



NEWCASTLE MUNICIPALITY

TECHNICAL SERVICES – ELECTRICAL & MECHANICAL SERVICES

BID NO.: A034 – 2024/25

**EXPRESSION OF INTEREST (EOI) FOR SELECTION OF AN INDEPENDENT POWER PRODUCER AND
ALTERNATIVE TECHNOLOGY TO NEWCASTLE MUNICIPALITY ON DESIGN-BUILD-OPERATE
MODE OVER A PERIOD OF 20 YEARS**

SUBMISSION OF PROPOSAL DOCUMENT DEADLINE

Date: 21 May 2025

Time: 12h00

Venue: Municipal Civic Centre Offices (Rates Hall), 37 Murchison Street, Tower Block Building -1st
Floor, Newcastle, 2940

Name of Company	
CSD Master Registration No	
Physical Address	
Contact Person(s)	
Phone Number(s)	
E-Mail Address	

Sealed proposals document must be deposited in the Tender Box provided at the Municipal Civic Centre (Rates hall), 37 Murchison Street, Newcastle by no later than **12h00** on **21 May 2025** where proposals will be opened in public. Please be advised that the name, address and contact details should be written at the back of the envelope.

TABLE OF CONTENTS

		PAGE NUMBER
PART A – TERMS OF REFERENCE: INDICATIVE SCOPE OF SERVICES		
1.	Expression of Interest Brief	3
2.	Evaluation Procedure on Technical & Financial Proposals	9
3.	Proposals Acceptability Requirements	12
PART B – PROPOSALS SUBMISSION PROCEDURES		
4.	Notice & Invitation to Submit an Expression of Interest	15
5.	Submission Data	22
PART C – LIST OF RETURNABLE DOCUMENTS & SCHEDULES		
6.	Authority of Signatory	37
7.	Audited Financial statements	39
8.	Proof of Municipal Good Standing with Municipal Accounts	40
9.	Central Supplier Database	42
10.	Proof of Registration with a Professional Body	43
11.	MBD 4 – Declaration of Interest	44
12.	MBD 8 - Declaration of Bidder's Past Supply Chain Management Practices	47
13.	MBD 9 - Certificate of Independent Bid Declaration	49
14.	Schedule of Key Personnel	53



PART A – TERMS OF REFERENCE

**EXPRESSION OF INTEREST (EOI) FOR THE
SELECTION OF AN INDEPENDENT POWER
PRODUCER AND ALTERNATIVE TECHNOLOGY TO
NEWCASTLE MUNICIPALITY**



REQUEST FOR PROPOSALS FROM INDEPENDENT POWER PRODUCERS AND ALTERNATIVE TECHNOLOGY TO NEWCASTLE MUNICIPALITY

1. BACKGROUND

Newcastle Local Municipality (NLM) is currently sourcing 100% of electricity from Eskom. The notified maximum demand is 125MVA from Eskom. Given the situation where Newcastle Municipality is entirely dependent on Eskom for its electricity supply and load shedding being a significant issue for customers, the municipality needs to develop a comprehensive plan to mitigate these problems. By implementing new generating strategies, the Newcastle Municipality needs to improve its resilience to load shedding, reduce dependence on Eskom, and ensure a more reliable and sustainable electricity supply for its customers.

The Newcastle Municipality intends to invite Expressions of Interest from Potential Service Providers/ Companies/Developers to generate information that will assist the Electrical department to assess aspects of potential renewable energy projects at selected municipal power stations or on electrical infrastructure for the selection of renewable energy developers for the development of potential types of renewable energy plants and the Operation and Maintenance of the same.

2. SCOPE OF WORK

Newcastle Municipality is seeking competitive proposals from potential independent power producers to develop renewable or cleaner energy generation plants and supply Newcastle Municipality. The Municipality will consider all technologies, innovative, dispatchable and baseload technologies.

The generation stations can be located within the Newcastle municipality due to area restrictions. The generation units should preferably be connected directly (embedded) to the municipality's distribution network although alternative connection through other neighbouring Municipal grids by a wheeling agreement, may be considered if the Newcastle Local Municipality will not be adversely affected thereby.

The municipality will provide a list of all targeted Municipal substations for integrating embedded IPPs (Independent Power Producers) generators. All bidders will be required to sign a Non-Disclosure Agreement (NDA) prior to receiving of the substation list or any other NLM grid information.

Bidders can submit proposals for one or all categories and each category will be evaluated independently. Successful bidders will have a period of six (6) months from date of award to engage the municipality concerning the proposed projects and then submit final proposal(s) based on grid information gathered. Bidders will be required to submit detailed technical and financial proposals.

2.1 Functional requirements

Innovative and Modular new technologies (Baseload and embedded on NLM grid).

The Municipality welcomes all renewable/clean energy innovative technologies that have been implemented or not implemented at utility scale either locally or internationally, if in the opinion of the Municipality the technology makes sound engineering sense and conforms to acceptable engineering practices.

In line with the Municipality's research and development's mandate in the renewable energy sector, the municipality is willing to open its grid for innovation technologies. The first 3 years after the plant has reached Commercial Operation Date (COD) will be considered piloting phase in

which to develop proof of concept or proof of operation. Any generation capacity injected on the municipality grid during the piloting phase will be compensated in accordance with the bidder tendered tariffs (agreed tariffs) and signed PPA. If the pilot project is successful, the successful bidder will continue to generate for the remainder of agreed term over the proposed PPA term (**Power Purchase Agreement**" means the power purchase agreement entered into between the Power Buyer and the Power Seller).

However, if piloting is unsuccessful after 3 years, the PPA will mutually and automatically be cancelled without any party seeking relief from the other party. The successful bidders will be responsible to cover the cost of any damages to NLM distribution infrastructure due to the generator/s connected on the grid during piloting phase.

Each proposal must meet the following functional requirements under this category and any other relevant requirements not listed below:

