



## BID DOCUMENT

PROJECT NAME: **MAINTANENCE OF MHLONTLO BRIDGE DR08448(ROAD) LOCATED BETWEEN KWAZULU ANDMGOBHOZI VILLAGE AT MHLONTLO LOCAL MUNICIPALITY IN OR TAMBO DISTRICT- CONSTRUCTION OF EARTH DRAINS,BULK EARTHWORKS AND BACKFILLING (1MONTHS).**

CONTRACT NO.: **SCMU 11-20/23-0036D: SMME PACKAGE 2**

Only contractor grading designation of **2CE & 3CE** maximum will apply.

**BIDDER:**

---

**CONTACT PERSON:**

---

**CONTACT DETAILS:**

---

**BID PRICE (VAT INCL):**

---

**CLIENT:**

**Department of Transport**

Cnr. Leeds & Owen St

Botha Sigcau Building

**Mthatha**

5100.

Tel: **047 532 6534**

Contact: **060 970 9207**

**PREPARED BY:**

**Epic Engineering (Pty) LTD**

70 12<sup>th</sup> Street, Orange Groove

Orange Grove,

**Johannesburg**

2192.

Tel: **011 440 5352**

Contact: **076 255 2321**

**PROVINCE OF THE EASTERN CAPE: DEPARTMENT OF TRANSPORT**

**SCMU11-20/23-0036D: SMME PACKAGE 2**

**TENDER DOCUMENT FOR THE MAINTANENCE OF MHLONTLO BRIDGE DR08448 (ROAD) LOCATED BETWEEN KWAZULU AND NGOBOZI HOSPITAL AT MHLONTLO LOCAL MUNICIPALITY IN O.R TAMBO DISTRICT-CONSTRUCTION OF EARTH DRAINS, BULK EARTHWORKS AND BACKFILLING (1MONTHS):  
SMME PACKAGE 2**

<b>CONTENTS</b>		<b>PAGE</b>
Number	Heading	
<b>THE TENDER</b>		<b>3</b>
<b>Part T1: Tender Procedures</b>		<b>3</b>
T1.1	Tender Notice and Invitation to Tender	4
T1.2	Tender Data	5
<b>Part T2: Returnable Documents</b>		<b>8</b>
T2.1	List of Returnable Documents and Schedules	8
T2.2	Returnable Documents and Schedules	9
<b>THE CONTRACT</b>		<b>24</b>
<b>Part C1: Agreement and Contract Data</b>		<b>26</b>
C1.1	Form of Offer and Acceptance	27
<b>PART C2: PRICING DATA</b>		<b>30</b>
C2.1	Pricing Instructions	30
C2.2	Pricing Schedule	32
<b>PART C3: SCOPE OF WORK</b>		<b>38</b>

C3	Scope of Work	38
----	---------------	----

# **THE TENDER**

## **PART T1: TENDER PROCEDURES**

## 1.1 TENDER NOTICE AND INVITATION TO TENDER

# TENDER NOTICE

**PROJECT NAME:** MAINTANENCE OF MHLONTLO BRIDGE DR08448 ROAD LOCATED BETWEEN KWAZULU AND MGOBHOZI VILLAGE AT MHLONTLO LOCAL MUNICIPALITY IN O.R TAMBO DISTRICT-CONSTRUCTION OF EARTH DRAINS, BULK EARTH WORKS AND BACKLILLING (1 MONTHS).

**CONTRACT NO.:** SCMU11-20/23-0036D: SMME PACKAGE 2

On behalf of the **EASTERN CAPE DEPARTMENT OF TRANSPORT, EPIC ENGINEERING (PTY) LTD** hereby invites bids for **CONTRACT: SCMU11-20/23-0036D-MAINTANENCE OF MHLONTLO BRIDGE LOCATED IN DR08448(ROAD) BETWEEN KWAZULU AND MGOBHOZI VILLAGE AT MHLONTLO LOCAL MUNICIPALITY IN O.R TAMBO DISTRICT-CONSTRUCTION OF EARTH DRAINS, BULK EARTHWORKS AND BACKFILLING (1 MONTHS). - SMME PACKAGE 2**

