

THE MSUNDUZI MUNICIPALITY



HEAD: SUPPLY CHAIN MANAGEMENT

MRS D NDLOVU-GAMBU

Tel No. 033 – 392 247 2; Fax No. 033 – 392 253 2

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD

Tenderer's Name:
Postal Address:
Telephone No.
Fax No.
Cell No.
Contact Person:
E Mail Address:

Sealed tenders endorsed on the envelope "**SPECIALISED QUOTATION No. Q12/713-R OF 21/22**" must be placed in the Tender Box located in the Foyer, Ground Floor, City Hall, 169 Chief Albert Luthuli (Commercial) Road, Pietermaritzburg, 3201, not later than **12h00 on Friday, 17 December 2021**. *Only tenders placed in the tender box will be accepted and considered.*

MSUNDUZI MUNICIPALITY

TENDER SUBMISSION CHECKLIST

The Checklist below is attached hereto to assist Tenderer with the completion of the tender document. Tenderers are required to **TICK** the relevant boxes for verification purposes. Where information is not applicable to the tender, the symbols **N/A** must be inserted in the space provided.

It must be noted that the Council shall not be held liable for any loss or damage incurred to the Tenderer should the Tenderer fail to fulfil the requirements of the Tender.

No.	Description	<u>Tenderer to Tick (√)</u>	<u>For Official Use Only</u>	
<u>1</u>	Has the Tender Document been completed in <u>INK</u> and all corrections counter-signed? (No correction fluid used)		<i>D</i>	
2	Are the Tender amounts and totals correct?			
3	Has all information as required in terms of the tender document been submitted with the tender?		<i>D</i>	
4	Has the Site Inspection/Tender Briefing Certificate been completed and has the Compulsory Site Inspection/Tender Briefing Meeting been attended?		<i>D</i>	
5	Has the "Authority to Sign" Document been completed and signed?		<i>D</i>	
6	Has the "Statement of Previous Experience" Form been completed?		<i>D</i>	
7	Has the "Schedule of Resources" Form been completed?		<i>D</i>	
8	Has the "Proposed Sub-Contractors" Form been completed?			
9	Has the "Tender Form" been completed and signed?		<i>D</i>	
10	Has the "Preference Points Claim Form in terms of the Preferential Procurement Regulations 2011" been completed in its entirety and signed?			
11	As an <i>EME</i> , is a certificate issued by an Accounting Officer or a Verification Agency accredited by SANAS or a Registered Auditor attached to the tender document?			
12	As a <i>NON-EME</i> , is an original and valid B-BBEE status level verification certificate or a certified copy thereof attached to the tender document?			
13	Is a valid Original Tax Clearance Certificate attached to the Tender Document?		<i>D</i>	

***** *D: Failure to comply with these Sections may prejudice the tender.***

Tenderer: _____

Signature: _____ Date: _____



MSUNDUZI MUNICIPALITY
QUOTATION NOTICE

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD

The Msunduzi Municipality hereby invites suitably experienced tenderers to submit quotations for the above works. ***Only Tenderers who have a CIDB Grading of 1 CE PE or Higher will be considered for appointment.***

Quotation documents shall be available from the Supply Chain Management Unit Offices, 5th Floor, A. S. Chetty Centre, 333 Church Street, Pietermaritzburg, from **12h00 on Thursday, 09 December 2021**. A non-refundable tender fee in the amount **R 198.90 (Including VAT)** per document shall be levied. Only cash or bank guaranteed cheques will be accepted. **A copy of the Tender Deposit Receipt must be attached to the tender document (if purchased at the Municipality).** Tender documents can be downloaded and printed at the tenderer's cost from the National Treasury e-Tender Publication Portal on www.etenders.gov.za

For any technical related enquiries, please contact Martin McNamara (Infrastructure services) on direct Telephone No. 033 392 2189 or e-mail address Martin.McNamara@msunduzi.gov.za.

For any procurement related enquiries, please contact Nozipho Cebekhulu (Supply Chain Management Unit) on direct Telephone No. 033 – 392 2072 or e-mail address Nozipho.cebekhulu@msunduzi.gov.za.

A compulsory tender briefing meeting will be held on **Monday, 13 December 2021**, at **A.S Chetty Centre, Supply Chain Management unit, 5th Floor, SCM Board room, Pietermaritzburg, 3201**, commencing promptly at **11h00**. ***Tenderers arriving at the meeting after the stipulated starting time will be disqualified.*** An official will chair the meeting and answer queries raised by prospective Tenderers. Any amendment to the tender documentation arising from such answers will be circulated in terms of the meeting's attendance register. No tender shall be accepted from tenderers who do not attend the above meeting.

Tenders must be submitted and contained in sealed envelopes and marked with **“Contract No. Q12/713-R of 21/22”** and the **Contract Description** must be placed in the Tender Box located in the Foyer, Ground Floor, City Hall, 169 Chief Albert Luthuli Street (formerly Commercial Road), Pietermaritzburg, 3201, not later than **12h00 on Friday, 17 December 2021**, when they will be publicly opened. Only tenders placed in the Tender Box shall be accepted.

The Validity period shall hold firm for a period of ninety (90) days commencing from closing date of the quotation.

