



# **PIKITUP JOHANNESBURG SOC LIMITED**

**TENDER DOCUMENT FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON “AS AND WHEN” REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

**BID NO: PU/120/2022**

**CLOSING DATE: 26 APRIL 2023**

**CLOSING TIME: 11:00AM**

**COMPANY NAME:** .....

**TENDER DOCUMENT FOR:  
PIKITUP JOHANNESBURG SOC LTD  
JORISSEN PLACE  
66 JORISSEN STREET  
BRAAMFONTEIN, JHB**

**Contact person(s): Morne Koortzen and Mlungisi Shongwe  
E-mail: mornekoortzenpikitup.co.za and  
mlungisishongwe@pikitup.co.za**

**Enquiries relating to this tender must be e-mailed to the  
above contact person(s).**

**Response to the tender document must  
be deposited at:  
Pikitup Head Office, Tender Office,  
Ground Floor, East Wing, Jorissen  
Place, 66 Jorissen Street, Braamfontein,  
JHB before the closing date and time.**

**No briefing session is required for this  
tender.  
Queries must be e-mailed in writing to  
the specified Pikitup contact person(s)  
for the tender.**

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## **SCAM ALERT**

With an endeavor to promote transparent tender processes and to comply with the relevant legislation, bidding company names and bid values are called out at tender opening and such details are also published on the Pikitup website. Fraudsters however abuse the information available from various sources on the internet with fraudulent intentions.

It came to our attention that fraudsters are posing as municipal employees claiming that they are members of either the Bid Evaluation or Adjudication Committee, and soliciting bribes from bidders for being favored during the tender evaluation or being awarded the tender.

Bidders are requested to be vigilant pertaining to the following:

- Pikitup tender documents are available free of charge from the National Treasury e-tender portal, thus do not pay for tender documents.
- Pikitup is using the National Treasury Central Supplier Database (CSD), hence Pikitup will not request bidders to pay for supplier registration forms.
- All Pikitup tenders are published on the National Treasury e-tender portal and / or the Pikitup website. Only respond to tenders that are published on these websites.
- Bid responses must be deposited in the Pikitup tender box as indicated in the respective tender invitation documents.
- Only correspond in writing with the Pikitup contact person as indicated in the tender document. The Pikitup official and contact details are also advertised on the National Treasury e-tender portal and / or Pikitup website.
- Do not entertain any request for a bribe, and never pay money for being favored or being awarded a tender.

## **REPORT FRAUD AND CORRUPTION**

**Please report fraud and corruption at the City of Johannesburg Anti-Fraud Hotline: 0800 002 587 or the National Treasury Anti-Corruption Hotline: 0800 701 701**

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# ANNEXURE 1.1

## MBD 1

# INVITATION TO BID

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)</b>					
BID NUMBER:	PU/120/2022	CLOSING DATE:	26 APRIL 2023	CLOSING TIME:	11:00 AM
DESCRIPTION	TENDER FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
PIKITUP TENDER BOX, SITUATED AT PIKITUP JOHANNESBURG (SOC) LIMITED, JORISSEN PLACE, TENDER OFFICE, EAST WING, GROUND FLOOR, 66 JORISSEN STREET, BRAAMFONTEIN, JOHANNESBURG, 2000					
<b>SUPPLIER INFORMATION</b>					
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		
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
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]		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 ]		
TOTAL NUMBER OF ITEMS OFFERED	Not applicable		TOTAL BID PRICE		Not applicable
SIGNATURE OF BIDDER	.....		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>		
DEPARTMENT	SUPPLY CHAIN		CONTACT PERSON	SAME	
CONTACT PERSON	MORNE KOORTZEN AND MLUNGISI SHONGWE		TELEPHONE NUMBER	SAME	
TELEPHONE NUMBER	087 357 1196		FACSIMILE NUMBER	SAME	
FACSIMILE NUMBER	NOT APPLICABLE		E-MAIL ADDRESS	SAME	
E-MAIL ADDRESS	<a href="mailto:MORNEKOORTZEN@PIKITUP.CO.ZA">MORNEKOORTZEN@PIKITUP.CO.ZA</a> AND <a href="mailto:MLUNGISISHONGWE@PIKITUP.CO.ZA">MLUNGISISHONGWE@PIKITUP.CO.ZA</a>				

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## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.  1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</b>  1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
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.
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span> 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span> 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span> 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span> 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>  <b>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.</b>

**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:

.....

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## AUTHORITY TO SIGN A BID

### 1. Co-operatives

We the undersigned members of the co-operative in business, trading as ..... (Co-operative registered name) hereby authorise Mr / Mrs ..... (Full names and surname) ..... (ID #) to sign this bid (PU/120/2022) 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 above-mentioned co-operative.

The following particulars in respect of every member must be furnished and signed by all members

Full names of all co-operative members	Signature

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## CERTIFICATE FOR PAYMENT OF MUNICIPAL SERVICES

### DECLARATION IN TERMS OF MUNICIPAL SCM REGULATIONS 21(d) (ii)

I, ..... (full name) and ..... (ID no.), hereby acknowledge that the Pikitup may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors/members/partners to the City of Johannesburg, 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 bidder 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(s) / shareholder(s) / partner(s) / member(s), etc.:

Director / partner / member	Physical residential address of the director / partner / member	Municipal account number(s)

#### PLEASE NOTE:

1. Copies of all municipal accounts, not older than 3 months, to be submitted with the bid.
2. If the entity or any of its directors/shareholders/partners/members, etc. rents/leases premises a copy of the rental/lease agreement is to be submitted with this bid.

Signature	Position	Date

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# ANNEXURE 1.2

## CONDITIONS OF TENDER

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## **CONDITIONS OF TENDER**

### **RETURN OF BIDS**

This BID closes as indicated on the cover page of this tender document. Late bids will not be accepted or considered and bids delivered to any other address besides the address stated above will not be considered.

Neither PIKITUP nor any of its employees shall be liable in any way whatsoever for BIDS that are not placed in the bid box by the closing date and time.

No BID shall be considered unless it is accompanied by sufficient information to show that the goods offered comply with the specification.

Bidders must state the country of origin and the name of the manufacturer of the goods offered. Documentary proof must be produced, if required.

Bidding documents must be completed properly in permanent black ink, and no correction fluid (Tippex) may be used on the bid document. If the bidder wishes to make a correction, the bidder must draw a line through the incorrect phrasing, write the correct phrasing next to the change, and also initial next to the change.

### **VALIDITY PERIOD**

Your bid submission must remain valid for a period of **90 days** from the closing date of this bid. It will constitute an offer which remains open for acceptance during the validity period.

### **BRIEFING OR INFORMATION MEETING**

Where the bid document indicates that no briefing or information meeting will be held. Questions relating the bid must be email to the contact person as indicated in the bid document.

### **ADJUDICATION OF BIDS**

Bids submitted in response to this invitation will be adjudicated by PIKITUP in terms of the Supply Chain Management Policy and Procedure Manual developed in accordance with the requirements of the Municipal Finance Management Act 56 of 2003, the Preferential Procurement Policy Framework Act # 5 of 2000, and the Preferential Procurement Regulations of 2022. Enquiries in respect of the policy should be addressed to PIKITUP's Acting General Manager: Supply Chain Management – [salomemalebye@pikitup.co.za](mailto:salomemalebye@pikitup.co.za)

### **CONTRACT**

The terms of the proposed contract with PIKITUP are contained in the General Conditions of Contract, the Special Conditions of Contract and any of the sections of these bidding documents in which the bidder makes an undertaking as to its performance. You must read and understand the terms before you submit your BID as you will be bound by the Contract (as described) if your BID is successful.

