



TERMS OF REFERENCE IDT CONTRACTOR DEVELOPMENT PROGRAMME PANEL OF CONTRACTORS
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BID NO. IDTCDP202201/TNDR-00010

TENDER CLOSING DATE: 15/02/2022 TIME 11H00

**INVITATION TO BID FOR PARTICIPATION IN THE INDEPENDENT
DEVELOPMENT TRUST (IDT) CONTRACTOR DEVELOPMENT
FOR 2GB TO 6GB FOR A PERIOD OF THREE YEARS**

Name of Bidder:.....

CSD Number:

CRS Number:.....CIDB Grade:.....

ISSUED BY:

THE INDEPENDENT DEVELOPMENT TRUST

Glenwood Office Park

Cnr. Oberon & Sprite Streets

Faerie Glen 0043

PO Box 73000, Lynnwood Ridge 0040

Tel: (012) 845-2000 - Fax: (012) 348-1089

Website: www.idt.org.za

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PART 1: BIDDING PROCEDURE

1.1 BRIEFING SESSION:

Due to the anticipated responses and limitation of space to comply with the Covid-19 regulations there will be no compulsory briefing session for the tender. However, all queries relating to the bid can be directed via mail or telephone to:

Pelly Mashele (CDP Coordinator): Pellym@idt.org.za or

Sabelo Matu (Regional Programme Implementation Manager): Sabelom@idt.org.za or

Philile Hlophe (National Programme Manager): Philileh@idt.org.za

1.2 DESCRIPTION OF SERVICE

The Independent Development Trust (IDT), listed in terms of the Public Finance Management Act (PFMA) as a Schedule 2 entity, is mandated to provide social infrastructure delivery management services as a contribution to the national development agenda. The entity delivers social infrastructure through a participatory approach leaning towards people-centeredness and incorporates the empowerment of historically vulnerable groups' in its development efforts and performance indicators.

The IDT implement Contractor Development Programme (CDP) in partnership with the CIDB and the Department of Public Works in order to build and enhance the capacity of the construction industry. The programme entails recruiting emerging contractors amongst the previously disadvantaged South African, facilitating theoretical training and extensive practical infrastructure development mentorship process. The aim is to support contractors to enable them to exit the program on the basis of achieving the necessary competences, experience, track record and financial capital then promoted to the better grading status in the construction industry.

1.3 REQUIREMENTS:

1.3.1 The IDT intends pre-qualifying designated groups. The BID will have specific conditions that the following categories of bidders must respond to-

- a. Bidder must preferably comply with the following-
 - i) An Exempted Micro Enterprise (EME) which is at least 51% owned by black people
 - ii) an EME which is at least 51% owned by black people who are youth OR;
 - iii) an EME which is at least 51% owned by black people who are women OR;
 - iv) an EME which is at least 51% owned by black people with disabilities OR;
 - v) an EME which is at least 51% owned by black people who are military veterans;

1.3.2 Compulsory documents to be submitted

- a. Proof of valid CIDB registration;
- b. Proof of business address; e.g. Municipal Bill, Rental Agreement, proof of ownership etc.
- c. For Military Veterans must have a certificate or letter with force number from the Department of Military Veterans and
- d. A completed affidavit (template provided) for the two nominated members of the entity who undertake full commitment to the CDP and must comply with the table below by providing a CV with certified copies of Qualifications:

Category	CIDB Grade	NQF Level	Minimum Qualification for building and construction management and for building and construction technology	Minimum Experience
GB: General Building	2 to 6	4	- National Certificate; or - Industry recognised CETA accredited training programme in built environment	3 years

- e. Completed and signed SBD Forms.

A bidder that fails to meet any pre-qualifying criteria stipulated in the bid documents will not be considered.

