

# INVITATION TO TENDER DOCUMENT

| 14 May 2010

Dear Sir/ Madam

**ENQUIRY NO:** AE0013 14/05/2010

**CLIENT:** AFRICAN EXPLORATION MINING AND FINANCE CORPORATION (PTY) LIMITED

**PROJECT:** VLAKFONTEIN COAL MINE

**DESCRIPTION OF SERVICES:** (1) CONSTRUCTION OF SURFACE INFRASTRUCTURE

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- (a) OFFICES AND CHNGE HOUSE
  - (b) WORKSHOPS AND STORES
  - (c) SECURITY OFFICE AND ACCESS CONTROL INFRASTRUCTURE
  - (d) MACHINERY STORAGE FACILITY
  - (e) WEIGHBRIDGE
  - (f) ROADS AND PARKING BAYS
  - (g) POLLUTION CONTROL DAM
- 

We hereby invite you to tender for the above services all in accordance with:

**PART A INSTRUCTIONS AND SCOPE**

- A.1 Instructions to Tenderers
- A.2 Scope of Services

**PART B TENDER**

**PART C ANNEXURES**

All enquiries must be submitted in writing and directed to the Project Manager: Mr. Msindo Mathebula on fax number +27 10 201 8201 or on email to [msindom@aemfc.co.za](mailto:msindom@aemfc.co.za)

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**T. M. MATHEBULA**  
AEMFC Mining Engineer

**PART A**  
**INSTRUCTIONS TO TENDERERS, SCOPE OF**  
**WORK AND SPECIFICATIONS**

## **A.1 INSTRUCTIONS TO TENDERERS**

## INSTRUCTIONS TO TENDERERS

The Tender, being Part B the Enquiry documentation, structured in the format issued to Tenderers, must be returned together with all Schedules and Annexures thereto duly completed and signed. Tenderers are required to keep a copy of the complete Enquiry document for their own records.

Tenderers must confirm whether or not they wish to tender by indicating same on the covering Acknowledgement Form and faxing or emailing a copy thereof to AEMFC on +27 10 201 4997 / [msindom@aemfc.co.za](mailto:msindom@aemfc.co.za) for the attention of Mr. T.M. Mathebula.

### A.1.1 Compulsory Briefing Session

Tenderers are to attend a Compulsory Briefing Session at 13h00 to 15H00 on 25<sup>th</sup> May 2010 at AEMFC Offices. Tenderers are to contact Mr. T.M. Mathebula on +27 10 201 4997 or +27 82 921 0968 and in writing to [msindom@aemfc.co.za](mailto:msindom@aemfc.co.za) by no later than 16H00 on 20<sup>th</sup> May 2010 and provide information on the number and names of persons attending the Compulsory Briefing Session. Attendance to the briefing session will be subject to producing proof of payments.

### A.1.2 Form of Tender and Scope of Works

Tenders for the service must be completed on the Tender document which is Part B of this Enquiry documentation. The Scope of Works is Part A.2 of this Enquiry Documentation.

### A.1.3 Schedules and Annexures

All Schedules and Annexures forming part of the Tender must be completed by Tenderers to the extent indicated. In the event of a Schedule or Annexure not being applicable to the Tender, it must be endorsed accordingly. **Non-compliance with this requirement may, in the sole discretion of AEMFC, invalidate a Tender.**

### A.1.4 Pricing

Prices quoted must be fixed and firm and must exclude VAT.

### A.1.5 Programme and Cash Flow Disbursements

Tenderers must provide a programme, indicating the progress as well as a Cash Flow Disbursements.

### A.1.6 Specifications

AEMFC shall furnish specifications/ terms of reference for the services to be provided as part of this tender outlined in detail as part of the Annexure.

