

TENDER DATA

1.	The Employer is: Thembisile Hani Local Municipality Private Bag X 4041 Empumalanga 0458			
2.	Tender Documents			
	<p>Tendering Procedures Tender notice and invitation to tender Tender data</p> <p>Returnable Documents List of Returnable Documents</p> <p>The Contract Agreements and Contract data Forms of Offer and Acceptance Contract Data</p> <p>Pricing Data Pricing Instruction Bill of Quantities</p> <p>Terms of Reference Terms of Reference</p> <p>Additional Relevant Documents Supply Chain Management Policy</p>			
3.	<p>Interpretation</p> <p>The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these tender conditions.</p>			
4	<p>Communication.</p> <p>The Employer's Representative is;</p> <table><tr><td><p><u>Accounting Officer:</u> Mr. D.J.D. Mahlangu Private Bag X 4041 Empumalanga 0458 Tel: 013 986 9100</p></td><td><p><u>Procurement Enquiries</u> Supply Chain Unit Private Bag X 4041 Empumalanga 0458 Tel: 013 986 9187/9141</p></td><td><p><u>Technical Enquiries.</u> Mr. R. Makhubele Private Bag X 4041 Empumalanga 0458 Tel : 013 986 9198</p></td></tr></table>	<p><u>Accounting Officer:</u> Mr. D.J.D. Mahlangu Private Bag X 4041 Empumalanga 0458 Tel: 013 986 9100</p>	<p><u>Procurement Enquiries</u> Supply Chain Unit Private Bag X 4041 Empumalanga 0458 Tel: 013 986 9187/9141</p>	<p><u>Technical Enquiries.</u> Mr. R. Makhubele Private Bag X 4041 Empumalanga 0458 Tel : 013 986 9198</p>
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4.1	Attention is drawn to the fact that verbal communication given by the Employer's representative prior to the close of tenders will not be regarded as binding on the employer. Only information issued formally by the employer in writing to the tenders, under the signature of the Accounting Officer will be regarded as amending the tender documents.			
5	<p>The Employer's right to accept or reject any tender offer</p> <p>The employer has the right not to accept the lowest tender and to accept the whole or part of any tender or not to consider any tender not suitably endorsed is fully reserved by the Thembisile Hani Local Municipality.</p>			

6	Tenderer Obligations
6.1	The Council retains the right to call for any additional information that it may deem necessary
6.2	<p>If tendering as a Joint Venture, Joint venture must be constituted by means of a comprehensive and fair, written agreement between the members, which sets out their obligations, rights, risks and rewards.</p> <p>Joint venture members should share at least the following aspects of the joint venture activities in a meaningful and equitable manner:</p> <ol style="list-style-type: none"> 1. Control 2. Management 3. Operations 4. Risk 5. Profit and Loss
6.3	If a tenderer, or any person employed by him is found to have either directly or indirectly, promised or given to any person in the employment of Council, any commission, gratuity, gift or other consideration, The Council shall have the right to summarily and without recourse to law and without prejudice to any other legal remedy which it may have in regard to any loss and/ or additional costs or expenses, to disqualify the Tender or cancel the Contract without paying any compensation to the aforesaid Tender or Contract.
6.4	At the request of the Municipal Manager or his authorised representative from furnishing him with additional information, or with a sample or specimen for testing purposes or otherwise, or from giving a demonstration so as to enable the recommendation to the Council's responsible Committee on the award of the contract be formulated,
7.	Proof of warrantee None
8	Compensation of tendering The employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the cost of any testing necessary to demonstrate that aspects of the offer satisfy requirements.
9	Check documents The Tenderer should check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.
10.1	Confidentiality and Copyright of Documents. Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation
10.2	Eligibility Only those bidders who satisfy the following criteria are eligible to submit tenders:

	Responsive tenders are ONLY those tenders with all documents and pages contained herein, that have been signed by the responsible person duly authorised to sign all documents indicated on the returnable document "FORM D Authority of signatory".
11	Submitting tender offer:
11.1	No Tender document will be considered unless submitted on Council's Official Tender Document
11.2	Return all the returnable documents to the employer after completing them.
11.3	The employer's address for delivery of tender offers and identification details to be shown on such tender offer package are: Location of tender box : Thembisile Hani Local Municipality Physical address : Stand no 24 , Corner Police Station Kwaggafontein C , Empumalanga Telephonic, telegraphic, telex, facsimile or emailed tenders will not be considered
11.4	All tender received by the Thembisile Hani Local Municipality will remain in the Municipality's possession until after the stipulated closing date and time.
11.5	Accept that a tender submitted to the employer cannot be withdrawn or substituted. No substitute tenders will be considered
12.	Closing Time:
12.1	The time and location for opening of the Tender offers are: Closing Time: 12:00pm Closing Date: 02 October 2023 Location: Thembisile Hani Local Municipality Stand No. 24 Corner Police Station Kwaggafontein C Empumalanga 0458
12.2	After the opening of the tender proposals, no information relating to the clarification, determination of responsiveness, evaluation and comparison of tender proposals and recommendations concerning the award of the tender shall be disclosed to any other tenderer or persons not concerned with such process until the award of the Tender has been announced by the THLM.
13.	Pricing the tender State the rates and prices in Rand NB: Should prices be affected by exchange rates and price fluctuations, bidders should take forward cover and this be incorporated in the price tendered.
14.	Alterations to the Tender Documents.

	<p>No alterations may be made to the tender document issued by the employer.</p> <p>Proposals and any other supporting documents must be attached to the back of this tender document</p>								
15	<p>Alternative tender offer.</p> <p>No alternative tender offers will be considered or accepted</p> <p>Alternative offers may be submitted only if a main tender offer, strictly in accordance with all the requirements of the tender document is also submitted. The alternative tender offer is to be submitted with the main tender offer together with a schedule that compares the requirements of the tender document with the alternative requirements the tenderer proposes.</p>								
16	<p>Tender Offer Validity</p> <p>The Tender offer validity period is 120 days from the closing date.</p>								
17	<p>Tender clarification after submission</p> <p>A tender may be regarded as non-responsive if the tenderer fails to provide clarification requested by the employer within the time for submission stated in the employer's written request.</p>								
18	<p>Tender evaluation points</p> <p>18.1 The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.</p> <p>18.2 Preference points for this bid shall be awarded for:</p> <p style="margin-left: 40px;">(a) Price; and (b) Specific Goals</p> <p>18.3 The maximum points for this bid are allocated as follows:</p> <table border="1" style="margin-left: 40px;"> <tr> <td></td><td>POINTS</td></tr> <tr> <td>PRICE</td><td>80</td></tr> <tr> <td>SPECIFIC GOALS</td><td>20</td></tr> <tr> <td>Total points for Price and Specific Goals must not exceed</td><td>100</td></tr> </table>		POINTS	PRICE	80	SPECIFIC GOALS	20	Total points for Price and Specific Goals must not exceed	100
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19.	<p>Evaluation of Tenders</p> <p>The Tenderers notice is drawn to the fact that the evaluation, adjudication and awarding of this tender will be in terms of the Supply Chain Management Policy of the THLM.</p> <p>19.1 The following steps will be followed in evaluation;</p> <ol style="list-style-type: none"> 1. Determination of whether or not tender offers are complete. 2. Determination of whether or not tender offers are responsive. 3. Determination of the reasonableness of tender offers. 4. Confirmation of the eligibility of preferential points claimed by tenderers. 5. Awarding of points for financial offer. 6. Ranking of tenderers according to the total points 7. Performance of risk analysis by checking the credit record of the tenderers 								

