

MHLONTLO LOCAL MUNICIPALITY PROVINCE OF THE EASTERN CAPE



INFRASTRUCTURE SERVICES DEPARTMENT

APPOINTMENT OF PANEL OF SIXTEEN SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

CONTRACT No.: MLM/MIG-ES/01- 2024-27

Mhlontlo Local Municipality

Bidder

.....
CIDB GRADING

BIDDER'S CLOSING AT THE OFFICES OF: MHLONTLO LOCAL MUNICIPALITY AT 12H00 AM ON THE 7th JUNE 2024

Documents are to be delivered by hand in the tender box as no faxed copies will be acceptable; the box is situated at 'Reception' of MHLONTLO Municipality, Main building Qumbu

NO LATE SUBMISSION WILL BE CONSIDERED

MHLONTLO LOCAL MUNICIPALITY

Contract No: MLM/MIG-ES/01- 2024-27

**APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF
ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS**

Issued and by:
MHLONTLO LOCAL MUNICIPALITY
85 LG MABINDLA STREET
QUMBU
5138

Municipal Manager: Mr L. Ndabeni
Contact person : Ms Z. Petse
Telephone : 039 – 553 7000

MHLONTLO LOCAL MUNICIPALITY

CONTRACT NO: MLM/MIG-ES/01- 2024-27

APPOINTMENT OF PANEL OF SIXTEEN SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

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APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

DOCUMENT CHECKLIST

This document checklist is provided to assist the tenderer.

| | ITEMS | CHECKED |
|---|--|--------------------------|
| 1 | Returnable Schedules in Section T2.2 | <input type="checkbox"/> |
| 2 | Correct Tender Offer carried forward to Form of Offer and Acceptance and the Form of Offer duly completed and signed..... | <input type="checkbox"/> |
| 3 | Schedule of Quantities: | |
| | i) Completed in BLACK INK only..... | <input type="checkbox"/> |
| | ii) Corrections crossed out and initialled | <input type="checkbox"/> |
| 4 | Contract specific data provided by the Contractor | <input type="checkbox"/> |

MHLONTLO LOCAL MUNICIPALITY

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APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL
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T1: TENDERING PROCEDURES

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MHLONTLO LOCAL MUNICIPALITY

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APPOINTMENT OF PANEL OF SIXTEEN (16) SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS



T1.1 TENDER NOTICE AND INVITATION TO TENDER

MHLONTLO LOCAL MUNICIPALITY**T1.1: TENDER INVITATION**

| PROJECT NAME | CIDB | CONTRACT NUMBER | ADVERT DATE | BRIEFING DATE | CLOSING DATE |
|---|--|-----------------------|-----------------------------|---------------|--|
| APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS | 5 X 5 CE OR HIGHER 4X 4CE 4 X 3CE 3 X 2CE | MLM/MIG-ES/01-2024-27 | 24 th April 2024 | No compulsory | 7 th June 2024 12h00 PM Qumbu Foyer |

Suitably qualified, capable and experienced tenderers are hereby invited to tender for the construction of the above projects. The above project is situated in Mhlontlo Local Municipality within O.R. Tambo District Municipality.

Tenderers must take particular note of the following:

1. Tenderers are required to submit valid SARS Tax Clearance Certificate or Pin with the tender in order to be considered.
2. Tenders must declare performance guarantee as per contract

APPOINTMENT OF PANEL OF SIXTEEN (16) SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

3. Tenderers are required to submit the Company Profile.
4. Tenderers are required to submit proof of registration with CIDB, for A Joint venture must submit a proof of registration with consolidated CIDB grading.
5. A valid original B-BBEE status level verification certificate or a certified copy thereof, sustaining the BBBEE rating issued by a verification agency accredited by SANAS (South African Nation Accreditation system).
6. A Joint venture must submit a consolidated valid original B-BBEE status level verification certificate or A certified copy thereof substantiating their B-BBEE rating issued by a verification agency accredited by the SANAS (South African Nation Accreditation system).
7. Submit Joint Venture agreement in the case of joint venture.
8. Tenderers are required to submit the methodology
9. Tenderers must submit all the requirement as per returnable schedules and must be attached in a relevant page
10. Submit Proof of Municipal rates no later than one month
11. Submit Central Supplier Database Report not later than one month
12. Failure to submit a comprehensive JV agreement (where applicable) individual partners are to comply and submit all relevant documents.
13. A pre-qualification criterion for preferential is applicable, therefore a minimum appointed service provider would be required sub-contract part of their works to the designated groups contemplated in terms of regulations 2017.

Failure to supply all supplementary information may result in the tender being deemed an incomplete tender and will not be considered forward.

Tender documents will be available from www.etender.gov.za and www.mhlontloim.gov.za .

Evaluation Criteria

Tenderers will be evaluated for functionality and those who score equal or more than 70% will be considered to be appointed in the panel.

When ever there will be work that needs to be done, schedule of quantities will be prepared and the bidders appointed in the panel will be asked to price.

Allocation of work therefore will done inline with the evaluated price and equity points .

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

| COMPETENCE | TOTAL SCORE | REQUIRED EVIDENCE | SCORE |
|--|-------------|--|-------|
| Availability of Plant and Equipment Note: Proof of ownership the firm's equipment must be attached and failure to do so will result in forfeiting the plant points | 30 | Grader X1 | 5 |
| | | TLB X1 | 5 |
| | | Tipper Truck X5 | 10 |
| | | Excavator X1 | 5 |
| | | Water TankerX2 | 5 |
| | | Leasing with proof of all the above | 15 |
| | | None of the above | 0 |
| Company experience in terms of projects completed. The company must attach at least one completion certificate from previous client where they have successfully rendered the same service | 30 | six projects upwards | 30 |
| | | Five Projects | 25 |
| | | Four projects | 20 |
| | | Three projects | 15 |
| | | Two project | 10 |
| | | One Project | 5 |
| | | None of the above | 0 |
| Key Personnel and Qualification The company must provide the CV's of the resources to be | 30 | Project Manager/Contract Manager: (ND Civil Eng./B -Tech.Civil Eng. or equivalent) with 5 years' relevant experience and above. References must traceable as they may be verified | 10 |

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

| COMPETENCE | TOTAL SCORE | REQUIRED EVIDENCE | SCORE |
|-------------------------|-------------|---|-------|
| deployed on the project | | Project Manager/Contract Manager: (ND Civil Eng/B -Tech.Civil Eng, BSC or equivalent) with 3-5 years' relevant experience. References must traceable as they may be verified | 5 |
| | | Project Manager/Contract Manager: (ND Civil Eng/B -Tech.Civil Eng or equivalent) with 1-3years relevant experience. References must traceable as they may be verified | 3 |
| | | Project Manager/Contract Manager: With no experience, no qualification | 0 |
| | | Site Agent (ND Civil Eng/B -Tech.Civil Eng or equivalent) with 5 years relevant experience and above. References must traceable as they may be verified | 10 |
| | | Site Agent (ND Civil Eng/B -Tech.Civil Eng or equivalent) with 3-5 years relevant experience. References must traceable as they may be verified | 5 |
| | | Site Agent :(ND Civil Eng/B -Tech.Civil Eng or equivalent) with 1-3years relevant experience. References must traceable as they may be verified | 3 |
| | | Site Agent: With no experience, no qualification | 0 |

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

| COMPETENCE | TOTAL SCORE | REQUIRED EVIDENCE | SCORE |
|---|-------------|---|-------|
| | | Health and Safety Officer (OHS Certificate with registration to SACPCMP) | 4 |
| | | Site Foreman (Skill with relevant experience for similar project/s 5 years and above | 6 |
| | | None of the above | 0 |
| Quality of methodology relevant to assignment step by step with time frames | 10 | A fully detailed methodology aligned to the Terms of Reference with clear milestones and time frames. | 10 |
| | | Basic methodology with time frames | 5 |
| | | Unclear methodology with no time frames | 0 |
| TOTAL | 100 | Minimum | 70 |

Only Bidders who score 70% or more on Stage 1 would be evaluated further and eligible for award.

