



## BRIEFING SESSIONS: NATIONAL SMART METERS TENDER BRIEFING MINUTES

### 1. Meeting detail

Contract description	<b>Tender Number: TP/2024/01/0003/54754/RFP</b> <b>DESCRIPTION OF THE WORKS: RFP FOR THE APPOINTMENT OF A PANEL OF PROFESSIONAL SERVICE PROVIDERS, BUILT ENVIRONMENT, FOR A PERIOD OF 2 YEARS</b>		
Date	06 February 2024.	Time	14h00
Venue	MS Teams	Meeting type	Virtual
Meeting organiser	Ms Phumzile Nkosi	Meeting facilitator	Ms Phumzile Nkosi
Note taker	Ms Phumzile Nkosi		
Meeting attendees. MS Teams register available and in person register attached.	Ms Teams recorded 88 attendees including Transnet employees	Apologies	No apologies recorded

### 2. Key agenda points

2	<b>Tender briefing programme</b>
	<ul style="list-style-type: none"> <li>• Opening and Welcome</li> <li>• SCM Administrative Requirements Clarification</li> <li>• Technical Requirements Clarification</li> <li>• Questions and Answers</li> <li>• Closing</li> </ul>
2.1	<b>Opening and Welcome</b>
	<b>Phumzile Nkosi</b> welcomed all (Internal and Bidders) who attended the tender briefing and clarification meeting. And for the attendance register attendees online were requested to record on the chat their contact details the companies they are representing.
2.2	<b>Safety Topic</b>
	<b>Buhle Mtongana</b> shared a Safety topic with all attendees.
2.3	<b>SCM Administrative Requirements and Clarification</b>
	<p><b>Phumzile Nkosi</b> stated the following administrative requirements:</p> <ul style="list-style-type: none"> <li>• Bidders who did not attend the briefing will not be disqualified as the briefing was non-compulsory.</li> <li>• Bidders who did not meet the set mandatory criteria as advertised will be disqualified.</li> </ul> <p><b>Nkululeko Sibiya</b> elaborated on the mandatory requirements of the bid.</p>



2.3	<b>Technical Requirements Clarification</b>
	Kabelo gave detailed slides presentation of what the expectation are from Transnet Property and what we the company want to achieve. The Annexure (A) was presented in the meeting for the benefit of the bidders in order to understand what is required for submission.
3	<b>Questions and Answers</b>
3.1	<p>Question - <b>Can the Director and Project Lead be the same person?</b></p> <p>Answer - Yes, the Director and Project Lead can be the same person</p>
3.2	<p>Question – <b>Will Directors of JV and Consortium be recognised if bidding for multi disciplines?</b></p> <p>Answer – Yes, they will be recognised, if bidders form a JV/Consortium in order for bidding for multiple disciplines.</p>
3.3	<p>Question -<b>For a Multi Discipline company but director only have PM registration - can we tender for all Disciplines, or we only qualify for PM discipline?</b></p> <p>Answer – Can only Bid for the Project Management Discipline</p>
3.4	<p>Question - <b>Can we submit references for schools or clinics projects?</b></p> <p>Answer – Yes, they will be considered</p>
3.5	<p>Question - <b>Director registered with PMSA recognised?</b></p> <p>Answer – No, the requirement is as per the applicable Annexure A.</p>
3.6	<p>Question - <b>If it's a national contract do we need to apply per region?</b></p> <p>Answer – No, at this stage we are forming a panel and an RFQ will be issued as and when required to the bidders on the panel irrespective of where the project will be taking place.</p>
3.7	<p>Question - <b>Can we submit an electronic submission?</b></p> <p>Answer – Yes, in fact, electronic submissions are the only acceptable form of tender submissions for this tender. No physical tender submissions will be accepted by Transnet.</p>
3.8	<p>Question - <b>Can we submit reference letters for infrastructure roads and bridges?</b></p> <p>Answer – Yes, all disciplines can submit those types of references.</p>
3.9	<p>Question - <b>Experience - Are the values for total project costs or professional fees?</b></p> <p>Answer – Values are for total project costs.</p>
3.10	<p>Question - <b>Does the tendering entity have to attach all 8 Annexure A's if they only choose to bid for 1 discipline or can they only attach the Annexure A for that discipline?</b></p> <p>Answer – You only attach for the discipline that you are tendering for.</p>
3.11	<p>Question - <b>Company's experience in managing building projects – how many projects should we list to get full points? Is there a required project value? Up to how many years back can we go with our project experience?</b></p> <p>Answer – We require 3 Projects.</p>
3.12	<p>Question - <b>Section 4: Proposal Form and List of Returnable Documents</b></p> <p><b>"I/We hereby offer to supply/provide the abovementioned Goods/Services at the prices quoted in the schedule of prices in accordance with the terms set</b></p>