### **ADMINISTRATIVE JUSTICE**

In adjudicating bids, PIKITUP shall comply with the requirements of the Promotion of Administrative Justice Act 3 of 2000 and the Promotion of Access to Information Act 2 of 2000, to the extent that these Acts apply to the adjudication by a municipal entity of bids in response to a bid invitation.

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## **INTERNAL APPEAL PROCESS**

Following the evaluation of tender and selection of a preferred bidder, and provided that a procurement contract has not already entered into force, any bidder may submit a complaint in writing to the chairperson of the PIKITUP Board of Directors ("the Board") or the Managing Director that PIKITUP has not complied with the requirements of the PIKITUP Supply Chain Management Policy or the PIKITUP Code of Ethics, or has in any respect acted in a way that is irregular. The Chairperson of the Board or Managing Director shall not entertain a complaint unless it was submitted within 20 calendar days of when the supplier or contractor submitting it became aware of the circumstances giving rise to the complaint or of when that supplier or contractor should have become aware of those circumstances, whichever is earlier; or entertain a complaint after the procurement contract has entered into force.

Unless the complaint is resolved by mutual agreement of the bidder and the Chairperson of the Board or Managing Director, the Chairperson of the Board shall, within 30 calendar days after the submission of the complaint, issue a written decision. The decision shall state the reasons for the decision; and if the complaint is upheld in whole or in part, indicate the corrective measures that are to be taken.

The decision of the Chair of the Board shall, subject to the review powers of any competent court, be final.

## **PROVISO**

In evaluating bids received and adjudicating the award of this tender, Pikitup Johannesburg (SOC) Limited will, in addition to the pre-compliance and functionality criteria included in the specifications and irrespective of the capital, pricing and black economic empowerment structures of the bidder, take into account as objective criteria (1) the desirability of rotating the work amongst service providers, (2) the past bidding practices of any bidder in relation to evidence and/or reports of combative practices including conduct reported, amongst others, in terms of the Prevention and Combatting of Corrupt Activities Act, 2004, (3) the past contractual performance of any bidder and (4) the nature and extent of disputes involving the bidder in relation to past and/or current contracts. Note that as a result of the application of these objective criteria, the highest scoring bidder(s) will not necessarily be selected as a preferred bidder(s).

In line with the provisions of Supply Chain Management Policy, Pikitup reserves the right to:

- request for a validity extension if necessary,
- apply preference criteria to advance designated groups in terms of the PPPFA of 2000: Preferential Procurement Regulations of 2022, and / or apply qualifying criteria in terms of the Pikitup SCM Policy,
- award the bid in whole, or award the bid in parts, or not to award the bid at all,
- award the bid to one or multiple bidder(s)
- negotiate the bid price(s) offered, and / or any other terms and conditions of this requirement with the preferred bidder(s), before the final award of the bid.

Pikitup further retain the right to:

- veto or conduct a due diligence on any bidder, and / or any of their sub-contractors or sub-service providers;

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- request for samples, demonstrations, site visits or further information relating to the offered goods, services or works
- evaluate, review, test, inspect any of the products and / or staff offered for the tender, at Pikitup's sole discretion accept or reject such.

As per section 2(1)(f) of the PPPFA, one or more of the following "objective criteria" may be considered for final selection of bid(s):

- The spread of business amongst suppliers and / or rotation of contracts amongst suppliers,
- The protection of the environment or sustainability considerations,
- The geographical origin of resources utilised as inputs for the execution of the proposed contract,
- The development and / or impact on the local community,
- Considerations of after purchase costs, such as maintenance cost, operational costs, licence costs, or life cycle cost,
- Variants from the original scope of requirements,
- Financial stability and commercial status of the bidder(s),
- The receipt of an abnormally low bid amount, provided that the bidder in question is allowed an opportunity to justify its bid.

#### **DECLARATION BY BIDDER:**

I the undersigned, ..... (Name and Surname), being the duly authorised undersigned representative of the Bidder and its associates hereby grant Pikitup Johannesburg (SOC) Limited the required consent in terms of the Protection of Personal Information (POPI) Act, 2013 for the use of the personal information relating to the Bidder (i.e. the company, its owner(s), employees and/or any associated persons' BEE credentials, demographic / ownership profile, location etc.) for the legitimate purposes relating to this bid submission, its evaluation and adjudication.

I FURTHER DECLARE THAT I/WE HAVE READ THE CLAUSES SET OUT ABOVE IN THIS OF THE TENDER DOCUMENTS AND ACCEPT THEIR CONTENTS, SUBJECT TO ANY DECLARATION, WE HEREBY OFFER TO CONTRACT WITH PIKITUP ON THE TERMS SET OUT IN THE BID DOCUMENTS SHOULD WE BE APPOINTED AS THE SUCCESSFUL BIDDER.

AUTHORISED SIGNATURE : .....

CAPACITY OF SIGNATORY : .....

DATE : .....

ADDRESS : .....

WITNESSES: 1 ..... WITNESSES: 2 .....

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# ANNEXURE 2.

## TERMS OF REFERENCE

**FOR THE APPOINTMENT OF  
A PANEL OF CO-OPERATIVES WITHIN THE  
CITY OF JOHANNESBURG AREA TO  
CONDUCT COMMUNITY BASED  
DEVELOPMENT PROGRAMME ON WASTE  
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## 1. INTRODUCTION

### 1.1 Background of PIKITUP Johannesburg SOC Limited

Pikitup Johannesburg (SOC) Ltd (Pikitup) is 100% owned by the City of Johannesburg (CoJ), and established in terms of the Companies Act and is mandated to provide integrated waste management services to the residents of Johannesburg. In line with the establishment of Pikitup, the CoJ utilises the Environment, Infrastructure and Services Department (EISD) as well as the appointed Board of Directors, and Group Governance Department to oversee the governance of the company, as well as to regulate it.

In order for Pikitup to successfully make a meaningful impact with regards to the guiding principles for waste management which are; to ensure resource security, environmental sustainability and good governance in the city of Johannesburg, the resources of the organisation must be directed towards the activities envisaged by the City's Growth and Development Strategy (GDS 2040).

The strategic focus of Pikitup is to ensure waste prevention and minimisation and a community driven approach to waste management. In order to achieve the strategic focus Pikitup must implement projects and approaches, innovative solutions, partnerships and stakeholder involvement. Programmes are designed to create opportunities for developmental service delivery and for communities to take responsibility for the way services are delivered. This contributes towards the alleviation of poverty, inequality and unemployment. There is a particular focus in the business plan to address organisational transformation in order to build an effective and efficient company that delivers world class services as required from a developmental state.

The primary focus for Pikitup is to ensure waste minimisation, whilst delivering efficient and effective services to the residents of Johannesburg. The success to achieve this outcome will require the participation of all residents and businesses and therefore there is a particular focus on stakeholder engagement and partnership going forward, making sure that there is a collective effort from civil society, business and labour.

Pikitup has identified five goals aligned to the objectives and the programmes of the City of Johannesburg. The business plan includes projects to achieve these goals.