FUNCTIONALITY REQUIREMENTS BELOW SHALL BE APPLICABLE ONLY TO GRADE 2 CONTRACTORS

| COMPETENCE | TOTAL SCORE | REQUIRED EVIDENCE | SCORE |
|---|-------------|-------------------------------------|-------|
| Availability of Plant and Equipment Note: Proof of ownership the firm’s equipment must be attached and failure to do so will result in forfeiting the plant points | 30 | Grader X1 | 5 |
| | | TLB X1 | 5 |
| | | Tipper Truck X5 | 10 |
| | | Excavator X1 | 5 |
| | | Water TankerX2 | 5 |
| | | Leasing with proof of all the above | 30 |

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| COMPETENCE | TOTAL SCORE | REQUIRED EVIDENCE | SCORE |
|---|-------------|---|-------|
| | | None of the above | 0 |
| <p>Company experience in terms of projects completed. The company must attach at least one completion certificate from previous client where they have successfully rendered the same service</p> | 30 | Three projects upwards | 30 |
| | | Two Projects | 20 |
| | | One Project | 10 |
| | | None of the above | 0 |
| <p>Key Personnel and Qualification The company must provide the CV's of the resources to be deployed on the project</p> | 30 | <p>Project Manager/Contract Manager: (ND Civil Eng./B -Tech.Civil Eng. or equivalent) with 5 years' relevant experience and above. References must traceable as they may be verified</p> | 10 |
| | | <p>Project Manager/Contract Manager: (ND Civil Eng/B -Tech.Civil Eng, BSC or equivalent) with 3-5 years' relevant experience. References must traceable as they may be verified</p> | 5 |
| | | <p>Project Manager/Contract Manager: (ND Civil Eng/B -Tech.Civil Eng or equivalent) with 1-3years relevant experience. References must traceable as they may be verified</p> | 3 |
| | | <p>Project Manager/Contract Manager:</p> | 0 |

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

| COMPETENCE | TOTAL SCORE | REQUIRED EVIDENCE | SCORE |
|---|-------------|--|-------|
| | | With no experience, no qualification | |
| | | Site Agent :(ND Civil Eng/B -Tech.Civil Eng or equivalent) with 1-3years relevant experience. References must traceable as they may be verified | 10 |
| | | Site Agent: With no experience, no qualification | 0 |
| | | Health and Safety Officer (OHS Certificate with registration to SACPCMP) | 10 |
| | | Site Foreman (Skill with relevant experience for similar project/s 5 years and above | 10 |
| | | None of the above | 0 |
| Quality of methodology relevant to assignment step by step with time frames | 10 | A fully detailed methodology aligned to the Terms of Reference with clear milestones and time frames. | 10 |
| | | Basic methodology with time frames | 5 |
| | | Unclear methodology with no time frames | 0 |
| TOTAL | 100 | Minimum | 70 |

Only Bidders who score 70% or more on Stage 1 would be evaluated further and eligible for award.

Preferential Procurement Regulations, 2022 Pertaining to the MFMA will apply.

80 points for price

20 Mhlontlo specific goals shall be applicable in line with our policy

MHLONTLO LOCAL MUNICIPALITY

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All tenders shall hold good for 90 days after tender closing date. The Council is not bound to accept the lowest or any tender and or part thereof and the Council reserves the right to accept any tender in whole or in part. All electronic, telegraphic, telefax, e-mail and late tenders will not be considered and tenders not deposited in the tender box as prescribe in this notice will not be considered as well.

For enquiries regarding bid documents, please contact Ms B Jara 047 553 7000.

For technical enquiries please contact the Technical Services of Mhlontlo Local Municipality, Ms Y.Nqatyelwa @ 076 790 9070

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Municipal Manager

Mr L. Ndabeni

Mhlontlo Local Municipality

P.O. Box 31

Qumbu

5180

MHLONTLO LOCAL MUNICIPALITY

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APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL
CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

Mhlontlo Local Municipality

T1.2 TENDER DATA

T1.2 TENDER DATA

The Tender Data shall be read with the Standard Conditions of Tender in order to expand on the Tenderer's obligations and the Employer's undertakings in administering the tender process in respect of the project under consideration.

The Tender Data hereafter shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

Each item of Tender Data given below is cross-referenced to the relevant clause in the Standard Conditions of Tender. The Conditions of Tender are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity in Construction Procurement, as printed in Board Notice 94 of 2006 in the Government Gazette No. 29138 of 2006 dated 18 August 2006.

The Standard Conditions of Tender make several references to the Tender Data which specifically applies to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender. Each item of Tender Data given below is cross-referenced to the relevant clause in the Standard Conditions of Tender.

Tender Data Applicable to this Tender

| Clause Number | Data / Wording |
|---------------|--|
| F.1.2 | <p>The Tender Documents consist of the following:</p> <p>(a) This Project Document, which contains the following:</p> <p>PART T1: TENDERING PROCEDURES</p> <p>T1.1 Tender Notice and Invitation to Tender T1.2 Tender Data</p> <p>PART T2: RETURNABLE DOCUMENTS</p> <p>T2.1 List of Returnable Documents T2.2 Returnable Schedules</p> <p>PART C1: AGREEMENTS AND CONTRACT DATA</p> <p>C1.3 Form of Guarantee C1.4 Agreement in terms of Section 37(2) of the Occupational Health and Safety Act No. 85 of 1993 C1.5 Transfer of rights</p> <p>PART C3: SCOPE OF WORKS</p> <p>C3.1 Standard Specifications C3.2 Project Specifications C3.3 Particular Specifications</p> <p>PART C4: SITE INFORMATION</p> <p>C4.1 Locality Plan C4.2 Example of Contract Signboard Details C4.3 Drawings</p> |

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

| Clause Number | Data / Wording |
|---------------|---|
| | <p>(b) Drawings (Attached under Page C 4.3)</p> <p>(c) 'General Conditions of Contract for Construction Works – New Edition 2010' issued by the South African Institution of Civil Engineering (abbreviated title 'General Conditions of Contract 2010'- GCC 2010). This document is obtainable separately and Tenderers shall obtain their own copy.</p> <p>(d) 'The COLTO Standard Specifications for Road and Bridge Works for State Road Authorities 1998 edition'. This document is obtainable separately and Tenderers shall obtain their own copy.</p> <p>(e) 'The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, and the Construction Regulations 2003' (Government Gazette No 25207 of 18 July 2003, Notice No R1010). This document is obtainable separately and Tenderers shall obtain their own copy.</p> <p>In addition, Tenderers are advised, in their own interest, to obtain their own copies of the following Acts, Regulations and Standards referred to in this document as they are essential for the Tenderer to become acquainted with the basics of construction management, the implementation of preferential construction procurement policies, and participation of targeted enterprises and labour:</p> <p>(i) The Construction Industry Development Board Act No. 38 of 2000 as amended and the Regulations in terms of the CIDB Act 38 of 2000, Government Notice No 692 of 9 June 2004.</p> |
| F.1.4 | <p>The Accounting Officer is:</p> <p>Name: Mr L Ndabeni Tel: (039) 553 7000 Fax : (039) 553 0189 E-mail: Indabeni@mhlontloim.gov.za</p> |
| F.2.1 | <p>A Tenderer will not be eligible to submit a tender if:</p> <p>(a) the Contractor submitting the tender is under restrictions or has principals who are under restriction to participate in the Employer's procurement due to corrupt or fraudulent practices;</p> <p>(b) the Tenderer does not have the legal capacity to enter into the contract;</p> <p>(c) the Contractor submitting the tender is 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 the foregoing;</p> <p>(d) The Tenderer does not comply with the legal requirements stated in the Employer's procurement policy;</p> |