Tender Adjudication & Evaluation Criteria will be implemented in line with the Msunduzi Municipality's approved Supply Chain and Preferential Procurement Policies on the **80/20-point** system. Adjudication criteria will be as per the tender document, the allocation of points will be in line with **B-BBEE** as prescribed in terms of the Preferential Procurement Regulations, 2017 pertaining to the **Preferential Procurement Policy Framework Act**, Act No. 5 of 2000.

The Msunduzi Municipality does not bind itself to accept the lowest or any quotation and reserves the right to accept the whole or any part of a quotation. Each Service Provider will be informed of the quotation result. The Msunduzi Municipality expects businesses within the Pietermaritzburg and Midlands Region to support its contract and BEE/SMME initiatives.

M.P KHATHIDE: CITY MANAGER

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

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REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD**

The Conditions of Contract governing this contract is marked below which can be inspected at the offices of the Head: Supply Chain Management, 5th Floor, A S Chetty Building, 333 Church Street, Pietermaritzburg.

Conditions of Contract	Mark Applicable Condition/s
General Conditions of Contract by National Treasury (GCC 2010)	✓
Supply, Delivery and/or Installation, and/or Commissioning of Plant & Equipment	
General Conditions of Contract for Civil Engineering Work (GCC 2010)	
Construction Industry Development Board (CIDB) Regulations Act No. 38 of 2000	
General Conditions of Contract for Mechanical Engineering Works – The latest Model Form document shall prevail	
General Conditions of Contract for Electrical Engineering Works – The latest Model Form document shall prevail	
Professional Service Providers – Model Form 1 as published by SAACE	
Architectural Services - Guideline of Services and Tariff of Fees for Persons Registered in Terms of South African Council for the Architectural Professions Act 2000, (Act No. 44 of 2000)	
Quantity Surveying Services - Guideline of Services and Tariff of Fees for Persons Registered in Terms of Quantity Surveying Professions Act 2000, (Act No. 49 of 2000)	
Project Management Institute of S A for Project Management related works	

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

**APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD**

TERMS AND CONDITIONS

1.1 The Msunduzi Municipality's Standard Conditions of Tender, Legislation Section, Special Conditions of Contract (if any), Supply Chain Management Policy and the Preferential Procurement Policy shall also apply. The above-mentioned documentation may be inspected at the offices of the Head: Supply Chain Management, 5th Floor, A S Chetty Building, 333 Church Street, Pietermaritzburg.

1.2 Further to the above, the following terms and conditions shall also apply: -

a) Where in the tender document reference is made to a compulsory Site Inspection/Tender Briefing Meeting, the Tenderer shall be required to attend the Meeting prompt on the date and time mentioned in the tender document. Tenderers arriving at the meeting after the stipulated time **WILL BE DISQUALIFIED** and the Council shall not be held liable for any loss or damage due to the above. Tenderers are to ensure that they sign the Attendance Register circulated at the meeting and to also ensure that the Site Inspection/Tender Briefing Certificate attached hereto is duly signed by the authorised official.

An official will chair the meeting and answer queries raised by prospective Tenderers. Any amendment to the tender documentation arising from such answers will be circulated in terms of the meeting's attendance register.

Tenders will not be considered from Tenderers who do not attend the meeting and whose Site Inspection/Tender Briefing Certificate has not been commissioned by the authorised official.

Tenderers shall be required to present the tender document at the meeting.

b) All materials must comply with the SABS 1200 or SANS 1200 specifications shall apply where applicable.

It is a condition of tender that the taxes of the successful tenderer must be in order, or that satisfactory arrangements have been made with the South African Revenue Service (SARS) to meet the tenderer's tax obligations.

Tenderers shall be required to submit, together with the tender document, a ***valid original*** Tax Clearance Certificate or a Tax Compliance Status Verification Pin issued by SARS. Failure to submit a valid original Tax Clearance Certificate or a Tax Compliance Status Verification Pin will result in the invalidation and disqualification of the tender. **Certified copies of the Tax Clearance Certificate will not be acceptable.**

Further to the above, Tenderers are to note that the Tax Clearance Certificate must be valid for the full duration of the tender validity period i.e. three (3) months commencing from the closing date of the tender.

Should the validity of the Tax Clearance Certificate expire prior to the final award of the contract being made, the Council reserves the right to request the Tenderer to submit a further valid Tax Clearance Certificate. In this instance, the Tenderer shall be given seven (7) working days' written notice in which to comply. Should the Tenderer fail to comply with this request, the Council further reserves the right to make no award to the Tenderer and the Council shall not be held liable for any loss or damages sustained by the Tenderer.

If a tenderer has already submitted an original Tax Clearance Certificate when registering on the Central Supplier Database (CSD), then there is no need to submit a hardcopy of another Tax Clearance Certificate provided that the Tax Clearance Certificate is still valid for the full duration of the validity period for this tender. In this instance, the Tenderer will be required to indicate below the CSD Supplier Number and Unique Registration Reference Number for verification purposes: -

CSD Supplier Number	
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Failure to comply with these conditions will prejudice the tender.

