

**TENDER CLARIFICATION QUESTIONS – MWP1860CX THE PROVISION OF ENGINEERING AND PROJECT MANAGEMENT SERVICES TO ESKOM FOR A PERIOD OF 5 YEARS.**

<b>Date</b>	<b>Supplier Question/ Clarification</b>	<b>Eskom Response</b>
13 March 2023	<ul style="list-style-type: none"> <li>Will the client (Eskom) will accept a Proof of Application Letter issued by Consulting Engineers South Africa (CESA) as an indication that the process to register the tenderer with CESA is currently underway, as this is part of the Mandatory Evaluation Criteria (Gate Keepers).</li> </ul>	<p><b>Kindly refer to the Addendum dated 22 March 2023, uploaded on 22 March 2023.</b></p>
14 March 2023	<ul style="list-style-type: none"> <li>Please assist with clarity on sharing confidential information and documents from our clients like task orders, acceptance agreements etc. Seeing as most of our clients/projects are national key points we are worried about confidentiality.</li> </ul>	<ul style="list-style-type: none"> <li>From Eskom's side, we are bound to treat their submissions as confidential.</li> <li>Also, the tenderers can redact words or information on a document which they believe would place them in breach by disclosing it. However, there still needs to be enough information and corroborating documents to authenticate the claim of competency, experience etc. e.g. certificates of professional registration and training, an appointment letter, extracts from a contract with the name of the designated project manager or the total contract value (I understand that in most cases this gets registered with CIDB anyway) etc.</li> <li>The tenderers can redact words or information on a document which they believe would place them in breach by disclosing it. However, there still needs to be enough information and corroborating documents to authenticate the claim of</li> </ul>

		<p>competency, experience etc.</p> <ul style="list-style-type: none"> <li>On another matter raised at the clarification meeting, when it comes to international experienced persons who are not registered with a SA council for the professions and smaller firms with not much recent work, there is nothing prohibiting joint ventures, recruitments, sub-consulting or the likes, to ensure, the tenderer can offer (and will provide) the necessary cluster of competencies. If anything, we want to encourage a return and transfer of skills to South Africa.</li> </ul>
15 March 2023	<p>We have the following questions on project management technical evaluation criteria:</p> <ul style="list-style-type: none"> <li>How many CVs do you require per discipline and category (Jnr, intermediate and expert)?</li> </ul>	<ul style="list-style-type: none"> <li>Below was extracted from technical evaluation criteria in the market:  Company CV,  customer reference letters,  task orders,  accepted agreements,  <u>SACPCMP</u> professional registrations,  documented Project Management Methodology (Policy, Processes, Standards, Specifications),  project management supporting organisational structure,  systems application landscape</li> </ul> <p>NB: Eskom needs the consultant to demonstrate is that they have the necessary expertise and that they have a track</p>

	<ul style="list-style-type: none"> <li>If the technical evaluations required documents e.g. project charter was developed for client (Eskom) do you want to see that charter or our company process on how we compile the project charters?</li> </ul>	<p>record of having done similar work, to qualify for inclusion of the panel.</p> <p>The number and levels of persons required will depend on the need identified by business, and the scope of a particular task order. (the so-called “mini-tender/RFQ’s”).</p> <ul style="list-style-type: none"> <li>Eskom needs to see the consultants’ Project Management Methodology: “documented Project Management Methodology (Policy, Processes, Standards, Specifications)”. In addition to this we need also to see actual documents completed.</li> </ul> <p>NB: Eskom requires a company CV. Supported by functionaries that work for the company. IN the external stability environment there is a requirements for a CV functional person. There is no number specified so 1 CV of a functionary would also do. However, the assessment criteria must still be met.</p> <p>For the External Stability assessment we ask the following (quoted from the evaluation criteria):</p> <p><b>1. Customer reference letter confirming work performed by the consultant/tenderer that forms part of the scope of work. As a minimum, it must demonstrate the following:</b></p> <ul style="list-style-type: none"> <li>Consultant/tenderer was responsible at a construction</li> </ul>
--	--	--

		<p>project for collaboration with stakeholder and community liaison functionaries to integrate stakeholder management efforts and enhance and support the project objectives.</p> <ul style="list-style-type: none"> <li>• Consultant/tenderer was responsible for and did collaborate with municipal and traditional councils to support project objectives</li> <li>• Consultant / tendered facilitate strategic partnerships that build and maintain stakeholder relationships through alignment of the project objectives</li> </ul> <p><b>2. A description of the number of projects that the consultant/tendered were involved in. The description must confirm involvement in construction projects, the number of projects by name, and the number of stakeholders involved in each project on which the consultant/tenderer will be relying.</b></p> <p><b>3. Samples of the following that relates to the projects on which the consultant/tenderer will rely:</b></p> <ul style="list-style-type: none"> <li>• A Stakeholder Manager strategy/plan</li> <li>• Strategy implementation schedule</li> <li>• Stakeholder matrix</li> <li>• Stakeholder impact assessment tool</li> <li>• Community profiling</li> <li>• Framework for the use of integration and co-operation platforms</li> <li>• Methodology to identification risks of Project</li> </ul>
--	--	--

