

Physical Address: No. 01 Seller Street | Nqanqarhu | 5480

Postal Address: P.O. Box 1 | Nqanqarhu | 5480

Tel: 045 9328100 | **Fax:** 045 9321094 | **Facebook:** @Elundini Local Municipality | **Twitter:** @ElundiniLM | **YouTube Channel:** @Elundini Local Municipality | **Instagram:** @elundini_lm

TENDER NOTICE AND INVITATION TO TENDER

The Elundini Local Municipality invites tenders from three (3) to Five (5) experienced and competent contractors for the framework contracts within Elundini Local Municipality of three (03) Years on and as when instructed without a guarantee to any quantum of work on the following construction:

PROJECT NAME	Contract Number	CIDB Grading
Provision of Construction Plant Hire for Maintenance of Gravel Access Roads within the Elundini Local Municipality	ELM-3/015/2023-2024	Valid Grade 7CE and above
Construction of Paved Roads within the Elundini Local Municipality	ELM-3/016/2023-2024	Valid Grade 7CE and above

1.Pool of three (3) service providers for the Provision of Construction Plant Hire for Maintenance of Gravel Access Roads within Elundini Local Municipality for the period of three (3) years.

2.Pool of five (5) service providers for the Construction of Paved Roads infrastructure development projects within Elundini Local Municipality for the period of three (3) years.

Contracts will be based on the NEC3 Engineering and Construction Contract (Option B Priced contract with Bill of Quantities). Only those tenderers who are registered with the above CIDB are eligible to tender.

Stage 1: Test for responsiveness and eligibility Criteria (Compliance, responsiveness to the bid rules and conditions, thereafter (if applicable).

Stage 2: of Evaluation – Quality

Stage 3: Price and Preference

PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT (PPPFA) POINTS WILL BE AWARDED AS FOLLOWS:

Maximum points on price	- 80 points
Maximum points for Specific Goals	- 20 points
Maximum points	- 100 points

NB: Specifications on evaluation criteria will be made available on municipal website and e-tender portal for bidders to test whether they qualify or not. However, it must be noted that the tender document to be submitted as the final offer will be sold as Paragraph 8 of this tender notice and invitation to tender under Purchasing and Submission of Tender Documents and ELM website: www.elundini.gov.za

Quality criteria	Maximum number of points: ELM-3/015/2023-2024	Maximum number of points: ELM-3/016/2023-2024
Experience of the tenderer in related scope of works	20	40
Key Persons	30	40
Company Resources	30	
Company Quality Management System	20	20
Maximum possible score for quality (M_s)	100	100

The minimum number of evaluation points for quality criteria will be 70 points

The provisions of Preferential Procurement Regulations 2022 will apply.

The procedure for the evaluation of the responsive tenders will be Method 4

Note to tenderers: The tenderer must attach proof for validating points for each preference point system indicated below.

If you are aware of any instances of fraud or corruption in the municipality, report anonymously to:
Freecall: 0800 11 7844 | SMS 32840 | Email: elundini@tip-offs.com | Freepost: KZN138 Umhlanga Rocks 4320
All correspondence must be addressed to the Municipal Manager

Bidder that fail to submit proof of specific goal as stipulated below will not be allocated points

The Specific Goals allocated points for both bids: ELM-3/015/2023-2024 and ELM-3/016/2023-2024	Proof to claim points for specific goal
EME or QSE which is at least 51% Enterprise owned by Black people Points = 15	Company Registration Document and Certified BBBEE Certificate or Original Sworn Affidavit and CSD Report
Local Enterprise Within Elundini Local Municipality = 5 Points Within Joe Gqabi District = 3 Points Outside region = 1 Points	Proof of business operation within the Elundini municipal Jurisdiction or within Joe Gqabi District or outside region along with CSD Report
Total Specific Goals = 20 Points	

PURCHASING AND SUBMISSION OF TENDER DOCUMENTS.

Tender documents may be obtained from the Elundini Local Municipality SCM Unit or emailed to a bidder upon payment of a non-refundable amount of R250 (two hundred and fifty Rand). Payment for tender document can be made either paid in cash or by means of electronic funds transfer (EFT) to the Elundini Local Municipality (Where EFT is used proof of payment must be sent to kwaneles@elundini.gov.za). The cash amount is to be paid at the cashier's office between the hours of 08:00 and 16:00, prior to the collection of the tender documents from the SCM unit.

NB: For EFT payment bidders must pay using this account: First National Bank (FNB) cheque account No: 62159933772, Ref No. 020114350000.

ELM Cashier's office is situated at Elundini Traffic Department, ERF 3503 Station Street, Nqanqarhu, 5480.

The tender documents will be available on Wednesday, 4 October 2023

Completed bid documents and supporting documentation are to be placed in a sealed envelope endorsed with Project Name and Bid Number. At the back of the envelope bidders must write the bidder's name and address. Bid submissions must be delivered to the Elundini Local Municipality, at No. 1 Seller Street, Nqanqarhu, Finance Department. The tender document must be placed in the Tender Box not later than 12H00 Noon on Monday, 06 November 2023 at which time the tenders will be opened in public.

Bidders are encouraged to make electronic copies of the bid submission in a form of USB / CD as a precautionary backup.