*Tenderers must take particular note of the following:*

- Must be located within the **Mhlontlo Local Municipality**.
- Must be registered with the CIDB and have a CIDB grading designated **2CE -3CE**.
- Contractor to be Registered on Central Supplier Database (CSD) and must submit a copy of the CSD registration report a Tax compliance status pincode.
- Contractor is required to submit an original and valid B-BBEE status level verification certificate, sworn affidavits or a certified copy thereof together with his/her tender to substantiate his/her BBEE rating claim. A Contractor who does not possess a B- BBEE status verification certificate will not qualify to claim points for B- BBEE status level of contribution; only points for price will be considered.
- Bid Documents may be collected from **96 LG Mabindla Avenue, Qumbu, Infrastructure Development, Mhlontlo Local Municipality** from the **31 JULY 2023, during office hours (08h00-15h00)**.
- A compulsory clarification meeting with the Main Contractor will be held at **Boardroom, Mhlontlo Municipality Offices in Qumbu on the 07 August 2023 starting at 10h00**. SMMEs are to attend the clarification meeting in person or designate a suitably experienced person to attend on their behalf.
- Failure to supply all supplementary information may result in the tender being deemed to be non-responsive and may not be considered.
- Queries relating to this document may be addressed to: **Mr Yamkela Mzobotshi, Cell No.: 076 255 2321, Email:ymzobotshi@gmail.com**

- All bids and supporting documents must be sealed and clearly marked, **CONTRACT: SCMU11-20/23-0036D-MAINTANENCE OF MHLONTLO BRIDGE DR08448 FROM LOCATED BETWEEN KWAZULU AND MGOBHOZI VILLAGE AT MHLONTLO LOCAL MUNICIPALITY IN O.R TAMBO DISTRICT-CONSTRUCTION OF EARH DRAINS, BULK EARTHWORKS AND BACKFILLING (1 MONTH). - SMME PACKAGE 2.** Bids should be placed in the tender box at Reception, Mhlontlo Local Municipality, LG Mabindla Avenue, Qumbu; not later than **11 August 2023**.
- No late, telephonic, posted, e-mailed or faxed tenders will be considered.

..... EPIC  
ENGINEERING (PTY) LTD

### T 1.2 TENDER DATA

Clause number	Description / Comment
	<p>The conditions of tender are those contained in the latest edition of SANS 10845-3, <i>Construction Procurement – Part 3: Standard conditions of tender.</i></p> <p>SANS 10845-3 makes several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the provisions of SANS 10845-3.</p> <p>Each item of data given below is cross-referenced to the clause in SANS 10845-3 to which it mainly applies</p>
F.1.1	The Employer is the Department of Transport, Province of the Eastern Cape.

F.1.2	<p>The Project Document issued by the Employer comprises the following:</p> <p><b>THE TENDER</b></p> <p>Part T1: Tender procedures: T1.1 Tender notice and invitation to tender T1.2 Tender data</p> <p>Part T2 : Returnable documents : T2.1 List of returnable documents T2.2 Returnable schedules</p> <p><b>THE CONTRACT</b></p> <p>Part C1: Agreements and contract data C1.1 Form of offer and Acceptance</p> <p>Part C2: Pricing data C2.1 Pricing instructions C2.1 Pricing Schedules</p> <p>Part C3: Scope of work</p>
F.2.7	<p><b>There will be compulsory briefing meeting for this Request for Tender</b></p>
F. 2.10	<p><b>Pricing the tender offer</b></p> <p>(a) Value Added Tax The Valued Added Tax (VAT) rate shall be 15% or as otherwise provided for by legislation.</p> <p>(b) The successful Tenderer shall be required to produce a VAT invoice that shall only be prepared once measurements and valuations for work done in terms of the contract offer have been agreed with the Employers agent and a certificate of payment issued.</p> <p>(c) Payment of VAT to non-VAT vendors shall be processed from the month in which the Tenderers liability with the South African Revenue Services is effective.</p>
F.2.13	<p><b>Submitting of TENDER</b></p>