- (i) The technology must be renewable and/or clean energy.
- (ii) The technology must be baseload (continuous operation day and night), non-weather dependent, able to supply power during loadshedding or absence of ESKOM supply and able to carry the whole load of the specified substation or portion of the substation load through isolation of certain load feeders.
- (iii) Requires less land footprint and can be developed inside NLM Primary substation yards where possible. Proposals will still be accepted even if the plant cannot be developed inside the substation yard provided that the plant can still connect to the specified NLM substation via distribution infrastructure.
- (iv) Under normal circumstances (for avoidance of doubt, during no loadshedding or no supply from ESKOM), the generation plant must be non-dispatchable and operate normally. Only Stored energy capacity will be dispatchable. The dispatchable stored energy capacity will only be procured by the municipality during loadshedding periods and on demand by the municipality to provide relief (loadshedding mitigation) from Eskom loadshedding requirements. Potential bidders willing to propose both non dispatchable and dispatchable stored energy capacity must submit two (2) pricing/tariff proposals for each regime. The dispatch regime will be fully covered on the PPA and connection agreement.
- (v) Modular, containerized in nature and scalable up or down depending on substation loading (Plug and play).
- (vi) Only utility scale proposals between 80MW to 125MW or above will be considered per bidder.
- (vii) Able to connect at the specified NLM Primary substations. The IPP will be responsible for the connection works and termination to the NLM substations or distribution network.
- (viii) First generation units must be connected to the grid within 18 months after signing of the PPA and total contracted capacity must be connected to the grid within 3 years after signing of the PPA.
- (ix) The maximum R/kWh rate the municipality will pay for electricity under the PPA will be limited to the rate agreed-upon on signing of the contractual agreement but shall not exceed the equivalent of the prevailing Eskom Transmission local authority tariff applicable to the municipality at the time of award.
- (x) The maximum R/kWh rate the municipality will pay for non-dispatchable electricity under the PPA will be limited to the equivalent or the lower of the prevailing Eskom Transmission local authority tariff (Mega flex) applicable to the municipality at the time of award. Interested bidders must propose R/kWh tariff for dispatchable stored energy capacity for consideration by the Municipality.
- (xi) The successful bidders shall finance all aspects of each project proposal including the design, construction, grid connection, commission, operation, maintenance, and decommissioning of the plant/s.
- (xii) It shall also be the responsibility of the IPP (Independent Power Producer) to obtain all other relevant permits, land access and conducting any relevant studies.

- (xiii) Each proposal may consist of several component power generation plants that may use multiple technologies and may be located at different sites.
- (xiv) A formal skills transfer programme to the Newcastle Operating Staff shall be provided during the operation of the first phase.

The following generation technologies will be considered:

- Solar PV with or without storage
- Gas
- CSP (Concentrated Solar Power)
- Wind
- Any other renewable energy source with proven utility scale implementation track record locally or internationally.

- (xv) Please be advised that the final award will be subject to obtaining inputs from Minister of Electricity & Energy and National Treasury.

3. EXCLUSIONS

- ☐ Stand-alone storage technologies and those that require to be charged from NLM grid are excluded from this program.
- ☐ Any project that requires a fuel / feedstock agreement with another Newcastle municipality departments (wastewater, Environmental and solid waste etc.) will not be considered and is explicitly excluded from this program.

4. ENVIRONMENTAL CONSIDERATIONS AND IMPLICATIONS

The Bidders are required, within the scope of the project, to assess all the environmental impacts of the proposed Facility. The Bidder shall prepare an initial environmental impact assessment (EIA) study in accordance with the applicable legislation. A description is required of the potential environmental impact of the plant and the environmental protection measures to be applied. The bidder will be required to carry out an Initial Environmental Examination/Environmental Impact Assessment and will be obliged to comply with the applicable environmental standards during both construction and operation of the plant. Bidders shall provide full information in relation to the quantities and types of all liquid and solid

Effluents including sewage that will be produced at the site and give details of the methods to be employed for neutralizing these effluents. The proposed methods for disposal of all liquid and solid wastes from the power station including any fuel sludge/wastes should be clearly outlined in the Proposal. Bidders shall provide all information related to quantities and rates of emissions of pollutants, including the types of pollutants and details of the proposed methods of pollution control and types of pollution control equipment and other migratory measures. Guaranteed emission rates must also be provided.

5. PERMITTING PROCEDURES

The successful Bidder/s will be responsible for investigating the need for and obtaining all necessary consents, permits, licenses and approvals for design, construction, operation, and maintenance of the power station/s and equally in meeting all appropriate legislation and regulations.

6. BID PROPOSALS

The Proposals must demonstrate a firm knowledge of the project requirements and an understanding of the requisite tasks to be carried out. All successful bidders will be required to enter a 20 years PPA contract or SLA (Service Level Agreement) with the municipality. The successful bidders will be required to confirm the deliverables from NLM that will form the basis of the PPA, e.g. Land requirements, connection to grid, funding etc.

Proposal format:

The proposal shall follow the format as discussed below:

1) Technical submission (Technical Proposal)

Bidders shall provide general technical information to enable to understand the operation of the Facility and its peripherals/auxiliaries. The following information shall be provided as part of the technical details:

- ☐ Size of the plant/s in MW
- ☐ Technology or type of plant (i.e. Solar PV, Waste, Gas etc.)
- ☐ A detailed description of how the technology works
- ☐ Project Name
- ☐ Generation Plant Location, with corresponding GIS coordinates
- ☐ Plant peak power rating [MW]
- ☐ Maximum Export Capacity (as defined in the Distribution Agreement or the Transmission Agreement, as the case may be: [MW]
- ☐ Planned voltage connection level.
- ☐ Planned connection point (i.e. the name of the substation or distribution line into which the Project is intended to connect as well as supply area)
- ☐ Indicate the time frame from construction to commission and give NLM an estimate as to when will the plant be ready for generation.

- ☐ Site development plan (drawn to scale)

- ☐ Project timeline from start to finish including all authorizations, approvals, permits, studies etc.

2) Financial submission (Financial Proposal)

- ☐ Bidders shall provide preliminary details of how the project/s will be funded or financed.
- ☐ Provide details of potential project funder/s or investors Provide any letters of intent to fund from potential funders if available or any formal on-going engagements with funders.

3) Additional project readiness details

- ☐ Period to COD after notice to proceed granted/PPA signed (calendar days).
- ☐ Status of Generation Fuel supply agreements, if applicable:
- ☐ Status of Environmental Authorization, if applicable
- ☐ Copy of evidence of land ownership/lease agreement or current status, i.e main land parcel required for the generation plant/s.
- ☐ Status of permits and authorizations - details of both those granted and outstanding with associated estimated timeframes provided: e.g. wayleaves, servitudes, grid code compliance, rezoning, water use licenses, etc.
- ☐ Status of required agreements, including grid access agreements with the applicable municipality and/or Eskom.

7. SOCIO ECONOMIC DEVELOPMENT

The proposals must contain the following information:

SOCIO ECONOMIC DEVELOPMENT REPORTING FIGURES	
Project Name:	
Contracted Capacity: [MW]	
Estimated private sector investment injection to the local economy	
Estimated number of job opportunities created during construction	
Estimated number of job opportunities created during operation of the plant	

2. **PROCEDURE ON EVALUATION OF PROPOSALS**

The expression of interest shall be evaluated in five (5) stages as follows: -

Stage 1: Administrative compliance

Stage 2: Mandatory Requirements

Stage 3: Functionality Evaluation

Stage 4: Pricing & Preference scoring

Stage 5: Objective criteria

Stage 1: Administrative compliance

The Municipality has prescribed minimum administrative requirements that must be met by the

bidders, to determine if the bid qualifies to be recognized as an acceptable bid, for further evaluation. In this regard administrative compliance will be carried out to determine whether The bidder's bid complies with the set minimum requirements on administration.

- Water and lights account in the name of tendering entity
- Tax Status, CSD registration
- Verification if not listed under tender defaulters.
(Bidder's Past Performance – MBD 8)
- Signing of MBD 1
- Declaration of interest – MBD 4
- Independent Bid Determination – MBD 9

Stage 2: Mandatory Requirements

The following pre-qualification criteria will form the basis for evaluating all bids and failure to comply with this criterion will result in the immediate disqualification of bid.

