

BOARD NOTICE 136 OF 2015**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, Board Notice 99 of 2005 in Government Gazette No 28127 of 14 October 2005, Board Notice 93 of 2006 in Government Gazette No 29138 of 18 August 2006, Board Notice 9 of 2008 in Government Gazette No 30692 of 1 February 2008, Board Notice 11 of 2009 in Government Gazette No 31823 of 30 January 2009 and Board Notice 86 of 2010 in Government Gazette No 33239 of 28 May 2010 as set out in the **Schedule 1**.

These amendments:

- a) Require that the JBCC Series 2000 Principal Building Agreement (Edition 6.1: June 2015) and JBCC Series 2000 Minor Works Agreement (Edition 5.1: June 2015) Standard Form of Contract be used in place of the previous editions of this form of contract;
- b) Require that the General Conditions of Contract for Construction Works (Third Edition 2015) GCC Standard Form of Contract be used in place of the previous editions of this form of contract;
- c) Provide consistency and clarity on definitions used;
- d) Align the procurement evaluation methods with the process prescribed by National Treasury;
- e) Introduce transparency requirements in the procurement process; and
- f) Competence standard framework for construction procurement.

.....
LINDELWA TERESA MYATAZA

CHAIRPERSON: CONSTRUCTION INDUSTRY DEVELOPMENT BOARD

Schedule 1**AMENDMENTS TO THE STANDARD FOR UNIFORMITY IN CONSTRUCTION
PROCUREMENT**

Please Note: The amended Standard for Uniformity in Construction Procurement is available on the cidb website.

REVIEW AND REVISION OF THE CIDB STANDARD FOR UNIFORMITY IN CONSTRUCTION PROCUREMENT

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment
1	3.4	Emerging enterprise means an enterprise which is owned, managed and controlled by <u>previously</u> disadvantaged persons and which is overcoming business impediments arising from the legacy of apartheid.	Delete "previously disadvantaged persons" and substitute with "black people". Insert a definition of "black people" which reads as follows: "black people" is a generic term which means Africans, Coloureds and Indians— (a) who are citizens of the Republic of South Africa by birth or descent; or (b) who became citizens of the Republic of South Africa by naturalisation— (i) before 27 April 1994; or (ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date;	emerging enterprise means an enterprise which is owned, managed and controlled by <u>black people</u> .
	New clause	Insert a definition of "black people"	"black people" is a generic term which means Africans, Coloureds and Indians— (a) who are citizens of the Republic of South Africa by birth or descent; or (b) who became citizens of the Republic of South Africa by naturalisation— (i) before 27 April 1994; or (ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date;	"black people" is a generic term which means Africans, Coloureds and Indians— (a) who are citizens of the Republic of South Africa by birth or descent; or (b) who became citizens of the Republic of South Africa by naturalisation— (i) before 27 April 1994; or (ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date;
2	3.11	Quality (functionality) means the totality of features and characteristics of a product or service that be on its ability to satisfy stated or implied need;	Substitute the definition of "quality" with the definition of "functionality" as contained in National Treasury Instruction Note in respect of bids that include functionality as a criterion for evaluation.	Functionality means the measurement according to the predetermined norms of a service or commodity designed to be practical and useful, working or operating, taking into account quality, reliability, viability and durability of a service and technical capacity and ability of a tenderer.
3	3.13	Scope of work means the document that specifies and describes the goods, services, or engineering and construction works which are to be provided and any other requirements and constraints relating to	Substitute the word "document" with the word "documentation"	scope of work means the documentation that specifies and describes the goods, services, or engineering and construction works which are to be provided and any other requirements and constraints relating to the manner in which the contract work is to be performed;