Clause number	Description / Comment
F.2.13.1	The Tenderer may not make an offer for only part of the services as defined in the Scope of Work.
F.2.15	The closing time for submission of Tenders is <b>12:00 on 11 August 2023</b> . Bids should be deposited in the tender box at Reception, Mhlontlo Local Municipality, LG Mabinda Avenue, Qumbu.
F.2.23	An <u>original and valid</u> Tax Clearance Certificate issued by the South African Revenue Services (“SARS”) must be submitted with the Tender to certify that the Contractor’s taxes are in order. If the submission is made simultaneously with other Tenders/bids or tenders to the Department, or an original valid Tax Clearance Certificate has been submitted previously that is valid at the time of this submission, then a cross reference

	must be made to the other Tender/bid or tender within the Department.																				
F.3.4	Tenders will be opened after the closing time for submission at the Mhlontlo Local Municipality offices, in Qumbu.																				
F.3.11	<p><b>EVALUATION OF TENDERS</b></p> <p>Tenders will be evaluated based on the 80/20 preference point system in terms of the Preferential Procurement Policy Framework Act (Act 5 of 2000) and 2017 Regulations thereto in the following manner:</p> <p style="text-align: center;"><b><u>Calculation of points for Price:</u></b></p> <p>80 points will be awarded to the Contractor submitting the lowest price (all other Contractors will receive points proportionately thereto):</p> $N_{FO} = 80 \times \left(1 - \frac{P - P_m}{P_m}\right)$ <p>where <math>W_1</math> is the number of Tender evaluation points for financial offer and equals 80  <math>P_m</math> is the lowest acceptable Tender price  <math>P</math> is the price of the Tender under consideration</p> <p><b><u>Calculation of points for B-BBEE status level of contribution</u></b></p> <p>Points will be awarded to a Contractor for attaining the B-BBEE status level of contribution in accordance with the table below.</p> <p>A Tender will not be disqualified from the evaluation process if the Contractor does not submit a certificate substantiating the B-BBEE status level of contribution nor is a non-compliant contributor. Such a Contractor will score zero out of the 20 points available for the B-BBEE status.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">B-BBEE Status level of Contribution</th> <th style="text-align: center;">Points</th> </tr> </thead> <tbody> <tr><td style="text-align: center;">1</td><td></td></tr> <tr><td style="text-align: center;">2</td><td></td></tr> <tr><td style="text-align: center;">3</td><td></td></tr> <tr><td style="text-align: center;">4</td><td></td></tr> <tr><td style="text-align: center;">5</td><td></td></tr> <tr><td style="text-align: center;">6</td><td></td></tr> <tr><td style="text-align: center;">7</td><td></td></tr> <tr><td style="text-align: center;">8</td><td></td></tr> <tr><td style="text-align: center;">Non –Compliant</td><td></td></tr> </tbody> </table>	B-BBEE Status level of Contribution	Points	1		2		3		4		5		6		7		8		Non –Compliant	
B-BBEE Status level of Contribution	Points																				
1																					
2																					
3																					
4																					
5																					
6																					
7																					
8																					
Non –Compliant																					

Clause number	Description / Comment
F.3.11	The Tender will be awarded to the responsive Contractor who has scored the highest points, unless there are justifiable, objective reasons to award the Tender to another Contractor. However, the Department retains the right not to accept any Tender.
	<p>Tenders will only be accepted if the Contractor, or any of its directors, have not –</p> <ul style="list-style-type: none"> <li>a) abused the Employer’s supply chain management system;</li> <li>b) committed fraud or any other improper conduct in relation to such system; or</li> <li>c) failed to perform any previous contract and has been given a written notice to this effect</li> </ul> <p>In order to give effect to the above, the Compulsory Enterprise Questionnaire in Part T2.2 must be completed and submitted with the Tender.</p>
F3.17	The number of paper copies of the signed contract to be provided by the Employer is one.

## **PART T2: RETURNABLE DOCUMENTS AND SCHEDULES**

### **T2.1 LIST OF RETURNABLE DOCUMENTS**

**The Contractor Must Complete The Following Returnable Documents:**

1. A copy of the Central Supplier Database(CSD) registration report
2. Certificate Of Authority For Signatory
3. Certificate Of Contractor Registration Issued By The Construction Industry Board (CIDB)
4. BBBEE Certificate / Sworn Affidavit
5. Compulsory Enterprise Questionnaire
6. Declaration of Interest
7. Preference Points Claim Form
8. Form Of Offer And Acceptance
9. Offer and Acceptance
10. Contract Data
11. Pricing Schedule



## **T2.2 RETURNABLE DOCUMENTS AND SCHEDULES**

***The Bidder must complete the following returnable documents; failure to submit these correctly, completed and signed documents may result in the Bid being non-responsive / non-compliant.***

**T2.2.1 CERTIFICATE OF CONTRACTOR REGISTRATION WITH THE NATIONAL TREASURY CENTRAL SUPPLIERS DATABASE (CSD) OR CSD REGISTRATION NUMBER FOR VERIFICATION PURPOSES**

*Bidders to attach a copy of their National Treasury Central Suppliers Database Certificate to this page indicating their registration with the Central Supplier Database and their CSD number in the name of the Bidders organization*

**T2.2.2 CERTIFICATE OF AUTHORITY FOR SIGNATORY**

*Signatory for companies shall confirm their authority thereto by attaching a duly signed and dated copy of the relevant resolution of the boards of directors to this form.*

**An example is given below:**

"By resolution of the board of directors passed at a meeting held on .....