NO	MANDATORY REQUIREMENTS	Does your offer comply with these requirements? (Yes/No)	Portfolio of Evidence
1.	Proof of registration as an electrical contractor with the Department of Labour.		Please attach the proof of valid registration from the Department of Labour

The Newcastle Municipality will not consider a *Tenderer* without the following gatekeeper submitted with this document, technical evaluation will not commence, and a bid shall be disqualified:

Stage 3: Functionality Evaluation

The approach to be adopted for the technical evaluation is that criteria have been developed that indicate the elements that are mandatory and non-negotiable. Only contractors that have achieved 70% points will be further evaluated for a next stage.

Tenderers are required to meet a minimum **Quality Score of 70%** based on the criteria listed below.

A score of **less than 70%** for Quality will render the tender non-responsive.

Unit	Description	Points
1	Company Experience: • Previous IPP PLANT establishment in the Republic of South Africa and /or outside the Country. Note: Failure to provide completion certificate(s) and/ or establishment Certificate will result in no points being awarded.	20
2	2.1 Project Manager (total points allocated = 5) 2.1.1 Project Manager registered as Professional Engineer or Professional Technologist with ECSA* (2 points) 2.1.2 Qualification: BSc or BTech in Electrical Engineering (2 points) 2.1.3 Experience in establishment of IPP Plant (Maximum 1 point) 2.2 Construction Supervisor (total points allocated = 5) 2.2.1 Construction Supervisor registered as Professional Engineer or Professional Technologist with ECSA* (2 points) 2.2.2 Qualification: National Diploma in Electrical Engineering (2 points) 2.2.3 Experience in establishment of IPP Plant (Maximum 1 point) 2.3 Electrician (total points allocated = 4) 2.3.1 Trade Test and Wireman's License as well as ORHVS** Certificate (2 points) 2.3.2 Minimum of 3 years relevant experience in the capacity as the Electrician on establishment of IPP Plant (Maximum 2 point) 2.4 Safety Officer (total points allocated = 2) 2.4.1 registered with SACPCMP*** as a Construction Health and Safety Officer (Maximum 2.5 points) 2.5 Civil Engineer (total points allocated = 4) 2.5.1 Qualification: BSc or BTech in Civil Engineering (3 points)	20

	2.5.2 Minimum of 3 years relevant experience in the capacity as the Civil Engineer on establishment of IPP Plant (Maximum 1 point)	
3	Availability of Plant: Demonstrate capacity to design, operate and maintain a solar plant of a minimum of 20Mva Capacity.	10
4	Availability of Land: Title Deed or Council approval for leasing of land or lease agreement (drafts – intent to lease) also acceptable.	10
5	Environmental Consent: - An approved record of decision for the desired site must be demonstrated to have been sufficiently progressed as part of the project preparation - Environmental report should at least cover the below mentioned items underneath the table.	10
6	Land Use Consent: The Land use consent for the desired site must be demonstrated to have been sufficiently progressed as part of the project preparation.	10
7	Bank Rating - Code A rating = 30 points - Code B rating = 25 points - Code C rating = 20 points - Code D rating = 15 points - Code E rating = 10 points - Code F & below rating = 05 points Reference letter from the bank must be attached	30
		100

Please note the following:

- EIA Report:

The study must include:

- Site selection study | EIA | site survey and topography | site preparation requirements | survey of underground facilities | geotechnical and soil investigation | Facility layout | financial analysis | Project execution plan | operating philosophy | Round Trip Efficiency for the 15 year period | interconnecting Transmission substations
- Project Development Plan
- Proven Design & Technology
- Design standards & Certification
- Projected NDC
- Construction Contractor
- O&M Contractor

- (viii) Project Schedule
- (ix) Commercial Operation Date

***ECSA – Engineering Council of South Africa (46 of 2000)**

****ORHVS – Operating Regulations for High Voltage Systems**

*****SACPMP – South African Council for the Project and Construction Management Professions (48 of 2000)**

- The minimum qualifying score for functionality is 70% (seventy percent)
- Detailed reference check on all aspect of the project would be verified.

Stage 4: Comparison of Financial Proposals

The prospective respondents that have successfully progressed will be evaluated in accordance with the Predetermined economic contributions at micro (inflow & outflow of economic benefits associated with the project to NLM, skills transfer and macro (socio – economic objectives: sub – contracting arrangements, job creation, youth and women empowerment)

Stage 5: Objective criteria

In terms of Preferential Procurement Regulation 11 and section 2(1) (f) of the Preferential Procurement Policy Framework Act, the following are the objective criteria:

- The risk of fruitless and wasteful expenditure to Newcastle Local Municipality;
- The risk of Irregular expenditure to Newcastle Local Municipality;
- The risk of poor project and contract management on existing project with Newcastle Local Municipality;
- The risk of an abnormally low bid; and
- The risk of a material irregularity.

The Municipality reserves a right to apply objective evaluation criteria should the recommended respondent(s) pose any of the above-mentioned risks after assessment, Newcastle Local Municipality after ascertaining sufficient information will not make an award to the bidder exposing the Municipality to one or more of the above mentioned risks.

The Council reserves the right to accept all, some, or none of the Bids submitted – either wholly or in part – and it is not obliged to accept the lowest Bid.

3. ACCEPTABILITY REQUIREMENTS FOR EXPRESSION OF INTEREST (EOI)

3.1 Acceptability Requirements

The Newcastle Municipality may not consider any proposals unless it meets the following responsiveness criteria:

- 3.1.1 The proposal must be properly received in a sealed envelope clearly indicating the description of the service/goods/works to be supplied and the Bid number for which the Bid is being submitted for;
- 3.1.2 The proposal must be deposited in the relevant Bid box as indicated on the notice of the Bids invitation on or before the closing date and time of the EOI;
- 3.1.3 A Tax Clearance Certificate (TCC) or a copy of TCC together with the status pin page for verification must be submitted with the Bid on or before the closing time and date of the Bid.
- 3.1.4 Costing or Financial proposal and Technical proposals should be on separate envelopes and such be bonded together to avoid misplacement.
- 3.1.5 A Joint Venture Agreement or Consortium, where applicable, which has been properly signed by all parties must be submitted. Both parties should submit individual TCC as well as for the joint venture and on award it is expected that the proof of joint bank account is made available.
- 3.1.6 The proposals must comply with the requirements of the project scope. The proposal must comply in full and observe the requirements of the Notice to Bidders
- 3.1.7 The bidder must provide proof of financial ability or demonstrate that he / she has capacity to execute the contract. Copy of recent bank statement or Letter of bank guarantee or recent audited financial statements (not older than three years).
- 3.1.8 The potential service provider (PSP) 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 person prohibited from doing business with the public sector;
- 3.1.9 The PSP has not:
 - a) abused the Employer's Supply Chain Management System; or
 - b) failed to perform on any previous contract and has been given a written notice to this effect;
- 3.1.10 The PSP has completed the Declaration of Interest 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;
- 3.1.11 The PSP is registered on the **Central Supplier Database**;

3.1.12 The PSP is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges from their own municipality anywhere in the Country. The latest municipal account and or Lease agreement is to be attached. The statement must not be older than three months from the closing date of this tender. Alternatively, if the tenderer is currently leasing premises and is not responsible for the payment of municipal services, a copy of the Signed Lease Agreement must be attached.

