean significant variations pricing which can be difficult to adjudicate.</p>	<p>The assumption is that prescribing a minimum level of effort could be limiting to bidders, but others will price for the minimum set level without fully considering the effort they need to carry out the services required based on the capabilities and experience of their staff. We have evaluated this, and considered lessons from previous projects and TCTA will retain the requirement as is. Refer to Sub-Clause 3.5 of The Conditions of the Client/Consultant Model Services Agreement.</p> <p>We have tried the approach before, and it did not produce positive results and therefore the requirements will be retained as they are. Nevertheless, we will assess the requirements and issue an addendum.</p>

No.	Requests for Clarification	TCTA Responses
	<p>Furthermore, a lack of specification in this regard can lead to the pricing of a minimum of site staff, leaving the client with too small or junior a team, and with a difficult negotiation process, especially in an environment where an increase in bid prices is not permitted.</p> <p>Differences in the interpretation of commencement and duration of site staff will also impact the calculation of escalation, which forms part of the total price to be included in the Letter of Offer, thereby resulting in variations in the quantum of escalation, which may not be aligned to real patterns of escalation that will be encountered on the project.</p> <p>It is therefore suggested that TCTA consider providing a schedule of required site or construction supervision personnel, with minimum qualifications and specified durations, to reduce uncertainty in this aspect of the bid pricing.</p>	
6	<p><b>BTECH VERSUS BSC FOR CERTAIN SITE POSITIONS:</b></p> <p>We believe that there are adequately competent and experienced technologists who could fulfil some of the senior site roles, such as RE for ancillary works. We request that TCTA review the qualification requirements to open up such positions to a wider range of candidates and create further developmental opportunities.</p>	<p>Technologists with B.Tech will be considered for ancillary works. An addendum will be issued to this effect.</p>
7	<p><b>APPENDIX 1 – SCOPE OF SERVICES: 3.6.1 SUB-TASK 6.1: ENTERPRISE AND SUPPLIER DEVELOPMENT</b></p> <p>With respect to vi) A cooperative or company which is at least 51% owned by black people, does this mean any company that is more than 51% black owned, irrespective of size, qualify? This seems to be in conflict with the Preferential Procurement Regulations of April 2017, which refers only to “a cooperative which is at least 51% owned by black people”, not a company. The intent of this element of the Regulations may well be lost with the inclusion of “or company”.</p> <p>Task 6: Sub-Task 6.1: During the Tender Briefing Session held on Friday 27 October 2023, in response to a query raised regarding the EME/QSE sub-consulting arrangements, it was noted that since EME and QSE firms may not have sufficient requisite skills given the nature of these projects, and therefore a 51% black-ownership participation may be accepted in lieu of participation by EME/QSE forms. Please can you provide urgent clarification on this point, as it impacts directly on current discussions with potential EME/QSE partners?</p>	<p>Preferential Procurement Regulations of April 2017 are no longer applicable to procurement processes.</p> <p>Task 6, read as a whole, is not intended for any company that is at least 51% black-owned but rather those companies that require or need development initiatives/interventions for their overall growth. As a result, there are various requirements listed to ensure that the developmental objectives are met, e.g. needs analysis.</p> <p>Companies who qualify under any group listed will be accepted. The response above is also relevant.</p>

No.	Requests for Clarification	TCTA Responses
8	<p>Do the subcontract/subconsultant agreements with the designated groups need to be submitted with our bid or only for inclusion in the contract should we be the successful bidder?</p> <p>Please can you confirm that the subconsultant agreements can be finalized and included with the contract to be agreed between TCTA and the Consultant, and are not required as part of the tender?</p>	<p>The agreements will be required from the successful bidder for inclusion in the contract/agreement.</p>
9	<p>Task 6: Sub-Task 6.5: Does the term “dedicated manager” mean a full-time resource dedicated to this aspect of the work, or can this function be rolled into another person’s responsibilities?</p> <p>Annexure M: Manpower Schedule: The Sub-Tasks for Task 5: Project Management and Task 6: Black South Africans, Enterprise and Supplier Development Requirements, will generally be performed by a team of personnel engaged more or less continuously through the project, to whom these various sub-tasks will be allocated. Please confirm that it is permissible to roll the hours associated with the Tasks into a single Task-based allocation, and not have the Sub-Task amounts split out?</p>	<p>This function cannot be rolled-out to another person’s responsibilities as the dedicated manager. The manager must be devoted or exclusively allocated to or intended for Task 6: Development Requirements even when the person is not full-time. If it is rolled out it can negatively affect the person’s ability to manage the requirements under Task 6 or their other responsibilities. Also, the person must have experience in the development of enterprises, suppliers, and learners/candidates.</p> <p>Allocation of man-hours must be in accordance with the format and structure of the (price) returnables provided. This is required to achieve effective Cost Management of the contract/agreement administration.</p>
10	<p>Annexure B: Personnel Experience: Please confirm that a schedule of staff is sufficient, and that CV’s for additional staff are not required, i.e. that CV’s are only required for Key Personnel?</p>	<p>The schedule of personnel under Sub-Clause 3.5.2: The Conditions of the Client/Consultant Model Services Agreement is insufficient because the RFB states the following: “The list of personnel positions below is not exhaustive and doesn’t represent the whole team to render all the Services. Only some of the key personnel positions are listed and the number of persons is not specified. As such, the Consultant must provide other technical, administrative and managerial personnel, e.g. draughtspersons, inspectors, environmental monitors, biodiversity specialist, cathodic protection specialists, hydro-mechanical engineers and technicians, heritage specialists, archaeologists, manager and mentor (per Task 6: Development Requirements under Appendix 1: Scope of Services), administrators, architect, etc. In addition, the Consultant must determine the number of persons, for example, the Consultant can have one or two environmental managers.”</p> <p>CVs and tables, as provided, must be completed and will be used for evaluation (i.e. Stage 3: Functionality) and included in the contract/agreement documentation.</p>