Enquiries relating to SCM may be addressed to Ms. H Mdusulwana, Tel No. 045 932 8125 or email: hlubikazi@elundini.gov.za. Technical inquiries may be addressed to Mr. S. Mrengqwa on email: siqalom@elundini.gov.za Tel No. 045 932 8216

Telegraphic, telephonic, telex, facsimile, e-mail and late tenders will not be accepted.

Tenders may only be submitted on the tender documentation that is issued. Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the tender data and tender documents

The minimum specifications, other bid conditions and rules are detailed in the bid document under Tender Data. The Elundini Local Municipality SCM policy applies. Tender validity period is 12 Weeks

Tenderers must request clarification on the tender documents, if necessary, by notifying the employer at least 5 (Five) working days before the closing time stated in the tender data. No clarifications that will require issue of an addendum will be entertained after this period

FOR COMPLAINTS, FRAUD, & TENDER ABUSE: Call: 080 070 1701


JACK MDANI
MUNICIPAL MANAGER



Framework Contract for Construction of Paved Roads within the Elundini Local Municipality

T1.2 Tender Data

The conditions of tender are the latest edition of SANS 10845-3:2015, *Construction and maintenance Procurement – Part 3: Standard conditions of tender*.

SANS 10845-3:2015 makes several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the provisions of SANS 10845-3:2015.

Each item of data given below is cross-referenced to the clause in SANS 10845-3:2015 to which it mainly applies. These standards should be read in conjunction with the Local Government Framework for Infrastructure Procurement and Delivery Management (LGFIPDM) and CIDB Conditions of tender.

The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

Clause number	Tender Data
1	The employer is the Elundini Local Municipality
1.2	<p>The tender documents issued by the employer comprise the following documents:</p> <p>THE TENDER</p> <p>Part T1: Tendering procedures T1.1 – Tender notice and invitation to tender T1.2 – Tender data</p> <p>Part T2: Returnable documents T2.1 – List of returnable documents T2.2 – Returnable schedules</p> <p>THE CONTRACT</p> <p>PartC1: Agreements and Contract data C1.1 – Form of offer and acceptance C1.2 – Contract data Part 1 – Data by the <i>Employer</i> Part 2 – Data by the <i>Contractor</i></p> <p>Part C2: Pricing data C2.1 – Pricing assumptions C2.2 – Pricing schedule</p> <p>Part C3: Scope of work C3.1 – Scope of work</p> <p>Part C4: Site information C4.1 – Site Information</p>
1.3	The tender documents issued by the employer comprise the documents listed on the contents page

1.4	The employer's representative is: Name: Mr. Siqalo Mrengqwa Elundini Local Municipality 1 Seller Street, Nqanqarhu, 5480. Tel No.: 045 932 8216 Fax No.: 045 932 1094 E-mail: siqalom@elundini.gov.za
1.5	The language for communications is English
2	Tenderer's Obligations

2.1	<p>Only tenderers who satisfy the following eligibility criteria and who have provided the required evidence in their tender submission are eligible to have their bid offers evaluated:</p> <ol style="list-style-type: none"> 1. Is registered in terms of the Companies Act, 2008 (Act 71 of 2008) or Close Corporation Act, 1984, (Act No. 69 of 1984) or, if a partnership, has in place a partnership agreement that enables the partnership to continue to function in the event of a death or withdrawal of one of the partners; 2. The tenderer is registered with and active on the Construction Industry Development Board (CIDB) for Grading 7CE and above 3. JV Eligibility requirements: <ul style="list-style-type: none"> • A Joint venture must submit a consolidated valid original or certified copy of B-BBEE certificate must be submitted with the bid OR a valid original or certified copy of a Sworn Affidavit attested by a Commissioner of Oaths prepared and issued in terms of the amended B-BBEE Construction Sector Codes (CSC000) must be submitted in order to qualify for preference points for B-BBEE. Failure to comply with this, will automatically results in the non-awarding of points for B-BBEE.(This will not disqualify bidders but points for B-BBEE will not be allocated) • Submit Joint Venture agreement in the case of joint venture. • Fully completed Compulsory Returnable Documents for JV 4. Valid Proof of good standing with the Compensation for Occupational Injuries and Diseases (COID). Bidders who do not have the valid Compensation for Occupational Injuries and Diseases (COID) must submit a letter from Department of Labour stating that the bidder has applied for COID specifically for this project, in such case appointment will be subject to bidder submitting a Valid COID. 5. The Tenderer can demonstrate that he will have in his employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work for labour-intensive competencies for management and supervisory personnel: <ol style="list-style-type: none"> a) The tenderer has as a full time Site Agent suitably qualified with at least an NQF Level 6 in the Built Environment and NQF level 7 "Manage Labour-Intensive Construction Processes" or equivalent Quality Council for Trades and Occupations (QCTO) qualifications at NQF level 7. The Site Agent must also possess at least seven (7) years' experience as a Site Agent in the construction of civil works b) The tenderer has as a full time Foreman suitably qualified with at least an NQF Level 6 in the Built Environment and NQF level 7 "Manage Labour-Intensive Construction Processes" or equivalent Quality Council for Trades and Occupations (QCTO) qualifications at NQF level 5. Foreman must also possess at least Five (5) years' experience as a Site Agent in the construction of civil works 6. The tenderer must have been the main contractor not subcontracting and must provide three (3) contactable client references for the construction of paved Roads (surfaced Roads) with a cumulative contract value of at least R 10 million including VAT and which has been satisfactorily completed during the last five years. The municipality will conduct an intense due diligence which will include inspection of the claimed experience of the highly preferred bidders. 7. The tenderer is able to provide suitable financial statements for the preceding financial year within 12 months of the financial year end. The tenderer has a turnover during its preceding financial year which is not less than R 1 million. 8. Directors or company is not in the Treasury's database of restricted suppliers 9. Director/s is not in the employ of organ of state
2.2	<p>The tenderer accepts that, unless otherwise stated in the tender data, the employer does not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer comply with requirements.</p>
2.3	<p>It is the responsibility of the tenderer to check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.</p>