1.4 EVALUATION CRITERIA: SOCIO-ECONOMIC EVALUATION

The selection process gives preference to contractors or enterprises with Historically Disadvantaged Individual equity ownership which have PE, Women, Disabled and Youth Military Veterans ownership. Contractors are scored out of a maximum of 25 points for socio-economic goals in line with the Preference policy of the National Treasury Department.

Goal	Points
PE Status	5
Woman	6
Disability	5
Youth	6
Military veteran	3
Total	25

1.5 FUNCTIONALITY

VARIABLES	TOTAL POINTS	CRITERIA	DESCRIPTION OF CRITERIA	POINTS
<u>FUNCTIONALITY POINTS</u>	75			
<u>Relevant Qualifications</u>	20	Degree in built environment	Points allocated for possession of relevant qualifications: Degree, National Diploma and National Certificate	20
		National Diploma in built environment		15
		National certification in built environment		10
Proof of Construction experience (track record)	20	3 Completion Certificates	Points allocated for submission of company profile and the following: o Completion Certificates (practical/final) (10);	20
		2 Completion Certificates		15
		1 Completion Certificate		10
		0 Completion Certificate		0
Financial Management	15	Submit all 3	The contractor will be assessed to determine their financial management capacity. The financial management factor is determined in line with the following requirements: 1. Annual turnover, last 5 years determined from financial statements (10) 2. Largest contract, last 5 years, completion certificates and/or appointment letters (10) 3. Bank statement with original bank stamp (10)	15
		Submit 2 only		10
		Submit 1 only		5
		No submission		0
Track Record	20	3 Reference Letters		20

		2 Reference Letters	Points allocated for previous client references and submission in relation to nature of work. Reference letters must be based on the completed projects use under the "Proof of construction experience"	10
		1 Reference Letter		5
		0 Reference Letter		0

Notes:

1. Bidders are required to score minimum points of 70 points for Functionality stated in the Terms of Reference (ToR).
2. Bidders who fail to disclose information as per the returnable schedule will be disqualified.
3. Bidders to submit the following means of verification:
 - a. Project Completion Certificates (practical/final)
 - b. Financial documentation which must include the following:
 - i. Best annual turnover, last 5 years determined from financial statements;
 - ii. Largest contract, last 5 years, completion certificates and/or appointment letter;
 - iii. Available capital, bank statement with original bank stamp.
 - c. Three reference letters talking to the projects completed.

1.5 TERMS AND CONDITIONS

This Invitation to bid has been compiled by the IDT. It is being made available, on the same basis, to all bidders. Bidders response to this invitation will be deemed to be on the basis that they acknowledge and accept the terms set out below:

- The Bidder's attention is specifically drawn to the fact that appointment to the CDP panel will not necessarily result in the bidder being awarded work from the IDT.
- IDT reserves the right to subject Bidders and their facilities to assessment as part of the evaluation process or as a condition to be appointed.
- The IDT reserves the right to amend, modify or withdraw this Invitation to bid or amend, modify or terminate any of the procedures or requirements set out herein at any time and from time to time, without prior notice and without liability to compensate or reimburse any person.

- Neither the IDT nor any of their respective directors, officers, employees, agents, representatives or advisors will assume any obligation for any costs or expenses incurred by any party in or associated with preparing or submitting a bid documents in response to the Invitation to bid.
- Any material change in the control and/or composition of any ownership or any core member of a company after submission of a bid document, shall require the prior written approval of the IDT, and any failure to seek such approval from the IDT shall result in the IDT being entitled, in its sole discretion, to exclude the relevant bidder from any further participation in the bidding process. The IDT shall be the sole arbiter as to what constitutes a “material change in the control and/or composition of any bidder, and as to what constitutes a “core member of a bidder for purposes of such approval. Any request for such approval shall be made to the IDT in writing and shall provide sufficient reasons and information to allow the IDT to make a decision. The IDT reserves the right to accept or reject any such request for approval in its sole discretion
- Any requirement set out in this bid document that stipulates the form and/or content of any aspect of a bid, is stipulated for the sole benefit of the IDT, and save as expressly stated to the contrary, may be waived by the IDT in its sole discretion at any stage in the bidding process.
- The IDT and its advisors may rely on this process as being accurate and comprehensive in relation to the information and proposals provided therein by the Bidders.
- All bid documents submitted to the IDT will become the property of the IDT and will as such not be returned to the bidders. Proprietary information should be identified as such in each proposal.
- If the IDT amends this terms of reference, the amendment will be sent to each bidders in writing. No oral amendments by any person will be considered or acknowledged.
- This document is released solely for this purpose and must be considered confidential. In addition, the use, reproduction or disclosure of the requirements, specifications or other material in this document is strictly prohibited.
- The requirements of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and Preferential Procurement Regulation 2017 will be applicable to the selection process in respect of this bid.