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| Clause Number | Data / Wording |
|---------------|---|
| | <p>e) The Tenderer cannot demonstrate that he possesses the necessary professional and technical qualifications and competence, financial resources, equipment and other physical facilities, managerial capability, personnel, experience and reputation to perform the contract;</p> <p>(f) The Tenderer cannot provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the contract.</p> <p>(g) The Tenderer cannot demonstrate that he will have in his employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work for labour-intensive competencies for management and supervisory personnel.</p> <p>Only Tenderers meeting the Construction Industry Development Board (CIDB) contractor grading designation of 5CE , 4CE, 3CE & 2CE, as defined in the Regulations (01 June 2004 as amended) in terms of the CIDB Act 38 of 2000, are eligible to submit tenders for this contract:</p> <p>In terms of the Mhlontlo Municipality Supply Chain Management Policy Guideline, all suppliers of goods and services to the Mhlontlo Municipality are required to register on the Database.</p> <p>(1) Application forms may be obtained by phoning 047 553 7000</p> |
| F.2.7 | <p>The arrangements and venue for the compulsory Clarification Meeting are:</p> <p>Not applicable</p> |
| F.2.8 | <p>Change 'five working days' to 'seven working days'. Working days shall be from Monday to Friday and shall exclude all gazetted public holidays.</p> |
| F.2.10 | <p>All tenderers must be registered for Value Added Tax (VAT) with the South African Revenue Services (SARS).</p> |
| F.2.12 | <p>The requirements are as described in Clause 1212 'ALTERNATIVE DESIGNS AND OFFERS' of 'The COLTO Standard Specification for Road and Bridge Works for State Road Authorities 1998 edition'.</p> |

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| Clause Number | Data / Wording |
|---------------|--|
| F.2.13 | <p>F.2.13.3 Tender offers shall be submitted as an original only. Under no circumstances whatsoever may the tender forms be retyped or redrafted. Photocopies of the original tender documentation may be used, but an original signature must appear on such photocopies.</p> <p>F.2.13.5 The Employer's address for delivery of tender offers and identification details to be shown on each tender offer package are:</p> <p>Location of Tender Box: In the Foyer, Mhlontlo Local Municipality</p> <p>Physical Address: 98, LG Mabindla street, Qumbu</p> <p>Identification Details: APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF Contract No. : MLM/MIG-ES/01- 2024-27</p> <p>F.2.13.6 A two-envelope system will <u>not be followed</u>.</p> |
| F.2.15 | <p>The closing time for submission of Tender Offers is: 12h00 on the 7th June 2024</p> <p>Telegraphic, telephonic, telex, facsimile, electronic, e-mailed and late tenders will not be accepted.</p> |
| F.2.16 | <p>The tender offer validity period is 90 days from the closing time for submission of tenders.</p> |
| F.2.18 | <p>The tenderer must submit to the Employer the names of all management and supervisory staff that will be employed to supervise the labour-intensive portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirement.</p> |
| F.2.19 | <p>Access shall be provided for inspections and testing by personnel acting on behalf of the Employer.</p> |
| F.2.22 | <p>This is not applicable.</p> |
| F.2.23 | |

APPOINTMENT OF PANEL OF SIXTEEN (16) SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

| Clause Number | Data / Wording |
|---------------|--|
| | The certificates as required in the Returnable Schedules and Forms must be provided with the tender for each party to a consortium / joint venture. |
| F.3.1 | Change 'five working days' to 'seven working days'. Working days shall be from Monday to Friday and shall exclude all gazetted public holidays. |
| F.3.2 | Change 'seven days' to 'five working days'. Working days shall be from Monday to Friday and shall exclude all gazetted public holidays. |
| F.3.4 | The time and location for opening of the tender offers are: Time: 12H00 AM Date: 7th June 2024 Location / Venue: Mhlontlo Local Municipality, 98 LG Mabindla Stree, Qumbu |
| F.3.5 | A two-envelope system will <u>not be followed</u> . |
| F.3.8 | Test for responsiveness |

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

| Clause Number | Data / Wording |
|---------------|---|
| | <p>F.3.8.1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:</p> <ul style="list-style-type: none"> (a) complies with the requirements of these Conditions of Tender, (b) has been properly and fully completed and signed, and (c) is responsive to the other requirements of the tender documents. <p>F.3.8.2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:</p> <ul style="list-style-type: none"> (d) a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work, (e) b) significantly change the Employer's or the tenderer's risks and responsibilities under the contract, or (f) c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified. <p>Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.</p> |
| | |
| F.3.13 | <p>F.3.13.1 The legal requirements for acceptance of the tender offer are:</p> <ul style="list-style-type: none"> (g) Tender Defaulters Register - the Tenderer or any of its principals is <u>not</u> listed on the register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business |

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| Clause Number | Data / Wording |
|---------------|---|
| | <p>with the public sector.</p> <p>(h) Abuse of the SCM System - the Tenderer has <u>not</u> abused the Employer's Supply Chain Management System and has <u>not</u> been given a written notice to the effect that he has failed to perform on any previous contract.</p> <p>(i) Declaration - the Tenderer has indicated and declared whether or not a spouse, child or parent of the Tenderer is in the service of the State.</p> <p>(j) Fraud and Corruption - the Employer is satisfied that the Tenderer or any of his principals have <u>not influenced</u> the tender offer and acceptance by the following criteria:</p> <p>(i) having offered, promised or given a bribe or other gift or remuneration to any person in connection with the obtaining of this Contract;</p> <p>(ii) having acted in a fraudulent or corrupt manner in obtaining this Contract;</p> <p>(iii) having approached an officer or employee of the Employer or the Employer's Agent with the object of influencing the award of a Contract in the Tenderer's favour;</p> <p>(iv) having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from Tendering for this Contract or as to the amount of the Tender to be submitted by either party;</p> <p>(v) having disclosed to any other person, firm or company other than the Employer, the exact or approximate amount of his proposed Tender.</p> <p>The Employer may, in addition to using any other legal remedies, repudiate the Tender offer and acceptance and declare the Contract invalid should it have been concluded already.</p> |
| F.3.18 | The number of paper copies of the signed contract to be provided by the Employer is one (1) . |

T2: RETURNABLE DOCUMENTS

T2.1 LIST OF RETURNABLE DOCUMENTS

1. This Project Document must be submitted as a whole and shall not be taken apart or altered in any way whatsoever. The following schedules and forms are contained in this document and are to be properly completed as required:

a) Returnable Schedules in T2.2.

b) Contract Specific Data Provided by the Contractor in C1.2.2 Part B.

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

T2.2 RETURNABLE SCHEDULES

| | | |
|---|--|-----|
| A | CERTIFICATE OF ATTENDANCE (Not Compulsory) | T26 |
| B | RECORD OF ADDENDA TO TENDER DOCUMENTS | T27 |
| C | COMPULSORY ENTERPRISE QUESTIONNAIRE | T28 |
| D | CERTIFICATE OF AUTHORITY | T30 |
| E | PLANT AND EQUIPMENT | T35 |
| F | EXPERIENCE OF TENDERER..... | T36 |
| G | PROPOSED SUB CONTRACTORS | T37 |
| H | KEY PERSONNEL..... | T38 |
| I | DEVIATIONS AND QUALIFICATIONS | T41 |
| J | CONTRACTOR'S HEALTH AND SAFETY DECLARATION..... | T42 |
| K | PREFERENCING SCHEDULE (FOR CONTRACT PARTICIPATION GOALS) | T44 |

| | |
|----------|---|
| MBD..... | 1 |
| MBD..... | 2 |
| MBD..... | 4 |
| MBD..... | 6 |
| MBD..... | 7 |
| MBD..... | 8 |
| MBD..... | 9 |

| | | |
|---|--|-----|
| L | TENDERER'S PARTICIPATION IN JOB CREATION USING LOCAL LABOUR..... | T19 |
| M | ETHICS COMMITMENT FOR SUPPLIERS OF THE MATATIELE LM..... | T22 |

NOTE: The Tenderer is required to complete each and every schedule and form listed above to the best of his ability as the evaluation of tenders and the eventual contract will be based on the information provided by the Tenderer. Failure of a Tenderer to complete the schedules and forms to the satisfaction of the Employer may lead to rejection on the grounds that the tender is not responsive.