- c) The prices, rates or percentages quoted in the proposal shall be deemed to include all costs, including but not limited to materials, plant, labour, patent rights and royalties, freight, insurance, customs, railage, delivery, etc., unless the Tenderer states otherwise on Annexure A hereto.
- d) Tenderers are advised that this document must be completed and submitted in its entirety. All Data Sheets including the Tender Form must be completed for adjudication purposes. Where information is not applicable, the symbols N/A must be inserted in the space provided. **Failure to comply with these conditions will prejudice the tender.**
- e) The document **must be completed in ink**, and in neat, legible handwriting. All corrections are to be countersigned. The use of correction fluid is strictly prohibited and shall lead to disqualification.
- f) Where compliance with CIDB Regulations are required, only those Tenderers who meet the required grading mentioned herein or higher or whose status is active at the time of tender shall be considered for appointment. In this instance, Tenderers shall be required to indicate in their tender document their CIDB Registration No. for adjudication purposes **Failure to comply with these conditions will prejudice the tender.**
- g) With regards to electrical works, only Tenderers who are registered with the Electrical Contractors Board (ECB) shall be considered for appointment. In this instance, certified proof of such registration must be submitted together with the tender for adjudication purposes. **Failure to comply with these conditions will prejudice the tender.**

With regards to plumbing works, only Tenderers who are registered with the Institute of Plumbing South Africa (IOPSA) or any other relevant authority shall be considered for appointment. In this instance, certified proof of such registration must be submitted together with the tender for adjudication purposes.

Failure to comply with these conditions will prejudice the tender.

- h)** Tenderers should propose a detailed implementation plan for the completion of works and the production of deliverables.

The following framework should serve as a rough guide for the preparation of tenders:

- Background of the Contractor;
- Experience and capacity relevant for the project;
- Overall management of the project in terms of personnel;
- Approach and understanding of the project requirements;
- Implementation plan to achieve the objectives within the required time frame;
- Phasing of tasks, deliverables and reports for the project; and,

Curriculum Vitae for all proposed professional personnel on the project should include biographic data, educational qualifications and experience.

Tenderers may assume any number of forms including but not restricted to a consortium/joint venture that draws on multiple disciplines, practices and experiences.

It is also strongly recommended that in selecting their partners, consortia consider “smaller” but capable organizations which, while strengthening the proposal, will also receive some developmental benefit from partnering with larger organizations. In the event the selected proposal is a consortium/joint venture, the contract will be signed with the lead organization, which must be identified in the proposal.

- i)** Proposals are to be formulated using efficiency, effectiveness, economy and sustainability as a basis.
- j)** Tenderers shall be required to detail their experience applicable to the works mentioned herein in Data Sheet 1 – Statement of Previous Experience for adjudication purposes. ***Failure to comply with this condition will lead to disqualification.***
- k)** In the event of late delivery, penalties in the amount of R500.00 per calendar day shall be levied. Such monies shall be deducted from any monies due to the Contractor or which shall become due to the Contractor.
- l)** Tenderers claiming preference points shall be required to complete Annexure “C” hereto in its entirety and to fully comply with the General Conditions, Definitions and Directives stated therein. Failure to do so shall result in no preference points being awarded to the Tenderer and the Council shall not be held liable for any loss or damages in this regard.

Tenderers are required to submit, together with the tender document, original and valid or certified copy of their B-BBEE status verification certificate or a sworn affidavit as prescribed by the B-BBEE codes of good practice to substantiate their B-BBEE rating claims and must be valid until the closing date of the tender.

Tenderer’s, who have submitted a valid and original or certified copy of their B-BBEE Status Level Verification Certificate or a sworn affidavit to the Council for any other contract need not submit a further BBEE Certificate or a sworn affidavit provided that BBEE certificate or a sworn affidavit previously submitted is still valid until the closing date of this tender. In this instance, the Tenderer will be required to indicate below the Contract No. in order to qualify their tender.

Contract No. _____

A trust, consortium or joint venture must submit a consolidated original and valid B-BBEE Status Level Verification Certificates or certified copies thereof, to substantiate their B-BBEE rating claims.

Public entities and tertiary institutions must also submit valid and original or certified copy of their B-BBEE Status Level Verification Certificate together with their bids, to substantiate their B-BBEE rating claims.

Should the validity of the Verification Certificate expire prior to the closing date of the tender, no preference points will be awarded to the Tenderer and the Council shall not be held liable for any loss or damages sustained by the Tenderer.

Partial awards may be made where this is perceived by the Head: Supply Chain Management to be in the best interests of the Council.

The council reserves the right but is not obliged to take into account the principle of the distribution of work in order to empower SMME'S and BEE'S. Such distribution may take place with reference to items, sections as indicated in the price schedule or such other bases the council may decide.

The Council does not bind itself to accept the lowest or any tender and reserves the right to accept the whole or any part of a tender.

- m)** Payment will be made by the Chief Financial Officer within 30 days on receipt of a certificate of payment issued by the Engineer and will be made by means of a cheque drawn upon the Council's bankers in Pietermaritzburg. No cash payments shall be made.

Where the value of the works exceed R3 000.00 excluding VAT, the Tenderer must quote the Council's VAT Registration No. (460 010 783 5) on all Tax Invoices for payment purposes.