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment						
		the manner in which the contract work is to be performed;								
4	Table 2: Standard Tender Evaluation Methods	Method 1: Financial offer Method 2: Financial offer and preferences Method 3: Financial offer and quality Method 4: Financial offer, quality and preferences	Replace Table 2 with the new methods of evaluation aligned with National Treasury's Preferential Procurement Regulations of 2011.	<table><thead><tr><th>Method</th><th>Description</th></tr></thead><tbody><tr><td>Method 1: Price and preference</td><td>1) Score tender evaluation points for price 2) Score points for B-BBEE contribution 3) Add the points scored for price and B-BBEE</td></tr><tr><td>Method 2: Functionality, Price and Preference</td><td>1) Score functionality, rejecting all tender offers that fail to score the minimum number of points for functionality stated in the Tender data. 2) No tender must be regarded as an acceptable tender if it fails to achieve the minimum qualifying score for functionality as indicated in the tender invitation. 3) Tenders that have achieved the minimum qualification score for functionality must be evaluated further in terms of the preference points system prescribed in paragraphs 4 and 5 below.. The 80/ 20 preference point system for acquisition of services, works or goods up to Rand value of R 1 million 4) (a)(i) The following formula must be used to calculate the points for price in respect of tenders (including price quotations) with a rand value equal to, or above R30 000 and up to a Rand value of R1000 000 (all applicable taxes included): $P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$ Where Ps = Points scored for comparative price of tender or offer under consideration; Pt = Comparative price of tender or offer under consideration; and Pmin = Comparative price of lowest acceptable tender or offer. (4)(a)(ii) An employer of state may apply the formula in paragraph (i) for price quotations with a value less than R30 000, if and when appropriate: (4)(b) Subject to subparagraph(4)(c), points must be awarded to a tender for attaining the B-BBEE status level of contributor in accordance with the table below:</td></tr></tbody></table>	Method	Description	Method 1: Price and preference	1) Score tender evaluation points for price 2) Score points for B-BBEE contribution 3) Add the points scored for price and B-BBEE	Method 2: Functionality, Price and Preference	1) Score functionality, rejecting all tender offers that fail to score the minimum number of points for functionality stated in the Tender data. 2) No tender must be regarded as an acceptable tender if it fails to achieve the minimum qualifying score for functionality as indicated in the tender invitation. 3) Tenders that have achieved the minimum qualification score for functionality must be evaluated further in terms of the preference points system prescribed in paragraphs 4 and 5 below.. The 80/ 20 preference point system for acquisition of services, works or goods up to Rand value of R 1 million 4) (a)(i) The following formula must be used to calculate the points for price in respect of tenders (including price quotations) with a rand value equal to, or above R30 000 and up to a Rand value of R1000 000 (all applicable taxes included): $P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$ Where Ps = Points scored for comparative price of tender or offer under consideration; Pt = Comparative price of tender or offer under consideration; and Pmin = Comparative price of lowest acceptable tender or offer. (4)(a)(ii) An employer of state may apply the formula in paragraph (i) for price quotations with a value less than R30 000, if and when appropriate: (4)(b) Subject to subparagraph(4)(c), points must be awarded to a tender for attaining the B-BBEE status level of contributor in accordance with the table below:
Method	Description									
Method 1: Price and preference	1) Score tender evaluation points for price 2) Score points for B-BBEE contribution 3) Add the points scored for price and B-BBEE									
Method 2: Functionality, Price and Preference	1) Score functionality, rejecting all tender offers that fail to score the minimum number of points for functionality stated in the Tender data. 2) No tender must be regarded as an acceptable tender if it fails to achieve the minimum qualifying score for functionality as indicated in the tender invitation. 3) Tenders that have achieved the minimum qualification score for functionality must be evaluated further in terms of the preference points system prescribed in paragraphs 4 and 5 below.. The 80/ 20 preference point system for acquisition of services, works or goods up to Rand value of R 1 million 4) (a)(i) The following formula must be used to calculate the points for price in respect of tenders (including price quotations) with a rand value equal to, or above R30 000 and up to a Rand value of R1000 000 (all applicable taxes included): $P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$ Where Ps = Points scored for comparative price of tender or offer under consideration; Pt = Comparative price of tender or offer under consideration; and Pmin = Comparative price of lowest acceptable tender or offer. (4)(a)(ii) An employer of state may apply the formula in paragraph (i) for price quotations with a value less than R30 000, if and when appropriate: (4)(b) Subject to subparagraph(4)(c), points must be awarded to a tender for attaining the B-BBEE status level of contributor in accordance with the table below:									