2.4	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.
2.5	The tenderer shall obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are incorporated into the tender documents by reference.
2.6	<p>If necessary, the employer shall issue addenda in writing that may amend or amplify the tender documents to each tenderer during the period from the date the tender documents are available until Five (5) working days before the tender closing time stated in the Tender Data. The Employer reserves its rights to issue addenda less than Five (5) working days before the tender closing time in exceptional circumstances. If, as a result a tenderer applies for an extension to the closing time stated on the front page of the tender document, the Elundini Municipality may grant such extension and, shall then notify all tenderers who drew documents.</p> <p>Notwithstanding any requests for confirmation of receipt of notices issued, the tenderer shall be deemed to have received such notices if the Elundini Municipality can show proof of transmission thereof via electronic mail, facsimile or registered post.</p> <p>Acknowledge receipt of addenda to the tender documents, which the employer may issue, and, if necessary, apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.</p>
2.7	<p>The arrangements for a compulsory clarification and inspection meeting are as follows:</p> <p>Where compulsory briefing is applicable, tenderers will be obligated to sign the attendance list in the name of the tendering entity. In that case, any Addenda issued to tenders will be received only from those tendering entities appearing on the attendance list.</p>
2.8	Tenderers must request clarification on the tender documents, if necessary, by notifying the employer at least 5 (Five) working days before the closing time stated in the tender data. No clarifications that will require issue of an addendum will be entertained after this period.
2.9	Tenderers are required to state the rates and currencies in Rands. Include in the rates, prices, and the tendered total of the prices (if any), all duties, taxes which the law requires to be paid [except value added tax (VAT)], and other levies payable by the successful tenderer, that are applicable 14 days before the closing time stated in the tender data. Show the VAT payable by the employer separately as an addition to the tendered total of the prices. Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data. State the rates and prices in monetary value of the contract unless otherwise instructed in the tender data
2.10	If after the commencement of the Contract, the cost or duration of the services is altered as a result of changes in, the amount of the main contractor or contract amount from which estimate were based, or amounts or additions to, any statute, regulation or by-laws, or the requirements of any authority having jurisdiction over any matter in respect of the Project, then the Contract Price and time for completion shall be adjusted in order to reflect the impact of those changes, provided that, within 90 days of first having become aware of the change, the Contractor furnished the Employer with detailed justification to the Price or Period of the Performance (or both).
2.11	<p>Alterations to the documents</p> <p>Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer or to correct errors made by the tenderer and ensure that all signatories to the tender offer initial all such alterations. Do not make erasures using masking fluid.</p>
2.12	No alternative tender offers will be considered
2.14	Parts of each tender offer communicated on paper shall be submitted as an original. No copies are required
2.15	<p>Tenderer must put initials at the bottom of each page of the tender document as proof that the bidder has reviewed and agreed to the contents of the tender data. This also prevents and ensures that various parties involved do not change and / or replace any page and modify the contents after the submission of the tender.</p> <p>Tenderer must sign the original and all copies of the tender offer where required in terms of the tender data. NOTE: The employer holds all authorized signatories liable on behalf of the tenderer.</p>

2.17	<p>The tenderer is required to submit tender with the following documents:</p> <ol style="list-style-type: none"> 1) a copy of the Central Supplier Database report showing, amongst other things, that tax matters of the service provider are in order with the South African Revenue Services. 2) proof of good standing with the Compensation for Occupational Injuries and Diseases (COID) Bidders who do not have the valid Compensation for Occupational Injuries and Diseases (COID) must submit a letter from Department of Labour stating that the bidder has applied for COID specifically for this project, in such case appointment will be subject to bidder submitting a Valid COID. 3) a copy of valid Construction Industry Development Board (CIDB) for Grading 7CE and above 4) The Tenderer must demonstrate that he will have in his employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work: <ol style="list-style-type: none"> a) Foremen/ Supervisors at NQF level 4 "National Certificate: Supervision of Civil Engineering Construction Processes OR Civil Engineering and at least one year experience in Roads Construction and Maintenance" 5) The tenderer must provide three (3) contactable client references for the similar works which has been satisfactorily completed. 6) The tenderer has demonstrated the availability of the required plant as per the requirements of the tender. Proof of ownership or leasing agreement is mandatory to satisfy requirements. The municipality will conduct an intense due diligence which will include inspection of the plant.
2.18	<p>The employer's details and address for delivery of tender offers and identification details that are to be shown on each tender offer package are:</p> <p>Location of tender box: Elundini Local Municipality Finance Department</p> <p>Physical address: 1 Seller Street Nqanqarhu 5480</p> <p>Identification details : Tender no, Title of Tender and the closing date and time for tenders Closing Date : Monday, 06 November 2023 Closing Time : 12H00</p> <p>The tender box is only open on weekdays between 08:00 and 16:00</p>
2.19	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.
2.20	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.
2.21	The tender offer validity period is 12 weeks . The validity of bids may be further extended by a period of not more than six months upon approval by the Accounting Officer.
2.22	<p>The tenderer shall provide clarification of a tender offer during the evaluation of tender offers, in response to a request from the employer to do so.</p> <p>Such clarifications can include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.</p> <p>Note: This clause does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Elundini Municipality elect to do so. Failure, or refusal, to provide such clarification or additional information within the time for submission stated in the Elundini Municipality's written request may render the tender non-responsive.</p>
2.24	The employer shall grant during working hours to premises for inspections, tests and analysis, as provided for in the tender data.