The Goals are:

#### Goal 1: Integrated Waste Management, Waste Prevention and Waste Minimisation

These activities relate to ensuring that the necessary projects are implemented to ensure prevention and minimisation of waste as well as to divert waste from landfills through managing all waste streams generated within the City of Johannesburg. Re-use, recycling and recovery activities are prioritised and the necessary infrastructure to support these initiatives have been developed. The projects included are separation at source rollout throughout the city, with a view to making this mandatory, building buy back centres and upgrading garden refuse sites to integrated waste facilities, dealing with green waste and composting as well as addressing the operations and viability of the incinerator. There is an acknowledgement that some of the interventions require technological solutions, therefore collaboration with the private sector is key. The programme also recognises the role of waste

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reclaimers in the process and relevant interventions are included to build partnerships with reclaimers and recyclers in the roll out of separation at source.

#### Goal 2: Realisation of Value throughout the Waste Value Chain

In order to address waste prevention as well as the minimisation of waste, there is a need to create value from waste throughout the value chain. Incentives and disincentives should be used to ensure that minimal waste is generated but also that there is an incentive to recycle and extract valuable waste from the waste stream that may then be used as productive resources in other processes.

Pikitup will contribute by ensuring that a recycling economy is established in the City of Johannesburg where communities and entrepreneurs will be able to manage and benefit from recycling activities and waste may be used as a resource to produce various products. At the centre of this intervention is the establishment and facilitation of various co-operatives to participate in recycling activities, cleaning of areas as well as addressing illegal dumping in communities.

#### Goal 3: Effective Delivery of Waste Services

Whilst implementing projects to enhance waste prevention and minimisation, waste removal services will be provided in an efficient manner, with improved service levels. A clean City of Johannesburg builds investor confidence and improves the health and quality of life of its citizens. Various initiatives are aimed at improved cleanliness levels in the inner city, outer city, hostels and informal settlements. Specific measures are in place to address illegal dumping.

The implementation of Community Upliftment Programmes will be included in the service delivery approach. The approach entails appointment of community-based contractors and co-operatives to take responsibility for collecting and managing waste city-wide and in informal settlements, street cleaning and illegal dumping.

#### Goal 4: Partnerships and Involving Stakeholders

Behavioural change in the home and in the workplace is key to the success of waste prevention and minimisation and therefore significant resources will be allocated to develop partnerships and involving stakeholders in education and awareness programmes.

Education and awareness creation in communities is also critical to address matters of illegal dumping, as well as more effective law enforcement. It is acknowledged that Pikitup cannot achieve these goals by itself and therefore requires partnerships and participation from various stakeholders.

#### Goal 5: Building an Efficient, Effective and Viable Waste Management Company

Customer centric services and processes are required to drive a highly efficient and effective business organisation operating in the logistics space. In order to achieve this goal various supporting processes, systems and structures should be in place. These relate to:

- Economic and financial analysis
- Evidence based planning
- Operations management
- Best practice financial and human resource management

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- Appropriate policies and internal controls
- Effective management of risks
- Building a skilled workforce aligned to the needs of the company
- Productivity improvement measures
- External and internal communication plans

For more information on Pikitup business and areas of operation, please visit our website on [www.pikitup.co.za](http://www.pikitup.co.za).

## 2. PROBLEM STATEMENT

- 2.1. The City of Johannesburg is fast running out of landfill site airspace. This is due, in part, to the uncaring attitude of our communities to issues related to the generation, handling and disposal of waste generated at households, office spaces, recreational facilities, etc.
- 2.2. On an annual basis, about 1.5 million tons of waste is generated with close to 80% of this ending up at the remaining four landfill sites. The reliability on landfill disposal makes the city vulnerable in that, if the current practice continues, we will run out of landfill airspace within a period of 5 years.
- 2.3. The National Waste Management Strategy shifts the focus of waste management away from disposal of waste to avoidance, reduction, re-use and recycling before handling and final disposal. The strategy applies the principles of accountability, cradle to grave responsibility, equity, integration, waste avoidance and minimisation in its action plans which aim to move away from fragmented and uncoordinated waste management to integrated waste management.
- 2.4. Pikitup acknowledges that keeping the desired cleanliness levels of the City of Johannesburg is not in its hands alone but requires a collaborative effort from all stakeholders. So, this reality calls for households, businesses, schools and other stakeholders within the City of Johannesburg to make a conscious decision to change their behaviour towards waste. Waste is not rubbish but a resource to be treasured. Each stream of waste being generated is a valuable material that can be reused, recycled or recovered in one form or another. This reality calls for households, businesses and other stakeholders within the City of Johannesburg to make a conscious decision to change their behaviour towards waste. It is critical that concerted efforts be placed on awareness creation and education.
- 2.5. On the other side, there is a pervasive mind set among Joburg citizens that tolerate littering and illegal dumping. The negative consequences of this mind set extend far beyond the visible sight of unhealthy illegal dumping spots. It costs the City of Johannesburg approximately more than R60 million per annum to clear illegal dumping sites - money that could be far better utilised on other essential services.
- 2.6. Currently, there are over two thousand illegal dumping sites across the City of Johannesburg that Pikitup must manage and clear.

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- 2.7. Pikitup's strategy for curbing illegal dumping and littering should not only be dedicated to cleaning up illegal dumping sites, but also to create awareness related to the negative impact that illegal dumping has on society and the environment. Citizens should be encouraged to take stewardship of the environment.

### 3. TARGET MARKET

- 3.1. Pikitup's target market vary and include amongst others the public at large, Pikitup's employees, ward councillors, waste management and environmental professionals, business sector, political parties, churches, hawkers, waste Industry and opinion makers in waste management throughout the City.

#### 4. TERMS AND DEFINITIONS

- 4.1. This proposal document shall be governed and constructed in accordance with the laws of the Republic of South Africa. For purposes of this proposal, the following terms shall have the meaning and definitions assigned hereunder, unless the context requires otherwise.

Table 1: Terms and Definitions

DEFINED TERMS/ACRONYM	MEANING
ABUSE	Means any conscious act or omission attributable to a member of Pikitup staff which causes physical damage to any vehicle or equipment and which arises out of the willful or grossly negligent misconduct of such member of staff.
ACCIDENT EMERGENCY SERVICE	Means the service to be provided at the scene of any accident
CONTRACT MANAGER	Means any person and/or persons delegated to oversee the contract as per Pikitup delegation of authority
BBBEE	“Broad-based black economic empowerment” as contemplated under the Broad-Based Black Economic Empowerment Act, 2003 as amended
BEE REQUIREMENTS	The requirements in respect of BBBEE and Preferential Procurement Act as amended (and relevant regulations)
BRIEFING NOTES	Written documentation issued by Pikitup to disseminate further instructions, program changes and information updates to the participant/s in relation to the invitation, each to be consecutively numbered and referenced to the invitation
BUSINESS DAY	Any day of the week that is not a Saturday, Sunday, or public holiday in the Republic of South Africa.
CLOSING DATE	The date specified for the submission of this proposal as contained herein
CoJ	City of Johannesburg Metropolitan Municipality
CONSTITUTION	Constitution of the Republic of South Africa Act, 1996 as amended
COOPERATIVES ACT (CO-OP's)	Means an autonomous association of persons united voluntarily to meet their common economic and social needs and aspirations through a jointly owned and democratically controlled enterprise organised and operated on co-operative principles
extended public works program (EPWP)	As per the “Code of Good Practice for employment and conditions of work”
DESIGNATED GROUP	Means- (a) black designated groups;