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment																				
				<table><thead><tr><th>B-BBEE status level of contributor</th><th>Number of points</th></tr></thead><tbody><tr><td>1</td><td>20</td></tr><tr><td>2</td><td>18</td></tr><tr><td>3</td><td>16</td></tr><tr><td>4</td><td>12</td></tr><tr><td>5</td><td>8</td></tr><tr><td>6</td><td>6</td></tr><tr><td>7</td><td>4</td></tr><tr><td>8</td><td>2</td></tr><tr><td>Non-compliant contributor</td><td>0</td></tr></tbody></table> (4)(c) A maximum of 20 points may be allocated in accordance with subparagraph (4)(b) (4)(d) The points scored by tender in respect of B-BBEE contribution contemplated in contemplated in subparagraph (4) (b) must be added to the points scored for price as calculated in accordance with subparagraph (4)(a). (4)(e) Subject to paragraph 4.3.8 the contract must be awarded to the tender who scores the highest total number of points. The 90/ 10 preference points system for acquisition of services, works or goods with a Rand value above R 1 million 5)(a) the following formula must be used to calculate the points for price in respect of tenders with a Rand value above R1 000 000 (all applicable taxes included); 90/10 $P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$ Where	B-BBEE status level of contributor	Number of points	1	20	2	18	3	16	4	12	5	8	6	6	7	4	8	2	Non-compliant contributor	0
B-BBEE status level of contributor	Number of points																							
1	20																							
2	18																							
3	16																							
4	12																							
5	8																							
6	6																							
7	4																							
8	2																							
Non-compliant contributor	0																							

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment																				
5	4.3	4.3 Quality (functionality) 4.3.1 The manner in which quality is to be ensured in the work shall be incorporated in procurement documents using one of more of the following methods: a) The full and unambiguous specification of	Substitute the word "quality " with the word "functionality," and add a new paragraph numbered 4.3.8 which reads as follows: "As contract may be awarded to a tender that did not score the highest total number of points, only in accordance with section 2(1)(f) of the Preferential Procurement Policy Framework Act, 2000.	Ps = Points scored for comparative price of tender or offer under consideration; Pt = Comparative price of tender or offer under consideration; and Pmin = Comparative price of lowest acceptable tender or offer. (5)(b) Subject to subparagraph(5)(c), points must be awarded to a tender for attaining the B-BBEE status level of contributor in accordance with the table below: <table><tr><th>B-BBEE status level of contributor</th><th>Number of points</th></tr><tr><td>1</td><td>10</td></tr><tr><td>2</td><td>9</td></tr><tr><td>3</td><td>8</td></tr><tr><td>4</td><td>5</td></tr><tr><td>5</td><td>4</td></tr><tr><td>6</td><td>3</td></tr><tr><td>7</td><td>2</td></tr><tr><td>8</td><td>1</td></tr><tr><td>Non-compliant contributor</td><td>0</td></tr></table> (5)(c) A maximum of 10 points may be allocated in accordance with subparagraph (5)(b) (5)(d) The points scored by tender in respect of B-BBEE contribution contemplated in subparagraph (5) (b) must be added to the points scored for price as calculated in accordance with subparagraph (5)(a). (5)(e) Subject to paragraph 4.3.8 the contract must be awarded to the tender who scores the highest total number of points.	B-BBEE status level of contributor	Number of points	1	10	2	9	3	8	4	5	5	4	6	3	7	2	8	1	Non-compliant contributor	0
B-BBEE status level of contributor	Number of points																							
1	10																							
2	9																							
3	8																							
4	5																							
5	4																							
6	3																							
7	2																							
8	1																							
Non-compliant contributor	0																							
				4.3 Quality (functionality) 4.3.1 The manner in which functionality is to be insured in the work shall be incorporated in procurement documents using one of more of the following methods: a) the full and unambiguous specification of requirements in the scope of work; b) taking cognizance of whole-life costing in the financial evaluation of tender offers; c) where exceptional functionality is required, making use of the qualified procurement																				