2.25	<p>Claims arising from submission of tender</p> <p>The tenderer warrants that it has:</p> <ul style="list-style-type: none"> • inspected the Specifications and read and fully understood the Conditions of Contract. • read and fully understood the whole text of the Specifications and Price Schedule and thoroughly • acquainted himself with the nature of the goods or services proposed and generally of all matters which may influence the Contract. • visited the site(s) where delivery of the proposed goods will take place, carefully examined existing conditions, the means of access to the site(s), the conditions under which the delivery is to be made, • and acquainted himself with any limitations or restrictions that may be imposed by the Municipal or other Authorities in regard to access and transport of materials, plant and equipment to and from the site(s) and made the necessary provisions for any additional costs involved thereby. • requested the Elundini Municipality to clarify the actual requirements of anything in the Specifications and Price Schedule, the exact meaning or interpretation of which is not clearly intelligible to the Tenderer • Escalations and escalations rates are clearly disclosed. • received any notices to the tender documents which have been issued in accordance with the Elundini Municipality's Supply Chain Management Policy. <p>The Elundini Municipality will therefore not be liable for the payment of any extra costs or claims arising from the submission of the tender.</p>
2.26	<p>A tenderer may request in writing, after the closing date, that the tender offer be withdrawn.</p> <p>Such withdrawal will be permitted or refused at the sole discretion of the Elundini Municipality after consideration of the reasons for the withdrawal, which shall be fully set out by the tenderer in such written request for withdrawal. Should the tender offer be withdrawn in contravention hereof, the tenderer agrees that:</p> <ul style="list-style-type: none"> • it shall be liable to the Elundini Municipality for any additional expense incurred or losses suffered by the Elundini Municipality in having either to accept another tender or, if new tenders have to be invited, the additional expenses incurred or losses suffered by the invitation of new tenders and the subsequent acceptance of any other tender; <p>the Elundini Municipality shall also have the right to recover such additional expenses or losses by set-off against monies which may be due or become due to the tenderer under this or any other tender or contract or against any guarantee or deposit that may have been furnished by the tenderer or on its behalf for the due fulfilment of this or any other tender or contract. Pending the ascertainment of the amount of such additional expenses or losses, the Elundini Municipality shall be entitled to retain such monies, guarantee or deposit security for any such expenses or loss.</p>
2.27	<p>Compliance with Occupational Health and Safety Act, 85 of 1993</p> <p>Tenderers are to note the requirements of the Occupational Health and Safety Act, 85 of 1993. The Tenderer shall be deemed to have read and fully understood the requirements of the above Act and Regulations and to have allowed for all costs in compliance therewith.</p> <p>In this regard the Tenderer shall submit upon written request to do so by the Elundini Municipality, a Health and Safety Plan in sufficient detail to demonstrate the necessary competencies and resources to deliver the goods or services all in accordance with the Act, Regulations and Health and Safety Specification.</p>
3.	Employer's Undertaking
3.1	The employer will respond to requests for clarification received up to Five (5) working days before the tender closing time.

3.2	<p>The employer shall issue addenda until Five (5) working days before tender closing time.</p> <p>If necessary, the employer shall issue addenda in writing that may amend or amplify the tender documents to each tenderer during the period from the date the tender documents are available until Five (5) working days before the tender closing time stated in the Tender Data. The Employer reserves its rights to issue addenda less than Five (5) working days before the tender closing time in exceptional circumstances. If, as a result a tenderer applies for an extension to the closing time stated on the front page of the tender document, the Elundini Municipality may grant such extension and, shall then notify all tenderers who drew documents.</p> <p>Notwithstanding any requests for confirmation of receipt of notices issued, the tenderer shall be deemed to have received such notices if the Elundini Municipality can show proof of transmission thereof via electronic mail, facsimile or registered post.</p>
3.3	Tenders will be opened immediately after the closing time for tenders as stated in the Tender Notice and Invitation to Tender.
3.3(a)	Tenders will be opened immediately after the closing time for tenders as stated in the Tender Notice and Invitation to Tender. If requested by any bidder present, names of the bidders, and if practical the total amount of each bid and of any alternative bids will be read out loud.
3.3(b)	Late bids will be registered and returned unopened unless the bidder did not clearly specify their address at the back of the envelope.
3.4	The employer or any of its employees must not disclose to tenderers, or to any person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer
3.5	Make available a record of the details announced at the tender opening meeting on the Elundini Municipality's website (www.elundini.gov.za)
3.6	<p>Bids must be evaluated in terms of their responsiveness to the bid specifications, requirements as well as criteria as set out in the bid document.</p> <p>Any additional criteria as per communicated addendum shall be considered.</p>
3.7	<p>Determine, after opening and before detailed evaluation, whether each tender offer that was properly received</p> <ul style="list-style-type: none"> a) complies with the requirements of the standard conditions of tender in this part of SANS 10845-3:2015 b) has been properly and fully completed and signed, and c) is responsive to the other requirements of the tender documents. <p>A responsive tender is one that conforms to all the terms, conditions, and scope of work of the tender documents, without material deviation or qualification. A material deviation or qualification is one which, in the employer's opinion, would</p> <ul style="list-style-type: none"> a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the scope of work, b) significantly change the employer's or the tenderer's risks and responsibilities under the contract, or c) affect the competitive position of other tenderers presenting responsive tenders if it were to be rectified. <p>Reject a non-responsive tender offer, and do not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.</p>
3.8	<p>Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.</p> <p>For Vat related discrepancies, National and Provincial Treasury prescripts in relation to VAT procedures apply.</p>