### A.1.7 Additional Information

The following additional information must be supplied:

- A.1.7.1 Statistics of prior accidents and incidents, including property loss, lost time incidents and Court findings, if any, for at least 3 years prior to the Tender
- A.1.7.2 Details of any empowerment partners that Tenderers may have
- A.1.7.3 Previous and current client references and details of work undertaken
- A.1.7.4 Permission to visit one of the current clients to view work been done.
- A.1.7.5 Information regarding Tenderers' insurers
- A.1.7.6 Names and curricula vitae of key personnel to be dedicated to the Project

- A.1.7.7 Copy of VAT Registration Certificate,
- A.1.7.8 Certificate to Commence Business,
- A.1.7.9 Certificate of Incorporation,
- A.1.7.10 Full details of Professional Indemnity insurance
- A.1.7.11 Resolution confirming authorisation of signatory,
- A.1.7.12 Confidential Agreement,
- A.1.7.13 Conflict of Interest Declaration,
- A.1.7.14 Workmen's Compensation Certificate of Good Standing under the Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- A.1.7.15 Tax Clearance Certificate

### **A.1.8 Tender Validity**

Tenderers shall state the period for which their Tender is valid.

### **A.1.9 Binding Effect**

- A.1.9.1 The successful Tenderer shall conclude a contract with AEMFC, the terms and conditions of which shall be based on the Terms of Reference and Proposal submitted by the successful Tenderer. The terms and conditions of this contract shall be binding on both AEMFC and the successful Tenderer. No other contract or agreement shall be of any force or effect prior to signature of this Contract Agreement by both the AEMFC and the successful Tenderer.
- A.1.9.2 It is within the sole discretion of AEMFC to accept electronic signatures on the contract and / or facsimile of the signed contract. In the event that AEMFC accept these, the successful Tenderer will still be obliged to submit to AEMFC the original signed contract as soon as reasonably possible after the Signature Date for record purposes, **and no payment will be made by AEMFC in terms of the Contract prior to receipt by AEMFC of the original signed contract copy.**

### **A.1.10 Submission of Tender**

Tenders are to be submitted:

- A.1.10.1 In duplicate (hard copies) and in electronic (a disk) format <mailto:>including all technical specifications and commercial schedules which form part of the Tender
- A.1.10.2 Under cover of a letter from the Tenderer and on the Tenderer's letterhead.
- A.1.10.3 Tenders to be submitted in an electronic format on a disk and in hard copies in a sealed envelope. Separate envelopes for the Technical and Commercial aspects of the Tender to be submitted.
- A.1.10.4 The envelopes should reflect the following:
  - the name of the Client
  - the Project
  - the Enquiry Number
  - the name of the Tenderer

**and be delivered at the CEF Tender Box during office hours 8H00-16H00:**

CEF (Pty) Ltd  
 CEF House  
 152 Ann Crescent  
 Strathavon, Sandton  
 Attention: **Mr. T.M. Mathebula**

**A.1.10.5** All tenders must be submitted by no later than **12 NOON** on **Friday, 2<sup>nd</sup> July 2010**

PLEASE NOTE

Tenderers are advised that other Tenders are being obtained for the Project to be undertaken in terms of this Enquiry and AEMFC is in no way obligated to accept any of the tenders received. At AEMFC's discretion, this Enquiry may be cancelled at any time and a new Enquiry may be issued. The lowest Tender will not necessarily be accepted and late Tenders will not be considered.

**A.2                    SCOPE                    OF                    WORKS**

## SCOPE OF SERVICES –

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### (1) CONSTRUCTION OF SURFACE INFRASTRUCTURE

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- (a) OFFICES AND CHNGE HOUSE
  - (b) WORKSHOPS AND STORES
  - (c) SECURITY OFFICE AND ACCESS CONTROL INFRASTRUCTURE
  - (d) MACHINERY STORAGE FACILITY
  - (e) WEIGHBRIDGE
  - (f) ROADS AND PARKING BAYS
  - (g) POLLUTION CONTROL DAM
- 

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## Introduction/ Background

African Exploration Mining and Financial Corporation (Pty) Ltd (“AEMFC”) is a subsidiary of CEF Pty Ltd which is a state owned enterprise under the auspices of the Department of Energy.