A letter from Induna/Chief if residing in areas controlled and managed by Tribal Authority.

3.1.13 All returnable schedules are to be completed and all relevant certificates attached where indicated.

3.1.14 **Technical and Procurement Enquiries**

For technical enquiry purposes please contact:

Contact Person	:	Mr. M. Zwane
Telephone number	:	034 312 1201/2
Email address	:	Mdu.Zwane@newcastle.gov.za

For procurement enquiry purposes please contact:

Contact Person	:	Mr. S. Vilakazi/ Mrs D. Marais
Telephone number	:	034 328 7818/ 034 328 7769
Email address	:	Sabelo.Vilakazi@newcastle.gov.za dalene.marais@newcastle.gov.za

3.1.15 Copyrights in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised during the course of the consultancy service should be vested with the Council – Newcastle Municipality.

3.1.16 The method of evaluation will be based on quality assessment (functionality), administrative compliance and then the prequalified proposals will be considered; where the minimum qualifying score of **70%** in respect of the Functionality Test must be achieved for prequalification.

3.1.17 By submitting this Bid, the bidder authorises the Council or its delegate(s) to carry out any investigation deemed necessary to verify the correctness of the statements and documents submitted and that such documents reasonably reflect the ability of the Bidder to provide the goods and services required by the Council.

PLEASE NOTE

1. The Municipal Manager may cancel a contract awarded to a person if:

- a) The person committed a corrupt or fraudulent act during the procurement process or in the execution of the contract, or
- b) An official or other role player committed any corrupt or fraudulent act during the procurement process or in the execution of the contract that benefited that person.

2. The Municipal Manager may reject the Proposal of any person/entity if that person or any of its directors has:

- a) Failed, during the last five years, to perform satisfactorily on a previous contract with The Newcastle Municipality or any other organ of State after written notice was given to that Bidder that performance was unsatisfactory;
 - b) Wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years.
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3. FORMAL PRESENTATIONS

Please note that presentations may be requested by the Newcastle Municipality at their discretion.



PART B – PROPOSALS SUBMISSION PROCEDURES

4: NOTICE & INVITATION TO SUBMIT AN EXPRESSION OF INTEREST



NEWCASTLE MUNICIPALITY

BID NUMBER: A034 – 2024/25

The Newcastle Municipality seeks suitably qualified, experienced and accredited service providers to express an interest on investment in renewal energies through Independent Power Producers and Alternative Technology

Bid documents are obtainable from **15 April 2025**, at the office of the Strategic Executive Director: Budget and Treasury Office, Municipal Civic Centre Tower Block – Office B218 2nd Floor, 37 Murchison Street, Newcastle, 2940 during office hours between 08h00 to 15h00 upon a payment of a **non-refundable document fee of R 300.00. Alternatively the document may be downloaded free of charge from the National Treasury website (www.etenders.gov.za).**

Banking Details - Banking Details - Newcastle Local Municipality, ABSA - account no.: 4110354947, Branch code: 632 005 (the proof of payment must reflect the bid number and bidder's name as reference).

Procurement enquiries: Mr Sabelo Vilakazi/ Mrs D Marais

Telephone no.: 034 328 7818/7769

Technical enquiries: Mr Mdu Zwane

Telephone no.: 034 312 1201/2

Compulsory Site Meeting : 05 May 2025

Venue (departure point) : Municipal Civic Centre Tower Block – Boardroom B201 2nd Floor, 37 Murchison Street, Newcastle, 2940

Time :10h00

Multiple service providers may be appointed to the panel arrangement, therefore preferential scoring system would only be effected during the tender stage when project specifications have been formalized or this is a turnkey project where the award will be made to highest point scoring tenderer subject to objective criteria.

Proposals may be adjudicated in terms of the Preferential Procurement Regulations, 2022 pertaining to Preferential Procurement Policy Framework Act, 5/2000 and other applicable legislations and will be based on either 80/20 or 90/10 points system. Preference points will be awarded to service providers using their Historically Disadvantaged Individuals (HDI) status. The Council reserves the right to accept all, some, or none of the bids submitted, either wholly or in part and it is not obliged to accept the lowest bid.

Completed Expression of Interest documents complying with the conditions of the expression of interest must be sealed and endorsed **"Bid no.: A034 – 2024/25 Expression of Interest for selection of an Independent Power Producers and Alternative Technology for NM on Design – Build – Operate Mode over a period of 20 years"** bearing the name and address of the bidder at the back of the envelope to be deposited in the official bid box provided in the foyer of Newcastle Municipality – Municipal Civic Offices (Rates Hall), 37 Murchison Street, 1st floor, Newcastle by no later than **12:00 on Wednesday, 21 May 2025** where bids will be opened in public. Late quotations or tenders received by way of facsimile or e-Mail will under no circumstances be considered.

Functional Evaluation

Only bids that comply with all administrative requirements (Acceptable Bids) will be considered during the functionality evaluation phase and the allocation of points will be based on functional criteria as indicated in the Terms of Reference on page 22

Minimum functional requirement score: Potential Service Providers that submitted acceptable bids and that score at least **70%** on functionality will be eligible to conclude a contract with the Council after relevant negotiations.

Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Submission data.

Only prospective suppliers who are registered on the National Treasury Supplier database are legible to bid. To register on the CSD log onto www.csd.gov.za

Minimum Local Content Requirements

Only locally produced goods, services or works or locally manufactured goods with a stipulated minimum threshold for local production and content will be considered.