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

A.CERTIFICATE OF ATTENDANCE (Not Compulsory to be signed as this will be checked on-site inspection attendance register)

This is to certify that (*Tenderer*)

of (*address*)

..... was represented by the person(s) named below at the compulsory clarification meeting held for all tenderers.

I / We acknowledge that the purpose of the meeting was to acquaint myself / ourselves with the site of the works and / or matters incidental to doing the work specified in the tender documents in order for me / us to take account of everything necessary when compiling our rates and prices included in the tender.

Particulars of person attending the meeting:

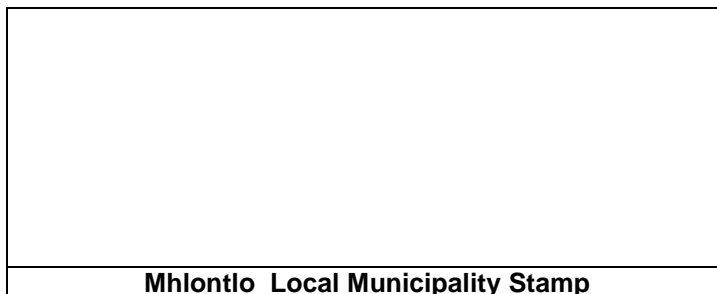
Name: Signature:

Capacity:

Attendance of the above person at the meeting is confirmed by the Employer's agent, namely:

Name: Signature:

Capacity: Date and Time:



APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

C. 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

| Name* | Identity number* | Personal income tax number* |
|-------|------------------|-----------------------------|
| | | |
| | | |
| | | |

* 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: Record of 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 serving or has served within the last 12 months as any of the following:

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

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

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

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 serving or has served within the last 12 months as any of the following:

- a member of any municipal council
- a member of any provincial legislature
- 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 within the meaning of the Public Finance 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

| 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 obtain a tax clearance certificate from 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, 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;
- 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.

MHLONTLO LOCAL MUNICIPALITY

Contract No: MLM/MIG-ES/01- 2024-27

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

Signed

Date

Name

Position

*Enterprise
name*

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

D.

3. AUTHORITY TO SIGN

- SOLE PROPRIETOR (SINGLE OWNER BUSINESS) AND NATURAL PERSON

1.1. I, _____, the undersigned, hereby confirm that I am the sole owner of the business trading as _____.

OR

1.2. I, _____, the undersigned, hereby confirm that I am submitting this tender in my capacity as natural person.

| | | | |
|-------------|--|------------|--|
| SIGNATURE: | | DATE: | |
| PRINT NAME: | | | |
| WITNESS 1: | | WITNESS 2: | |

2 COMPANIES AND CLOSE CORPORATIONS

2.5 **If a Bidder is a COMPANY, a certified copy of the resolution by the board of directors**, duly signed, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company **must be submitted with this bid**, that is, before the closing time and date of the bid

2.6 In the case of a **CLOSE CORPORATION (CC)** submitting a bid, **a resolution by its members**, authorizing a member or other official of the corporation to sign the documents on their behalf, **shall be included with the bid**.

PARTICULARS OF RESOLUTION BY BOARD OF DIRECTORS OF THE COMPANY/MEMBERS OF THE CC

| | |
|--|--|
| Date Resolution was taken | |
| Resolution signed by (name and surname) | |
| Capacity | |
| Name and surname of delegated Authorised Signatory | |
| Capacity | |
| Specimen Signature | |

| | | | |
|---|--|-----|--|
| Full name and surname of ALL Director(s) / Member (s) | | | |
| 1. | | 2. | |
| 3. | | 4. | |
| 5. | | 6. | |
| 7. | | 8. | |
| 9. | | 10. | |

| | | |
|---|-----|----|
| Is a CERTIFIED COPY of the resolution attached? | YES | NO |
|---|-----|----|

| | | | |
|-----------------------------------|--|------------|--|
| SIGNED ON BEHALF OF COMPANY / CC: | | DATE: | |
| PRINT NAME: | | | |
| WITNESS 1: | | WITNESS 2: | |

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

3. PARTNERSHIP

We, the undersigned partners in the business trading as _____ hereby authorize Mr/Ms _____ to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid and /or contract for and on behalf of the abovementioned partnership.

The following particulars in respect of every partner must be furnished and signed by every partner:

| Full name of partner | | Signature | |
|----------------------------------|--|------------|--|
| | | | |
| | | | |
| | | | |
| | | | |
| SIGNED ON BEHALF OF PARTNERSHIP: | | DATE: | |
| PRINT NAME: | | | |
| WITNESS 1: | | WITNESS 2: | |

4 CONSORTIUM

We, the undersigned consortium partners, hereby authorize _____ (Name of entity) to act as lead consortium partner and further authorize Mr./Ms.

To sign this offer as well as any contract resulting from this tender and any other documents and correspondence in connection with this tender and / or contract for and on behalf of the consortium.

The following particulars in respect of each consortium member must be provided and signed by each member:

| Full Name of Consortium Member | Role of Consortium Member | % Participation | Signature |
|--------------------------------|---------------------------|-----------------|-----------|
| | | | |
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MHLONTLO LOCAL MUNICIPALITY

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APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

| | | | |
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|--|--|--|--|

Attach additional pages if more space is required

The Tenderer undertakes to bring onto site without additional cost to the Employer any additional plant not listed but which may be necessary to complete the contract within the specified contract period.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

G. PROPOSED SUBCONTRACTORS

I/We hereby notify you that it is my/our intention to employ the following subcontractors for work under this contract. If I/we am/are awarded a contract I/we agree that this notification does not change the requirement for me/us to submit the names of proposed subcontractors in accordance with the requirements of the contract for such appointments.

Acceptance of this tender shall not be construed as approval of all or any of the listed subcontractors. Should any of or all of the subcontractors not be approved subsequent to the acceptance of the tender, it shall in no way invalidate this tender, and the tendered unit rates for the various items of work shall remain final and binding, even in the event of a subcontractor not listed below being approved by the Employer.

| NAMES AND ADDRESSES OF PROPOSED SUBCONTRACTORS | NATURE AND EXTENT OF WORK TO BE SUBCONTRACTED | PREVIOUS EXPERIENCE WITH SUBCONTRACTOR |
|--|---|--|
| | | |
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Attach additional pages if more space is required

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

H. KEY PERSONNEL

1. KEY PERSONNEL - MANAGEMENT

The Tenderer must insert in the spaces provided below a list of the key personnel in the Joint Venture to be employed in the construction of the Works together with a resume of their experience with particular reference to the construction of similar Works.

The Tenderer shall attach the curriculum vitae of the listed key management personnel to the next page.

(The compiler to indicate the designations that will be required for the project)

| DESIGNATION | NAMES | PROJECT TYPE | VALUE OF WORK | YEAR COMPLETED |
|-------------|-------|--------------|---------------|----------------|
| | | | | |

Attach additional pages if more space is required

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

2. KEY PERSONNEL – LABOUR INTENSIVE ACTIVITIES

Contractors shall employ in labour-intensive works only those supervisory and management staff that have completed the required Skills Programme in terms of Appendix C of the “Guidelines for the implementation of labour-intensive infrastructure projects under the Expanded Public Works Programme (EPWP) Third Edition 2015”:

Tenderers’ attention is drawn to the required minimum supervisor to worker ratio for this project stated in the Particular Specifications.