		<p>Instability by external stakeholders</p> <ul style="list-style-type: none"> <li>• Methodology to analyse risk and mitigate risks</li> <li>• Methodology to track progress with mitigating risk</li> <li>• Projects stakeholder communication plan</li> </ul> <p>On average they must supply Eskom with at least 4 samples of each as it is an indication of the number of projects that they were involved in.</p> <p>For the Internal Stability evaluation criteria we ask the following ((quoted from the evaluation criteria):</p> <p><b>1. Customer reference letters confirming :</b></p> <ul style="list-style-type: none"> <li>- Quality of advice provided to client</li> <li>- Ability to maintain site labour stability; oversee Contractors whilst minimising cost; manage incidents of labour instability (work-stoppages, industrial action, protest action)</li> <li>- Constitutions or Operating Guidelines for Engagements forums between Contractors and employees overseen</li> <li>- Involvement with Commercial Contracts and the enforcement thereof;</li> </ul> <p><b>2. Copy of Employers Personnel and IR requirements worked with on one of the projects involved in</b></p> <p><b>3. Labour Risk Assessment methodology used</b></p> <p><b>4. Methodology to track the resolution or mitigation of risks</b></p> <p><b>5. Contractor compliance audit methodology</b></p> <p><b>6. Copy of Contractor compliance audit report used</b></p>
--	--	---

		<p>at one of the projects involved in</p> <p><b>7. Framework to audit effectiveness of Contractor and Labour engagements Forums</b></p>
15 March 2023	<ul style="list-style-type: none"> <li>In regards to the invitation to tender document under group 1 -8 , your Evaluation criteria . The scope of works as per the works information of the contract which carries 30%. Are you basically asking for a methodology ?</li> </ul>	<ul style="list-style-type: none"> <li>The criteria is clear for evaluation. The bidder's capability to perform the works will be evaluated on the high-level methodology tabulated by response on each requirement of scope of services. This has to be in line with the requirements within the works information. Also, a communication plan is required.</li> </ul>
15 March 2023	<ul style="list-style-type: none"> <li>Under 'Qualitative Evaluation Criteria', under 1.4 in the Engineering Evaluation Criteria, the deliverable is (a) CVs of the individuals and (b) 'Written verification...'; what would suffice as written verification of competency? As an example, would a declaration witnessed by a Commissioner of Oaths be adequate?</li> <li>Is there a resolution around the requirement for tenderers to be CESA registered?</li> </ul>	<ul style="list-style-type: none"> <li>This means that supplier must review CVs of all the team members to verify and confirm their content. The aim is to prevent companies from not taking responsibility for falsified CVs at a later stage. A letter on a company letterhead and CEO's signature should suffice.</li> </ul>
15 March 2023	<ul style="list-style-type: none"> <li>We do perform Engineering and Construction at Eskom Power Stations. How do Eskom view a contractor for this proposal who are performing work at Eskom Power stations? (Will this be seen as a be a conflict of interest of this proposal)</li> <li>Exclusion from downstream work that may result from provided engineering work: Will the tenderer be precluded/excluded from participating in opportunities arising directly/indirectly from the proceeds of engineering work produced by them, whether it be supply of components or execution of recommendations?</li> </ul>	<ul style="list-style-type: none"> <li>Tenderers are encourage to declare any perceive conflict of interest . Eskom note your concern and view it as no conflict of interest</li> <li>No companies will be excluded for future downstream work for being approved or appointed as panel members for Eskom Engineering Panel.</li> </ul>

<p>16 March 2023</p>	<p>It is stated that “<i>The tenders must be registered with Consulting Engineers South Africa (CESA)) or equivalent internationally recognised accreditation</i>”.</p> <ol style="list-style-type: none"> <li>1. Consulting Engineers South Africa (CESA) is a voluntary association of Consulting Engineering firms.</li> <li>2. The Engineering Council of South Africa (ECSA) is a statutory body established in terms of the Engineering Profession Act (EPA), 46 of 2000.</li> </ol> <p>Eskom requires as a <b>Mandatory</b> returnable that company (s) be registered with a voluntary association such as CESA. This institution is not regulated by any statutory body and does not report to any legally established framework/body.</p> <ol style="list-style-type: none"> <li>a. What is the rational to enforce companies to register with a voluntary association that are not regulated?</li> <li>b. Why does Eskom require companies to be registered with CESA?</li> <li>c. What does this requirement benefit Eskom and the scope intended?</li> </ol> <p>We feel that this requirement does not benefit Eskom and it's intended scope of services. ECSA is a statutory body that Eskom can rely on. There is no need to have CESA as it does not regulate anything, it is just a voluntary association and companies should associate with CESA voluntarily and not mandatorily.</p>	<p><b>Kindly refer to the Addendum dated 22 March 2023, uploaded on 22 March 2023.</b></p>
<p>17 March 2023</p>	<p>Can you please clarify what is required by Company CV, is this a company profile? SACPCMP professional registration, is this for the individual or the company? Please assist me with information regarding Resources, e.g, number of resources, what particulars of resources are to be submitted?</p> <p><b>Company CV,</b> customer reference letters, task orders, accepted agreements, <b>SACPCMP professional registrations,</b> documented Project Management Methodology (Policy, Processes, Standards, Specifications), project management supporting organisational structure, systems application landscape</p>	<p>For the stability section, we mean a company profile but with evidence that supports the statements in the company profile that relate to the Evaluation Criteria.</p> <p>As explained during the tender clarification meeting on the 10<sup>th</sup> March 2023, this is not a labour broker type of contract. What we are looking for are companies who can demonstrate that they have and are able to offer the services we asking for. It's not about the number of individuals but rather the track record and ability (supported by the listed evidence) of the company.</p>