19.2	<p>Evaluation Criteria</p> <p>The procedure for the evaluation of responsive Bids will be on the average of the previous three projects where the firm was involved</p> <p>The tenders shall be considered for further evaluation when they score 65 points out of 95 points.</p> <table border="1"> <tr> <th colspan="2">Summary of Functionality</th></tr> <tr> <td>Organising and Staffing</td><td>30</td></tr> <tr> <td>Land Building and Equipment</td><td>20</td></tr> <tr> <td>Experience of Firm</td><td>15</td></tr> <tr> <td>Methodology</td><td>30</td></tr> <tr> <td>Total</td><td>95</td></tr> </table>	Summary of Functionality		Organising and Staffing	30	Land Building and Equipment	20	Experience of Firm	15	Methodology	30	Total	95
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Total	95												
	<p>Tenders are adjudicated in terms of THLM Supply Chain Management Policy, and the following framework is provided as a guideline in this regard.</p>												
19.3.1	<p>Technical adjudication and General Criteria</p> <ul style="list-style-type: none"> ▪ Tenders will be adjudicated in terms of inter alia: ▪ Compliance with Tender conditions ▪ Technical specifications <p>If the Tenderer does not comply with the Tender Conditions, the Tenderer may be rejected. If technical specifications are not met, the Tender may also be rejected.</p> <p>With regard to the above, certain actions or errors are unacceptable and warrants REJECTION OF THE TENDER, for example</p> <ul style="list-style-type: none"> ▪ Pages to be completed, removed from the Tender document, and have therefore not been submitted. ▪ If tender document is not fully completed as required and as stipulated in the tender data. ▪ If any tender document is tempered with or it is unbundled or unbundled. ▪ Failure to complete the schedule of quantities as required – only lump sums provided. ▪ Scratching out without initialling next to the amended rates or information. ▪ Writing over / painting out rates / the use of correction fluid (without initialising) or the use of any erasable ink, e.g. pencil. ▪ Failure to attend compulsory site inspections ▪ The Tender has not been properly signed by a party having the authority to do so, according to the Form D – “Authority for Signatory” ▪ A Resolution by a Board of Directors of the Company authorizing the Tenderer to sign the Tender document on behalf of the Company. No authority for signatory submitted. ▪ Particulars required in respect of the Tender have not been provided – non-compliance of Tender requirements and/or specifications. ▪ The Tenderer’s attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract. ▪ The Tender has been submitted after the relevant closing date and time ▪ Failure to complete and sign Form C1.1 Form of Offer and Acceptance 												

	<ul style="list-style-type: none"> ▪ If any municipal rates and taxes or municipal service charges owed by that Tenderer or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months. ▪ If any Tenderer who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that Tenderer that performance was unsatisfactory.
19.3.2	<p>Size of enterprise and current workload</p> <ul style="list-style-type: none"> ▪ Evaluation of the Tenderer's position in terms of: ▪ Previous and expected current annual turnover ▪ Current contractual obligations ▪ Capacity to execute the contract
19.3.3	<p>Staffing profile</p> <p>Evaluation of the Tenderer's position in terms of:</p> <ul style="list-style-type: none"> ▪ Staff available for this contract being Tendered for ▪ Qualifications and experience of key staff to be utilised on this contract.
19.3.4	<p>Proposed Key Personnel</p> <p>In this part of the tender, the Tenderer shall also supply Curriculum Vitae (CVs) for the Staff available named and working on full time basis for the Tenderer. The CV should follow the normal Professional Format as used by Professional Service Providers.</p> <p>Each CV should give at least the following:</p> <ul style="list-style-type: none"> ○ Position in the firm and within the organisation of this assignment ○ PDI status (describing population group, gender and disabilities) ○ Educational qualifications ○ Professional Registrations ○ Relevant experience (actual duties performed, involvement and responsibility), including locations, dates and durations of assignments, starting with the latest. ○ Language proficiency and ○ References (company name, individual name, position held, contact details) <p>Much importance will be placed on the experience of the staff proposed. The Tender must ensure that, if selected, the nominated staff will be assigned as proposed. Failure to do so may result in the annulment of any acceptance of the Tenders' proposal and/ or Agreement entered into by the Client for the execution of the services</p>
19.3.5	<p>Previous experience</p> <p>The procedure for the evaluation of responsive Bids will be on the average of the previous projects where the firm was involved.</p> <p>The tenderer shall list in the appropriate Forms the appropriate related projects undertaken by the member firms of the tenderer within the last five (5) years.</p>