	<p><b>forth in the documents listed in the accompanying schedule of RFP documents”.</b></p> <p><b>Could you kindly confirm what prices you are referring to in the above? There is no pricing schedule in the tender document.</b></p> <p>Answer – No prices required at this stage as we are forming a panel.</p>
3.13	<p>Question - <b>Can an architectural firm submit a proposal for only their Professional Services or does the submission require the bidder to have all disciplines listed, with an assigned lead.</b></p> <p>Answer – Yes you must submit for only the discipline that you comply with as per the applicable Annexure A.</p>
3.14	<p>Question – <b>I have a Point Allocation Query on Management/Key Personnel points.</b></p> <p>Answer - Points allocation is correct and to get the full points you must get the first 5 point and then get the next 20 points which will total the 25 points</p>
3.15	<p>Question - <b>If we are responding to multiple disciplines and we have one director who is registered with SAICE (South African Institution of Civil Engineering) and SACPCMP (South African Construction for the Project and Construction Management Professions), are we eligible to respond to the Annexure A (4) - (7)?</b></p> <p>Answer – You can only respond to the disciplines in compliance with the applicable Annexure A.</p>
3.16	<p>Question - <b>Requirement: Page 25 of 34 Section 5: We are to acknowledge and agree to conditions set in the following documents: Transnet Master Agreement, Transnet General Bid Condition, Transnet’s Supplier Integrity Pact, Non-Disclosure Agreement, which are not part of the tender pack. Where can we source these documents?</b></p> <p>Answer – Documents attached with Addendum 1 on both Platforms (National Treasury and Transnet E Tender Portal).</p>
3.17	<p>Question - <b>I would like to get clarity regarding the submission of reference letters, do we submit per annexures (Categories), or we submit three for the entire project?</b></p> <p>Answer – Submission for each discipline is required.</p>
3.18	<p>Question - <b>We note that in the Mandatory Returnables section there is a requirement that for each discipline we are bidding for we must have a director registered in the same field. This requirement is abnormal and exclusionary. While our company has a Pr registered director, all other discipline leads are registered professionals, but are not directors. We therefore request that this be removed, or we shall be escalating this to Treasury and request that this enquiry set aside.</b></p>



Answer - Transnet Property has resolved to retain the condition that "At least one of the company Directors must be professionally registered with the relevant discipline for the bid to be considered for evaluation" and as challenged by the bidder.

Our substantiation of the approach is backed by the relevant professional council policies and regulations as outlined below.

The policies are fully descriptive of a requirement for a Director/Principal to be professionally registered, we note and need to implement the requirements to ensure the relevant entities responsible and accounting party is professionally registered with the relevant council together with their respective project leads as in most instances reference is made to the entity's principal's professional registration and duties.