The Tenderer must insert in the spaces provided below the relevant details of the personnel to be employed in the construction of the Works possessing the required qualifications in the supervision or management of LIC projects. A copy of the relevant qualification certificate for each such person shall be attached to the next page.

| DESIGNATION | NAME | NAME OF TRAINING INSTITUTION | QUALIFICATION OBTAINED IN THE SUPERVISION OR MANAGEMENT OF LIC PROJECTS | YEAR QUALIFICATION OBTAINED |
|-------------|------|------------------------------|---|-----------------------------|
| | | | | |
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Attach additional pages if more space is required

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)

MHLONTLO LOCAL MUNICIPALITY

Contract No: MLM/MIG-ES/01- 2024-27

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL
CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

CURRICULUM VITAE OF KEY PERSONNEL - MANAGEMENT

Curriculum Vitae of key management personnel to be attached to this page.

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

(b) Details of training of persons from my company's own resources (or to be hired) who still have to be trained to achieve the necessary competency:

(i) By whom will training be provided?

(ii) When will training be undertaken?

(iii) List the positions to be filled by persons to be trained or hired:

.....

.....

(c) Details of competent resources to be appointed as subcontractors if competent persons cannot be supplied from own company:

Name of proposed subcontractor:

Qualifications or details of competency of the subcontractor:

.....

.....

5. I hereby undertake, if my tender is accepted, to provide, before commencement of the works under the contract, a suitable and sufficiently documented Health and Safety Plan in accordance with Regulation 5(1) of the Construction Regulations, which plan shall be subject to approval by the Employer.

6. I confirm that copies of my company's approved Health and Safety Plan, the Employer's Safety Specifications as well as the OHS 1993 Construction Regulations 2003 will be provided on site and will at all times be available for inspection by the Contractor's personnel, the Employer's personnel, the Engineer, visitors, and officials and inspectors of the Department of Labour.

7. I hereby confirm that adequate provision has been made in my tendered rates and prices in the schedule of quantities to cover the cost of all resources, actions, training and all health and safety measures envisaged in the OHS 1993 Construction Regulations 2003, and that I will be liable for any penalties that may be applied in terms of the said Regulations (Regulation 30) for failure on the Contractor's part to comply with the provisions of the Act and the Regulations.

8. I agree that my failure to complete and execute this declaration to the satisfaction of the Employer will mean that I am unable to comply with the requirements of the OHS 1993 Construction Regulations 2003, and accept that my tender will be prejudiced and may be rejected at the discretion of the Employer.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)

MHLONTLO LOCAL MUNICIPALITY

Contract No: MLM/MIG-ES/01- 2024-27

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

K. PREFERENCING SCHEDULE (DIRECT PREFERENCES)

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2001 & THE CONTRACT FORM – RENDERING OF SERVICES.

MBD 1

MBD 2

MBD 4

MBD 6

MBD 7

MBD 8

MBD 9

MHLONTLO LOCAL MUNICIPALITY

Contract No: MLM/MIG-ES/01- 2024-27

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

MBD 1 – MHLONTLO LOCAL MUNICIPALITY

PART A INVITATION TO BID

| | | | | | |
|---|--|---------------|--|---------------|-------|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY) | | | | | |
| BID NUMBER: | | CLOSING DATE: | 7 th June 2024 | CLOSING TIME: | 12H00 |
| DESCRIPTION | APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS | | | | |
| THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7). | | | | | |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS) | | | | | |
| MHLONTLO LOCAL MUNICIPALITY | | | | | |
| 98, LG MABINDLA STREEL | | | | | |
| QUMBU | | | | | |
| 31800 | | | | | |
| SUPPLIER INFORMATION | | | | | |
| NAME OF BIDDER | | | | | |
| POSTAL ADDRESS | | | | | |
| STREET ADDRESS | | | | | |
| TELEPHONE NUMBER | CODE | | NUMBER | | |
| CELLPHONE NUMBER | | | | | |
| FACSIMILE NUMBER | CODE | | NUMBER | | |
| E-MAIL ADDRESS | | | | | |
| VAT REGISTRATION NUMBER | | | | | |
| TAX COMPLIANCE STATUS | TCS PIN: | | OR | CSD No: | |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX] | <input type="checkbox"/> Yes <input type="checkbox"/> No | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| [A B-BBEE STATUS LEVEL CONTRIBUTOR STATUS WILL NOT BE APLICABLE IN THIS TENDER. specific goals shall be applicable in line with our policy a together with Preferential Procurement Regulations, 2022 Pertaining to the MFMA will apply. | | | | | |

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

| | | | |
|---|--|--|---|
| 1.1.1.1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | 1.1.1.2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3] |
| 1.1.1.3 TOTAL NUMBER OF ITEMS OFFERED | | 1.1.1.4 TOTAL BID PRICE | R |
| 1.1.1.5 SIGNATURE OF BIDDER | | 1.1.1.6 DATE | |
| 1.1.1.7 CAPACITY UNDER WHICH THIS BID IS SIGNED | | | |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: | | TECHNICAL INFORMATION MAY BE DIRECTED TO: | |
| DEPARTMENT | SCM UNIT | DEPARTMENT | ISD |
| CONTACT PERSON | MS. B. Yase | CONTACT PERSON | Ms. Z. Petse |
| TELEPHONE NUMBER | 039 553 7000 | TELEPHONE NUMBER | 039 553 7000 |
| FACSIMILE NUMBER | 039 553 0189 | FACSIMILE NUMBER | 039 553 0189 |
| E-MAIL ADDRESS | Kayone955@gmail.com | E-MAIL ADDRESS zpetse@mhlontlolm.gov.za | |
| | | | |

APPOINTMENT OF PANEL OF SIXTEEN (16)SERVICE PROVIDERS FOR CONSTRUCTION OF ALL CIVIL RELATED WORKS FOR A PERIOD OF 36 MONTHS

**PART B
TERMS AND CONDITIONS FOR BIDDING**

| | |
|--|---|
| 1. BID SUBMISSION: | |
| 1.1. | BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. |
| 1.2. | ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE |
| 1.3. | THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |
| 2. TAX COMPLIANCE REQUIREMENTS | |
| 2.1 | BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. |
| 2.2 | BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. |
| 2.3 | APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. |
| 2.4 | FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3. |
| 2.5 | BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. |
| 2.6 | IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. |
| 2.7 | WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. |
| 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS | |
| 3.1. | IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.2. | DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.3. | DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.4. | DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.5. | IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE. | |

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:.....

MBD 2

TAX CLEARANCE REQUIREMENTS

IT IS A CONDITION OF BIDDING THAT -

1. The taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with the Receiver of Revenue to meet his / her tax obligations.
2. The attached form "Application for Tax Clearance Certificate (in respect of bidders)", must be completed in all respects and submitted to the Receiver of Revenue where the bidder is registered for tax purposes. The Receiver of Revenue will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of twelve (12) months from date of issue.
3. In bids where Consortia / Joint Ventures / Sub-contractors are involved each party must submit a separate Tax Clearance Certificate. Copies of the Application for Tax Clearance Certificates are available at any Receiver' s Office.

**APPLICATION FOR TAX CLEARANCE CERTIFICATE
(IN RESPECT OF BIDDERS)**

1. Name of taxpayer / bidder:

2. Trade name:

3. Identification number:

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
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|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

4. Company / Close Corporation registration number:

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
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|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

5. Income tax reference number:

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
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|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

6. VAT registration number (if applicable):

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
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|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

7. PAYE employer's registration number (if applicable):

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
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|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Signature of contact person requiring Tax Clearance Certificate:

Name:

Telephone number: Code:..... Number:

Address:

.....

.....

DATE: 20 ____ / ____ / ____

PLEASE NOTE THAT THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE (SARS) WILL NOT EXERCISE HIS DISCRETIONARY POWERS IN FAVOUR OF ANY PERSON WITH REGARD TO ANY INTEREST, PENALTIES AND / OR ADDITIONAL TAX LEVIABLE DUE TO THE LATE- OR UNDERPAYMENT OF TAXES, DUTIES OR LEVIES OR THE RENDITION RETURNS BY ANY PERSON AS A RESULT OF ANY SYSTEM NOT BEING YEAR 2000 COMPLIANT.