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment
		requirements in the scope of work; b) Taking cognizance of whole-life costing in the financial evaluation of tender offers; c) Where exceptional quality is required, making use of the qualified procurement procedure and ensuring that respondents who are invited to submit tender offers are suitably qualified to do so; d) Requiring tenderers to submit plans for monitoring and applying quality management principles in the performance of their contracts; e) Introducing quality into the eligibility criteria; f) Establishing a category of preference for quality in the evaluation of tenders; or g) Evaluating selected quality criteria as an integral part of the tender offer. Note: Further guidance on the incorporation of quality in procurement documents may be found in SANS 294, <i>Construction procurement processes, procedures and methods</i> and CIDB Best Practice Guideline A4, <i>Evaluating Quality in Tender Submissions</i> (1004). 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 goods, 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:		procedure and ensuring that respondents who are invited to submit tender offers are suitably qualified to do so; d) requiring tenderers to submit plans for monitoring and applying quality management principles in the performance of their contracts; e) introducing <u>functionality</u> into eligibility criteria; f) establishing a category of preference for <u>functionality</u> in the evaluation of tenders; or g) evaluating selected <u>functionality</u> criteria as an integral part of the tender offer. Note: Further guidance on the incorporation of quality in procurement documents may be found in SANS 294, <i>Construction procurement processes, procedures and methods</i> and CIDB Best Practice Guideline A4, <i>Evaluating Quality in Tender Submissions</i> (1004). 4.3.2 Functionality criteria used in the evaluation of tender offer shall form an integral part of the tender offer and hence the outcome of the procurement. Such criteria shall: a) relate directly to the goods, 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 <u>Functionality</u> 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; j) demonstrated experience of tendering entity with respect to specific aspects of the project / comparable projects; k) running costs; l) after-sales service and technical assistance; m) delivery date; and n) delivery period or period of completion

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment
	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; j) demonstrated experience of tendering entity with respect to specific aspects of the project / comparable projects; k) running costs; l) after-sales service and technical assistance; m) delivery date; and n) 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 Where quality is evaluated, at least three persons who are fully conversant with the technical aspects of the procurement shall undertake such evaluation. Quality shall be scored in terms of the prompts for judgement for each prompt, with fixed scores assigned to each prompt, either individually or averaged collectively, as appropriate.	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; j) demonstrated experience of tendering entity with respect to specific aspects of the project / comparable projects; k) running costs; l) after-sales service and technical assistance; m) delivery date; and n) 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 Where quality is evaluated, at least three persons who are fully conversant with the technical aspects of the procurement shall undertake such evaluation. Quality shall be scored in terms of the prompts for judgement with fixed scores assigned to each prompt, either individually and averaged or collectively, as appropriate.		4.3.4 <u>Functionality</u> 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 Where <u>functionality</u> is evaluated, at least three persons who are fully conversant with the technical aspects of the procurement shall undertake such evaluation. <u>Functionality</u> shall be scored in terms of the prompts for judgement with fixed scores assigned to each prompt, either individually and averaged or collectively, as appropriate. 4.3.6 To ensure consistency in scoring, members of the evaluation panel shall be provided with prompts for judgments or qualitative indicators relating to all <u>functionality</u> criteria and any subcriteria that are linked to a specific score. Such prompts shall be communicated to respondents or tenderers in procurement documents. The rating of submissions shall be based on the information submitted or, where relevant, from interviews, and not on mere speculation or suspicion or the personal knowledge of a panel member. 4.3.7 The scoring of interviews shall not form a substantive portion of the overall scoring for <u>functionality</u>. 4.3.8 A contract may be awarded to a tender that did not score the highest total number of points, only in accordance with section 2(1)(f) of the Preferential Procurement Policy Framework Act, 2000