		Clearly in order to demonstrate competence, ability and capacity to manage infrastructure projects, the necessary demonstration of persons within the company suitably professionally registered is a requirement. It is individuals that register with the SACPCMP, not companies.
22 March 2023	<p>We have noted the answers to the clarification questions to the abovementioned tender, much appreciated.</p> <p>Although, already asked, may Eskom please advise on the requirement for CESA registration. This was discussed thoroughly at the clarification meeting, and we wish to include our views and concerns.</p> <p>CESA is not an industry regulatory body. By making CESA membership a gatekeeper, Eskom is adding an unfair and exclusionary requirement that does not have technical merit around a company's ability to perform according to the scope of work. CESA does not regulate or provide a regulatory framework or monitor the technical scope of work the items that Eskom is evaluating under this proposal.</p> <p>Additionally, can the Business please expedite the response. Currently we have been excluded by the gatekeeper and are not preparing a submission. If Eskom relaxes this gatekeeper, we will have limited time to prepare a sound proposal that will address the evaluation criteria items.</p> <p>We will appreciate your prompt response regarding this matter.</p>	<b>Kindly refer to the Addendum dated 22 March 2023, uploaded on 22 March 2023.</b>
22 March 2023	<p>Please also clarify the submission details: Should we submit a tender for each technical package (e.x project management pack, commissioning pack) that included the commercial, OHS, Environmental, Quality, Financial statements, and technical information?</p> <p>Or should we submit one package with sub-packages for the technical pack for the different</p>	Refer to Slide 7 of the Clarification Meeting Presentation and Page 8 , section 3.9 of the Invitation To Tender



	packages (e.x project management pack, commissioning pack)?	
22 March 2023	I would also like to request the NEC3 contract along with the pricing schedule as this was not included in the tender pack.	<p>As per the Clarification meeting held on the 10<sup>th</sup> March 2023, please note that NEC Contract will be sent to the suppliers who will be have qualified to be on the List of the Engineering and Project Management Panel.</p> <p>However, the following clauses as per Pages 26-27 of the Invitation To tender will apply: The conditions of contract will be the <b>NEC3 Professional Services Contract with the following clauses:</b> <b>Main Option</b> Option G: Term Contract <b>Dispute resolution Option W1</b> Dispute resolution procedure <b>Secondary Clauses</b> X1: Price adjustment for inflation X2: Changes in the law X3: Multiple currencies X7: Delay damages X9: Transfer of rights X10: Employer's Agent X11: Termination by the Employer's Agent X18: Limitation of liability Additional Clauses: Z Clauses</p> <p>Pricing Schedule_ Refer to Slide 5 of the Clarification Meeting Presentation.</p>
	<p>Please clarify the following:</p> <p>(1) In the technical scoring, proof of registration with CESA is required (image 1), but if you take a look at the project management functionality requirement, no CESA is required (image 2) . It is only required for the Engineering function, which we are not tendering for. Please clarify if CESA registration is needed when tendering for the project management function (or other functions expect the engineering function)</p>	<p><b>Kindly refer to the Addendum dated 22 March 2023, uploaded on 22 March 2023.</b></p>

		<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA</b>			
Technical (required functionality scoring)	for	1. Table 6 (ANNEXURE K) Categorization and grouping of services	Tenderers must indicate which Panel, category and or grouping they have tendered for. They must as well mark their choices accordingly on their submissions' files (both hard and soft copies using Table 6 (Annexure K).	✓	
		2. Proof of membership of consulting company with CESA	The Service Providers to submit CESA membership of the consulting company	✓	
		3. Technical Evaluation Criteria	NB: Technical Evaluation to be clearly understood by the tenderers. In case the	✓	

  

Discipline	Functionality Criteria	Weighting (%)
Project Management	Experience with respect to Project Management throughout the Project Lifecycle	25%
	Perform Project Front-end Planning	20%
	Execute Project	35%
	Manage and Control Project	20%

(2).With regard to the project management function evaluation criteria, please clarify if it will be allowed for personnel with PMP registrations to participate, rather than with SACPCMP registrations

Awaiting Subject Matter Experts to respond