**Mr Z.W. Mcineka
Municipal Manager**

**Newcastle Municipality
Municipal Civic Centre
37 Murchison Street
Private Bag X6621
Newcastle
2940**

MBD 1: INVITATION TO BID**PART A****YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE NEWCASTLE MUNICIPALITY**

Bid Number	A034 – 2024/25	Closing Date	21 May 2025	Closing Time	12h00
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Description	Expression of Interest for selection of an Independent Power Producers and Alternative Technology for NM on Design – Build – Operate Mode over a period of 20 years
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THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN
THE BID BOX SITUATED AT

**FIRST (1st) FLOOR OF THE NEWCASTLE MUNICIPALITY
MUNICIPAL CIVIC CENTRE OFFICES (RATES HALL)
37 MURCHISON STREET
NEWCASTLE
2940**

SUPPLIER INFORMATION

Name of Bidder					
Postal Address					
Street Address					
Telephone Number	Code		Number		
Cellphone Number					
Facsimile Number	Code		Number		
E-Mail Address					
Vat Registration Number					
Tax Compliance Status	TCS PIN:		OR	CSD No:	
Preferential points (80/20) or (90/10)	Price = 80 / 90	Preferent points = 20 / 10			Total = 100

Are you the Accredited Representative in South Africa for the Goods /Services /Works Offered?	☐ Yes ☐ No (if yes enclose proof)	Are you a Foreign Based Supplier for the Goods /Services /Works Offered?	☐ Yes ☐ No (if yes, answer part B:3)
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ENQUIRIES MAY BE DIRECTED TO:

Bidding Procedure Enquiries		Technical enquiries
Contact person	Mr Sabelo Zungu or Mrs Dalene Marias	Mr Mdu Zwane
Telephone number	034 328 7818 or 7769	034 312 1201/2
E-mail address	Sabelo.Vilakazi@newcastle.gov.za	Mdu.Zwane@newcastle.gov.za
	Dalene.Marias@newcastle.gov.za	

PART B
Terms and Conditions for Bidding

1. BID SUBMISSION:

- 1.1. Bids must be delivered by the stipulated time to the correct address. Late bids will not be accepted for consideration.
- 1.2. **All bids must be submitted on the official forms provided–(not to be re-typed) or online**
- 1.3. This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2022, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 Bidders must ensure compliance with their tax obligations.
- 2.2 Bidders are required to submit their unique Personal Identification Number (Pin) issued by SARS to enable the organ of state to view the taxpayer's profile and tax status.
- 2.3 Application for the Tax Compliance Status (TCS) certificate or Pin may also be made via e-filing. In order to use this provision, taxpayers will need to register with SARS as e-filers through the **website www.sars.gov.za**.
- 2.4 Foreign suppliers must complete the Pre-Award Questionnaire in part B:3.
- 2.5 Bidders may also submit a printed TCS certificate together with the bid.
- 2.6 In bids where consortia / joint ventures / sub-contractors are involved, each party must submit a separate TCS certificate / Pin / CSD number.
- 2.7 Where no TCS is available but the bidder is registered on the Central Supplier Database (CSD), a CSD number must be provided.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- | | |
|--|--|
| 3.1. Is the entity a resident of the Republic of South Africa (RSA)? | ☐ Yes ☐ No |
| 3.2. Does the entity have a branch in the RSA? | ☐ Yes ☐ No |
| 3.3. Does the entity have a permanent establishment in the RSA? | ☐ Yes ☐ No |
| 3.4. Does the entity have any source of income in the RSA? | ☐ Yes ☐ No |
| 3.5. Is the entity liable in the RSA for any form of taxation? | ☐ Yes ☐ No |

If the answer is "no" to all of the above, then it is not a requirement to register for a Tax Compliance Status System Pin Code from the South African Revenue Service (SARS) and if not register as per 2.3 above.

NB: Failure to provide any of the above particulars as well as signing this page may render your PROPOSAL invalid.

No proposals will be considered from persons in the service of the state.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

PROSPECTIVE RESPONDENT(S) TO THIS EOI ACKNOWLEDGES AND AGREES THAT:

- ☐ NLM (Newcastle Local Municipality) has issued this Expression of Interest (EOI) with the best intention to explore the market for eligible and interested Respondents and has no compulsions to enter into definitive contractual agreements. This EOI does not constitute an offer to interested parties or an agreement by the department.
- ☐ The EOI contains information seeking to clarify and direct companies/organisations in submitting documents to the department, that is, the point of view of the department, addressing the need, form of documents solicited and the ideology of the NLM. The information contained herein does not purport to contain all information deemed necessary to arrive at a possible solution or information the parties interested require in arriving at a conclusive decision. Each prospective respondent(s) should therefore conduct its investigation and analysis and should check the accuracy, adequacy, correctness, reliability and completeness of assumptions, assessments, and technicality in their EOI.
- ☐ The prospective respondent(s) acknowledge and agree that responding to the EOI is a purely voluntary action on their part and for any expenditure on this account shall be borne by the respondent(s). The prospective respondent(s) shall bear all costs and expenses from the EOI stage to the end-of-life stage of the project. The department shall not, in any manner, be held liable for any costs arising from this process and undertaking.
- ☐ The department does not accept any liability whether resulting from negligence or otherwise howsoever caused arising from the EOI to be submitted.
- ☐ NLM may in its absolute discretion and under no obligation, request supplemental information deemed necessary when assessing submitted documents from the prospective respondent(s).
- ☐ NLM in its sole discretion may reject any and all EOI(s) made by respondent(s), may change the conditions relating to the EOI or cancel this EOI at any time without assigning any reason.
- ☐ This EOI and the information contained therein are confidential and proprietary to NLM and may not be used, reused, copied or distributed for any purpose, other than in relation to the EOI process, without NLM's prior written consent.

5. SUBMISSION DATA

GENERAL REQUIREMENTS

5.1 ACTIONS

The NLM and each respondent submitting an expression of interest shall comply with the standard conditions for calling for an expression of interest in Part 4 of SANS 10845. In their dealings with each other, they shall discharge their duties and obligations, as set out in Clauses 5 and 6 below, in a timely manner and with integrity, behave equitably, honestly and transparently, complying with all legal obligations and not engage in anti-competitive practices.

The NLM and the respondent and all their agents and employees involved in the submission process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Respondents shall declare any potential conflict of interest in their submissions. Employees, agents and advisors of the NLM shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

The respondent shall not make a submission without having a firm intention and the capacity to proceed along the stages of the entire process.

5.2 Supporting Documents

The documents issued by the NLM for the purpose of obtaining expressions of interest are listed in the submission data.

5.3 Interpretation

The submission data and additional requirements contained in the submission schedules that are included in the returnable documents are deemed to be part of the conditions for the calling for expressions of interest

5.4 Communication and NLM's Agent

Each communication between the NLM and a respondent shall be to or from the NLM's agent only, and in a form that can be readily read, copied and recorded, and in the

language stated in the submission data. The NLM shall not take any responsibility for non-receipt of communications from or by a respondent. The name and contact details of the NLM's agent are stated in the submission data.

1. RESPONDENT'S OBLIGATIONS

Respondents shall comply with the following obligations.

1.1 Eligibility

Submit an expression of interest only if the respondent satisfies the eligibility criteria stated in the submission data as per the enclosed format *Annexure -B* and if the respondent or any of the respondent's principals is not under any restriction to do business with the NLM.

1.2 Cost of Submissions

Accept that the NLM does not compensate respondents for any costs incurred in the preparation and delivery of a submission.

1.3 Checking Documents

Check the submission documents on receipt and notify the NLM of any discrepancy or omission.

1.4 Acknowledging Addenda

Acknowledge receipt of addenda to the submission documents, which the NLM may issue, and, if necessary, apply for an extension to the closing time stated in the submission data, in order to take the addenda into account.

1.5 Clarification Meetings

Attend, where required, clarification meetings, the details of which are stated in the submission data, at which respondents may familiarize themselves with the proposed work, services or supply (and location, etc.) and raise questions.