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment												
		4.3.6 To ensure consistency in scoring, members of the evaluation panel shall be provided with prompts for judgments or qualitative indicators relating to all quality criteria and any subcriteria that are linked to a specific score. Such prompts shall be communicated to respondents or tenderers in procurement documents. The rating of submissions shall be based on the information submitted or, where relevant, from interviews, and not on mere speculation or suspicion or the personal knowledge of a panel member. 4.3.7 The scoring of interviews shall not form a substantive portion of the overall scoring for quality.														
6	4.4.3.2	4.4.3.2 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.	The clause to be amended to delete "generally" and include the words: "not to be extended beyond 12 weeks"	4.4.3.2 The tender offer validity period provided for in the Tender Data shall not exceed eight weeks and in exceptional circumstances, not to be extended beyond 12 weeks.												
7	4.4.3.3	Method 2: Financial offer and preferences <table><tr><th>Clause number (refer to Annex F)</th><th></th></tr><tr><td>F.3.11</td><td>The procedure for the evaluation of responsive tenders is Method 2</td></tr></table> * Delete reference to formula that is not applicable ** Delete inappropriate value in accordance with the Regulations issued in terms of the Preferential Procurement Policy Framework Act.	Clause number (refer to Annex F)		F.3.11	The procedure for the evaluation of responsive tenders is Method 2	1. Replace reference to "Method 2: Financial offer and preferences" with "Method: 1 "Functionality, Price and Preference"; 2. Delete the wording "The financial offer will be scored using Formula 1 / 2* (option 1) where the value of W₁ is 80 / 90***"; 3. Delete "Delete reference to formula that is not applicable" as well as "Delete inappropriate value in accordance with the Regulations issued in terms of the Preferential Procurement Policy Framework Act."; and 4. Delete Method 1, 2, 3 and 4	Method 1: Price and Preference <table><tr><th>Clause number (refer to Annex F)</th><th></th></tr><tr><td>F.3.11</td><td>The procedure for the evaluation of responsive tenders is Method 1</td></tr></table> Method 2: Functionality, Price and Preference <table><tr><th>Clause number (refer to Annex F)</th><th></th></tr><tr><td>F.3.11</td><td>The procedure for the evaluation of responsive tenders is Method 2</td></tr></table>	Clause number (refer to Annex F)		F.3.11	The procedure for the evaluation of responsive tenders is Method 1	Clause number (refer to Annex F)		F.3.11	The procedure for the evaluation of responsive tenders is Method 2
Clause number (refer to Annex F)																
F.3.11	The procedure for the evaluation of responsive tenders is Method 2															
Clause number (refer to Annex F)																
F.3.11	The procedure for the evaluation of responsive tenders is Method 1															
Clause number (refer to Annex F)																
F.3.11	The procedure for the evaluation of responsive tenders is Method 2															
8		Annex A (informative) must be amended to include Practise Notes and delete reference to Table A1. A2 be replaced with the following: "The best practice guidelines and practise notes published on the cidb website are recognised by the Board as being Construction Procurement Best Practices and provide comprehensive guidance on implementing the requirements of this standard. These documents are referenced in notes below requirements in this standard to facilitate implementation."														
9	F1.3.3(c)	comparative offer means the tenderer's financial offer after all tendered parameters that will affect the value of the financial offer have been taken into consideration in order to enable comparisons to be made between offers on a comparative basis	Substitute the definition of "comparative price" with the definition contained in the Preferential Procurement Regulations, 2011.	"Comparative price" means the price after the factors of a non-firm price and all unconditional discounts it can be utilised to have been taken into consideration;												

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment
10	F1.5.1 and F1.5.2	F.1.5 The employer's right to accept or reject any tender offer F.1.5.1 The employer may accept or reject any variation, deviation, tender offer, or alternative tender offer, and may cancel the tender process and reject all tender offers at any time before the formation of a contract. The employer shall not accept or incur any liability to a tenderer for such cancellation and rejection, but will give written reasons for such action upon written request to do so. F.1.5.2 The employer may not subsequent to the cancellation or abandonment of a tender process or the rejection of all responsive tender offers re-issue a tender covering substantially the same scope of work within a period of six months unless only one tender was received and such tender was returned unopened to the tenderer.	This clause to be amended and aligned with Cancellation and Re-Invitation of Tenders as contained in Preferential Procurement Regulations of 2011.	F.1.5 Cancellation and Re-Invitation of Tenders F1.5.1 An organ of state may, prior to the award of the tender, cancel a tender if: (a) due to changed circumstances, there is no longer a need for the services, works or goods requested; or (b) funds are no longer available to cover the total envisaged expenditure; or (c) no acceptable tenders are received. F1.5.2 The decision to cancel a tender must be published in the cidb website and in the government Tender Bulletin for the media in which the original tender invitation was advertised.
	F2.16.2	F.2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.	Remove the non-limitation part of this paragraph and add a limit of 12 weeks.	F.2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period, but not longer than 12 weeks.
11	F2.2	New sub clause to be inserted.	F2.2 should be changed to F2.2.1 and a F2.2.2 be added that deals with the costs of tender documents charged by the employer.	F.2.2 Cost of tendering F2.2.1 Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer complies with requirements. F2.2.2 The cost of the tender documents charged by the employer shall be limited to the actual cost incurred by the employer for printing the documents. Employers must attempt to make available the tender documents on its website so as not to incur any costs pertaining to the printing of the tender documents.
12	F.2.12	F.2.12 Alternative tender offers F.2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed. F.2.12.2 Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.	Add a new F2.12.3 which states that an alternative tender offer will only be accepted should the main tender be the competitive tender.	F.2.12 Alternative tender offers F.2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed. F.2.12.2 Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer. F.2.12.3 An alternative tender offer may only be considered in the event that the main tender offer is the winning tender.