Where offers of discounts, e.g. for payment within 30 days of rendering accounts, are made by Contractor, these will be taken into account in the adjudication of tenders.

Tenderers shall be required to have a bank account in the legal name of the Tenderer as indicated on the Tax Clearance Certificate. No payment whatsoever will be made should the Tenderer fail to comply with this requirement and the Council shall not be held liable for any loss or damages sustained by the Tenderer in this regard.

- n)** Where Insurances or any other information as requested for in the tender are required, the Tenderer shall submit such Insurances and/or information within fourteen (14) days from date of letter of provisional acceptance. In cases of Insurances, these are to be kept in force for the full duration of the contract period.
- o)** Once the requirements of the provisional letter of acceptance have been satisfied, a final letter of acceptance will be forwarded by the Head: Supply Chain Management to the Tenderer and the tender, provisional letter of acceptance together with the final letter of acceptance shall constitute a binding agreement between the Tenderer and the Council.
- p)** If the Tenderer fails to enter a contract when called upon to do so, then the Council may refuse to receive or consider for such period as it may think fit, any further tenders from that tenderer.

- q) Where awards of contracts are not subject to (p) above, a final letter of acceptance will be forwarded by the Head: Supply Chain Management to the Tenderer and the tender together with the final letter of acceptance shall constitute a binding agreement between the Tenderer and the Council.
- r) In the event of a presentation being required, all costs arising from such presentations shall be borne by the Tenderer.
- s) In the event of samples being required, all samples supplied shall be at no extra cost to Council. The onus shall rest with the Tenderer for the removal of the same. No liability for damages shall be accepted whilst samples are on Council's premises.
- t) The onus rests with the Tenderer to ensure the safekeeping of all property belonging to the Tenderer whilst working on Council's sites as no claims for any loss or damages will be entertained.
- u) Unless otherwise specified in these documents, the Tenderer shall state the period within which the complete delivery of all items described in these tender documents and covered by this contract is offered. Such period(s) shall form part of the Conditions of Contract and may be taken into consideration in the adjudication of tenders.
- v) If a Tenderer wishes to submit alternative proposals for consideration or wishes to change the Conditions of Contract, Specification, Quantities or Drawing, or to qualify the tender in any way, such changes and or proposals are to be listed in Annexure "A" hereto, failing which the tender will be deemed to be unqualified. It must be clearly understood that the Council will be under no obligation to accept any such qualification.
- w) **REGISTRATION WITH THE CENTRAL SUPPLIER DATABASE (CSD)**

The National Treasury's Central Supplier Database (CSD) has been open for registration from 01 September 2015. The CSD serves as one single source of supplier information to all spheres of government.

Within this system, suppliers are required to register once when they do business with the state. This will significantly reduce the administrative burden for businesses, especially small and medium sized enterprises. The database interfaces with the South African Revenue Service (SARS), the Companies and Intellectual Property Commission (CIPC) and the payroll system. It will electronically verify a supplier's tax and enable public sector officials doing business with the state to be identified. CSD does not automatically verify BBB-EE certificate.

All prospective suppliers can register any time on the CSD website www.csd.gov.za Prospective suppliers may also visit the Provincial Treasury Database office situated at Treasury House, Ground Floor, 145 Chief Albert Luthuli Road, Pietermaritzburg from 08h00 to 15h00, Mondays to Fridays, for any assistance with on-line registration on CSD.

For further information or enquiries, please contact 033 – 897 4516 / 033 – 897 4212 / 033 – 897 4624 / 033 – 897 4535 / 033 – 897 4676 / 033 – 897 4509 or Toll-Free at 0800 201 049 during office hours or via e-mail at database@kzntreasury.gov.za.

With effect from 01 July 2016, the Msunduzi Municipality will not award any tender to a supplier not registered as a prospective supplier on the CSD. Negotiations for the tender award will only be concluded with the qualify tenderer(s) who is/are registered on the CSD on or after 01 April 2016.
In order for Council to verify your Company's registration with CSD, please provide the following information for verification purposes: -

CSD Supplier Number	
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Failure to provide the above information shall render the tender to be disqualified.

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

**APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD**

SPECIFICATIONS

1. BACKGROUND

- 1.1 Unusually heavy rainfall episodes in 2020 had resulted in severe storm water turbulence and consequential scour to the existing earth-lined storm water drainage conduit and embankment works, resulting also in the collapse of boundary fencing, compromising the stability of the rear dwelling located on the private property of 80 Kingston Road.

2. SCOPE OF WORK

- 2.1 This contract entails the emergency maintenance of storm water embankment canalisation at 80 Kingston road. The proposed works includes the emergency construction works of approximately 9m of stream embankment, concrete fence replacement, temporary stream deviation, temporary protection of structures, mass earthworks and gabion construction within the stream canal servitude.