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DEFINED TERMS/ACRONYM	MEANING
	(b) black people; (c) women; (d) people with disabilities; or (e) small enterprises, as defined in section 1 of the National Small Enterprise Act, 1996 (Act No. 102 of 1996);
DESIGNATED SECTOR	Means a sector, sub-sector or industry or product designated in terms of regulation 8(1)(a);
EXEMPTED MICRO ENTERPRISE (EME)	Means an exempted micro enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act
FUNCTIONALITY	Means the criteria used to evaluate the ability of a respondent to provide goods or services in accordance with specifications as set out in the invitation documents;
WASTE	Means waste generated within residential and business premises
ENTERPRISE	A company, close corporation, juristic person, trust, partnership, joint venture, association, or sole proprietor, whether or not having separate legal personality.
GOOD INDUSTRY PRACTICE	The standards, practices, methods and procedures conforming to applicable law, and exercising that degree of skill, care, diligence, prudence, and foresight that would reasonable and ordinarily be expected from a skilled and experienced person engaged in similar type of undertaking under similar circumstances. Applying, in relation to the manner in which similar Project Deliverables are rendered.
INCIDENT	Means any random incident involving injury or damage to persons, animals, or property
AUTHORISED MEMBER	The delegated person by the Service Provider, authorized to sign and bind the Service Provider.
MFMA	The Municipal Finance Management Act, (Act No.56 of 2003)
OEM	Original Equipment Manufacturer
PARTICIPANT	A potential co-operative service provider that submitted a response to this Tender
PIKITUP	A wholly owned entity of the City established to render waste management services on behalf of the City
PREFERRED RESPONDENT/S	The recommended respondent/s, if any, selected through a transparent and open invitation process to enter into any negotiations.

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DEFINED TERMS/ACRONYM	MEANING
VAT	Value Added Tax as contemplated under the Value Added Tax Act, 1991 as amended.
VEHICLE	Means the specialised waste management vehicles/fleet owned and/or leased operated by Pikitup, including but not limited to the new vehicles/fleet

## 5. PURPOSE OF PROPOSAL

- 5.1. To establish a panel of Co-operatives for Expanded Public Works Programme (EPWP) within the Operations Department to be appointed on an “as and when” required basis by Pikitup for a period of three (3) years.
- 5.2. This is an open panel of co-operatives and where PIKITUP would like to have as many panel members as possible within the City of Johannesburg Regions.
- 5.3. Enhance community based developmental programme to respond to poverty alleviation, job creation and skills development

## 6. BACKGROUND

- 6.1. PIKITUP requires a panel of Cooperatives for EPWP for the following areas but not limited to:
  - (a) Litter picking (Separation of Waste) – collect a minimum of 20 bags per day per participant.
  - (b) Street sweeping/cleaning – a minimum of 1.5km per street per day per participant.
  - (c) Loading of waste to the trucks
  - (d) Identify, remove and clean illegal dumping hotspots
  - (e) Distribution of Pikitup refuse bags/ bin liners at informal settlements
  - (f) Conduct environmental education and awareness at communities, schools and businesses.

## 7. SCOPE OF WORK

- 7.1. PIKITUP requires a panel of Cooperatives for EPWP to conduct waste management in the following areas;
  - Litter picking (Separation of Waste)
  - Street sweeping/cleaning
  - Loading of waste to the trucks
  - Identify, remove and clean illegal dumping hotspots
  - Distribution of Pikitup refuse bags / bin liners at informal settlements

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- Conduct environmental education and awareness at communities, schools and businesses.

7.2. These services are on “an as and when” required basis.

7.3. The Cooperative would be required to:

- 7.3.1. Appoint and manage the EPWP participants for the duration of the contract.
- 7.3.2. Conduct recruitment, appointment and sign contracts of employment with the EPWP participants
- 7.3.3. Serve as an employer to EPWP participants and manage the statutory requirements and conduct dispute resolutions
- 7.3.4. Registration of EPWP participants for Unemployment Insurance Fund (UIF),
- 7.3.5. Contributions and compensation for Occupation, Injury and Diseases (COIDA) compliance
- 7.3.6. Provision of Personal Protective Clothing (PPE) i.e. Gloves, Mask, Reflector Vests, Safety Boots (loaders), Rain coats (seasonal), and overalls (loaders), and equipment such as bin liners, brooms, etc. must be supplied by the appointed co-operative to the EPWP participants
- 7.3.7. Record keeping, safekeeping and returning of equipment such as litter pickers to Pikitup at the end of the contract period.
- 7.3.8. Manage the signing and record keeping of daily attendance registers (timesheets)
- 7.3.9. Responsible for payment of monthly stipend to EPWP participants
- 7.3.10. Compiling and submission of all necessary reports in the format prescribed by Pikitup within timelines
- 7.3.11. Report progress on implementation of project deliverables on a weekly and monthly basis
- 7.3.12. Ensure compliance to Occupational Health and Safety requirements
- 7.3.13. Plan, Organize, Lead, Control and Coordinate with timelines all EPWP project activities
- 7.3.14. Management of project stakeholders

## 8. ROLES AND RESPONSIBILITIES

- 8.1. Provision of Bin Liners: Cooperatives should provide their own bin liners for the work allocated to them. Bin liners should be in a different colour from that of Pikitup (i.e. Pikitup use clear and beige bin liners) as this will assist in measuring performance. Cooperatives will be responsible for the distribution of their own bin liners.

- 8.2. Collections of Refuse Bags: Pikitup will be responsible for the daily collection of filled bin liners produced by cooperatives following an agreed operational schedule between the cooperative and the depot
- 8.3. Provision of brooms and litter pickers (once-off) The depot will assist with the provision of litter pickers where needed. The cooperative must return all litter pickers upon expiry of contract before payment of final invoice. Should cooperative be unable to provide the latter, Pikitup will be obliged to deduct the total amount of all missing litter pickers using the value of a new litter picker for each missing item. Cooperatives must supply their own brooms.
- 8.4. Monitoring and site inspection of the work done by cooperatives. Cooperative will supervise its employees. Pikitup will allocate supervisors for each cooperative to conduct daily inspections including monitoring of performance. Weekly inspection sheets will be kept and signed off by the responsible Pikitup supervisor confirming that work was completed successfully. Cooperative will provide weekly evidence of before and after photos of work performed / completed. Photos should indicate original date and location when the photo was taken. Cooperative will submit weekly and monthly report of work performed with evidence including the attendance register of EPWP participants.

## **9. PERIOD / DURATION OF PROJECT**

- 9.1. The panel of service providers (i.e. co-operatives) will be valid for a period of three (3) years on an as and when required basis.

## **10. MONITORING AND COMPLIANCE**

- 10.1. Pikitup and the service provider/s will hold regular meetings that will amongst others address the following:
  - 10.1.1. Service provider's performance (Weekly, Monthly and Quarterly)
  - 10.1.2. Compliance with applicable laws and regulations
  - 10.1.3. Penalties (Monthly)
  - 10.1.4. Incidents (Weekly and Quarterly)
  - 10.1.5. Operational Requirements and forward planning (Weekly)

## **11. COMPLIANCE WITH LEGISLATION AND SPECIFICATION**

- 11.1. The suppliers shall comply with the City's by-laws and any other Laws, Regulations or Ordinances and shall give all notices and pay all fees required by the provisions of such by-laws and regulations to the City and other authorities specified therein.
- 11.2. The suppliers shall comply with all the requirements prescribed in the specifications.