Evaluation of tender offers

The procedure for the evaluation of responsive tenders is Method 4: Financial offer, quality and preferences

STAGE ONE: RESPONSIVENESS TO THE BID REQUIREMENTS AND RULES

Bidders' proposals must meet the following minimum requirements and supporting documents must be submitted with the completed bid document in a sealed envelope in the bid box at the closing date and time. Failure to comply will automatically eliminate the bid for further consideration.

1. Bid Document (This Document) must be submitted in its original format.
2. Bids which are late, incomplete, unsigned or submitted by facsimile or electronically, will not be accepted.
3. A copy of the Central Supplier Database report showing, amongst other things, that tax matters of the service provider are in order with the South African Revenue Services.
4. Valid Proof of good standing with the Compensation for Occupational Injuries and Diseases (COID). Bidders who do not have the valid Compensation for Occupational Injuries and Diseases (COID) must submit a letter from Department of Labour stating that the bidder has applied for COID specifically for this project, in such case appointment will be subject to bidder submitting a Valid COID.
5. A copy of valid Construction Industry Development Board (CIDB) for **Grading 7CE** and above.
6. The Tenderer must demonstrate that he will have in his employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work:
 - a) Foremen/ Supervisors at NQF level 4 "National Certificate: Supervision of Civil Engineering Construction Processes OR Civil Engineering and at least one year experience in Roads Construction and Maintenance
7. The tenderer must provide three (3) contactable client references for the similar works which has been satisfactorily completed.
8. The tenderer has demonstrated the availability of the required plant as per the requirements of the tender. Proof of ownership or leasing agreement is mandatory to satisfy requirements. The municipality will conduct an intense due diligence which will include inspection of the plant.
9. Bidders must be a legal entity or partnership or consortia or joint ventures with a signed agreement in place with a consolidated BBBEE Certificate.
10. Form of offer and Acceptance (fully completed and signed)
11. Invitation to bid must be completed and signed.
12. Declaration of Interest (fully completed and signed)
13. Preference Points Claim form in terms of the Preferential Procurement Regulations 2022 (fully completed and signed)
14. Declaration of Bidder's past Supply Chain Management Practices. (Completed and signed)
15. Certificate of Independent Bid Determination. (Completed and signed)
16. Compulsory Enterprise Questionnaire (Completed and signed)
17. Elundini Municipality Ethics Commitment form for Suppliers (Completed and signed)
18. Proof of Authority of Signatory
19. Declaration of Employees of the State or other State Institutions.
20. Proof of attendance of clarification meeting, an attendance register will be circulated for record purposes.
21. A valid original or certified copy of B-BBEE certificate must be submitted with the bid OR a valid original or certified copy of a Sworn Affidavit attested by a Commissioner of Oaths prepared and issued in terms of the amended B-BBEE Construction Sector Codes (CSC000) must be submitted in order to qualify for preference points for B-BBEE. Failure to comply with this, will automatically results in the non-awarding of points for B-BBEE. (This is not an Elimination factor).
22. This tender will be awarded as a whole. All Items listed in the Bills of Quantities or Pricing schedule must be priced for (except provisional sums and allowances which must also be added to the total), failure to do so will increase commercial risk of the bid and may lead to elimination or passing over of the bidder.
23. If the offer (any of the items quoted for) is "Vat Inclusive", the VAT registration number of service provider must be indicated. Bidders are not entitled to claim the VAT if they are not VAT registered.
24. A Resolution of signatory form has been completed and signed by director/s or a letter bearing a letterhead of the tenderer has been attached (specific to this bid) to the bid submission; it must be duly signed by all directors and submitted the bid. Only a duly authorized official can sign the bid.
25. The Municipality reserves the right not to award the bid to the most favourable tenderer, if any of the situations occur:

if :-

 - a) the bidder has been awarded a considerable number of projects by the Municipality.
 - b) as performed unsatisfactorily in the past.
 - c) Does not meet objective criteria

26. DUE DILIGENCE

- a) The municipality will conduct intense due diligence which must include inspection of the claimed plant.
- b) The municipality will provide due diligence form which will be used for the assessment purposes of the claimed project experience.

STAGE TWO: EVALUATION OF QUALITY

A minimum number of evaluation points for quality is **70 Points**. Any bidder who fails to meet the minimum qualifying score will not be considered further for evaluation on Price and Preference.