3. DETAILED SPECIFICATION

- 3.1 The contract shall be administered in accordance with the General Conditions of Contract for Constructions Works, Second Edition (2015).
- 3.2 The Works shall be constructed in accordance with specifications of SANS 1200 and Colto 1998 and particular amendments to the standard specifications, and shall specifically include (but not limited to) the following activities:
- Clearing and grubbing
 - Removal of Trees
 - 45m³ of Earthworks and landscaping.
 - Removal of unsuitable material /of Embankments
 - Temporary stream deviation and protection of existing structure.
 - Supply and Lay from commercial sources G10, G6 gravel layers, compacted as directed by Engineer.
 - Construction of Geofabric to side and rear of gabion walls.
 - Construction of approximately 11 m³ of mass concrete for gabion foundations.
 - Construction of 45 m³ of galvanised wired Gabion boxes.
 - Construction of 8m³ of galvanised wired Gabion mattresses to stream bed.
 - Removal and replacement of approximately 6m of 1.8m high of precast concrete fencing.
 - Day works – adhoc excavation and movement of material where applicable.
- 3.3 Annexure A: Schedule of Quantities

4. **PLACE OF DELIVERY AND DELIVERY PERIOD**

4.1 **Project Location:**

- 80 Kingston Road, Ward 28/30, Pietermaritzburg.

4.2 **Construction Duration:**

- A three (3) months maximum construction period shall be calculated from the date of the contract commencement as stated on the Site Access Certificate after an official Site Handover Meeting.
- The time for achieving Practical Completion is 3 calendar months from the issuing of the Site Access Certificate and includes non-working days and special non-working days.

5. **SITE MEETINGS**

5.1 **A compulsory tender briefing meeting will be held on Monday, 13 December 2021, at A.S Chetty Centre, Supply Chain Management unit, 5th Floor, SCM Board room. Pietermaritzburg, 3201, commencing promptly at 11h00. *Tenderers arriving at the meeting after the stipulated starting time will be disqualified.*** An official will chair the meeting and answer queries raised by prospective Tenderers. Any amendment to the tender documentation arising from such answers will be circulated in terms of the meeting's attendance register. No tender shall be accepted from tenderers who do not attend the above meeting.

5.2 Site Meetings will take place monthly.

5.3 Technical meetings will occur twice a month (minimum).

6. **DOCUMENTS REQUIRED PRIOR TO CONSTRUCTION COMMENCEMENT**

6.1 Construction will not be permitted to commence until the following documents are received and approved by the Municipality:

- Health and Safety Plan (Refer to Clause 4.36 of the GCC 2014)
- Initial Construction Programme (Refer to Clause 5.6 of the GCC 2014)
- Monthly Cash Flow Forecast
- Construction Method Statement, including planned Plant and Labour Resources.
- Insurances (Refer to Clause 8.6 of the GCC 2014)

7. **COMPLIANCE WITH ANY LEGISLATION, BYLAWS, ETC**

- The OHS Act (Act 85 of 1993)
- The Compensation for Occupational Injuries and Diseases Act
- The Labour Relations Act (Act 66 of 1995)
- The Basic Conditions of Employment Act (Act 3 of 1983) (BCE Act)
- The Income Tax Act (Act 58 of 1962)
- The Value Added Tax Act (Act 89 of 1991)
- National Environmental Management Act (Act 107 of 1998)
- The Engineering Profession Act of South Africa (Act 114 of 1990)

- CIDB Regulations
- Supply Chain Management Regulations

8. **INSURANCES REQUIRED**

- 8.1 Special Risks Insurance by SASRIA is required.
- 8.2 The limit for indemnity of liability insurance is R5 000 000 (five million Rands only) for any single liability claim, and shall include the spread of fire risk.
- 8.3 Insurance of the Works and material on Site from damage and loss is to be the value of the contract sum plus 10%.

9. **RETENTION AND SURETY**

9.1 **Surety**

The security to be provided by the contractor shall be a Performance Guarantee of 10% of the Contract Price.

9.2 **Retention**

- 10% Retention will be withheld on every interim progress payment.
- Limit of Retention Money- 5% of total contract price
- 5% of the retention will be released on the certified completion of construction.
- The final 5% retention will be released at the end of a 12 months Defects Liability Period after a final approval certificate is issued by the Engineer.

10. **ESCALATION**

Not Applicable

11. **PENALTIES**

- 11.1 The penalty for failing to complete the whole of the works is 0.02% of the contract sum per day.

12. **MATERIALS**

- 12.1 The value of Materials supplied by the Msunduzi Municipality to be included in the insurance sum is Nil.
- 12.2 Price adjustments for variations in the costs of special materials are NOT allowed.

13. **PRE-REQUISITES FOR TENDERING**

- 13.1 VALID Tax Compliance Status PIN or Tax Clearance Certificate.
Failure to provide these documents will result in the Tender offer being rejected.
- 13.2 **A contractor CIDB rating of 1CE PE or higher is required.**

14. **EVALUATION CRITERIA:**

14.1 **STAGE ONE: FUNCTIONALITY REQUIREMENT**

NB: For a bidder to claim the below points, registration with **CIDB grading of 1 CE PE or Higher, proof must be submitted.**