Mr./Mrs.,..... whose signature appears below, has been duly

authorized to sign all documents in connection with the Bid for Contract No. ....

and any Contract that may arise there from on behalf of (name of Bidder in block capitals) .....

.....

**Signed on behalf of the Company:**

IN HIS/HER CAPACITY AS: .....

DATE: .....

SIGNATURE OF SIGNATORY: .....

WITNESSES: 1. ....

2. ....

**T2.2.3 CERTIFICATE OF CONTRACTOR REGISTRATION ISSUED BY THE CONSTRUCTION INDUSTRY BOARD (CIDB)**

*Bidders to attach a copy of their CIDB Certificate to this page indicating their registration with the CIDB and their CIDB grading number in the name of the Bidders organization*

**T2.2.4 COMPULSORY ENTERPRISE QUESTIONNAIRE**

The following particulars must be furnished. <b>In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.</b>		
<b>Section 1: Name of enterprise: .....</b>		
<b>Section 2: VAT registration number, if any: .....</b>		
<b>Section 3: CIDB registration number, if any: .....</b>		
<b>Section 4: Particulars of sole proprietors and partners in partnerships</b>		
<b>Name*</b>	<b>Identity number*</b>	<b>Personal income tax number*</b>
* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners		
<b>Section 5: Particulars of companies and close corporations</b>		
Company registration number .....		
Close corporation number .....		
Tax reference number .....		

**Section 6: Record in the service of the state**

Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

- a member of any municipal council
- a member of any provincial legislature institution
- a member of the National Assembly or the Finance National Council of Province
- a member of the board of directors of any municipal entity
- an official of any municipality or municipal entity legislature
- an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Management Act, 1999 (Act 1 of 1999)
- a member of an accounting authority of any national or provincial public entity
- an employee of Parliament or a provincial legislature

If any of the above boxes are marked, disclose the following:

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

\*insert separate page if necessary

**Section 7: Record of spouses, children and parents in the service of the state**

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:

- a member of any municipal council
- a member of any provincial within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999)
- a member of the National Assembly or the National Council of Province
- a member of the board of directors of any municipal entity
- an official of any municipality or municipal entity
- an employee of any provincial department, national or provincial public entity or constitutional institution legislature
- a member of an accounting authority of any national or provincial public entity
- an employee of Parliament or a provincial legislature

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

**\*insert separate page if necessary**

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise:

- (i) authorizes the Employer to verify with the South African Revenue Services that my / our tax matters are in order;
- (ii) confirms that 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 bidding entities submitting bid offers and have no other relationship with any of the bidders or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- (v) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

Signed..... Date .....

.....  
Name Position

Contractor

**1. BIDDER’S DISCLOSURE**

**SBD 4**

**1. PURPOSE OF THE FORM**

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

**2. Bidder’s declaration**

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....  
 .....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to



influence or to direct the course and decisions of the enterprise.

2.3.1 If so, furnish particulars:

.....  
.....

## 2. DECLARATION

I, the undersigned, (name).....in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

---

<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity

for the execution of a contract.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.  
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

..... Signature  
Date

..... Position  
Name of bidder

## T2.2.5 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

This preference form must form part of all tender invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, CONTRACTORS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

---

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all Tenders:

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this Tender is estimated to be less than R1 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this Tender shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this Tender are allocated as follows:

	<b>POINTS</b>
<b>1.3.1.1 PRICE</b>	80
<b>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	20
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.4 Failure on the part of a Contractor to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the Tender will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. The purchaser reserves the right to require of a Contractor, either before a Tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

**2. ADJUDICATION USING A POINT SYSTEM**

- 2.1 The Contractor obtaining the highest number of total points will be awarded the contract.
- 2.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 2.3 Points scored must be rounded off to the nearest 2 decimal places.
- 2.4 In the event that two or more Tenders have scored equal total points, the successful Tender must be the one scoring the highest number of preference points for B-BBEE.
- 2.5 Should two or more Tenders be equal in all respects; the award shall be decided by the drawing of lots.