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- 11.3. The service provider shall at all times during the anticipated contract, at its own expense ensure that all personnel used for maintenance must comply in all respects with the safety and other requirements of the Machinery and the Occupational Health and Safety Act No. 85 of 1993 and the regulations applicable thereunder as amended.
- 11.4. The service provider shall provide adequate protective clothing to EPWP participants for its services as deemed a requirement by Pikitup's SHE Department for the duration of the contract. (Cooperatives to provide safety files)
- 11.5. The successful service providers must submit COIDA certificate within 30 days from date of acceptance letter.
- 11.6. Guideline for EPWP participants
  - Cooperatives must give all EPWP participant an induction
  - 100% of EPWP participants must be between the age of 18 to 35
  - At least 60% of the EPWP participants must be women
  - EPWP participants must be monitored and evaluated by the co-operative supervisor/s
  - Co-operative must ensure that performance is managed, and have measures to deal with non-compliance

## 12. EVALUATION

### 12.1. Evaluation process

- 12.1.1. The Tender will be evaluated based on pre-compliance requirements, functionality evaluation, and objective criteria.
- 12.1.2. Firstly, pre-compliance evaluation will be conducted as per the pre-compliance requirements.
- 12.1.3. Thereafter, all participants that meet all the pre-compliance requirements will be further evaluated on functionality criteria.
- 12.1.4. Participants who meet the minimum functionality threshold as well as the objective criteria will be eligible for award.
- 12.1.5. Allocation of the successful service providers per ward and / or per region against the panel of pre-approved service providers will be mutually agreed with the respective service providers.

### 12.2. Only Cooperatives that meets the pre-compliance criteria as well as the minimum functionality score in this tender will form part of the panel of pre-approved service providers.

- 12.2.1. It is the intention of this Tender to allocate participants as per the region and ward location, aligned with Pikitup depots. Pikitup may award one or more participants that qualify for the respective wards / region, or neighbouring wards / region. Refer to Annexure 3C: Pikitup / CoJ Regional and wards list.

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- 12.2.2. The participants shall be allocated to the appropriate ward / region or neighbouring ward / region according to their operating address as specified in Annexure 3C of this terms of reference.
- 12.2.3. The highest scoring participant/s on functionality criteria for each ward / region will be given preference for ward / region allocation for the specified ward / region.
- 12.2.4. Where there are none or insufficient participants available for specific ward / region, Pikitup have the option to allocate qualifying participants from neighbouring wards / region.
- 12.2.5. Allocation of work against the list of pre-approved service providers will be done on a rotational basis, giving preference to the highest scoring participant and appointments will be made sequentially on a descending basis.

### **13. PRE- COMPLIANCE EVALUATION**

- 13.1. The appointed Bid Evaluation Committee (BEC) will validate the list of returnable documents to do the pre-compliance evaluation.
- 13.2. Failure to comply with the pre-compliance requirements (i.e. disqualifying criteria) will result in disqualification and participant/s will not be evaluated further.
- 13.3. Only participants that fully comply with the pre-compliance requirements will be considered for functionality evaluation.
- 13.4. Pre-compliance requirements (i.e. disqualifying criteria)
  - Only participants/s who are registered on the National Treasury Central Supplier Database and whose tax matters are in order in line with Municipal Supply Chain Management Regulation and National Treasury Circular 90 Tax compliance status will be considered for award.
  - Only participants/s whose Municipal accounts and those of the members / directors of the participant/s are in order in compliance with the Municipal Supply Chain Management Regulations will be considered for award
  - Only co-operatives will be considered, thus participants must provide a copy of a valid co-operative registration certificates.
  - Only participants that are operational within the specified CoJ wards / region will be considered for award. Participants are required to submit an original signed and stamped letter from the ward councillor confirming that the business is operating within the specified ward / region as indicated in Annexure 3C. Important note: The particulars of the ward stipulated in the letter from the ward councillor must correspond with the ward indicated on Annexure 3C.
  - Participants must fully complete, sign and submit all required documents relating to this invitation document, including MBD1, MBD4, MBD8, and MBD 9 documents

- Participants must accept the proposed pricing by signing the pricing schedule as per Annexure 3A.

Table 2: Pre-compliance Schedule of compulsory returnable documentation

Compulsory Returnable Documents	Submitted (YES or NO)
<p>a) To enable Pikitup Bid Evaluation Committee to verify the participant's tax compliance status, the participants must provide;</p> <ul style="list-style-type: none"> <li>• a copy of the Central Supplier Database (CSD) registration;</li> <li>• Or indicate the Master Registration Number / CSD Number;</li> <li>• Participants must be tax compliant.</li> </ul> <p>(Note: Refer to MBD1)</p>	
<p>b) Confirmation that the participant company's municipal accounts are up to date:</p> <ul style="list-style-type: none"> <li>• Original or copy of Municipal Account Statement of the participant (registered co-operative) not older than 3 months and account must not be in arrears for more than ninety (90) days; or</li> <li>• Letter or Statement or Affidavit from landlord confirming that the participant (registered co-operative) has no disputed account(s) and the account is not in arrears for more than ninety (90) days. Where possible, the landlord letter, landlord statement or landlord affidavit should be accompanied with a signed lease agreement.</li> <li>• Participants operating from home must submit affidavit to that effect</li> </ul> <p>In addition to the above, confirmation that all the participating co-operative's owners / members / directors / major shareholders municipal accounts are up to date:</p> <ul style="list-style-type: none"> <li>• Original or copy of Municipal Account Statement of all the South African based owners / members / directors / major shareholders not older than 3 months and the account/s may not be in arrears for more than ninety (90) days; or</li> <li>• Letter or Statement or Affidavit (correspondence should be dated and not older than 3 months) for all the South African based owners / members / directors / major</li> </ul>	

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<p>shareholders from their respective landlord/s confirming that the owners / members / directors / major shareholders of the participating co-operative has no disputed account(s) and the account is not in arrears for more than ninety (90) days. Where possible, the landlord letter, landlord statement or landlord affidavit should be accompanied with a signed lease agreement.</p> <p>NB: The Same physical address must be specified on the MBD1 form. If the business is run from the domestic address, a signed letter by the owner/landlord/managing agent of the property indicating such should be provided.</p>	
c) Valid Cooperative Registration Certificate. The original or copy of CIPC document to be attached.	
<p>d) Signed letter of commitment confirming all the below requirements will be met or complied with. Note that the letter of confirmation must state all points mentioned below, and exclusion of any of the requirements from the letter of commitment will result in being disqualified:</p> <ul style="list-style-type: none"> <li>- 100% of EPWP participants employed must be between 18 to 35 years of age, and</li> <li>- At least 60% of EPWP participants employed must be women, and that</li> <li>- All EPWP participants must be from the ward / region of operation</li> </ul>	
e) <u>Duly signed and fully</u> completed Declaration Forms as per annexures (MBD1, MBD4, MBD8, MBD 9)	
f) Completion of Tender Document Annexures 3A and 3C)	
g) Participants are required to submit an original signed and stamped letter from the ward councillor confirming that the business is operating within the specified ward as indicated in Annexure 3C. (Pikitup reserves the right to contact the ward councillor to confirm validity of the letter)	

#### 14. OTHER RETURNABLE DOCUMENTS TO BE USED IN THE FUNCTIONALITY EVALUATION PROCESS

Table 3: Other Returnable Documentation

Other Returnable Documentation	Submitted (YES or NO)
a) Proof of Company Registration	
b) Proof of registration with Central Supplier Database established by	

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National Treasury	
c) Certified Copies of ID Documents of all owners/members/shareholders/directors	
d) Copy of BBBEE Certificate or Affidavit	
e) Company Profile	
f) CV of Project Manager and supervisor indicating previous experience of similar nature	
g) All other MBD Forms attached on the Tender document	
h) Certified Copies of qualifications (Project Manager)	
i) Original or copy of referral letters signed by previous clients or employer	
j) Copy of the co-operative's constitution or profile document which indicates the percentage of Women, and Youth.	
k) Completion of Tender Document Annexure 3B and 3D	

## 15. FUNCTIONALITY CRITERIA

The following criteria will be applicable, and the maximum weights of each criterion will be as indicated in the document.