	FUNCTIONALITY	Maximum Points
1	Number of successfully completed Gabion construction within a stream (<i>Proof of successful completion of projects must be submitted to claim points. A list of these projects with full description, their contract values and copies of completion certificates must be submitted with the tender document.</i>): • 2 or More successful projects • Less than 2 successful projects • Nil projects	15 Points 10 Points 0 Points
2	Project Manager/ Foreman/ Site agent Experience (<i>CV's must be attached to claim the above points, with certification of employment with the contractor and proof of qualifications and for the relevant years of experience in the related working environment</i>): • >4 to 10years of bridge/culvert/canal construction experience. • >4 to 10 years of gabion retaining structures experience • >2 to 4 years' gabion retaining structures experience. • >Less than 2 years' civil construction site experience.	15 Points 10 Points 5 Points 0 Points

Total Points 30

- Minimum Threshold = Fifteen points (15) Points or 50% to progress to stage two (2) evaluation.
- **Failure to produce the required proof will result in nil points awarded for experience.**

14.2 **STAGE TWO: PREFERENTIAL POINTS**

The tender will be evaluated on the 80/20 preference point system and in accordance with the Preferential Procurement Regulations, 2017 issued in terms of section 5 of the Preferential Procurement Policy Framework Act, Act Number 5 of 2000 (PPPFA). (**See Annexure "C"**)

The project shall be evaluated on 80/20 procurement point system as follows:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

Stage two on the 80/20 points evaluation system for price and BB-BEE status.

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**APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD**

PRICING SCHEDULE

(Please see Annexure A, Schedule of Quantities)

Name of Tenderer:

Name of Signatory:

Capacity of Signatory.....

SIGNATURE DATE.....

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

**APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD**

DATA SHEET 1 – INVITATION TO BID

PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	Q12/713-R OF 21/22	CLOSING DATE:	17/12/2021	CLOSING TIME:	12:00PM
DESCRIPTION	Emergency repairs of earth-lined storm water Canalization at 80 Kingston road				
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 (STREET ADDRESS)

169 Chief Albert Luthuli Street					
Pietermaritzburg					
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:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT		☐ Yes ☐ No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER PART B:3]	
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE	R	
SIGNATURE OF BIDDER			DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	Supply Chain Management		CONTACT PERSON	Martin McNamara	
CONTACT PERSON	Nozipho Cebekhulu		TELEPHONE NUMBER	033 392 2189	
TELEPHONE NUMBER	033 392 2072		FACSIMILE NUMBER		
FACSIMILE NUMBER	N/A		E-MAIL ADDRESS	Martin.mcnamara@msunduzi.gov.za	
E-MAIL ADDRESS	Nozipho.cebekhulu@msunduzi.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, 2017, 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										
<table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="width: 20%; text-align: right;">☐ YES ☐ NO</td> </tr> <tr> <td>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;">☐ YES ☐ NO</td> </tr> <tr> <td>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;">☐ YES ☐ NO</td> </tr> <tr> <td>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;">☐ YES ☐ NO</td> </tr> <tr> <td>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</td> <td style="text-align: right;">☐ YES ☐ NO</td> </tr> </table> 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.	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
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									

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

**APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD**

DATA SHEET 2 - STATEMENT OF PREVIOUS EXPERIENCE

The nomination of works, preferably of a similar nature to the works in this contract and which the Tenderer has successfully completed, is invited for adjudication purposes.

Please list in full the Employer's name and address, and the name of the professional person responsible for supervising the works. Where a project has been supervised by a Consultant, the name and address of the firm should also be listed.

Alternatively, Tenderers without experience may submit statements from a person or persons or organisation as to their abilities and standing in support of their tender, for adjudication purposes.

Failure to comply with either of these requirements may prejudice the tender.

EMPLOYER	CONTACT No.	NATURE OF WORKS	VALUE OF WORKS	YEAR COMPLETED

TENDERER: _____ DATE: _____

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

**APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD**

DATA SHEET 4 – DECLARATION OF MUNICIPAL FEES

I/We do hereby declare that the Municipal Fees of _____

Is/are, as at the date of the tender closing, fully paid up, or arrangements have been concluded with the Municipality to pay the said Fees:-

Description

Account No.

Electricity _____

Water _____

Rates _____

I/We acknowledge that should it be found that the Municipal Fees are not up to date, the Council may take such remedial action as it required, including termination of contract, and any income due to the Contractor shall be utilised to offset any monies due to the Council.

Full Name of Signatory.....

Capacity of Signatory.....

I.D. Number.....

Duly Authorised to sign on behalf of: -.....

Physical Address.....

.....

.....

SIGNATURE.....DATE.....

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

**APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD**

DATA SHEET 5 – 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 or his or her 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 VAT Registration Number:

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

3.8 Are you presently in the service of the state? **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
any other bidder and any persons in the service of the state who
may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.11.1 If yes, furnish particulars

.....
3.12 Are any of the company’s directors, trustees, managers,
principle shareholders or stakeholders in service of the state? **YES/NO**

3.12.1 If yes, furnish particulars.

.....
3.13 Are any spouse, child or parent of the company’s directors
trustees, managers, principle shareholders or stakeholders
in service of the state? **YES/NO**

3.13.1 If yes, furnish particulars.

.....
3.14 Do you or any of the directors, trustees, managers,
principle shareholders, or stakeholders of this company
have any interest in any other related companies or
business whether or not they are bidding for this contract. **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 Signatory

Signature

Name of Bidder

Company Stamp:

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

**APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD**

DATA SHEET 6 - AUTHORITY TO SIGN DOCUMENT

I/We*, the undersigned, am/are* duly authorised to sign the tender document on behalf of

.....

by virtue of the Articles of Association/Resolution of the Board of Directors*, of which a certified
copy is attached, or

Full Name of Signatory:

Capacity of Signatory:

Signature:

Date:

Witnesses:-

(1) Full Name:

Signature:Date.....