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment
13	F.3.4.2	employer. F.3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, preferences claimed and time for completion for the main tender offer only.	Delete the words "preferences claimed" as it has been placed by the "B-BBEE status level" .	F.3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, number of points claimed for its B-BBEE status level and time for completion for the main tender offer only.
13	F.3.9	F.3.9 Arithmetical errors, omissions and discrepancies F.3.9.1 Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern. F.3.9.2 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with F.3.11 for: a) the gross misplacement of the decimal point in any unit rate; b) omissions made in completing the pricing schedule or bills of quantities; or c) arithmetic errors in: i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or ii) the summation of the prices. F.3.9.3 Notify the tenderer of all errors or omissions that are identified in the tender offer and either confirm the tender offer as tendered or accept the corrected total of prices. F.3.9.4 Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows: a) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be	Review the calculation of arithmetical errors to be in line with the provisions contained in the 2004 version of the Standards for Uniformity.	F.3.9 Arithmetical errors, omissions and discrepancies F.3.9.1 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with F.3.11 for: a) the gross misplacement of the decimal point in any unit rate; b) omissions made in completing the pricing schedule or bills of quantities; or c) arithmetic errors in: i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or ii) the summation of the prices. F.3.9.2 The employer must correct the arithmetical errors in the following manner: a) Where there is a discrepancy between the amounts in words and amounts in figures, the amount in words shall govern. b) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected. c) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices. Consider the rejection of a tender offer if the tenderer does not correct or accept the correction of the arithmetical error in the manner described above.

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment
		corrected. b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.		
13	F3.11.3 F3.11.4 F3.11.5	F.3.11.3 Methods 2: Financial offer and preference F3.11.4 Method 3: Financial offer and quality F3.11.5 Method 4: Financial offer, quality and preferences	Remove method 1, 2, 3 and 4 and replace with a new method 2 "evaluation of tenders on functionality" as contained in the National Treasury's Preferential Procurement Regulations of 2011. See also amendments as per the amendment no. 4.	F3.11.3 Method 2: Functionality, Price and Preference a) Rank tender offers from the most favourable to the least favourable comparative offer. b) Recommend the highest ranked tenderer for the award of the contract, unless there are compelling and justifiable reasons not to do so. c) Re-rank all tenderers should there be compelling and justifiable reasons not to recommend the highest ranked tenderer and recommend the highest ranked tenderer, unless there are compelling and justifiable reasons not to do so and the process set out in this sub-clause is repeated.
14		F.3.13 Acceptance of tender offer Accept the tender offer, if in the opinion of the employer, it does not present any unacceptable commercial risk and only if the tenderer: a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement, b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, reputation, expertise and the personnel, to perform the contract, c) has the legal capacity to enter into the contract, d) is not insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing, complies with the legal requirements, if any, stated in the tender data, and e) complies with the legal requirements, if any, stated in the tender data, and	1. Delete the words "unacceptable commercial"; and 2. Add the following sentence: "under Business Rescue as provided for in chapter 6 of the Companies Act, 2008" a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement, b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract, c) has the legal capacity to enter into the contract, d) is not insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing, e) complies with the legal requirements, if any, stated in the tender data, and f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.	3.13 Acceptance of tender offer Accept the tender offer, if in the opinion of the employer, it does not present any risk and only if the tenderer: a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement, b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract, c) has the legal capacity to enter into the contract, d) is not insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing, e) complies with the legal requirements, if any, stated in the tender data, and f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment																				
16	Annexure L	f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest. Refer to Annexure L in its totality.	Align SBD 4, SBD 6, SBD 8 and SBD 9 with Enterprise Questionnaire.	Annex L (normative) Compulsory Enterprise questionnaire The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted. Section 1: Name of enterprise: Section 2: VAT registration number, if any:..... Section 3: CIDB registration number, if any: Section 4: Particulars of sole proprietors and partners in partnerships <table><thead><tr><th>Name*</th><th>Identity number*</th><th>Personal number*</th><th>income tax</th></tr></thead><tbody><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr></tbody></table> * Complete only if sole proprietor or partnership and attach separate page if more than 3 partners Section 5: Particulars of companies and close corporations Company registration number Close corporation number Tax reference number Section 6: The attached SBD4 must be completed for each tender and be attached as a tender requirement Section 7: The attached SBD6 must be completed for each tender and be attached as a tender requirement Section 8: The attached SBD8 must be completed for each tender and be attached as a	Name*	Identity number*	Personal number*	income tax																
Name*	Identity number*	Personal number*	income tax																					