Table 4: Functionality Criteria

CRITERION	CRITERION DETAILS		WEIGHTING POINTS
EXPERIENCE	Experience of the key personnel - CV's detailing experience in project management and / or environmental and / or waste management field (Specify details of key personnel on Annexure 3B)		
	Project Manager Experience (20)		40
	Guideline	Rating 0-5	
	No experience	0	
	Up to 6 months experience	1	
	7 months to 12 months experience	2	
	13 months to 18 months experience	3	
	19 months to 24 months experience	4	
	More than 24 months experience	5	
	Supervisor (20)		

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CRITERION	CRITERION DETAILS		WEIGHTIN G POINTS
QUALIFICATIONS	Guideline	Rating 0-5	
	No experience	0	
	Up to 6 months experience	1	
	7 months to 12 months experience	2	
	13 months to 18 months experience	3	
	19 months to 24 months experience	4	
	More than 24 months experience	5	
	Qualification / Training attended of the Project Manager in project management and / or environmental and / or waste management field (Specify key personnel on Annexure 3B)		
	Certified copies of qualification / training certificate to be provided		30
	Guideline	Rating 0-5	
	Two Year Tertiary Qualification and more	5	
	Grade 12 with 1-year management qualification	4	
	Grade 12 and 6-months management qualification	3	
	Grade 12 and 3-months management certificate	2	
	Grade 12 certificate only	1	
	No qualification	0	
REFERENCE LETTERS FOR PROJECT MANAGER AND / OR SUPERVISOR PRIOR ASSIGNMENTS	Proof of work or projects done – Original or copies of referral letters signed by previous clients or employees		30
	Guideline	Rating 0-5	
	No work or projects participated	0	
	1 work or project participated	1	
	2 work or projects participated	3	
	More than 3 work or projects participated	5	
Subtotal (functionality evaluation)			100
Participants must score at least 60 out of 100 points to qualify for functionality evaluation stage.			

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NB! The minimum cut off points for functionality is calculated out of a 100 points and any participant scoring less than the threshold of **60** out of 100 points will not be considered for award.

## 16. OBJECTIVE CRITERIA

- 16.1. As per the “Code of Good Practice for employment and conditions of work for Expanded Public Works Programmes” it is stated that:
- Government has undertaken a number of initiatives to address unemployment and poverty, including the promotion of labour-intensive Expanded Public Works Programmes (EPWP). An EPWP is a short-term, non-permanent, labour intensive programme initiated by government and funded, either fully or partially, from public resources to create a public asset.
  - The Code provides guidelines for the protection of workers engaged in EPWP’s, considering the need for workers to have basic rights, the objectives of the programmes and the resource implications for government.
  - In addition, the Code encourages: Optimal use of locally-based labour in EPWP; A focus on targeted groups namely: women, female-headed households, youth, and the disabled; the empowerment of individuals and communities engaged in EPWP through the provision of training.”
- 16.2. Objective criteria will apply for this Tender to allocate wards and / or neighbouring wards to communities within the area in which they operate with an attempt to support the Government’s Expanded Public Works Programmes.
- 16.3. OBJECTIVE CRITERIA - COMMUNITY DEVELOPMENT IN THE RESPECTIVE WARDS AND OR AREA WITHIN THE CITY OF JOHANNESBURG AREA
- 16.4. ONLY PARTICIPANTS WHICH OPERATES WITHIN SPECIFIED CITY OF JOHANNESBURG (COJ) WARDS AND / OR REGION AS INDICATED IN ANNEXURE 3C WILL BE CONSIDERED FOR WORK ALLOCATION IN THE SPECIFIED WARDS AND / OR REGION. PARTICIPANTS THAT OPERATES OUTSIDE THIS AREA WILL NOT BE CONSIDERED FOR WORK ALLOCATION.
- 16.5. Participants are required to submit an original signed and stamped letter from the ward councillor confirming that the business operating within the specified ward, as indicated in Annexure 3C. (Pikitup reserves the right to contact the ward councillor to confirm validity of the letter)

## 17. PROVISIONS

- 17.1. I line with the provisions of Supply Chain Management Policy, Pikitup reserves the right to:
- request for a validity extension if necessary,
  - apply preference criteria and / or targeted criteria and / or qualifying criteria to advance specific targeted groups or sectors in terms of the Pikitup SCM Policy and Preferential Procurement Regulations of 2022,

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON “AS AND WHEN” REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

- award the bid in whole, or award the bid in parts, or not to award the bid at all,
- award the bid to multiple bidders
- negotiate the geographical ward(s) and / or region(s) of work allocations, and / or any other terms and conditions of this requirement with the preferred bidder(s).

# ANNEXURE 3.

## TERMS OF REFERENCE ANNEXURES 3A, 3B, 3C AND 3D

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

**TERMS OF REFERENCE - ANNEXURE 3A:****STANDARDISED PRICING FOR THE WASTE MANAGEMENT SERVICES REQUIRED ON AN “AS AND WHEN” REQUIRED BASIS FOR A PERIOD OF THIRTY SIX (36) MONTHS**

Item No	Item Description	Unit of Measure	Rate in ZAR (inclusive of VAT) Year One (1)	Rate in ZAR (inclusive of VAT) Year Two (2)	Rate in ZAR (inclusive of VAT) Year Three (3)
1.	EPWP workers including transport allowance	Rate per EPWP worker per day	R 170,00	R 187,00	R 206,00
2.	Supervisor including transport allowance (As appointed by the Service Provider)	Rate per supervisor per day	R 250,00	R 275,00	R 302,50
3.	Professional Service Fee (Including Project Manager)	Rate per day	R 550,00	R 605,00	R 665,50
4.	PPE Gloves *	Per pair	R25,00	R26,25	R27,50
5.	PPE Dust Mask *	Each	R5,00	R5,25	R5,50
6.	PPE Reflector vest *	Each	R40,00	R42,00	R44,00
7.	PPE Safety boots (only for loaders) *	Per pair	R375,00	R393,75	R413,50
8.	PPE Overall (only for loaders) *	Each	R170,00	R178,50	R187,50
9.	Raincoat (optional) *	Each	R138,00	R145,00	R152,00
10.	Bin liners *	Each	R1,25	R1,31	R1,38
11.	Brooms *	Each	R80,00	R84,00	R88,20

\* PPE and equipment allowance are made for EPWP participants. Prior approval for PPE items and equipment items as well as the quantities to be issued to EPWP participants must be obtained in writing from the relevant Pikitup Operational Depot Manager dependent on the operational tasks to be executed.

The above unit rates are in South African rand, inclusive of 15% VAT, and firm for the duration of 36 months.

Participant must accept the above rates by signing below. (Important note: participants shall be disqualified if the pricing schedule is not fully completed and signed.)