(2) Full Name:

Signature:Date.....

* ***Delete whichever is inapplicable or complete as indicated if none are applicable.***

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

**APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD**

DATA SHEET 7 – DECLARATION OF BIDDER'S PAST SUPPLY CHAIN

MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 ***In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.***

Item	Question	Yes	No
4.1	<u>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</u> (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court 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 to 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 ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (NAME)

.....
 Certify That The Information Furnished On This Declaration Form Is Correct.

I Accept That The State May Act Against Me Should This Declaration Prove To Be False.

SIGNATURE.....DATE.....

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

**APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD**

DATA SHEET 8: 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 *pe 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.

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.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD

TAX CLEARANCE CERTIFICATE

Please attach hereto an
Original Valid Tax Clearance
Certificate as required in
terms of Regulation 16 of the
Preferential Procurement
Regulations, 2001.

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD

B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE

Please attach hereto a
certified copy of the B-BBEE
Status Level Verification
Certificate as required in
terms of Preferential
Procurement Regulations
2017, issued in terms of
section 5 of the Preferential
Procurement Policy
Framework Act, Act No. 5 of
2000

THE MSUNDUZI MUNICIPALITY

SPECIALISED QUOTATION No. Q 12/713-R OF 21/22

**APPOINTMENT OF A SERVICE PROVIDER FOR EMERGENCY
REPAIRS TO EARTH-LINED STORMWATER CANALISATION AT 80 KINGSTON ROAD**

TENDER FORM

The Municipal Manager
City Hall
PIETERMARITZBURG
3201

Sir,

Having examined the Specification, Conditions of Tender, tender and legislation of the above-named Works, I/we offer to supply and deliver the whole of the said Works in conformity with the specification, Conditions of Contract and tender and legislation, save as amended by the modifications set out in Annexure A attached hereto, at the rates as set out in the price schedule hereto.

R_____ (in words) _____

_____ (EXCLUDING VAT)

In the event of there being any errors of extension or addition in the priced Schedule of Quantities, I/we agree to their being corrected, the rates being taken as correct.

I/We confirm that I am/We are fully acquainted with the current South African laws and regulations applicable to this contract including inter alia those laws to which my/our attention has been drawn in the Legislation Section of this document.

I/We are formally associated by written agreement with the following firms, corporations or companies:-

(enter Nil if no affiliations)

I/We are fully paid up members in good standing of the following organisation(s):-

(enter Nil if no affiliations)

My/Our VAT vendor registration number is:- _____
(enter Nil if a non VAT vendor)

I/We bank at the _____ branch of _____

where I/we have a _____ account.

Tender Deposit Receipt No _____

My/Our tender fee receipt number as issued by the Council is: _____

I/We bank at the _____ branch of _____

where I/we have a _____ account.

It is agreed and understood that should there be any changes on the banking details provided for the entity, a duly signed resolution by all its directors and minutes whereby a resolution for changing the banking details was passed will be submitted to Council including the original letter from the bank confirming the details.

It is agreed and understood that this tender is valid for three (3) months from the date hereof and that it, together with your final letter of acceptance, shall constitute a binding Contract between us.

I/We understand that the Council is not bound to accept the lowest or any tender and acknowledge that the Head: Supply Chain Management may, in her absolute discretion good and sufficient grounds are brought to her attention in writing within five (5) working days from the date hereof, decline to consider my/our offer.

I/we the Undersigned, Warrants That I Am/ We Are Duly Authorised to Do So on Behalf of the Enterprise, Certifies That the Enterprise Complies with All Statutory and Municipal Requirements and That the Information Supplied in Terms of this Documents with Additional Information is Correct and Accurate and Acknowledges That if the information supplied is found to be incorrect then the Msunduzi Municipality in addition to any remedies, it may have: may

- i Recover from the Enterprise all costs, losses or damages incurred or sustained by the Municipality as result of the award of the contract, and /or
- ii Cancel the contract and claim any damages which the Municipality may suffer by having to make less favourable arrangements after such cancellations, and/or
- iii Impose a penalty on the Enterprise as provided in the Tender Document, and/or
- iv Take any other action as may be deemed necessary.

I/we further undertake to submit documentary proof regarding any tendering issue to the Council when so required.

Full Name of Signatory.....

Capacity of Signatory.....

I.D. Number.....

Duly Authorised to sign on behalf of: -.....

Physical Address.....

.....

SIGNATURE.....DATE.....

ANNEXURE A

ALTERATIONS BY TENDERER

Should the Tenderer desire to make any departures from or modifications to the Standard Conditions of Contract or Specification, or to qualify his tender in any way, he shall set out his proposals clearly hereunder or, alternatively, state them in a covering letter attached to his tender and referred to hereunder, failing which the tender will be deemed to be unqualified.