MBD 4

DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state¹.
- 2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²):
.....

3.4 Company Registration Number:

3.5 Tax Reference Number:

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars.....
.....

¹ MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

(i) any municipal council;

(ii) any provincial legislature; or

(iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

² Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

3.9 Have you been in the service of the state for the past twelve months? **YES / NO**

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If yes, furnish particulars

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?..... **YES / NO**

3.11.1 If yes, furnish particulars.....

.....

3.12 Are any of the company’s directors, trustees, managers, principle shareholders or stakeholders in service of the state?..... **YES / NO**

3.12.1 If yes, furnish particulars.....

.....

3.13 Are any spouse, child or parent of the company’s directors, trustees, managers, principle shareholders or stakeholders in service of the state?..... **YES / NO**

3.13.1 If yes, furnish particulars.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars.....

.....

4. Full details of directors / trustees / members / shareholders.

| Full Name | Identity Number | State Employee Number |
|-----------|-----------------|-----------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

1 Are you by law required to prepare annual financial statements for auditing? ***YES / NO**

1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.

.....
.....

2 Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days? ***YES / NO**

2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.

2.2 If yes, provide particulars.

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

Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

***YES / NO**

3.1 If yes, furnish particulars

.....
.....

4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?

***YES / NO**

4.1 If yes, furnish particulars

.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
(b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

| | POINTS |
|--|------------|
| PRICE | 80 |
| SPECIFIC GOALS | 20 |
| Total points for Price and SPECIFIC GOALS | 100 |

Preamble

Section 10(b) of the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) states that “Every organ of state and public entity must take into account and, as far as is reasonably possible, apply any **relevant code of good practice** issued in terms of this Act in developing and implementing a preferential procurement policy:”

A number of codes of good practice have been issued in terms of Section 9(1) of the B-BBEE Act of 2003 including a generic code of good practice (see Government Gazette No 29617 of 9 February 2007) and various sector codes including the Construction Sector Code (see Government Gazette No 32305 of 5 June 2009) which applies to entities

which conducts construction related activities provided that the majority of that entity's turnover is as a result of construction activities.

The sector codes vary the metrics, weightings and targets used in the generic code of good practice to establish the overall performance of an entity and its B-BBEE status. The thresholds relating to Micro Exempt and Small Qualifying Enterprises have been adjusted in the Construction and Tourism Sector Codes.

The B-BBEE status needs to be assessed in accordance with the preferential procurement policy framework act, 2000: preferential procurement regulations, 2017.

1 Conditions associated with the granting of preferences

Tenderers who claim a preference shall provide sufficient evidence of their B-BBEE Status in accordance with the requirements of section 2 in respect of the applicable code as at the closing time for submissions, failing which their claims for preferences will be rejected.

1.1.1.7.1.1 2 Sufficient evidence of qualification

2.1 Exempted micro enterprises (EMEs) or qualifying small business enterprise (QSE)

2.1.1 Sufficient evidence of qualification as an Exempted Micro-Enterprise or Qualifying Small Business Enterprise qualification contributor is an auditor's certificate or similar certificate issued by an accounting officer in respect of the entity's last financial year or a 12 month period which overlaps with its current financial year or a certificate issued by a verification agency and which is valid as at the closing date for submissions.

2.1.2 Sufficient evidence of qualification for a higher B-BBEE status in terms of the small qualifying scorecard shall be as stated in 2.2.

2.2 Enterprises other than exempted micro enterprises (EMEs) and qualifying small business enterprises (QSE)

Sufficient evidence of B-BBEE Status is a certificate issued by a verification agency or registered auditors approved by Independent Regulatory Board for Auditors (IRBA) in terms of National Treasury's Implementation Guide: Preferential Procurement Regulations, 2011, Pertaining to the Preferential Procurement Policy Framework Act, and which is valid as at the closing date for submissions.

3 Tender preferences claimed

Stage 2: Evaluation on Price and Mhlontlo specific goals

Received Responsive bids will be evaluated based on the following stages:

Stage 1- functionality and those who score equal or more than 70% will be considered for price and equity.

- Stage 2- Price and MHLM Specific Goals

The Maximum points for this bid are allocated as followed

| | | |
|---|-------------------------------------|--|
| <p>100 % ownership in order to claim full points of each specific goal</p> | <p>Means of verification</p> | <p>Points allocation 80/20</p> |
|---|-------------------------------------|--|

| | | |
|---|--|----|
| HDI -Equity ownership | The municipality is going to use RACE OR NATIONALITY as means of verification and thus prospective service providers will be required to provide a copy of ID COPY as a proof in order to claim points for specific goals | 10 |
| Youth-Enterprise 18-35 years (MLM) | The municipality is going to use AGE as means of verification and thus prospective service providers will be required to provide a copy of ID COPY AND CSD as a proof in order to claim points for specific goals | 2 |
| Women-Equity ownership | The municipality is going to use GENDER OR SEX as means of verification and thus prospective service providers will be required to provide a copy of ID COPY, CK and CSD as a proof in order to claim points for specific goals | 2 |
| Disability-Equity ownership | The municipality is going to use MEDICAL CERTIFICATE as means of verification and thus prospective service providers will be required to provide a copy of MEDICAL CERTIFICATE and CSD as a proof in order to claim points for specific goals | 2 |
| Rural Enterprise | The municipality is going to use PROOF OF RESIDENCE FROM TRADITIONAL LEADER OR WARD COUNCILLOR OR as means of verification and thus prospective service providers will be required to provide a copy of PROOF OF RESIDENCE AND CSD as a proof in order to claim points for specific goals | 2 |
| Military Veterans | the municipality is going to use Stamped Confirmation letter from Office of Military Veterans as means of verification and thus prospective service providers will be required to provide a copy of ID COPY AND CSD as a proof in order to claim points for specific goals | 2 |

Failure of a bidder to submit proof of specific goals claimed will be interpreted to mean that preference points for specific goals are not claimed.

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, 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 organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{Ps} = \mathbf{80} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right)
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{Ps} = \mathbf{80} \left(\mathbf{1} + \frac{\mathbf{Pt} - \mathbf{Pmax}}{\mathbf{Pmax}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left(\mathbf{1} + \frac{\mathbf{Pt} - \mathbf{Pmax}}{\mathbf{Pmax}} \right)
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

| The specific goals allocated points in terms of this tender | Number of points allocated (90/10 system) (To be completed by the organ of state) | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed (90/10 system) (To be completed by the tenderer) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|--|--|--|--|
| Tender Price | | | 90 | 80 |
| HDI -Equity ownership | | | 5 | 10 |
| Youth-Enterprise 18-35 years (MLM) | | | 1 | 2 |
| Women-Equity ownership | | | 1 | 2 |
| Disability-Equity ownership | | | 1 | 2 |
| Rural Enterprise | | | 1 | 2 |
| SUB-TOTAL (Specific goals) | | | 1 | 2 |
| TOTAL | | | 100 | 100 |

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

| |
|---|
| <p>..... SIGNATURE(S) OF TENDERER(S)</p> |
| <p>SURNAME AND NAME:</p> |
| <p>DATE:</p> |

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as required in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on http://www.thedti.gov.za/industrial_development/ip.jsp at no cost.

1.6. A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

2. Definitions

- 2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour and intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

3. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

| <u>Description of services, works or goods</u> | <u>Stipulated minimum threshold</u> |
|--|-------------------------------------|
| _____ | _____ % |
| _____ | _____ % |
| _____ | _____ % |

4. Does any portion of the services, works or goods offered have any imported content?

(Tick applicable box)

| | | | |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za.