Signature: \_\_\_\_\_

Name and Surname: \_\_\_\_\_

Designation: \_\_\_\_\_

Company name: \_\_\_\_\_

Date: \_\_\_\_\_

Participants' operating address: \_\_\_\_\_

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON “AS AND WHEN” REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

**TERMS OF REFERENCE - ANNEXURE 3B:  
DETAILS OF KEY PERSONNEL (I.E. PROJECT MANAGER AND SUPERVISOR/S)**

NAME AND SURNAME	ID NO	GENDER	DESIGNATION (I.E. PROJECT MANAGER / SUPERVISOR)

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# TERMS OF REFERENCE - ANNEXURE 3C:

## WARD LIST

Pikitup Depot	CoJ Region	Ward	Participants must indicate "YES" next to the <u>most relevant ward</u> of business operations. <u>Only select one ward below</u> , and a letter from the ward councillor is required as per the evaluation criteria.
Orange Farm	G	1	
Orange Farm	G	2	
Orange Farm	G	3	
Orange Farm	G	4	
Orange Farm	G	5	
Orange Farm	G	6	
Orange Farm	G	7	
Orange Farm	G	8	
Avalon	G	9	
Avalon	G	10	
Avalon	D	11	
Avalon	D	12	
Zondi	D	13	
Zondi	D	14	
Avalon	D	15	
Avalon	D	16	
Avalon	G	17	
Avalon	G	18	
Avalon	D	19	
Zondi	D	20	
Zondi	D	21	
Avalon	D	22	
Southdale	F	23	
Avalon	D	24	
Central Camp	D	25	
Central Camp	D	26	
Central Camp	D	27	
Central Camp	D	28	
Central Camp	D	29	
Central Camp	D	30	
Central Camp	D	31	
Marlboro	E	32	
Avalon	D	33	

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Zondi	D	34	
Central Camp	D	35	
Central Camp	D	36	
Central Camp	D	37	
Central Camp	D	38	
Central Camp	D	39	
Central Camp	D	40	
Central Camp	D	41	
Central Camp	D	42	
Central Camp	D	43	
Roodepoort	C	44	
Central Camp	D	45	
Zondi	D	46	
Central Camp	D	47	
Zondi	D	48	
Roodepoort	C	49	
Zondi	C	50	
Zondi	D	51	
Zondi	D	52	
Roodepoort	D	53	
Southdale	F	54	
Southdale	F	55	
Southdale	F	56	
Southdale	F	57	
Waterval	F	58	
Selby	F	59	
Selby	F	60	
Selby	F	61	
Norwood	F	62	
Selby	F	63	
Selby	F	64	
Norwood	F	65	
Norwood	F	66	
Selby	F	67	
Waterval	B	68	
Waterval	B	69	
Roodepoort	C	70	
Roodepoort	C	71	
Norwood	E	72	
Norwood	E	73	

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

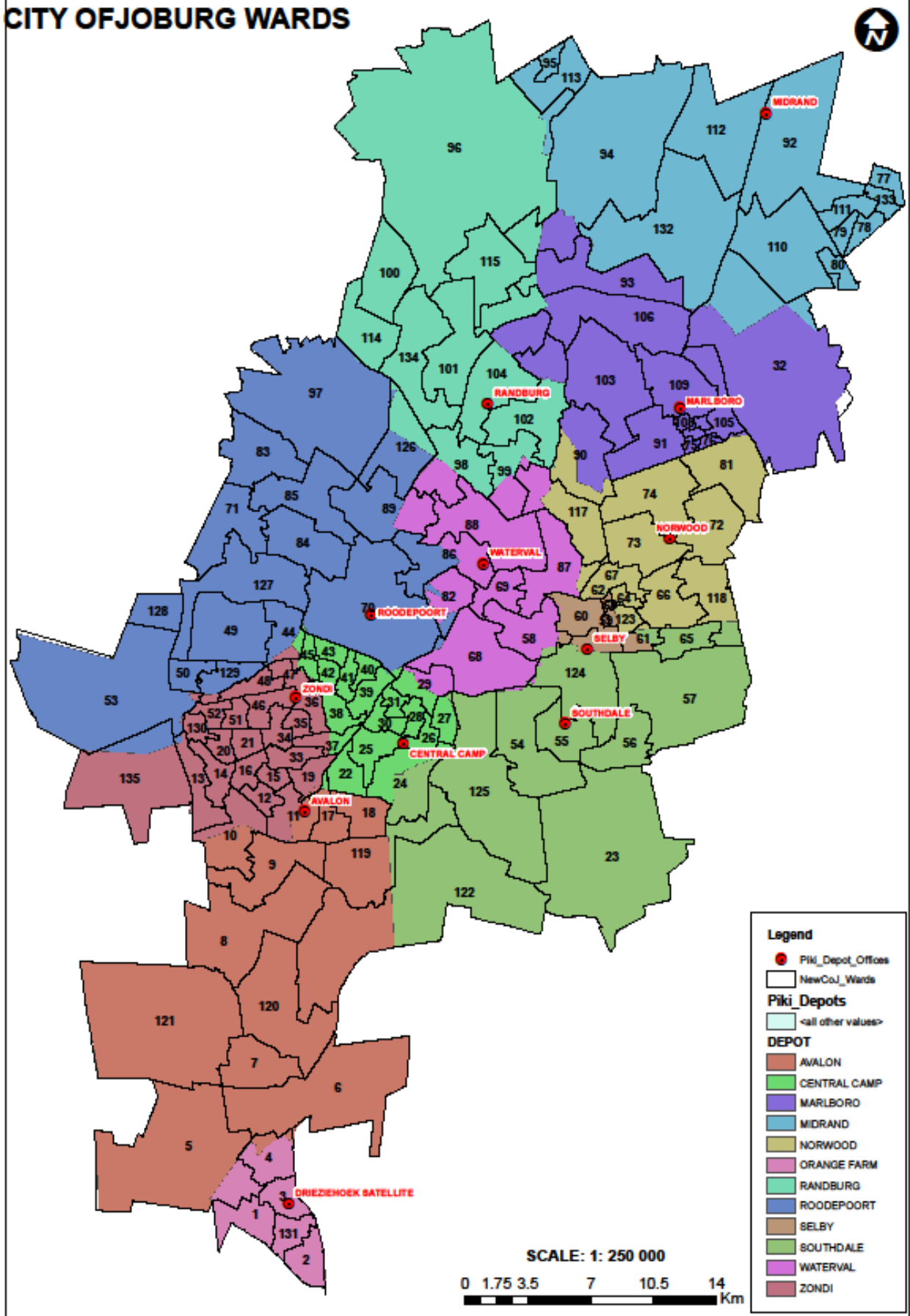
Norwood	E	74	
Marlboro	E	75	
Marlboro	E	76	
Midrand	A	77	
Midrand	A	78	
Midrand	A	79	
Midrand	A	80	
Norwood	E	81	
Waterval	B	82	
Roodepoort	C	83	
Roodepoort	C	84	
Roodepoort	C	85	
Waterval	B	86	
Selby	B	87	
Waterval	B	88	
Waterval	C	89	
Norwood	B	90	
Marlboro	E	91	
Midrand	A	92	
Marlboro	E	93	
Midrand	A	94	
Randburg	A	95	
Randburg	A	96	
Roodepoort	C	97	
Waterval	B	98	
Waterval	B	99	
Randburg	C	100	
Randburg	C	101	
Randburg	B	102	
Marlboro	E	103	
Randburg	B	104	
Marlboro	E	105	
Marlboro	E	106	
Marlboro	E	107	
Marlboro	E	108	
Marlboro	E	109	
Midrand	A	110	
Midrand	A	111	
Midrand	A	112	
Randburg	A	113	

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

Randburg	C	114	
Randburg	A	115	
Marlboro	E	116	
Norwood	B	117	
Norwood	F	118	
Avalon	G	119	
Orange Farm	G	120	
Orange Farm	G	121	
Avalon	G	122	
Selby	F	123	
Southdale	F	124	
Avalon	F	125	
Waterval	C	126	
Roodepoort	C	127	
Roodepoort	C	128	
Zondi	C	129	
Zondi	D	130	
Orange Farm	G	131	
Midrand	A	132	
Midrand	A	133	
Randburg	C	134	
Zondi	D	135	

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

# CITY OF JOBURG WARDS



MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.