If no departures or modifications are desired, the Schedule hereunder is to be marked NIL and signed by the Tenderer.

PAGE	SECTION OR ITEM	PROPOSED DEPARTURE/MODIFICATION

DATE _____ TENDERER _____

MSUNDUZI MUNICIPALITY

WRITTEN AGREEMENT BETWEEN THE HEAD: SUPPLY CHAIN MANAGEMENT (ACTING) WHO IS THE PRIMARY AGENT OF THE MSUNDUZI MUNICIPALITY (EMPLOYER/MANDATOR) AND

.....
(TENDERER/ MANDATARY) AS ENVISAGED BY SECTION 37(2) OF THE OCCUPATIONAL HEALTH & SAFETY ACT, NO. 85 OF 1993, AS AMENDED.

I/we representing..... (mandatory) do hereby acknowledge that (mandatory) is an employer in its own right with duties as prescribed in the Occupational Health & Safety Act, No. 85 of 1993, as amended. I/we agree to ensure that all work will be performed and/or machinery and plant will be used in accordance with the provisions of the said Act. I/we furthermore agree to comply with the arrangements and procedures contained in the documents attached hereto for the full duration of the contract including the defects liability period.

Signature [Tenderer] _____

Signed this..... day of 20..... at.....

for and on behalf of (Tenderer/mandatory).

Signature [Engineer] _____

Signed this..... day of 20..... at.....
for and on behalf of the Msunduzi Municipality (employer/mandator).

General information for mandataries:

1. The Occupational Health & Safety Act comprises Sections 1 to 50 and all unrepealed Regulations promulgated in terms of the former Machinery & Occupational Safety Act No. 6 of 1983, as amended, as well as other Regulations which may be promulgated in terms of the new Act.
2. "Mandatory" is defined as including an agent, a Tenderer or a subTenderer for work, but without derogating from his status in his own right as an employer or user of plant or machinery.
3. Section 37 of the Occupational Health & Safety Act potentially punishes employers (principals) for the unlawful acts or omissions of mandataries (Tenderers), save where a written agreement between the parties has been concluded containing arrangements and procedures to ensure compliance with the said Act by the mandatory.
4. All documents attached or referred to in the above Agreement form an integral part of the Agreement.
5. To perform in terms of this Agreement, mandataries must be familiar with the relevant provisions of the Act.
6. Mandataries who utilise the services of their own mandataries (sub-Tenderers) are advised to conclude a similar written Agreement.
7. Be advised that this Agreement places the onus on the mandatory to contact the employer in the event of inability to perform as per this Agreement. The employer, however, reserves the right to unilaterally take any steps as may be necessary to enforce this Agreement.
8. Mandataries are advised that any acts or omissions on the part of the mandatory, that are a breach of the Act may cause this contract to become null and void.

MBD 6.1 FORM**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- The 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- The 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 Preference Point System shall be applicable.

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require either of a bidder, before a bid is adjudicated or at any time subsequently, to substantiate any claim in regards to preferences, in any manner required by the purchaser.

DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“Bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“Functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“Prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“Proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“Rand Value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

2. POINTS AWARDED FOR PRICE

2.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20	or	90/10
$Ps = 80 \left(1 - \frac{Pt - P_{\min}}{P_{\min}} \right)$	or	$Ps = 90 \left(1 - \frac{Pt - P_{\min}}{P_{\min}} \right)$

Where:-

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

3. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 3.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

4. BID DECLARATION

- 4.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

5. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 5.1 B-BBEE Status Level of Contributor: =

(Maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor)

6. SUB-CONTRACTING

- 6.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES		NO	
-----	--	----	--

6.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES		NO	
-----	--	----	--

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Co-operative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

7. DECLARATION WITH REGARD TO COMPANY/FIRM

7.1 Name of company/firm:.....
.....

7.2 VAT registration number:.....

7.3 Company registration number:.....

7.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

7.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

7.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

7.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:

7.8 Total number of years the company/firm has been in business:.....

7.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

WITNESSES:

1. 2.

.....

SIGNATURE(S) OF BIDDER(S)

DATE:

ADDRESS:

.....

.....

SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE

I, the undersigned,

Full name & Surname	
Identity number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf:

Enterprise Name	
Trading Name	
Registration Number	
Enterprise Address	

3. I hereby declare under oath that:

- The enterprise is _____% black owned;
- The enterprise is _____% black woman owned;
- Based on the management accounts and other information available on the _____ financial year, the income did not exceed R10,000,000.00 (ten million rands);
- Please confirm on the table below the B-BBEE level contributor, **by ticking the applicable box.**

100% black owned	Level One (135% B-BBEE procurement recognition)	
More than 51% black owned	Level Two (125% B-BBEE procurement recognition)	
Less than 51% black owned	Level Four (100% B-BBEE procurement recognition)	

4. The entity is an empowering supplier in terms of **the dti** Codes of Good Practice.
5. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise that I represent in this matter.
6. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: _____ Date: _____

Commissioner of Oaths Signature & Stamp