We further rely on the following rules of conduct for registered persons within each professional council:

**1. Engineering Council of South Africa (ECSA) – Code of Conduct for Registered Persons: Engineering Profession Act, 2000 (Act no.46 of 2000)**

- Registered Persons: -
  - Rule 3.1 (b): - may only undertake work which their education, training and experience have rendered them competent to perform and is within the category of their registration.
  - Rule 3.2 (j): - must ensure that any work approved or certified by them, has been reviewed or inspected to the extent necessary to confirm the correctness of the approval or certification.
  - Rule 4 (f): - must supervise and take responsibility for work carried out by their subordinates including persons registered as candidates.
  - Rule 4 (g): - must ensure that, while engaged as partners, directors, members or employees of a business undertaking which performs work, the control over the work is exercised and the responsibility in respect thereof is carried out by a Registered person other than a person registered as a candidate in terms of section 18(1)(b) of the Act.
  - Rule 4 (h): - must, when requested by the Council to do so, in writing provide the Council with all the information available to them which may enable the Council to determine which Registered person was responsible for any act that the Council may consider *prima facie* to be improper conduct.

**2. South African Council for the Architectural Profession (SACAP) - Code of Conduct for Registered Persons: Architectural Profession Act, 2000 (Act no.44 of 2000)**

- Registered Persons: -



- Rule 5.5: - In any multi-disciplinary professional firm which also practices architecture, a registered principal shall be responsible for the architectural work, all provisions under the Code of Conduct shall apply to all multidisciplinary practices.
- Rule 5.8: - The type of practice shall be determined by the registration category of a registered principal actively engaged in the practice.

**3. South African Council for the Project and Construction Management Profession (SACPCMP) – Revised Rules of Conduct for Registered Persons: Project and Construction Management Professions Act, 2000 (Act no.48 of 2000)**

- Registered Persons: -
  - Rule 4 (g): - must ensure that, while engaged as partners, directors, members or employees of a business undertaking which performs work, the control over the work is exercised and the responsibility in respect thereof is carried out by a Registered person other than a person registered as a candidate in terms of section 18(1)(b) of the Act.

**4. South African Council for the Quantity Surveying Profession (SACQSP) - Code of Professional Conduct Published in terms of the Quantity Surveying Profession Act, 2000 (Act no. 49 OF 2000)**

- Registered Persons: -
  - Rule 4.7: - A quantity surveying practice shall be controlled by registered professional quantity surveyors in terms of number, shareholding, directorship, and voting power.
  - Rule 4.8: - A multidisciplinary professional practice shall be controlled by persons registered and in good standing with their respective Councils.
  - Rule 4.9: - The quantity surveying division / section / department / unit of a multidisciplinary professional practice shall be under the fulltime supervision of a registered professional quantity surveyor.
  - Rule 4.15: - A quantity surveying practice must, in terms of their appointment for the provision of quantity surveying services, ensure that all quantity surveying work undertaken by the quantity surveying practice is under the control of a registered professional quantity surveyor and must provide full disclosure to the client of the level of supervision provided by the registered professional quantity surveyor.

This further substantiates our reasoning that a professional registered with a particular council may not transfer their duties and perform work neither qualified nor registered for with other professional councils.



3.19	<p>Question – <b>Secondly, we note that the current approach shall ultimately result in a single project having multiple companies – the inherent risk in this is that there will be company culture clashes, worth ethic issues, misalignment of quality systems etc that affect the quality of designs and construction output. We therefore suggest that TP considers only appointing JVs or single entities that have all the key built environment disciplines in-house.</b></p> <p>Answer - The approach to each development /project is deemed a business strategic intention and cannot be dictated by market and is at the discretion of the business that has been informed by industry best practices. The approach is quite common not only in private sector but further amongst government departments as well other schedule 2 and 3 entities, as such a suitable suite of professionals are appointed to ensure the best outcome of any development as per the client objectives. Furthermore it is the responsibility of the client/client representative to ensure cohesive and comprehensive direction on each development /project to ensure the necessitated outcome that is further governed by the necessary suite of contracts (i.e. NEC, JBCC, PROCSA, FIDEC etc.) that set aside company cultures and work ethics as contracts dictate the necessary deliverables and breaches. The approach allows for a transparent and competitive pricing as well as ensuring the best skill sets are appointed to each development as opposed to one firm approach that creates concentration risk across developments and may be seen as anti-competitive behavior and a further barrier to entry for new entrants into the market</p>
4	Closure

**Minutes compiled by:**

Name: Phumzile Nkosi

Designation: Senior Buyer

Date: 28 March 2024