**TERMS OF REFERENCE - ANNEXURE 3D:****LIST OF PREVIOUS PROJECTS**

Participants are required to provide a list of previous or current projects of a similar nature.

<b>Project Description</b>	<b>Short</b>	<b>Client / Name</b>	<b>Company Institution</b>	<b>Duration of the project (in months)</b>	<b>Total value of the project (in Rand)</b>	<b>Total number of employees / workers appointed for the duration of the project</b>

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

# ANNEXURE 4

## MBD 4

# DECLARATION OF INTEREST

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

## MBD 4

### DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
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, shareholder<sup>2</sup>):.....
  - 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?  
(Circle the applicable answer) YES / NO
  - 3.8.1 If yes, furnish particulars. ....

<sup>1</sup>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.

<sup>2</sup> 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?  
(Circle the applicable answer)...YES / NO
- 3.9.1 If yes, furnish particulars.....

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

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?  
(Circle the applicable answer) 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?  
(Circle the applicable answer)...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?  
(Circle the applicable answer)...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?  
(Circle the applicable answer)...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?  
(Circle the applicable answer)...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

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

# ANNEXURE 5

## MBD 5

NOT APPLICABLE  
FOR THIS TENDER

# ANNEXURE 6

**NOT APPLICABLE FOR THIS TENDER**

# ANNEXURE 7

## CONTRACT FORM

### MBD 7.2 – RENDERING OF SERVICES

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON “AS AND WHEN” REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

**CONTRACT FORM - RENDERING OF SERVICES**

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

**PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)**

1. I hereby undertake to render services described in the attached bidding documents to **PIKITUP JOHANNESBURG SOC LTD** in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number **PU120/2022** 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 date of the 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);
    - Filled in task directive/proposal;
    - 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 services 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 .....

**WITNESSES**

1 .....

2 .....

DATE: .....

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

**CONTRACT FORM - RENDERING OF SERVICES**

**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I ..... in my capacity as ..... accept your bid under reference number **PU120/2022** dated ..... for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED AT: .....

NAME (PRINT): .....

SIGNATURE: .....

DATE: .....

Witness: 1. ....

Witness: 2. ....

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# ANNEXURE 8

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.

## MBD 8

### 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.
- 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.

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).  <b>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.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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)?  <b>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.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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 of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.4	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?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	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?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

## CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) .....  
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM ARE  
 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**

TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF  
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 MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON  
 "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.

# ANNEXURE 9

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**

## MBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> Collusive bidding is a *per 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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:

TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS (Bid Number and Description) in response to the invitation for the bid made by PIKITUP JOHANNESBURG SOC LTD (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 \_\_\_\_\_ (Name of Bidder)  
that:

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 consortium<sup>3</sup> will not be construed as collusive bidding.

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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. 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

<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract

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# ANNEXURE 10

## CORPORATE GOVERNANCE BREACH CLAUSE

TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.

## **CORPORATE GOVERNANCE BREACH CLAUSE**

1. PIKITUP Johannesburg (SOC) LTD (“PIKITUP”) requires ..... (“the Company”) to comply, *mutatis mutandis* with the Code contained in the King II Report and Code of Good Corporate Governance (below “the Code”) for the term of this Agreement and any extension thereof.
2. The Company irrevocably undertakes and agrees that it will, *mutatis mutandis*, comply with the Code for the term of this Agreement and any extensions thereof.
3. The Company acknowledges and agrees that:
  - 3.1 It is essential that the Company complies with the Code, in order to discharge all of its obligations under and in terms of the Agreement in a proper, efficient and professional manner, and
  - 3.2 PIKITUP will be prejudiced and may suffer damages in the event of the Company failing to comply with the Code.
4. The Company shall be required, within seven (7) days of the end of each calendar month during the term of this Agreement (and any extensions thereof), to furnish PIKITUP with a written certificate, signed by the directors of the Company **[alternatively members of the Close Corporation]**, certifying that the Company has complied with the provisions of the Code during the preceding months.
5. PIKITUP shall have the right, without assigning any reason therefore and at any time, to appoint either the Institute of Directors of South Africa or a firm of chartered accountants or attorneys, to conduct an audit of the business and affairs of the Company in order to ascertain whether the Company is indeed complying with the terms of the Code. To this end, the Company irrevocably undertakes and agrees to co-operate fully with the party conducting such investigation for and on behalf of PIKITUP and to make available to such party all such documentation and all such information as the investigation party may require to fully discharge its obligations under and in terms hereof and to report fully to PIKITUP.

In the event of it being found that the Company is not complying with the Code, then PIKITUP shall be entitled to (a) regard this as a breach of the agreement and (b) recover the costs of the investigation, on an attorney and client basis, from the Company. In the event of it being found that the Company is, in fact, discharging its obligations under and in terms of the Code, then PIKITUP shall bear the costs incurred in such investigation. In either of the foregoing events, the Company shall be entitled to receive a copy of the written report once same has been concluded by the investigating party.

6. In the event of the Code being replaced with another Code (or similar document), then such replacement document shall replace the Code and a reference to the Code shall be deemed to be a reference to such replacement document. The reference to the Code shall be deemed to include any statutory codification of directors' obligations and duties which may be enacted in the Republic of South Africa at any time in the future.
7. In entering into this Agreement, the Company represents and warrants to PIKITUP that it is familiar with the Code, that it fully understands and appreciates the rights, obligations and recommendations therein contained and agrees to be bound thereby as herein recorded.

# ANNEXURE 11

The National Treasury General Conditions of Contract 2010 as well as specific conditions of contract for this bid will apply. The GCC is available on [www.nationaltreasury.gov.za](http://www.nationaltreasury.gov.za). Any additional terms and conditions will form part of special conditions of contract to be agreed and signed upon award of the bid. The contract will have to be signed by the successful bidder before the project commence. A service level agreement must be entered into by the awarded bidder and PIKITUP within 30 days of award of contract.

The following agreement is a draft agreement (indicating the specific conditions of contract) and will be concluded at bid award with the successful bidder/s.

# ANNEXURE 12

**ALL COMPULSORY RETURNABLE DOCUMENTS  
AND OTHER RETURNABLE DOCUMENTS TO BE  
ATTACHED**

**TENDER NUMBER PU/120/2022 FOR THE APPOINTMENT OF A PANEL OF CO-OPERATIVES WITHIN THE CITY OF JOHANNESBURG AREA TO CONDUCT COMMUNITY BASED DEVELOPMENT PROGRAMME ON WASTE MANAGEMENT SERVICES (INCLUSIVE OF LABOUR AND APPROPRIATE EQUIPMENT) AT DESIGNATED AREAS ON "AS AND WHEN" REQUIRED BASIS FOR A MAXIMUM PERIOD OF THIRTY-SIX (36) MONTHS.**