STAGE THREE: EVALUATION POINTS ON PRICE AND PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

The **80/20 preference point system** shall be applied for the purposes of this bid as per the requirements of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and PPPFA Regulations of 2022

Criteria	Points
Points on Price	80
Specific Goals	20
TOTAL	100

The **80/20 system** for requirements with a Rand value of up to R50 000 000 (all applicable taxes included).

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

80/20

$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

- P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{min} = Price of lowest acceptable tender

4.1 The financial offer derived from the bill of quantities will only be used for comparative basis.

4.2 The procedure for the evaluation of responsive tenders is Method 4: Financial offer, quality and preferences

The total number of tender evaluation points (T_{EV}) shall be determined in accordance with the following formula.

$$T_{EV} = 0,6 (N_{FO} + N_P) + 0,4 N_Q$$

N_{FO} is the number of tender evaluation points awarded for the financial offer made in accordance with 5.11.7 where the score for financial offer is calculated using Formula 2 and W_1 equals 80.

N_P is the number of tender evaluation points awarded for preferences claimed in accordance with the Preferencing Schedule

N_Q is the number of tender evaluation points awarded for quality offered in accordance with 5.11.9 where, $W_2 = 100$.

Up to 100 minus W_1 tender evaluation points will be awarded to tenderers who complete the preferencing schedule and who are found to be eligible for the preference claimed.

4.3

Scoring financial Offers

Score the financial offers using the following formula:

$$N_{FO} = W1 \times A$$

where

N_{FO} is the number of tender evaluation points awarded for the financial offer.

$W1$ is the maximum possible number of tender evaluation points awarded for the financial offer as stated in the tender data.

A is the number calculated using the relevant formula described in Table 1, as stated in the tender data.

Table 1 — Formulae for calculating the value of A^a

Formula number	Basis for comparison	Formula
1	Highest price or discount	P/P_m
2	Lowest price or percentage commission or fee	P_m/P
^a P_m is the comparative offer of the most favourable comparative offer. P is the comparative offer of the tender offer under consideration.		

5.11.9

Scoring Quality

The quality criteria and maximum score in respect of each of the criteria are as follows:

Quality criteria	Documents / Evidence	Maximum number of points
Experience of the tenderer in related scope of works	The tenderer must have been the main contractor not subcontracting and must provide three (3) contactable client references for the construction of paved Roads (surfaced Roads) with a cumulative contract value of at least R 10 million including VAT and which has been satisfactorily completed during the last five years.	40
2.Key Persons		
2.1 Experience of the Key person (Site Agent)	The tenderer has as a full time Site Agent suitably qualified with at least an NQF Level 6 in the Built Environment and NQF level 7 "Manage Labour-Intensive Construction Processes" or equivalent Quality Council for Trades and Occupations (QCTO) qualifications at NQF level 7. The Site Agent must also possess at least seven (7) years' experience as a Site Agent in the construction of civil works	20
2.2 Experience of the Key person (Foreman)	The tenderer has as a full time Foreman suitably qualified with at least an NQF Level 6 in the Built Environment and NQF level 5 "Manage Labour-Intensive Construction Processes" or equivalent Quality Council for Trades and Occupations (QCTO) qualifications at NQF level 5. Foreman must also possess at least Five (5) years' experience as a Site Agent in the construction of civil works.	20
Approach paper The approach paper must respond to the scope of work, the nature of the contract, the required resources and outline the proposed approach / methodology including that relating to the controlling of costs and the sourcing, programming and management of key subcontractors and suppliers. The approach paper as such needs to: outline the proposed methodology and systems which will be employed to control costs and engage and manage subcontractors; identify the challenges that the tenderer may face in providing the works within the region in which the tender was invited to submit a tender; an articulate what value add the tenderer will provide in achieving the stated and implied objectives for the project including the secondary (developmental) objectives.	Approach Paper The tenderer should as such explain his / her understanding of the objectives of the project, highlight the issues of importance, and explain the technical and strategic approach they would adopt to address them. The approach paper should explain the methodologies which are to be adopted, demonstrate the compatibility of those methodologies with the proposed approach. The approach should also include a high level quality plan which outlines processes, procedures and associated resources, applied by whom and when, to meet the requirements and indicate how risks will be managed and what contribution can be made regarding value management	20
Maximum possible score for quality (M_s)		100