1.6 Seeking Clarification

Request clarification of the submission documents, if necessary, by notifying the NLM at least five working days before the closing time stated in the submission data.

1.7 Making A Submission

Return all returnable documents and the number of copies of such documents stated in the submission data to the NLM after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.

Seal the original and each copy of the submission as separate packages, marking the packages as "ORIGINAL" and "COPY". Each package shall state, on the outside, the NLM's address and identification details stated in the submission data, as well as the respondent's name and contact address.

Accept that the NLM does not assume any responsibility for the misplacement or premature opening of the submission if the outer package is not sealed and marked as stated.

1.8 Information and Data To Be Completed

Accept that submissions which do not provide all the data or information requested, completely and in the form required, may be regarded by the NLM as being non-responsive.

1.9 Closing Time

Ensure that the NLM receives the submissions at the address specified in the submission data not later than the closing time stated in the submission data. Proof of posting shall not be accepted as proof of delivery. **The NLM shall not accept submissions submitted by telegraph, telex, facsimile or e-mail unless otherwise stated in the submission data.**

Accept that, if the NLM extends the closing time stated in the submission data for any reason, the requirements of the conditions for expressions of interest apply equally to the extended deadline.

1.10 Clarification of Submission

Provide clarification of submission in response to a request to do so from the NLM during the evaluation of submissions.

2. NEWCASTLE MUNICIPALITY`S UNDERTAKINGS

The NLM shall carry out the following undertakings:

2.1 Responding to Clarification

Respond to a request for clarification received up to five working days before the submission closing time stated in the submission data and notify all respondents who attended the clarification meetings,if any, of those responses.

2.2 Issuing Addenda

If necessary, issue addenda that may amend or amplify the submission documents to each respondent during the period from the date of the calling for expressions of interest until three days before the closing time for submissions stated in the submission data. If, as a result of the issuing of addenda, it is necessary to extend the closing time stated in the submission data, grant such extension and notify all respondents accordingly.

2.3 Late Submissions

Unless otherwise stated in the submission data, return submissions received after the closing time stated in the submission data unopened, unless it is necessary to open the submission to obtain a forwarding address, to the respondent concerned.

2.4 Opening of Submissions

Record the name of each respondent whose submission is opened and acknowledge receipt of each submission.

Make available the names of the respondents that made submissions before the closing time for submissions to all interested persons upon request.

2.5 Non-Disclosure

Do not disclose to respondents, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of submissions until after the evaluation process is complete.

2.6 Grounds for Rejection and Disqualification

Determine whether there has been any effort by a respondent to influence the process and instantly disqualify a respondent if it is established that he engaged in corrupt or fraudulent practices.

2.7 Test for Responsiveness

Determine, upon opening and before detailed evaluation, whether each submission received

- 2.7.1 complies with the requirements of the conditions for the calling for expressions of interest,
- 2.7.2 has all the substantive provisions properly and fully completed and signed, and
- 2.7.3 is responsive to the other requirements of the call for expressions of interest.

2.8 Non-Responsive Submissions

Reject all non-responsive submissions.

2.9 Evaluation of Responsive Submissions

NLM will appoint a panel to evaluate the submission using the criteria established in the submission data.

NLM will provide the outcome of the evaluations to respondents within two weeks of the evaluation report being accepted

2.10 Providing Written Reasons for Actions Taken

Provide, upon request, written reasons to respondents for any action that is taken in applying these conditions, but withhold information which

- 2.10.1 is not in the public interest to be divulged,
- 2.10.2 is considered to prejudice the legitimate commercial interests of respondents, or
- 2.10.3 might prejudice fair competition between respondents.

5.5 SUBMISSION OF EOI

5.5.1 EXPRESSION OF INTEREST (EOI) NOTICE

The Newcastle Local Municipality (NLM) intends to invite an Expression of Interest (EOI) for the selection of an Independent Power Producer (IPP) from prospective Conduit Hydropower/Windand/or Solar Power Plant implementation Companies to procure and install grid-connected / stand-alone ground-mounted solar/wind/conduit hydropower power plant on selected municipal infrastructure on Design, Built, Finance and Operate Model for 20 years operational period.

5.5.2 SUBMISSION SCHEDULES

DETAILS OF EOI SCHEDULE

1	Date of issuance of EOI	15/03/2023
2	Briefing Session or Clarification Meeting	30/03/2023 at 11:00am.
3	Optional Site Visits (see Annexure C for more details)	31/03/2023 to 06/04/2023
4	Last date of acceptance of queries/comments from Respondents	06/04/2023
5	Issue of Response to Respondent's queries	12/04/2023
6	The last date of EOI submission	18/04/2023 at 11:00 am

Should the applicant require to visit the site(s) between the following dates 31/03/2023 to 06/04/2023, they must make arrangements with the office before the date of the planned visit.

Note: In case of any Holiday on the scheduled day, the same time of the next working day shall be considered unless notified.

The interested respondents/companies shall download the EOI document available on the NLM website www.newcastle.gov.za or from the National Treasury e-Tender Portal on 15 April 2025.

Interested respondents are required to submit information complete in all respects as per the enclosed format **(Annexure – B), (Annexure - B1) and (Annexure – B2)**

Respondents are encouraged to provide a conceptual proposal for the development of the Project as per Annexure-B1. The furnished information should be well supported with relevant documents.

5.5.3 EMPLOYER'S DELIVERY ADDRESS

The respondents who are interested are requested to submit their offer along with a Concept Proposal, type of module technology and structure, qualifications and experience for the project, of joint venture/ partnership, in a sealed envelope on or before **Wednesday, 21 May 2025 at 12:00 am** at the office of Newcastle Municipality, Newcastle.

The hard copy of the complete EOI is to be submitted to the NLM at the following address:

**Municipal Civic Offices, Tower Block (Rates Hall),
37 Murchison Street,
First floor,
Newcastle
2940**

Tel: (034) 328 7818 or 7769

Any clarifications regarding bidding procedures may be directed to the:

Email address: Sabelo.Vilakazi@newcastle.gov.za or Dalene.Marias@newcastle.gov.za

Note: Uploaded documents related to this EOI or visit the National Treasury e-Tender Portal.

Subsequently, NLM may notify through respondents' email and/or its website www.newcastle.gov.za about the discussions meeting with respect to this EOI.

All communications, including the envelopes, should contain the following information, to be marked the top in bold letters **"Bid no.: A034 – 2024/25 Expression of Interest for selection of an Independent Power Producers and Alternative Technology for NM on Design – Build – Operate Mode over a period of 20 years"**

ANNEXURE – A: SUBMISSION DATA

ISO 10845-2 defines submission data as a "document that establishes the respondent's obligations in responding to a call for an expression of interest and the employer's undertakings in administering the process of calling for and receiving expressions of interest".