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment
				tender requirement Section 9: The attached SBD9 must be completed for each tender and be attached as a tender requirement The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise: i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order; ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004; iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption; iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and iv) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.
17	F3.19	A new clause be inserted	Add a new clause on transparency requirements.	Signed _____ Date _____ Name _____ Position _____ Enterprise name _____ F3.19 Transparency in the procurement process F3.19.1 The cidb prescripts require that tenders must be advertised and be registered on the cidb i.Tender system. F3.19.2 The employer must adopt a transparency model that incorporates the disclosure and accountability as transparency requirements in the procurement process.

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment
				F3.19.3 The transparency model must identify the criteria for selection of projects, project information template and the threshold value of the projects to be disclosed in the public domain at various intervals of delivery of infrastructure projects. F3.19.4 The client must publish the information on a quarterly basis which contains the following information: ▪ Procurement planning process ▪ Procurement method and evaluation process ▪ Contract type ▪ Contract status ▪ Number of firms tendering ▪ Cost estimate ▪ Contract title ▪ Contract firm(s) ▪ Contract price ▪ Contract scope of work ▪ Contract start date and duration ▪ Contract evaluation reports F3.19.5 The employer must establish a Consultative Forum which will conduct a random audit in the implementation of the transparency requirements in the procurement process. F3.19.6 Consultative Forum must be an independent structure from the bid committees. F3.19.7 The information must be published on the employer's website. F 3.19.8 Records of such disclosed information must be retained for audit purposes.
18	2.6	General Conditions of Contract for Construction Works (2010) as published by the South African Institution of Civil Engineering.	Amended to "Second edition"	General Conditions of Contract for Construction Works (Third Edition) 2015 as published by the South African Institution of Civil Engineering.
19	2.8	JBCC Series 2000 Principal Building Agreement (Edition 5.0: July 2007) as published by the Joint Building Contracts Committee.	Amend to "Edition 6.1: March 2014"	JBCC Series 2000 Principal Building Agreement (Edition 6.1: June 2015) as published by the Joint Building Contracts Committee.
20	2.9	JBCC Series 2000 Minor Works Agreement (Edition 4.0: August 2007) as published by the Joint Building Contracts Committee.	Amend to "Edition 5.1 March 2014"	JBCC Series 2000 Minor Works Agreement (Edition 5.1: June 2015) as published by the Joint Building Contracts Committee.
21	F2.11	F.2.11 Alterations to documents Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations. Erasures and the use of masking fluid are prohibited.	The last paragraph with the following "erasures and the use of masking fluid are prohibited" to be deleted.	F.2.11 Alterations to documents Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations.

Amendment No.	Clause to be amended	Clause prior to amendment	Proposed amendment and notes pertaining to same	Clause after amendment
22	4.1	4.1 General Construction procurement shall be undertaken in accordance with: a) the provisions of legislation regulating procurement; and b) the cidb Code of Conduct for all parties engaged in Construction Procurement published in terms of section 5(4) of the Construction Industry Development Board Act.	The cidb has developed the Competence Standards Framework for Construction Procurement which determines the specific knowledge, skills and attributes that are required from individuals involved in construction procurement. This Standard will be piloted with certain key employers and will be made compulsory after the pilot phase.	4.1 General Construction procurement shall be undertaken in accordance with: a) the provisions of legislation regulating procurement; b) the cidb Code of Conduct for all parties engaged in Construction Procurement published in terms of section 5(4) of the Construction Industry Development Board Act; and c) the cidb Competence Standards Framework for Construction Procurement.