No.	Requests for Clarification	TCTA Responses
11	Annexure B: Personnel Experience: There is no mention of the need for copies of qualifications. Please confirm that copies of professional qualifications are not required?	Copies of professional qualifications are not required. However, please ensure that professional registration numbers are provided where required in the returnables. The information will be used to validate the professional registrations.
12	Annexure F: Letter of Offer by the Bidder: Is there any specific format to this letter?	There is no specific format to the Letter of Offer by the Bidder.
13	<p>Appendix 3: Remuneration and Payment: Clause 2: Price Changes (Escalation): It is noted that an allowance for escalation of 5% per annum is to be made in the calculation of the cash flow for the Time Schedule of Services. However, it is also noted that actual escalation will be determined and paid on the basis of the CPI as specified in the same clause. It is also noted that the amount to be included in Annexure F: Letter of Offer by the Bidder includes the escalation calculated, as indicated in the guidelines for Annexure F, and referring to Line 14 of Annexure G: Summary of Cost Estimate.</p> <p>This means that every bidder will provide a varied quantum of escalation, based on their specific and sometimes potentially different interpretation of the scheduling of resourcing.</p> <p>It is suggested that a fixed percentage value be applied in Line 14 of Annexure G: Summary of Cost Estimate. Alternatively, a fixed quantum of escalation be allowed for in budgeting by the client but does not form part of Annexure G: Summary of Cost Estimate.</p>	Take note that TCTA will not include the escalation as part of the price evaluation (stage 5).
14	Annexure N: Programme and Charts: Please confirm if the narrative version of the TCTA Indicative Programme included in Appendix 4 can be issued to bidders to aid in the development of Annexure N.	<p>There is no narrative version of the Indicative Programme that we can provide.</p> <p>The electronic or native file (Microsoft Project) will not be provided.</p>
15	General: It is noted that the 95 months direction referred to in the title of this Bid Number, does not appear to correspond to the duration provided for in the TCTA Indicative Programme. Please can you clarify this?	The longer time for completion (title and The Conditions of the Client/Consultant Model Services Agreement) is an allowance (contractual) made to complete all the required consultancy services (normal, additional or exceptional) to enable close-out of the contract/agreement, e.g. disputes, claims.
16	<p><b>DIVERSION TUNNELS</b></p> <p>We note that the Feasibility Study makes mention of twin 8m diameter tunnels for river diversion. However, there is no specific requirement in the RFB for resources with tunnelling experience, neither design nor construction supervision. Given that this is a highly specialised and potentially high-risk field and in order to ensure that all bidders make adequate provision for this, we</p>	We are reviewing the requirements for the river diversion works and supply of personnel and will issue an addendum on the matter.

No.	Requests for Clarification	TCTA Responses
	<p>propose that TCTA adds its requirements for tunnelling expertise and resources to the RFB.</p> <p>Appendix 1: Scope of Services: Clause 3.1.1.10: Tender Design Studies: (3) River Diversion Works: It is noted that in this sub-clause there is no mention of the specific type of river diversion facility envisaged.</p> <p>However, it is also noted that the associated Feasibility Study reports refer to diversion tunnels (twin 8 m diameter tunnels) as being the method of river diversion for an Earth Core Rockfill Dam (ECRD). Such a diversion facility provides for considerable design and construction supervision effort, compared to other diversion methodologies.</p> <p>It is therefore considered important that this aspect of the scope of services is better defined in order to allow improved definition of work scope and effort. Please can this be clarified, and further definition provided?</p>	
17	<p><b>SCOPE OF SERVICES CLAUSE 3.1.1.11:</b> Please confirm if the Hydropower Feasibility Study referenced in this clause the same as that mentioned in the Conveyance RFB, or is this a separate study specifically to be carried out for Smithfield Dam?</p>	<p>Yes, it is the same study. However, that study in the Water Conveyance Infrastructure RFB will include the two sites identified in the DWS Feasibility Study Report. That is, hydropower potential facility at the Smithfield Dam and the one downstream of the Water Conveyance Infrastructure. Once completed and the decision is made to proceed with the hydropower at one of the sites, TCTA will issue the instruction to proceed the further work under the relevant provisional sum item.</p>
18	<p>Compulsory briefing meeting query: Will sub-consultants earn point for company experience?</p>	<p>No; only the bidder (as a single company, joint venture, or consortium).</p>