### **A.1.11 Overview of AEMFC’s Scope**

AEMFC wishes to appoint a suitable company to construct an the above-mentioned surface infrastructure at its Vlakfontein project site.

The Scope of Works includes the following:

- Designing of the infrastructure
- Getting the plans approved by the authorities
- Site Establishment
- Construction of the above mentioned buildings
- Procurement of the Equipment and material needed
- Civil works for all the infrastructure
- Construction of access roads and roads within the plant and office area
- Construct the weigh bridge
- Commission the Weigh bridge

- Civil works for the environmental control features around the plant area excluding the pollution control dam

#### **A.1.12 Services and Information to be supplied by AEMFC**

The AEMFC will provide:

- The geotechnical information of the plant site.
- Report of the Environmental Management plan
- A plot plan showing positions of the buildings
- Offices required for the mine

#### **A.1.13 Technical Information**

A feasibility study has been conducted and the result accepted by AEMFC and it is on that basis that the project is progressed. The infrastructure requirements for the mine are as follows:

- (a) OFFICES AND CHNGE HOUSE
  - (b) WORKSHOPS AND STORES
  - (c) SECURITY OFFICE AND ACCESS CONTROL INFRASTRUCTURE
  - (d) MACHINERY STORAGE FACILITY
  - (e) WEIGHBRIDGE
  - (f) ROADS AND PARKING BAYS
  - (g) POLLUTION CONTROL DAM
- 

#### **A.1.14 Service Provider to Provide in Tender**

Included in the tender document the Supplier must indicate for the project:

##### **The pricing formula to be used to complete the project**

*The prices quoted for the service must remain firm for a minimum period of 12 months from the Signature Date. Thereafter the Service provider shall furnish one calendar months' written notice of any proposed price changes, which must be accompanied by documentary evidence which substantiates the proposed price change, and the proposed price changes may not exceed increases in the Consumer Price Index. The price change will then be subject to mutual agreement between the parties and final approval from the CEO: AEMFC. Should mutual agreement not be reached between the parties regarding the price adjustment, either party may terminate the Contract by giving 4 (four) calendar months' written notice of termination. Should the Contract be terminated as contemplated in this Clause, the provisions relating to termination at the AEMFC 's option under the heading "General" below, shall apply, mutatis mutandis.*

Prices quoted must be exclusive of Value-Added Tax.

#### **A.1.15 Project Personnel and Subcontractors**

The envisaged project team members and subcontractors must be disclosed to AEMFC.

#### **A.1.16 Liaison**

It is expected for the Contractor to liaise with the Mine Manager, Mine Engineer and whoever as determined by the Mine Manger and be available for meetings as determined by the Mine Manager.

## **PART B**

## **TENDER**

### **INSTRUCTIONS FOR COMPLETION OF TENDER**

- 1 TENDERERS MUST COMPLETE THE ACTUAL TENDER DOCUMENT WHICH FOLLOWS.**
- 2 ALL SCHEDULES AND ANNEXURES TO THE TENDER DOCUMENT MUST BE COMPLETED AND SIGNED AND RETURNED WITH THE TENDER.**
- 3 SHOULD THE TENDERER WISH TO QUALIFY HIS TENDER, SUCH QUALIFICATIONS MUST BE MADE IN THE APPENDIX TO TENDER. IF NECESSARY, TENDERERS MUST REPRODUCE THE APPENDIX TO TENDER IN ORDER TO INSERT QUALIFICATIONS, BUT THE FORMAT OF THE DOCUMENT MUST BE RETAINED.**
- 4 THE TENDER DOCUMENT, THE APPENDIX TO TENDER AND THE SCHEDULES AND ANNEXURES MUST REMAIN IN THE SAME ORDER IN WHICH THEY APPEAR HEREIN.**
- 5 TENDERS MUST BE SUBMITTED UNDER COVER OF A COVERING LETTER ON THE TENDERER'S LETTERHEAD.**

**TENDER**

To: Client's Name: .....

Project name: .....