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

| Currency | Rates of exchange |
|-----------------|--------------------------|
| US Dollar | |
| Pound Sterling | |
| Euro | |
| Yen | |
| Other | |

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

(Tick applicable box)

| | | | |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

5.1. If yes, provide the following particulars:

- (a) Full name of auditor:
- (b) Practice number:
- (c) Telephone and cell number:
- (d) Email address:

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the Accounting Officer / Accounting Authority provide directives in this regard.

LOCAL CONTENT DECLARATION
(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Municipality / Municipal Entity):
.....

NB

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thedti.gov.za/industrial_development/ip.jsp. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names),
do hereby declare, in my capacity as
of(name of bidder entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
 - (ii) the declaration templates have been audited and certified to be correct.

(c)The local content percentages (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated

in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C;

| | |
|--|---|
| Bid price, excluding VAT (y) | R |
| Imported content (x), as calculated in terms of SATS 1286:2011 | R |
| Stipulated minimum threshold for local content (paragraph 3 above) | |
| Local content %, as calculated in terms of SATS 1286:2011 | |

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

(d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE:

WITNESS No. 1 _____

DATE:

WITNESS No. 2 _____

DATE:

CONTRACT FORM - PURCHASE OF GOODS/WORKS

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

CONTRACT FORM - PURCHASE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as..... accept your bid under reference number dated.....for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

| ITEM NO. | PRICE (ALL APPLICABLE TAXES INCLUDED) | RAND | DELIVERY PERIOD | B-BBEE STATUS LEVEL OF CONTRIBUTION | MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable) |
|----------|---------------------------------------|------|-----------------|-------------------------------------|--|
| | | | | | |

4. I confirm that I am duly authorized to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

3.

....

4.

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

| Item | Question | Yes | No |
|-------|--|---------------------------------|--------------------------------|
| 4.1 | <p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars: | | |
| 4.2 | <p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars: | | |
| 4.3 | <p>Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.3.1 | If so, furnish particulars: | | |
| Item | Question | Yes | No |
| 4.4 | <p>Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.4.1 | If so, furnish particulars: | | |
| 4.5 | <p>Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?</p> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.7.1 | If so, furnish particulars: | | |

- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
- a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS
 DECLARATION FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE
 TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of:

that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
 2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
 3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
 4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
 5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
 6. 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 consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. 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 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.

10. 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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE FOR PAYMENT OF MUNICIPAL SERVICES

DECLARATION IN TERMS OF CLAUSE 112(1) OF THE MUNICIPAL FINANCE MANAGEMENT ACT (NO.56 OF 2003) - (To be signed in the presence of a Commissioner of Oaths)

I, _____, _____ (full name and ID no.), hereby acknowledge that according to SCM Regulation 38(1)(d)(i), the Municipality may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the Tenderer or any of its directors/members/partners to the Mhlontlo Local Municipality, or to any other municipality or municipal entity, are in arrears for more than 3 (three) months.

I declare that I am duly authorised to act on behalf of _____ (name of the firm) and hereby declare, that to the best of my personal knowledge, neither the firm nor any director/member/partner of said firm is in arrears on any of its municipal accounts with any municipality in the Republic of South Africa, for a period longer than 3 (three) months.

I further hereby certify that the information set out in this schedule and/or attachment(s) hereto is true and correct. The Tenderer acknowledges that failure to properly and truthfully complete this schedule may result in the tender being disqualified, and/or in the event that the tenderer is successful, the cancellation of the contract.

| PHYSICAL BUSINESS ADDRESS(ES) OF THE TENDERER | MUNICIPAL ACCOUNT NUMBER |
|---|--------------------------|
| | |
| | |

FURTHER DETAILS OF THE BIDDER'S Director / Shareholder / Partners, etc.:

| Director / Shareholder / partner | Physical address of the Business | Municipal Account number(s) | Physical residential address of the Director / shareholder / partner | Municipal Account number(s) |
|----------------------------------|----------------------------------|-----------------------------|--|-----------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

**NB: Please attach certified copy(ies) of ID document(s)
If the entity or any of its Directors/Shareholders/Partners, etc. rents/leases premises, a copy of the rental/lease agreement must be submitted with this tender.**

| | | |
|------------------|-----------------|-------------|
| | | |
| Signature | Position | Date |

| | |
|--|---|
| <p align="center">COMMISSIONER OF OATHS</p> <p>Signed and sworn to before me at _____, on this _____ day of _____ 20__</p> <p>by the Deponent, who has acknowledged that he/she knows and understands the contents of this Affidavit, it is true and correct to the best of his/her knowledge and that he/she has no objection to taking the prescribed oath, and that the prescribed oath will be binding on his/her conscience.</p> <p>COMMISSIONER OF OATHS:-</p> <p>Position: _____</p> <p>Address: _____</p> <p>SCHEDULE A –</p> | <p>Apply official stamp of authority on this page:</p> |
|--|---|

CONFIRMATION OF REGISTRATION OF TENDERER ON NATIONAL TREASURY DATABASE

| TENDERER NAME | NATIONAL TREASURY DATABASE REGISTRATION NUMBER |
|---------------|--|
| | |

A tenderer who is not registered on the National Treasury Database (CSD) is not precluded from submitting a tender; however such tenderer must be registered on the database prior to the finalisation of the evaluation of the tender in order for its bid to be considered responsive.

It is the responsibility of a tenderer to ensure that this requirement is complied with. In the case of Joint Ventures and Consortia, this requirement will apply to each party to the Joint Venture or Consortium.

Note:

TENDERER'S SIGNATURE:

Position: _____

Address:

TERMS OF REFERENCE

FOR

APPOINTMENT OF PANEL OF THREE SERVICE PROVIDERS FOR THE CONSTRUCTION OF GRAVEL ROADS, BRIDGES AND ALL STORMWATER RELATED WORKS FOR A PERIOD OF 36 MONTHS

1. BACKGROUND

Mhlontlo local municipality is one of the fastest growing municipalities in the OR Tambo District Municipality in Eastern Cape province. Along with the vast developments taking place in the area, a number of economic activities have been identified and are in control. These activities include Mining, Construction, Tourism and Agriculture. The municipality is also investing on the upgrade and development of electrical supply in order to align with the growing need catalyzed by the current developments.

Thus, Mhlontlo Local Municipality is looking for sixteen suitably qualified and experienced service providers for the **CONSTRUCTION OF CIVIL WORKS for a period of 36 months**

2. OBJECTIVES

The motivation for the project is social, economic and environmental. The municipality, environment and project communities will benefit economically and socially as follows:

- Improvement in provision of basic services
- Improvement in the living conditions of the beneficiary communities
- Growth in the level of commercial activities by the Community
- Improved access and mobility
- Employment creation during project implementation
- Employment potential due to skills transferred during project implementation

3. SCOPE OF WORK WITH CONFORMANCE SPECIFICATION REQUIREMENTS

3.1. **Sixteen Service providers will be appointed for a period of 36 months to render services in construction of infrastructure services as and when needed without guarantee to quantum of works. The employer will open the bidding process on an annual basis to other prospective bidders who will be added to the panel of contractors.**

3.2. The scope of this Contract is the construction of various projects over a period 3 year term, as and when the specific Works Order is issued to the Contractor.