Submission data inform respondents about the procedures that are to be observed and the documentation that needs to be submitted with expressions of interest, failing which, submission may be rejected or not be evaluated. Submission data also establish the manner in which the employer undertakes to conduct the process and to evaluate the submissions received, by establishing a set of generic rules relating to the process of calling for and receiving expressions of interest and the project-specific variables relating thereto.

The conditions for the calling for expressions of interest are the latest edition of SANS ISO 10845-4:2022 Ed 2, Standard conditions for the calling for expressions of interest.

SANS ISO 10845-4:2022 Ed 2, which can be obtained on-line from the South African Bureau of Standards (see www.store.sabs.co.za), makes several references to the Submission Data for details that apply specifically to this submission.

The Submission Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions for the calling for Expressions of Interest.

Each item of data given below is cross-referenced to the clause in SANS ISO 10845-4:2022 Ed 2 to which it mainly applies.

CLAUSE NUMBER	SUBMISSION DATA
	The conditions for the calling for expressions of interest are the standard conditions for calling for expressions of interest as contained in this part of ISO 10845. The standard conditions for calling for expressions of interest make several references to the submission data. The submission data shall have precedence in the interpretation of any ambiguity or inconsistency between the submission data and the standard conditions for calling for expressions of interest. Each item of data given below is cross-referenced to the subclause in the standard conditions for calling for expressions of interest to which it mainly applies.
4.1	The employer is Newcastle Municipality

4.2	The documents associated with the calling for expressions of interest issued by employer comprise: PART A: Terms of Reference: Indicative Scope of Services 1. Expression of Interest Brief 2. Evaluation Procedure on Technical & Financial Proposals 3. Proposals Acceptability Requirements PART B: Proposal's Submission Procedure 4. Notice and invitation to submit an expression of interest 5. Submission data PART C: Returnable Documents & Schedules 6. Authority of Signatory 7. Audited Financial Statements 8. Proof of Good Standing with Municipal accounts 9. Central Supplier Data Base 10. Proof of registration with the Body of Professionals 11. MBD 4 – Declaration of Interest 12. MBD 8 – Declaration of Bidder's Past Supply Chain Management Practices 13. MBD 9 – Certificate of Independent Bid Determination 14. Schedule of Key Personnel
4.3 & 4	The employer's agent See Clause 7.2.2 The language for communication is English (South Africa)
4.5	There is no cost to the Newcastle Municipality except for cost of advertising this EOI or physical distribution of documents
5.5	Clarification meeting The details are stated under Part B – item 4 on page 15
4.7	The employer's address for delivery of submissions See item 5.5.3 on page 29 above
4.8	Parts of each submission communicated on paper shall be submitted as an original, plus ONE copy
4.9	The closing date for submissions The closing time of submission is as stated in the Notice and invitation to submit an Expression of Interest
4.10	Telephonic, Telegraphic, Telefax, Facsimile or E-mailed submission offers will not accepted

ANNEXURE – B: DETAILS OF THE RESPONDENT

Details of the Respondent (In case of Consortium name the companies constituting the consortium and each member company to furnish a separate information sheet)

Index Number	Parameter	Details
1	Name and address of the Organization Registration no. SARS Registration no.	
2	Country of incorporation	
3	Status of the Organization: a) Whether registered under the Companies Act 2008 b) If not, the Country of Incorporation	
4	Past Experience as an Independent Power Producer: a) Total cumulative floating solar PV project (MW)(if any) enclose as per Format-B2 b) Total cumulative ground-mounted solar PV project(MW)(if any) enclose as per Format-B2 c) Total cumulative wind project capacity (MW) (if any)enclose as per Format-B2 d) Total cumulative conduit hydropower project capacity (MW) (if any) enclose as per Format-B2	
5	Indicative Cost (R / MW) a) Wind/PV Modules b) Inverters c) Balance of Plant Equipment d) Ground/Floating/Wind Platforms e) Conduit turbines f) Civil & Structure g) Other Electrical Equipment including transformers, cables etc. up to interconnection	
6	Water Body/Land Area Requirement (m ² / MW)	
7	Indicative PPA tariff (R /kWh)**	

ANNEXURE – B1: SUGGESTIONS

Any suggestions regarding Project / Bidding Parameters (you are requested to enclose separate sheets):

- a) Project Size (Min. & Max.)
- b) Time required for commissioning of Project
- c) Details of the technologies adopted for the conduit hydropower, wind and floating/grounded solar power plants
- d) Operation and Maintenance requirements to be considered for a 5-year operational period

ANNEXURE – B2: PAST EXPERIENCE DETAILS OF THE RESPONDENT

Provide details of similar assignments undertaken in the last 10 years for the establishment of large scale viz 5 to 100 MW and above ground-mounted and floating solar PV, conduit hydropower and wind power plants in South Africa and abroad

Index Number	Project Capacity (MW)	Location (District, State/Province, Country)	Ground-mounted/Floatin g/wind/solar Platform Technology	Status Construction (Commissioned/Under Construction)	Operational/Commissioned since (year)	Power Arrangements (Captive/PPA)	PPA Tariff (R/kWh)	Annual Average CUF (%)

We hereby declare that the above information is true and that providing such information details is not in violation of any of the Agreements to the best of my knowledge.

Signature :

Name :

Designation :

Authorised Signatory:



PART C – LIST OF RETURNABLE DOCUMENTS AND SCHEDULES

6. AUTHORITY OF SIGNATORY

Indicate the status of the Bidder by ticking the appropriate box hereunder. The Bidder must complete the certificate set out below for the relevant category.

A COMPANY	B PARTNERSHIP	C JOINT VENTURE	D SOLE PROPRIETOR	E CLOSE CORPORATION

A. Certificate for Company

I,, chairperson of the board of, hereby confirm that by resolution of the board (copy attached) taken on 20....., Mr/Ms.....acting in the capacity of, was authorised to sign all documents in connection with this proposal for **Bid no.: A034 – 2024/25** and any contract resulting from it on behalf of the company.

As witnesses:

1. Chairman:
2. Date:

B. Certificate for Partnership

We, the undersigned, being the key partners in the business trading as, hereby authorise Mr/Ms, acting in the capacity of, to sign all documents in connection with this proposal for **Bid no.: A034 – 2024/25** and any contract resulting from it on our behalf.

Name	Address	Signature	Date

Note: This certificate is to be completed and signed by all key partners upon whom rests the direction of the affairs of the Partnership as a whole.

C. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms , authorised signatory of the company , acting in the capacity of lead partner, to sign all documents in connection with this proposal for **Bid no.: A034 – 2024/25** and any contract resulting from it on our behalf.

This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.

Name of Firm	Address	Authorising Name and Capacity	Authorising Signature
Lead Partner:			

NOTE: A copy of the Joint Venture Agreement indicating clearly the percentage contribution of each partner to the Joint Venture, is to be submitted with the bid. A board resolution, authorising each signatory who signed above to do so, is to be submitted with the bid.