Enquiry Number: .....

Short description of the Works:

\_\_\_\_\_

\_\_\_\_\_

From: Service Provider's Name: .....

Service Provider's Contact Person : .....

Telephone Number : .....

We, the undersigned, hereby offer to undertake, perform and complete the Project Works as defined in the General Conditions of Contract in accordance with:

- Part A : Scope of Works
- Part B : Tender
- Part C : Annexures

**We attach hereto the following:**

- 1 Certificate of Site Inspection
- 2 Contract Programme – indicating key dates
- 3 Cash Flow Disbursements
- 4 Contract Price Breakdown
- 5 Subcontractors' Schedule
- 6 Service Provider's Labour Complement
- 7 Quality Control Plan

**8 Additional Information**

This Tender shall remain in full legal force for a period of (.....) days from the closing date for Tenders.

If our Tender is accepted, we choose domicilium citandi et executandi for all purposes of and in connection with the Contract as follows:

.....  
.....  
.....  
.....

Our other details are as follows:

Postal address: .....

Telefax number: .....

E-mail address: .....

(COMPLETE AND SIGN EITHER THE "UNQUALIFIED TENDERS" SECTION OR THE "QUALIFIED TENDERS" SECTION BELOW AND DELETE THE SECTION WHICH IS INAPPLICABLE).

**UNQUALIFIED TENDERS**

This Tender is in full compliance with parts A, and B of the Enquiry and is **UNQUALIFIED**, and in the event that we are the successful Tenderer, we will enter into a contract with the AEMFC in terms of the Contract Agreement.

We understand that you are not bound to accept the lowest or any tender you may receive.

THUS DONE AND SIGNED at ..... on this the ..... day of ..... 20.....

in the presence of the undersigned witnesses.

**WITNESSES:**

1 .....

2 .....

for : **TENDERER**  
Duly Authorised

**QUALIFIED TENDERS**

In the event that we are the successful Tenderer, we will enter into a contract with AEMFC in terms of parts A and B of the Enquiry, but subject to the qualifications, amendments and additions set out in the Appendix to Tender annexed hereto.

We understand that unqualified Tenders may be given preference, and that you are not bound to accept the lowest or any tender you may receive.

THUS DONE AND SIGNED at ..... on this the ..... day of .....  
20.....

in the presence of the undersigned witnesses.

**WITNESSES:**

1 .....  
.....

2 .....  
.....

for : **TENDERER**  
Duly Authorised

# APPENDIX TO TENDER

## SCHEDULE OF TENDERER'S QUALIFICATIONS

(NOTE : THE FORMAT HEREIN CONTAINED MUST BE STRICTLY ADHERED TO AND TENDERERS ARE REQUESTED TO REFER TO THE NUMBER OF THE CLAUSE BEING QUALIFIED OR AMENDED. FAILURE TO ADHERE TO THE FORMAT AND TO REFER TO THE CLAUSE NUMBERS MAY DISQUALIFY YOUR TENDER)

The Tender is subject to the following qualifications and/or amendments to the documents comprising the Enquiry, and/or to the following proposals:

- 1           **Qualifications to Part A** (Scope of Works) (if any) : **(Specify)**
  
- 2           **Qualifications to Part B** (Tender Document) (if any): **(Specify)**
  
- 3           **Additional Clauses** (if any): **(Specify)**
  
- 4           **Other Offers / Proposals** (if any) : **(Specify)**

.....  
**TENDERER**

PROJECT : .....

ENQUIRY NO : .....

**CERTIFICATE OF BRIEFING SESSION ATTENDANCE**

This is to certify that I, ....., as the Service Provider's Authorised Representative, have attended the Briefing Session and have satisfied myself as regards all conditions and other factors which may affect the Supplier's Tender. I have obtained all necessary information as to risks, contingencies and other circumstances which may influence or affect the Service Provider 's Tender.

.....  
Service Provider

.....  
Date

.....  
Engineer

.....  
Date

## CONTRACT PROGRAMME

COMMENCEMENT DATE : .....