FORM A: EVALUATION SCHEDULE: TENDER COMPLIANCE

	<p>Evaluation of the Tenderer's position in terms of his previous experience. Emphasis will be placed on the following:</p> <ul style="list-style-type: none"> ▪ Experience in the relevant technical field ▪ Experience of contracts of similar size ▪ Some or all of the references will be contacted to obtain their input.
19.3.6	The tenderer shall provide documentation of company experience of each member of the Consortium/Joint Venture related projects.
19.3.7	<p>Good standing with SA Revenue Services</p> <ul style="list-style-type: none"> ▪ Determine whether an original valid tax pin certificate has been submitted. ▪ The tenderer must affix a valid Tax PIN Certificate
19.3.8	If the Tender does not meet the requirements contained in the THLM Procurement Policy, and the mentioned framework, it will be rejected by the Council, and may not subsequently be made acceptable by correction or withdrawal of the non-conforming deviation or reservation
19.3.9	<p>Penalties</p> <p>The Thembisile Hani Local Municipality will if upon investigation it is found that a preference in terms of the Act and these regulations has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract, on discretion of the Municipal Manager, one or more of the following penalties will be imposed:</p> <ul style="list-style-type: none"> ▪ Cancel the contract and recover all losses or damages incurred or sustained from the Tenderer. ▪ Impose a financial penalty at the discretion of Council ▪ Restrict the contractor, its shareholders and directors on obtaining any business from the Thembisile Hani Local Municipality for a period of 5 years
20	<p>The additional conditions of Tender are:</p> <p>1 Thembisile Hani Local Municipality may also request that the Tenderer provide written evidence that his financial, labour and resources are adequate for carrying out the project.</p> <p>2 The Thembisile Hani Local Municipality reserves the right to appoint a firm of chartered accountants and auditors and / or execute any other financial investigations on the financial resources of any Tenderer. The Tenderer shall provide all reasonable assistance in such investigations.</p>

FIRST STAGE OF EVALUATION: TENDER COMPLIANCE

Tender compliance by the contracting Firm

It must be noted that a total of **50 points** must be obtained/ claimed by the Contracting Firm in relation to the requirements as mentioned on the table below, failure which a tender shall be automatically eliminated from any further evaluation.

Evaluation Criteria	Evaluation Criteria	Elimination Factor	Points obtainable	Points Claimed
Delegation of Authority (Note 01)	Delegation of Authority for Signatory signed by Senior Directors and/or Shareholders nominating representative on the project	Yes	5	
Completing tender document (Note 02)	Must initial every page in the tender document, signing and fill the tender document in full	Yes	5	
Company registration (Note 03)	Proof of Company Registration with Company Intellectual Property Registration Office (CIPRO) and proof of shareholding	Yes	5	
Tax Pin Verification (Note 04)	Proof of Tax Registration and Compliance with South African Revenue Service (SARS)	Yes	5	
COIDA Certificate (Note 05)	A proof of a Valid good standing with Compensation Commissioner must attached	Yes	5	
Three(03) years Audited Annual Financial Statements (Note 06)	Proof of three(03) years audited financial statements with audit report must be attached.	Yes	5	
Bank Confirmation Letter (Note 07)	A proof in the form bank stamped letter from the bank not older than three (3) months confirming the bank account and details.	Yes	5	