D. Certificate for Sole Proprietor

I, , hereby confirm that I am the sole owner of the business trading as

As witnesses:

- 1. Sole Owner:
- 2. Date:

E. Certificate for Close Corporation

We, the undersigned, being the key members in the business trading as , hereby authorise Mr/Ms acting in the capacity of , to sign all to sign all documents in connection with this proposal for **Bid no.: A034 – 2024/25** and any contract resulting from it on our behalf.

Name	Address	Signature	Date

Note: *This certificate is to be completed and signed by all key partners upon whom rests the direction of the affairs of the Partnership as a whole.*

7. AUDITED FINANCIAL STATEMENTS

Please attach onto this page audited financial statements

Alternatively, the Potential Service Providers may submit a letter/declaration from his bank worded as above, providing the required details and signed by an appropriate Bank Official (attached behind this page).

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

8. PROOF OF GOOD STANDING WITH MUNICIPAL ACCOUNTS

MUST BE COMPLETED FOR THIS BID

Declaration in terms of paragraph 38(1)(d)(i) of the Supply Chain Management Regulation, irrespective of the contract value of the bid:

NB: Please note that this declaration must be completed by ALL bidders

- i. I, the undersigned hereby declare that the signatory to this tender document; is duly authorised and further declare:
- ii. I acknowledge that according to SCM Regulation 38(1)(d)(i), the Municipality may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the Tenderer to Newcastle Municipality, or to any other municipality or municipal entity, are in arrears for more than 3 (three) months.
- iii. I acknowledge that should it be found that any municipal rates and taxes or municipal charges as set out in (ii) above are in arrears for more than three (3) months, the bid will be rejected and the Newcastle Municipality may take such remedial action as is required, including the rejection of the bid and/or termination of the contract; and
- iv. The following account/s of the bidding entity has reference:

Physical Business Address(es) of the Tenderer	Municipality	Municipal Account Number

NB: If insufficient space above, please submit on a separate page

PLEASE NOTE further that if no municipal rates and taxes or municipal charges are payable by the bidding entity, indicate the reason/s for that in the space below by means of a tick next in the relevant block,

Reason	Tick	Portfolio of evidence
Bidding entities who rent premises from a landlord		Signed copy of the lease agreement together with a letter from the landlord stating that no levies are in arrears.
Bidding entities who operate from a property owned by a director / member / partner		Municipal account statement/s of a director / member / partner
Bidding entities who operate from farms / informal settlements		An original signed letter from their Induna. OR An original signed ward councillor letter confirming the location of business operations. The letters should not be older than 3 months from the closing date of the bid.
Bidding entities who operate from somebody else's property		Original Sworn Affidavit (by the property owner / municipal account holder) stating the relationship and whether the business owner is responsible for paying levies. If yes, stating whether any levies are in arrears.

Attach latest municipal account statement behind this page. The portfolio of evidence must not be older than three months from the close of this tender.

SIGNED AT.....THIS.....DAY OF..... 20.....

Name of Duly Authorised Signatory: (Please print).....

Authorised Signature:

As witness: 1.

2.

09. CENTRAL SUPPLIER DATABASE REGISTRATION

No awards will be made to a tenderer who is not registered on the Central Supplier Database (CSD).

The establishment of a Central Supplier Database (CSD) will result in one single database to serve as the source of all supplier information for all spheres of government. The purpose of centralising government's supplier database is to reduce duplication of effort and cost for both supplier and government while enabling electronic procurement processes.

Registration on the Central Supplier Database must be done online via the website:

<https://secure.csd.gov.za/>

<u>Name of Bidder</u>			
<u>Signature</u>		<u>Name (print)</u>	
<u>Capacity</u>		<u>Date</u>	

10. RPOOF OF REGISTRATION WITH THE BODY OF PROFESSIONALS

Please attach the certificate onto this page – Proof of Registration with the Body of Professionals

<u>Name of Bidder</u>			
<u>Signature</u>		<u>Name (print)</u>	
<u>Capacity</u>		<u>Date</u>	

11. MBD 4: DECLARATION OF INTEREST

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

3.1	Full Name of bidder/ Representative	
3.2	Identity Number	
3.3	Position occupied in the Company (director, trustee, shareholder²)	
3.4	Company Registration Number	
3.5	Tax Reference Number	
3.6	Tax Reference Number	

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

3.8	Are you presently in the service of the state*?	Yes	No
3.8.1	If yes, furnish particulars.		

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

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

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

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

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

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

3.9	Have you been in the service of the state for the past twelve months	Yes	No
3.9.1	If yes, furnish particulars.		
3.10	Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?	Yes	No
3.10.1	If yes, furnish particulars.		
3.11	Are you, aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?	Yes	No
3.11.1	If yes, furnish particulars.		
3.12	Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state?	Yes	No
3.12.1	If yes, furnish particulars.		
3.13	Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state?	Yes	No
3.13.1	If yes, furnish particulars.		
3.14	Do you or any of the directors, trustees, managers, principal shareholders or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract.	Yes	No
3.14.1	If yes, furnish particulars.		

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

Full Name	Identity Number	State Employee Number

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

12. 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 to combat the abuse of the supply chain management system.
3. **The bid of any bidder may be rejected if the bidder, or any of its directors have:**
 - a) Abused the Municipality'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) Wilfully neglected, reneged or failed to comply with any government, municipal or public sector contract during the past five years; or
 - d) Been listed in the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corruption 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 as a company or person 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 audit alteram partem rule was applied). The database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corruption Activities Act (No 12 of 2004)? (The Register for Bid Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐

4.2.1	If so, furnish particulars:		
ITEM	QUESTION	YES	NO
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 ☐	No ☐
4.3.1	If so, furnish particulars:		
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 any other municipality/municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
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 ☐	No ☐
4.5.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) _____
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TO BE 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.

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

13. MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *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:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - a. has been requested to submit a bid in response to this bid invitation;
 - b. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - c. provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - a) prices;
 - b) geographical area where product or service will be rendered (market allocation)
 - c) methods, factors or formulas used to calculate prices;
 - d) the intention or decision to submit or not to submit, a bid;

- e) the submission of a bid which does not meet the specifications and conditions of the bid;
or
f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

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

14. SCHEDULE OF KEY PERSONNEL

The potential respondents must append onto this page the CV's and Certified Qualifications Certificates for each professional involve in this project

Compulsory CV's are required for the following: Project Manager, Construction Supervisor, Electrician, Safety Officer and Civil Engineer

CV's must at least contain the information as set out below:

Name:

Surname:

Nationality:

Date of Birth:

Current Residence:

Name of current position in tendering enterprise:

Qualifications: (Degrees, Diplomas, Grades of membership of professional societies and professional registrations)

Overview of working experience on establishment of IPP plants

OUTLINE OF RECENT PROJECTS / EXPERIENCE THAT HAS A BEARING ON THE SCOPE OF WORK

Project Description and VALUE

Duration of project
(e.g. 2001 – 2005)

Please note that when compiling the above submission, the respondent must take into cognizance of the evaluation criteria as described on page 10 – Functionality Criterion: qualifications and competencies of key personnel.