COMPLETION DATE : .....



AFRICAN EXPLORATION  
MINING AND FINANCE  
CORPORATION (PTY) LTD

## CASH FLOW DISBURSEMENTS



AFRICAN EXPLORATION  
MINING AND FINANCE  
CORPORATION (PTY) LTD

## CONTRACT PRICE BREAKDOWN

## SCHEDULE OF SUBCONTRACTORS PROPOSED BY TENDERERS

Tenderers shall state in the schedule below the names and addresses of all Subcontractors they wish to employ in the Works and shall state which portion of the Project Works they propose such Subcontractors will undertake and shall outline such Subcontractors' experience.

If no Subcontractors are proposed, the schedule below is to be marked "NIL" and signed by the Tenderers.

| NAME AND ADDRESS OF<br>SUBCONTRACTOR | PORTION OF THE WORKS | EXPERIENCE |
|--------------------------------------|----------------------|------------|
|                                      |                      |            |

Percentage of the Works to be performed by Tenderer's own forces : .....%

Percentage of the Works to be performed by Subcontractors: .....%

The AEMFC reserves the right to request full financial information relating to the proposed Subcontractors.





AFRICAN EXPLORATION  
MINING AND FINANCE  
CORPORATION (PTY) LTD

## QUALITY CONTROL PLAN

## ADDITIONAL INFORMATION

THE FOLLOWING ADDITIONAL INFORMATION MUST BE INCLUDED:

- 1 Statistics of prior accidents and incidents, including property loss, lost time incidents and Court findings, if any, for at least 3 years prior to the Tender
- 2 Details of any empowerment partners that Tenderers may have
- 3 Previous and current client references and details of work undertaken
- 4 Information regarding Tenderers' insurers
- 5 Names and curricula vitae of key personnel dedicated to the Project Works
- 6 Copy of VAT Registration Certificate
- 7 Certificate to Commence Business
- 8 Certificate of Incorporation
- 9 Full details of Professional Indemnity Insurance
- 10 Resolution confirming authorisation of signatory
- 11 Confidential Agreement
- 12 Conflict of Interest Declaration
- 13 Workmen's Compensation Certificate of good standing under the Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- 14 Tax Clearance Certificate

**Failure to furnish full details of Professional Indemnity insurance where the Tenderer has such insurance may, in the sole discretion of the AEMFC, invalidate the Tender.**

## INVITATION TO TENDER

African Exploration Mining and Finance Corporation

Request for Tender number : AE0013

### **The Construction of Surface Infrastructure at Vlakfontein Mine.**

African Exploration Mining and Finance Corporation (AEMFC) has commenced with the implementation phase of its Vlakfontein Coal Mine in Ogies, Mpumalanga.

AEMFC is seeking interested parties through an Invitation to tender process for the construction of Surface Infrastructure for Vlakfontein Coal Mine.

A full tender document can be downloaded from the following website address:  
[www.cefgroup.co.za](http://www.cefgroup.co.za).

A compulsory tender briefing session will be held on the 25<sup>th</sup> May 2010 at **CEF House, Block C, Upper Grayston Office Park, 152 Ann Crescent, Strathavon, Sandton from 13H00 to 15H00**

Admission to the briefing session and plans and plot plan of the surface details will be subject to producing proof of payment of a non-refundable amount of R2000.00 (VAT incl), directly paid into AEMFC's bank account as detailed below: If an Electronic Funds Transmission (EFT) is used, a confirmation of payment should be sent via email to [msindom@aemfc.co.za](mailto:msindom@aemfc.co.za). Failure to produce the required proof of payment will result in non-admission to the briefing.

|                 |  |
|-----------------|--|
| Bank:           | ABSA   |
| Account Holder: | African Exploration Mining and Finance Corporation |
| Account Number  | <b>4074318431</b>                                  |
| Branch Name     | Benmore  |
| Reference       | AE 0013  |

Closing date for the submission of Tenders is **Friday 02 July 2010 at 12H00**