The minimum number of evaluation points for quality is **70**

5.	<p>Tender offers will only be accepted if:</p> <ul style="list-style-type: none"> a) Submits a valid SARS Tax Clearance Certificate or/and a tax compliance status document reflecting the pin for the Employer to verify that the tenderer is in good standing. b) The tenderer is registered with and active on the Construction Industry Development Board (CIDB) for Grading 7CE and above c) Submits a valid proof of good standing with the Compensation for Occupational Injuries and Diseases (COID). Bidders who do not have the valid Compensation for Occupational Injuries and Diseases (COID) must submit a letter from Department of Labour stating that the bidder has applied for COID specifically for this project, in such case appointment will be subject to bidder submitting a Valid COID. d) The Tenderer can demonstrate that he will have in his employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work for labour-intensive competencies for management and supervisory personnel: e) The tenderer has as a full time Site Agent suitably qualified with at least an NQF Level 6 in the Built Environment and NQF level 7 "Manage Labour-Intensive Construction Processes" or equivalent Quality Council for Trades and Occupations (QCTO) qualifications at NQF level 7. The Site Agent must also possess at least seven (7) years' experience as a Site Agent in the construction of civil works f) The tenderer has as a full time Foreman suitably qualified with at least an NQF Level 6 in the Built Environment and NQF level 7 "Manage Labour-Intensive Construction Processes" or equivalent Quality Council for Trades and Occupations (QCTO) qualifications at NQF level 5. Foreman must also possess at least Five (5) years' experience as a Site Agent in the construction of civil works g) The tenderer must provide three (3) contactable client references for the similar works which has been satisfactorily completed. The municipality will conduct an intense due diligence which will include inspection of the plant. h) Bidders must be a legal entity or partnership or consortia or joint ventures with a signed agreement in place. i) the tenderer is registered on the Central Supplier Database (CSD) for the South African government (see https://secure.csd.gov.za/) unless it is a foreign supplier with no local registered entity j) Prospective bidders must register on CSD prior submitting bids (open tenders). Any prospective bidder found to have Tax matters not in order with SARS (verified through CSD) during the evaluation process (after being given an opportunity to rectify tax matters) will be eliminated and not be considered further in the process. Preferred bidder/s will be afforded an opportunity to rectify their tax affairs within 7 days. A bidder that fails to rectify its tax matters with SARS will be eliminated. k) the tenderer or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector. l) the tenderer has not: <ul style="list-style-type: none"> i) abused the Employer's Supply Chain Management System; or ii) failed to perform on any previous contract and has been given a written notice to this effect; and m) the tenderer has completed the Compulsory Enterprise Questionnaire and there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are permitted to submit tenders or participate in the contract; n) the tenderer is not more than three months in arrears in its municipal rates and taxes or municipal service charges, if applicable. Proof of payment to be supplied. Where no municipal rates are applicable, a proof of residence from the Councillor and a Sworn Affidavit from the SAPS stating that the tenderer is not liable for municipal rates must be supplied. o) NOTE: The amount reflected on the Form of Offer and Acceptance takes precedence over any other total amount indicated elsewhere in bidder's tender submission. If the Form of Offer and Acceptance has no value or figure, the bidder will be regarded as having made no offer. p) the tender has offered a market related offer. If the offer is believed not to be market related, the Municipality through its Supply Chain Management bid committees will attempt to negotiate the offer with identified bidder/s to a reasonable amount. Bidders are not allowed to increase their tender offers during this process.
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	<p>q) A Resolution of signatory form has been completed and signed by director/s or a letter bearing a letterhead of the tenderer has been attached (specific to this bid) to the bid submission; it must be duly signed by all directors and submitted the bid. Only a duly authorized official can sign the bid.</p> <p>r) The Municipality reserves the right not to award the bid to the most favourable tenderer, if any of the situations occur:</p> <ul style="list-style-type: none"> the bidder has been awarded a considerable number of projects by the Municipality. Where a bidder or its directors has previously failed to perform in the previous order where notices of poor performance were issued or application for restriction has been lodged with National Treasury in terms of SCM Regulation 38.
5.1	The number of paper copies of the signed contract to be provided by the employer is one.
5.2	The number of paper copies of the signed contract to be provided by the employer is one.
6.	<p>Risk Analysis</p> <p>Notwithstanding compliance with regard to any requirements of the tender, the Elundini Municipality will perform a risk analysis in respect of the following:</p> <ul style="list-style-type: none"> a) reasonableness of the financial offer b) reasonableness of unit rates and prices c) the tenderer's ability to fulfil its obligations in terms of the tender document, that is, that the tenderer can demonstrate that he/she possesses the necessary professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, capacity, experience, reputation, personnel to perform the contract, etc.; the Elundini Municipality reserves the right to consider a tenderer's existing contracts with the Elundini Municipality in this regard. d) any other matter relating to the submitted bid, the tendering entity, matters of compliance, verification of submitted information and documents, etc. e) there is any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any Organ Of the State and where there are notices of poor performance issued thereof. [Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the Audi alteram partem rule was applied]. f) tenderer/s(or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector [Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied]. The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za). g) tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) h) tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years? i) the tenderer/s employees/directors are also employees/contractors/consultants or directors in the organ of state. <p>The conclusions drawn from this risk analysis will be used by the Elundini Municipality in determining the acceptability of the tender offer.</p> <p>No tenderer will be recommended for an award unless the tenderer has demonstrated to the satisfaction of the Elundini Municipality that he/she has the resources and skills required.</p>