PART 2: COMPULSORY RETURNABLE DOCUMENTS

SBD 1

SBD1: INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)				
BID NUMBER:	IDTCDP202201 /TND-00010	CLOSING DATE: 15 February 2022		CLOSING TIME: 11:00am
DESCRIP TION	IDT CONTRACTOR DEVELOPMENT PROGRAMME PANEL OF CONTRACTORS			
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)				
30 Brown Street, 9 th Floor Nedbank Building, Nelspruit, 1201				
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:	
CONTACT PERSON	Pelly Mashele (CDP Coordinator)		CONTACT PERSON	Sabelo Matu
TELEPHONE NUMBER	012 845 2172		TELEPHONE NUMBER	N/A
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A
E-MAIL ADDRESS	Pellym@idt.org.za		E-MAIL ADDRESS	sabelom@idt.org.za
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					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	[TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] ☐ Yes ☐ No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ 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 BELOW.					

SBD 4: DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

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

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

- 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) 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);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

2.7 Are you or any person connected with the bidder **YES / NO**
presently employed by the state?

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member

Name of state institution at which you or the person
connected to the bidder is employed:

Position occupied in the state institution:

Any other particulars:

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

2.7.2 If you are presently employed by the state, did you obtain **YES / NO**
the appropriate authority to undertake remunerative
work outside employment in the public sector?

2.7.2.1 If yes, did you attached proof of such authority to the bid **YES / NO**
document?

(Note: Failure to submit proof of such authority, where

applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars.

.....

.....
.....

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO**
of the company have any interest in any other related companies
whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

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

Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

Date

.....

Position

Name of bidder

SBD 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions 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.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	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? (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). 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.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	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)? 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.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

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

SBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) 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 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregards the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD 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 (SBD 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.

SBD 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 Institution)

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:

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.
- 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

BRIEFING SESSION

Due to the anticipated responses and difficulty to manage number of attendees there will be no compulsory briefing session for the tender. However, all queries relating to the bid can be directed via mail or telephone to:

Pelly Mashele (CDP Coordinator): Pellym@idt.org.za or

Sabelo Matu (Regional Programme Implementation Manager): Sabelom@idt.org.za or

Philile Hlophe (National Programme Manager): Philileh@idt.org.za

All bids must be submitted to the Mpumalanga IDT Regional Offices at the following physical address:

IDT Mpumalanga Offices

9th Floor Nedbank Building

30 Brown Street

Nelspruit, 1201

Submissions that are done in any other place other than the above mentioned will not be considered.

GENERAL

BID INFORMATION

Type: Open Advertised Bidders

Bid Documents will be Available from: Monday, 24 January 2022

Bid Closing: Tuesday, 15 February 2022

The Bid Advert and Documents will be available on:

- National Treasury e-Tender portal and
- IDT Website.

Bid Documents to be Produced: **Electronic Download only**

Validity Period: 120 days

Contract period: Three Years Panel

Bidders queries will be attended to only up to 7 Calendar days before closing date.

Unsuccessful Bidders will not be notified.

If you do not receive any response from IDT regarding this bid after 4 months from closing date, please consider your bid unsuccessful.