**3. POINTS AWARDED FOR PRICE**

**3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

A maximum of 80 or 90 points is allocated for price on the following basis:

*80/20* *or* *90/10*

$$P_s \square 80 \left[ 1 \square \frac{P_t \square P_{min} \square}{P_{min} \square} \right] \square \quad \text{or} \quad P_s \square 90 \left[ 1 \square \frac{P_t \square P_{min} \square}{P_{min} \square} \right] \square$$

Where

- P<sub>s</sub> = Points scored for comparative price of Tender under consideration
- P<sub>t</sub> = Comparative price of Tender under consideration
- P<sub>min</sub> = Comparative price of lowest acceptable Tender

**4. Points awarded for B-BBEE Status Level of Contribution**

4.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a Contractor for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	6	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 4.2 Contractors who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 4.3 Contractors other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 4.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 4.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate Tender.
- 4.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 4.7 A person will not be awarded points for B-BBEE status level if it is indicated in the Tender/bid documents that such a Contractor intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a Contractor qualifies for, unless the intended sub- contractor is an EME that has the capability and ability to execute the sub-contract.
- 4.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

**5. TENDER DECLARATION**

- 5.1 Contractors who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

**6. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1**

- 6.1 B-BBEE Status Level of Contribution: ..... = ..... (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B- BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

**7. SUB-CONTRACTING**

- 7.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

- If yes, indicate:

- what percentage of the contract will be subcontracted?.....%
- the name of the sub-contractor? .....
- the B-BBEE status level of the sub-contractor? .....
- whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm :  
.....

8.2 VAT registration number :  
.....

8.3 Company registration number :  
.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional Contractor
- Other Contractors, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business? .....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.



- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the Contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
  
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the Tender process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) restrict the Contractor or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution

WITNESSES:

- 1. ....
  
- 2. ....

..... SIGNATURE(S) OF  
BIDDER

DATE:.....

ADDRESS:.....

.....

.....

# **THE CONTRACT**

## **PART C1: AGREEMENTS**

**C1.1 FORM OF OFFER AND ACCEPTANCE**

**OFFER:**

The employer, identified in the Acceptance signature block, has solicited offers to enter into a contract **SCMU10-20/23-0036D-MAINTANENCE OF MHLONTLO BRIDGE LOCATED BETWEEN KWAZULU AND MGOBHOZI VILLAGE ON ROAD DR08448 AT MHLONTLO LOCAL MUNICIPALITY IN O.R TAMBO DISTRICT-CONSTRUCTION OF EARTH DRAINS, BULK EARTHWORKS AND BACKFILLING (1 MONTHS). - SMME PACKAGE 2**

The Tenderer, identified in the Offer signature block below, has examined the documents listed in the Tender Data and addenda thereto as listed in the Tender Schedules, and by submitting this Offer has accepted the Conditions of Tender.

By the representative of the Tenderer, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance, the Tenderer offers to perform all of the obligations and liabilities of the Contractor under the Contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the Conditions of Contract identified in the Contract Data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS

\_\_\_\_\_ Rand (in words); R \_\_\_\_\_ (in figures),

This Offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document to the Tenderer before the end of the period of validity stated in the Tender Data, whereupon the Tenderer becomes the party named as the Contractor in the Conditions of Contract identified in the Contract Data.

FOR THE TENDERER:

\_\_\_\_\_  
Signature(s)

\_\_\_\_\_  
Name(s)

\_\_\_\_\_  
Capacity

Name and address of  
organisation

---

---

Signature and name of  
witness

---

Signature

---

Name

---

Date

**ACCEPTANCE**

By signing this part of this Form of Offer and Acceptance, the Employer identified below accepts the Tenderer’s Offer. In consideration thereof, the Employer shall pay the Contractor the amount due in accordance with the Conditions of Contract identified in the Contract Data. Acceptance of the Tenderer’s Offer shall form an agreement between the Employer and the Tenderer upon the terms and conditions contained in this Agreement and in the Contract that is the subject of this Agreement.