CSD Report (Note 08)	A copy of CSD report of the company which is not older than one (01) month must be attached reflecting the compliant tax status	Yes	5	
Wholesale Licence/ or Retail Licence (Note 09)	A copy of a valid Licence issued by the Department of Energy must be attached.	Yes	5	
Municipal Account (Note 10)	A statement of the municipal account which does not owe municipal services for more than 90 days must be attached.	Yes	5	
Total 50 points				

Note 01: Delegation of Authority

In case of a Company, a delegation of Authority signed by the Consulting Firm's Board of Directors nominating a Team Leader as a delegated and authorised Signatory must be attached. In case of a Closed Corporation, a delegation of Authority signed by the Contracting Firm's majority Shareholders nominating a Team Leader as a delegated and authorised Signatory must be attached. Failure to attach the certificate shall warrant an automatic elimination of tender from any further evaluation.

Note 02: Completing tender document

As stipulated in the tender rules or in addition thereto, a tender document shall be completed in full with all the provided spaces signed, every page initialled accordingly and required documentation attached. Failure, which shall warrant an automatic elimination of tender from any further evaluation.

Note 03: Company registration

Proof of company registration in the form of a copy from Company Intellectual Property Registration Office (CIPRO) shall be attached including a copy of a certificate for proof of shareholding. Failure to attach the certificates shall warrant an automatic elimination of tender from any further evaluation.

Note 04: SARS Tax verification PIN

Proof of tax registration and compliance (**Tax PIN**) with relevant SARS tax legislation. The attached tax verification PIN must be valid at the time of closing of tenders. Failure to attach the certificate shall warrant an automatic elimination of tender from any further evaluation.

Note 05: The Compensation for Occupational Injuries and Diseases Act

Proof of registration/letter to tender in compliance with the Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993 must be attached in the form of a valid Letter of Good Standing (COIDA) issued by the Department of Labour. The attached certificate/letter must be valid at the

time of closing of tenders. Failure to attach the certificate shall warrant an automatic elimination of tender from any further evaluation

Note 06: Three (03) Years Audited Annual Financial Statements

Attach proof of three (03) years audited financial statements together with the auditor's report. Failure to attach the certificate shall warrant an automatic elimination of tender from any further evaluation

Note 07: Bank Confirmation Letter

Attach proof of company banking details in the form of a bank stamped letter from the bank not older than three (03) months confirming the bank account and details. Failure to attach the certificate shall warrant an automatic elimination of tender from any further evaluation.

Note 08: CSD Report

Attach a copy of CSD report of the company which is not older than one (01) month must be attached reflecting the tax status and BBBEE as compliant. Failure to attach the certificate shall warrant an automatic elimination of tender from any further evaluation.

Note 09. Wholesale/ Retail Licence by Department of Energy

Attach a copy of a valid Wholesale or Retail Licence issued by the Department of Energy and Minerals. Failure to attach the certificate shall warrant automatic elimination of tender from any further evaluation.

Note 10: Municipal Account

Attach an original or a copy of a municipal utility account not older than three (03) months and the account must be in arrears for more 90 days of any of the registered Director(s) or Company. Attach a copy lease agreement along with the utility account of the Landlord, whereby the company is leasing the property its operating from Failure to attach the certificate shall warrant an automatic elimination of tender from any further evaluation.

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Person Authorised to sign Tender:

FULL NAME:

SIGNATURE: DATE:

FORM B: EVALUATION SCHEDULE: PERSONNEL AND PREVIOUS RELATED WORK EXPERIENCE

The Firm's tender responsiveness in relation to points is therefore summarised as follows:

Summary of Functionality	
Organising and Staffing	30
Land Building and Equipment	20
Experience of Firm	15
Methodology	30
Total	95

A firm must obtain a minimum of **65 points out of the 95** points above to be considered for evaluation on price and Specific Goals.