10.	<p>Pricing</p> <p>Arithmetical errors, omissions and discrepancies</p> <p>Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.</p> <p>If pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as tendered shall govern, and the unit rate shall be corrected.</p> <p>Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if Price Schedules apply) to achieve the tendered total of the prices.</p> <p>Consider the rejection of a tender offer if the tenderer does not correct or accept the correction of the arithmetical error in the manner described above.</p> <p>Other</p> <p>For Vat related discrepancies, National and Provincial Treasury prescripts in relation to VAT procedures apply.</p> <p>Unconditional discounts must be taken into account for evaluation purposes</p> <p>The Employer must evaluate whether tender has offered a market related offer. If the offer is believed not to be market related, the Municipality through its Supply Chain Management bid committees will attempt to negotiate the offer with identified bidder/s to a reasonable amount. Bidders are not allowed to increase their tender offers during this process</p> <p>In the event of tendered rates or lump sums being declared by the Elundini Municipality to be unacceptable to it because they are not priced, either excessively low or high, or not in proper balance with other rates or lump sums, the tenderer may be required to produce evidence and advance arguments in support of the tendered rates or lump sums objected to. If, after submission of such evidence and any further evidence requested, the Elundini Municipality is still not satisfied with the tendered rates or lump sums objected to, it may request the tenderer to amend these rates and lump sums along the lines indicated by it.</p> <p>The tenderer will then have the option to alter and/or amend the rates and lump sums objected to and such other related amounts as are agreed on by the Elundini Municipality, but this shall be done without altering the tender offer in accordance with this clause. Should the tenderer fail to amend his tender in a manner acceptable to and within the time stated by the Elundini Municipality, the Elundini Municipality may declare the tender as non-responsive.</p> <p>Bidder must comply with all pricing instructions as stated on the Price Schedule and tender conditions.</p> <p>All prices must include VAT where applicable</p> <p>The Elundini Municipality may, after the closing date, request additional information or clarification from tenderers, in writing on any matter affecting the evaluation of the tender offer or that could give rise to ambiguity in a contract arising from the tender offer, which written request and related response shall not change or affect their competitive position or the substance of their offer. Such request may only be made in writing by the delegated official using any means as appropriate and such communication must be approved by the Accounting Officer.</p>
11.	<p>Incorrect Information</p> <p>Where a contract has been awarded on the strength of the information furnished by the bidder which, after the conclusion of the relevant agreement, is proved to have been incorrect, the Elundini Municipality may, in addition to any other legal remedy it may have, recover from the contractor all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract</p>

12.	<p>Change of information</p> <p>If after the commencement of the Contract, there is any amendment in the key personnel from which bid evaluation was based, within 90 days of first having become aware of the change, the Contractor must furnish the Employer with detailed justification to change of key personnel, which might be accepted or not accepted by the employer depending on its discretion and the level of skill of personnel used for the replacement.</p>
13.	<p>Incorrect Information</p> <p>Where a contract has been awarded on the strength of the information furnished by the bidder which, after the conclusion of the relevant agreement, is proved to have been incorrect, the Elundini Municipality may, in addition to any other legal remedy it may have, recover from the contractor all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract</p>
14.	<p>Change of information</p> <p>If after the commencement of the Contract, there is any amendment in the key personnel from which bid evaluation was based, within 90 days of first having become aware of the change, the Contractor must furnish the Employer with detailed justification to change of key personnel, which might be accepted or not accepted by the employer depending on its discretion and the level of skill of personnel used for the replacement.</p>

Project Name

Framework contract for 5 x CIDB Grade 7CE & higher for the Construction of Paved Roads within the Elundini Local Municipality Area; (NEC3 option B).

Project Description

The scope of this Framework Contract is the construction of paved roads infrastructure development projects over a 3 year framework term, as and when a specific Package Order is issued to the Contractor.

Project Background

Framework contract for 5 X CIDB Grade 7CE and higher for the Construction of Paved Roads within the Elundni Local Municipality Area; (NEC 3 option B) within Elundini Municipality Area was established with the following.

2.1 Vision

To have a panel of service providers for a period of time without a guarantee of quantum of work. This will provide efficient turnaround time in attending to infrastructure development.

2.2 Mission

- To promote economic empowerment for developing construction entities;
- To promote local employment (temporary and permanent) through the delivery of the infrastructure;
- To develop small enterprise capacity in order to undertake the portions of the work as subcontractors
- To retain as much of the project expenditure within the Elundini Local Municipality; and,
- To Support skills development by increasing the number of people who have part qualifications, national qualifications and professional designations awarded by statutory councils.

2.3 Objectives

- The Employer's primary objective in entering into this framework contract over a 3 year framework term for Construction of Paved Roads within the Elundini Municipal area of jurisdiction, on an as and when instructed basis without a guarantee to a quantum of work, is to secure the services of a limited number of suitably qualified contractors to serve the Employer's current and emerging needs.
- The secondary or developmental objectives of the Employer are to provide employment and business opportunities to persons residing or located within the Elundini Municipal Area.

2.4 Specific

- The Contractor is required to provide all required personnel, materials, equipment and plant required for the construction of paved roads and associated works as instructed through a Package Order issued by the Elundini Local Municipality.
- The Contractor will furthermore be required to subcontract up-to 100% of the Works to local businesses in order to develop them over the specified Package Order period to enable them to rise their CIDB grading.
- Each Package Order will specify its own Works Information with the necessary details applicable for the construction of that Work Package. This will include but not limited to reporting, invoicing, technical details trianing, interpretation traning of working drawings, construction project management training as well as people employment requirements.

Bidder that fail to submit proof of specific goal as stipulated below will not be allocated points

The Specific Goals allocated points for both bids: ELM-3/016/2023-2024	Proof to claim points for specific goal
EME or QSE which is at least 51% Enterprise owned by Black people Points = 15	Company Registration Document and Certified BBBEE Certificate or Original Sworn Affidavit and CSD Report
Local Enterprise Within Elundini Local Municipality = 5 Points Within Joe Gqabi District = 3 Points Outside region = 1 Points	Proof of business operation within the Elundini municipal Jurisdiction or within Joe Gqabi District or outside region along with CSD Report
Total Specific Goals = 20 Points	

Elundini Local Municipality

Tender No ELM-3/005/2020-2021 – Package Order no. 00