The terms of the contract are contained in:  
Part 1 Agreements and Contract Data, (which includes

this Agreement) Part 2 Pricing

The Tenderer shall within two weeks after receiving a completed copy of this Agreement, including the Schedule of Deviations (if any), contact the Employer’s agent (whose details are given in the Contract Data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the Conditions of Contract identified in the Contract Data at, or just after, the date this Agreement comes into effect. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this Agreement.

Notwithstanding anything contained herein, this Agreement comes into effect on the date when the Tenderer receives one fully completed original copy of this document, including the Schedule of Deviations (if any). Unless the Tenderer (now Contractor) within five days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this Agreement, this Agreement shall constitute a binding contract between the parties.

FOR THE EMPLOYER:

	_____
	Signature(s)
	_____
	Name(s)
	_____
	Capacity
Name and address of organisation	_____
	_____
Signature and name of witness	_____
	Signature
	_____
	Name Date
	_____

## **PART C2: PRICING DATA**

### **PART C2.1: PRICING INSTRUCTIONS**

#### **C2.1.1 GENERAL**

C2.1.1.1 A word or phrase in bold type in the Pricing Data shall have the meaning assigned to it in the definitions listed in the Conditions of Contract, Contract Data, and the General Conditions of Contract for Construction Works (2010) (Second Edition) and the Model Preambles for Trades 2008 as issued by the Association of South African Quantity Surveyors. A word or phrase not in bold type shall be interpreted in the context of its usage.

C2.1.1.2 Tenderers are to allow for wages which are not less than the Bargaining Council for the Civil Engineering Industry (BCCEI) agreed wage rates.

C2.1.1.3 The agreement is based on the Conditions of Contract as specified in Part C1.2.

C2.1.1.4 Bills of Quantities: Except where indicated otherwise, the quantities of and classes and kinds of works set out in these Bills of Quantities are provisional and do not purport to represent the final quantities of and classes and kinds of work eventually required to be done. The quantities of and classes and kinds of work contained herein have been set down solely in order to form a basis for obtaining competitive tenders.

The Bills of Quantities are not to be used for ordering materials under any circumstances whether this be with regard to description or specification of materials or goods required, or with regard to quantities. Failure to comply with this condition is entirely at the Contractor's own risk. The Contractor shall be obliged upon instruction of the Principal Agent to execute such quantities of and classes and kinds of work as the Principal Agent in his sole discretion may deem necessary or which, in the Principal Agent's opinion, become expedient from time to time or which may be required to meet the Employer's requirements, whether or not such quantities of and classes or kinds of work may appear in these Bills of Quantities or the contract drawings.

The consideration payable to the Contractor in respect of the works shall be determined by the Agent by the application of the rates contained in the priced Bill of Quantities to the quantities of and classes and kinds of work actually executed, which quantities of and classes and kinds of work shall be determined by the Agent. The rates contained in the priced Bills of Quantities shall apply irrespective of the final quantities of the different classes and kinds of work actually executed. No claims for extras, loss of profit, variation of rates or other similar claims will be entertained as a result of any variations whatsoever between the quantities of work set out in these Bills of Quantities and the quantities of work actually executed, nor as a result of any variation whatsoever between the contract sum and the final value of works.

C2.1.1.5 Budgetary Allowances and Provisional Sums: All items described as "Budgetary

Allowance" shall be used as directed by the Employer and measured and valued and paid for.

No work for which "Budgetary Allowance" items are allowed shall be commenced without written instructions from the Principal Agent. The contractor is duly informed in this document that the Budgetary Allowance Items are completely subject to the discretion of the employer and will only form part of the contract value once duly authorised by the employer and executed by the contractor to the full satisfaction of the principal agent, irrespective of the fact that the Budgetary Allowance formed part of the contract sum.

C2.1.1.6 Prime Cost Amounts: Prime cost amounts are a net allowance (excluding VAT), for materials only, and the tenderer should allow for the necessary labour, wastage, profit, etc in pricing these items.

C2.1.1.7 Value Added Tax: The tendered price must include for Value Added Tax (VAT). All rates, provisional sums, etc in these Bills of Quantities must however be net with VAT calculated and added to the total value thereof as provided for in the Final Summary.