Organising and Staffing (Maximum points obtainable 30)**1. Project Manager / Team Leader: (Maximum Points obtainable 10)**

Name:

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable	Points Claimed
Academic Qualifications	National Diploma in Business Management / or equivalent NQF 6	No	5	
	National Certificate in Business Management or equivalent NQF 5	No	3	
Sub-total			5	
Experience of Team Leader in similar projects (fuel & lubricants management)		Elimination Factor		
Experience	1 – 3 Years	No	2	
	4 – 7 Years	No	3	
	8 years and more	No	5	
Sub-total			5	

Total	10	
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2. Logistics / Finance Officer: (Maximum Points obtainable 10)

Name:

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable	Points Claimed
Academic Qualifications	Degree in Business Management/Logistics or equivalent NQF 7	No	5	
	National Diploma in Business Management / Logistics or equivalent NQF 6	No	3	
	National Certificate in Business Management / Logistics or equivalent NQF 5	No	2	
Sub-total			5	
Experience of Logistics/Finance in similar projects (fuel & lubricants management)		Elimination Factor		
Involvement in similar field	1 – 3 Years	No	5	
	4 – 7 Years	No	3	
	8 years and more	No	2	
Sub-total			5	
Total			10	

3. Safety Officer: (Maximum Points obtainable 10)

Name:

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable	Points Claimed
Academic Qualification	National Diploma in Occupational Health and Safety (NQF Level 6 or more)	No	5	

S	National Certificate Occupational Health and Safety (NQF 5)	No	3	
Sub-total			5	
Years of experience in similar projects	1 – 3 Years	No	2	
	4-5 Years	No	3	
	6 Years and more	No	5	
Sub-total			5	
Total			10	

4. Land, Building and Equipment (Maximum Points obtainable 20)

It must be noted that a total points of 20 are obtainable by the Firm in relation to the requirements as mentioned on the table below, failure to submit evidential supporting documents is not an eliminating factor **BUT** a zero point will be scored. Letter of intent or quotation from the lessor or Proof of ownership must be attached. An in loco site inspection will be performed of the recommended bidder before appointment is finalised, and the facility should comply with all the requirements of a registered fueling station standards according to the Department of Energy, Mineral and Resources and safety and control measures as required by the municipality and best practices of the fueling business sector.

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable (Own)	Points obtainable (leased)	Points Claimed
Fuel Tanks	1	No	4	2	
Light Duty Vehicles (LDV-Bakkies)	2	No	4	2	
Proof of Operating Garage	1	No	12	6	
Sub-Total			20	10	
Total			20	10	

5. EXPERIENCE OF FIRM (Maximum Points obtainable 15)

The credit facility letter from an authorized financial institution is a mandatory document which must be submitted together with the tender document. Bidders must submit proof of access to funding with the bid at the closing date and time of the bid. The credit facility letter should include the contact person, telephone number and email address and validity and duration of the access to funding.

Evaluation Criteria	Evaluation Criteria	Elimination Factor	Points obtainable	Points Claimed
A valid and verifiable credit facility letter from an authorized financial institution must be submitted	2 Million rands	No	5	
	4 Million rands	No	8	
	6 Million rands	No	10	
	8 Million rands or more	No	15	
Sub-Total			15	
TOTAL			15	

6. Methodology (Maximum Points obtainable 30)

It must be noted that a total points of 30 are obtainable by the Firm in relation to the requirements as mentioned on the table below, failure to submit evidential supporting documents is not an eliminating factor **BUT** a zero point will be scored.

Evaluation Criteria	Points obtainable	Points Claimed
Company's Start-up Plan	10	
Company's Safety Plan	10	

Organogram	10	
Total	30	

TOTAL SCORE: _____/95



**APPOINTMENT OF A SERVICE PROVIDER FOR FUELING AND SUPPLY OF LUBRICANTS FOR MUNICIPAL FLEET AS
AND WHEN REQUIRED FOR A PERIOD OF 36 MONTHS**

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2