- 3.3. The Contractor is required to provide all required personnel, materials, equipment and plant required for the construction of gravel roads (access roads) and associated works as instructed through a Works Order within the Mhlontlo Local Municipality
- 3.4. The Contractor will furthermore be required to at least subcontract 30% of the Works with local businesses to develop them over the framework period to enable them to rise their CIDB grading.
- 3.5. Each Work Order will specify its own Works Information with the necessary details applicable for the construction of that Work Package. This will include but not be limited to reporting, invoicing, technical details, drawings, location, Site Information as well as people employment requirements.
- **Successful bidders will be required to undertake the following tasks but not limited to such:**
 - Site Establishment
 - Site clearance / Clear and grub
 - Preparation of road bed and compacted to 90-93% of MDD
 - Box cutting and removal of unstable material bring in rock fill as per the design specification.
 - Construction of Inlet and outlet structures (Head walls) as per the design specification
 - Construction concrete slab as per the design specification.
 - Laying of concrete pipes for storm water control as per design specification.
 - Stockpiling of GWC Material from approved borrow material
 - Tipping of tested GWC material a per design specification
 - Construction of Concrete Dish-Drains
 - Construction of plain stone pitching on steep sections as the design specification
 - Construction of mitre drains
 - Processing of 200 mm suitable GWC Material from approved borrow pit as per design specification and compacted to 95-97% MDD
 - Testing of the borrow pit and road layer works (road bed and final layer)
 - Skimming and cleaning of road reserve as per instruction of the Engineer / Project Manager
 - Rehabilitation of the borrow pit
 - Installation of road signs as per design specification
 - Compliance to regulations relating to Health and Safety and the Environmental Management Acts
 - De-establishment

For bridges the scope of works will be issued upon implementation of that particular project as per approved designs.

4. PERIOD OF CONTRACT

The contract shall be valid for a period of 36 months,

5. ALLOCATION OF PROJECTS

During the period of the contract the successful bidders will be required to produce quote/s for each project no work or allocation of project/s is guaranteed to anyone for the duration of the contract.

5.1. DEFAULT AND/OR POOR PERFORMANCE OF THE CONTRACTOR AND TERMINATION OF THE CONTRACT

5.1.1. Should it appear to the Head of the Section/Directorate that the contractor is:

- I. Not executing the contract in accordance with the true intent and meaning thereof, or
- II. Not performing satisfactorily, or
- III. Not performing with accepted industry expertise, or
- IV. Refusing or delaying to execute tasks, or
- V. Should it be found that any laws or other statutory requirements and/or safety regulations are not being compiled with, or
- VI. In the event of any other failure of default by the Contractor

Then in any such events the Municipality shall be entitled to cancel the contract and employ other persons at the expense of the contractor, to perform and carry out any work with the contractor fails to do with reasonable skill, diligence.

KEY COMPETENCES

All bidders should be registered with CIDB, minimum of 4CE or Higher is required.

6. REQUIREMENTS

Notes to Prospective Bidders / Compulsory Submissions:

1. Notes to Prospective Bidders: Compulsory submissions (Failure to submit any of the following will result in disqualification)

- Authority to sign section must be signed and completed in full.
- Copies of ID Documents and all submitted certificates must be certified
- The bid will be evaluated according to the preferential procurement model in the Preferential Procurement the bidders' attention is drawn to Form MBD6.1. Must complete in full
- Bidders are required to submit Proposed Project Team, their CV's and qualifications.
- All bidders should complete MBD 1, MBD4, MBD 5, MBD 7, MBD 8, and MBD 9, Ethics Commitment for Suppliers of Mhlontlo Local Municipality. Letter of Good Standing

with Compensation Fund (COID). Submit audited or reviewed annual financial statements for 3 years, or for the period since establishment if established during the last 3 years, if required by law to prepare annual financial statement for auditing for bid number.

- All prospective service providers of goods and services and infrastructure procurement are to be registered on Central Database in order to business with all organs of state in the Republic of South Africa.

Bids received after the published closing date will not be considered and will not be opened

The bid will be evaluated in two stages namely:

PREFERENTIAL PROCUREMENT REGULATIONS, 2022 POINTS WILL BE AWARDED AS FOLLOWS: -

The bids will be evaluated in two stages, namely:

- Stage 1 – Functionality
- Stage 2 - Price and Specific Points

Evaluation for Functionality

Functionality will be evaluated as shown in the table below:

A MINIMUM OF 70 POINTS OUT OF 100 MUST BE SCORED FOR FUNCTIONALITY IN ORDER TO QUALIFY FOR THE SECOND STAGE OF THE EVALUATION PROCESS. ANY BID THAT FAILS TO MEET THE MINIMUM THRESHOLD FOR FUNCTIONALITY WILL BE DISQUALIFIED.

The functionality evaluation criterion is further explained below.

| COMPETENCE | TOTAL SCORE | REQUIRED EVIDENCE | SCORE |
|---|-------------|-------------------------------------|-------|
| Availability of Plant and Equipment Note: Proof of ownership the firm's equipment must be attached and failure to do so will result in forfeiting the plant points | 30 | Grader X1 | 5 |
| | | TLB X1 | 5 |
| | | Tipper Truck X5 | 10 |
| | | Excavator X1 | 5 |
| | | Water TankerX2 | 5 |
| | | Leasing with proof of all the above | 15 |
| | | None of the above | 0 |
| | 30 | six projects upwards | 30 |

| COMPETENCE | TOTAL SCORE | REQUIRED EVIDENCE | SCORE |
|--|-------------|--|-------|
| Company experience in terms of projects completed. The company must attach at least one completion certificate from previous client where they have successfully rendered the same service | | Five Projects | 25 |
| | | Four projects | 20 |
| | | Three projects | 15 |
| | | Two project | 10 |
| | | One Project | 5 |
| | | None of the above | 0 |
| Key Personnel and Qualification The company must provide the CV's of the resources to be deployed on the project | 30 | Project Manager/Contract Manager: (ND Civil Eng./B -Tech.Civil Eng. or equivalent) with 5 years' relevant experience and above. References must traceable as they may be verified | 10 |
| | | Project Manager/Contract Manager: (ND Civil Eng/B -Tech.Civil Eng, BSC or equivalent) with 3-5 years' relevant experience. References must traceable as they may be verified | 5 |
| | | Project Manager/Contract Manager: (ND Civil Eng/B -Tech.Civil Eng or equivalent) with 1-3years relevant experience. References must traceable as they may be verified | 3 |
| | | Project Manager/Contract Manager: With no experience, no qualification | 0 |
| | | Site Agent (ND Civil Eng/B -Tech.Civil Eng or equivalent) with 5 years relevant experience and above. References must traceable as they may be verified | 10 |

| COMPETENCE | TOTAL SCORE | REQUIRED EVIDENCE | SCORE |
|---|-------------|--|-------|
| | | Site Agent (ND Civil Eng/B -Tech.Civil Eng or equivalent) with 3-5 years relevant experience. References must traceable as they may be verified | 5 |
| | | Site Agent :(ND Civil Eng/B -Tech.Civil Eng or equivalent) with 1-3years relevant experience. References must traceable as they may be verified | 3 |
| | | Site Agent: With no experience, no qualification | 0 |
| | | Health and Safety Officer (OHS Certificate with registration to SACPCMP) | 4 |
| | | Site Foreman (Skill with relevant experience for similar project/s 5 years and above | 6 |
| | | None of the above | 0 |
| Quality of methodology relevant to assignment step by step with time frames | 10 | A fully detailed methodology aligned to the Terms of Reference with clear milestones and time frames. | 10 |
| | | Basic methodology with time frames | 5 |
| | | Unclear methodology with no time frames | 0 |
| TOTAL | 100 | Minimum | 70 |

Bids that qualify will proceed to the next stage where they will be evaluated in terms of the 80/20 preference points system.

The Points will be allocated as follows:

80 points = for Price

20 points = for Specific Goals

7. INFORMATION

The Tenderers attention is drawn to the fact that if the schedules of this specification are not completed, his tender cannot be adjudicated and may be disqualified

8. Language of the proposal

Language of the proposal shall be written in English.

6.Currency

All proposals shall be quoted in South African rand (R) and likewise, the contract will be awarded in this currency. Proposals in other currencies will automatically be disqualified.

7.Legal aspects

It is expected of the Prospective Professional Service Provider to address the identification of corresponding laws and ordinances available for compliance.

BID ENQUIRES

Enquiries should be directed to:

1. Ms. Z. Petse, on 047 553 7000 email: zpetse@mhlontlalm.gov.za
2. Ms. B. Jara on 047 553 7000 email: scm@mhlontlalm.gov.za

Mhlontlo Local Municipality
98 LG Mabindla Street
Qumbu
3180