## **PART C2.2: PRICING SCHEDULE**

### **THE BILL OF QUANTITIES**



CONTRACT NO		SCMU 11-20/23-0036D			
ITEM NO	DESCRIPTION	UNIT	QUANTITY	RATE	AMOUNT
2100	<b>DRAINS</b>				
B21.01	<b>Excavation of open drains</b>				
	(a) Excavating soft material situated within the following depth ranges				
	below the surface level				
	(i) 0m up to 1,5m	m <sup>3</sup>	100		
B21.02	<b>Clearing and shaping existing open drains</b>	m <sup>2</sup>	150		
21.15	<b>Overhaul for material hauled in excess of 1,0km free-haul (normal overhaul)</b>	m <sup>3</sup> -km	250		
21.16	<b>Backfilling existing eroded side drains</b>	m <sup>3</sup>	1100		
CARRIED FORWARD TO SUMMARY :					

CONTRACT NO		SCMU 11-20/23-0036D			
ITEM NO	DESCRIPTION	UNIT	QUANTITY	RATE	AMOUNT
<b>3100</b>	<b>BORROW MATERIALS</b>				
31.01	Excess overburden (provisional)	m <sup>3</sup>	100		
31.03	Finishing-off borrow areas	ha	0.1		
CARRIED FORWARD TO SUMMARY :					

CONTRACT NO		SCMU 11-20/23-0036D			
ITEM NO	DESCRIPTION	UNIT	QUANTITY	RATE	AMOUNT
3300	<b>MASS EARTHWORKS</b>				
33.01	<b>Cut and borrow to fill, including freehaul up to 1,0 km :</b>				
	(a) Material in compacted layer thickness of 200mm and less :				
	(ii) Compacted to 93% of mod AASHTO	m <sup>3</sup>	500		
33.03	<b>Extra over item 33.01 for excavating and breaking down materials in :</b>				
	(a) Intermediate Excavation	m <sup>3</sup>	300		
33.04	<b>Cut to spoil, including free haul up to 1.0km. Material obtained from :</b>				
	(a) Soft excavation	m <sup>3</sup>	490		
33/16.02	<b>Overhaul on material hauled in excess of 1,0km (ordinary overhaul)</b>	m <sup>3</sup> -km	600		
CARRIED FORWARD TO SUMMARY :					

<b>CONTRACT NO</b>		<b>SCMU 11-20/23-0036D</b>			
<b>ITEM NO</b>	<b>DESCRIPTION</b>	<b>UNIT</b>	<b>QUANTITY</b>	<b>RATE</b>	<b>AMOUNT</b>
B13000	<b>Occupational Health &amp; Safety:</b>				
B13001	<b>Preparation of Contractor's site specific Health and Safety Plan</b>	Lump sum	0		
B13002	<b>Principal Contractor's initial obligations in respect of the OHS Act and Construction Regulations</b>	Lump sum	0		
B13003	<b>Principal Contractor's time related obligations in respect of the OHS Act and Construction Regulations</b>	Month	1		
B13004	<b>Provision for Personal Protective Equipment &amp; Protective Clothing</b>				
	(i) Reflective vests	No	5		
	(ii) Reflective bibs	No	5		
	(iii) Hard hats	No	5		
	(iv) Protective foot wear	No	5		
	(v) Earplugs	No	5		
	(vi) Dust masks	No	5		
B13005	<b>Provision of full time Construction Health and Safety Officer</b>	Month	1		
B13006	<b>Costs of medical certificates and Medical Surveillance</b>				
	(i) Initial (baseline) medical examinations	No	5		
	(ii) Exit examinations	No	5		
B13007	<b>Induction Training</b>	No	5		
B13009	<b>Noise Monitoring</b>	No	1		
B13010	<b>Payment for Health &amp; Safety representatives at meetings</b>	Lump sum	1		
B13011	<b>Provision of First Aid boxes</b>	Lump sum	1		
B13012	<b>Transportation of Workers</b>	Month	1		
B13013	<b>Submission of the Health and Safety File</b>	Lump sum	1		
CARRIED FORWARD TO SUMMARY :					

## Schedule B PACKAGE 2

### Summary of Costs

Section	Description	Amount
1200	General Requirements and provisions 10% of works	
2100	Drains	
3100	Borrow Materials	
3300	Mass Earthworks	
13000	Occupational Health and Safety	
	<b>Total</b>	
	Allow 10% Escalation	
	Subtotal	
	Allow 15% VAT	
	Total	

.....  
**Signature**

.....  
**Date**

.....  
**Name of Bidder**

.....  
**Position**