



mandela bay
DEVELOPMENT AGENCY
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MAY 2024

TENDER NUMBER: MBDA BEP 07/23

**PANEL OF REGISTERED CIDB GRADE 3 AND GRADE 4
CONTRATORS FOR CIVILWORKS (CE) AND GENERAL BUILDING
WORKS (GB) - (MBDA BEP 07/23)**

(GCC 2015)

(JBCC EDITION 6.2)

**VOLUME 1: TENDERING PROCEDURES
VOLUME 2: RETURNABLE DOCUMENTS
VOLUME 3: CONTRACT**

Category GRADE 3 CE/GB AND GRADE 4 CE/GB CIDB Registered Contractors

ISSUED BY:

The Chief Executive Officer
Mandela Bay Development Agency
P O Box 74
Port Elizabeth
6000
Contact Person: Pamela Govender
e-mail: publictenders@mbda.co.za

Registered Name of Tenderer:

TRADING NAME OF TENDERER:

Registration No. of Entity:

Contact Person:

Central Supplier Database (CSD) number:

Tel. No.:

E-mail Address:

Cell No.:

Fax No:

CIDB CRS Number(s):

NOTE:

- 1. Tenderers must have a CIDB contractor grading designation of GRADE 3 CE/GB AND GRADE 4 CE/GB CIDB Registered Contractors for this tender.**

1.1 The Tenderer is required to return:

- a) The original document “Volume 1: Tendering Procedures” (this volume);**
 - b) The original document plus One (1) electronic copy must be uploaded onto the MBDA Vendor Portal of “Volume 2: Returnable Documents,” and Volume 3**
 - c) Failure to do so may result in the disqualification of the tender in accordance with clause 2.14 of the CIDB Standard Conditions of Tender.**
- 2. Bidders must below indicate by marking with an (X) the CIDB grade and category relevant to their assigned grading:**

CIDB	GB3	CE3	GB4	CE4

3. IMPORTANT NOTES:

- 3.1** Where a grade 3 has a valid registration for both a GB and CE, the bidder is to submit one combined tender submission.
- 3.2 Successful bidders with a grade 3 or 4 grading will NOT be considered for works related to a lower CIDB grading in this respect a CIDB grade 2 when panels are instituted. This will apply to all other and higher CIDB grading requests for proposal to be listed on a panel for the MBDA.**
- 3.3** The MBDA shall appoint 10 compliant and responsive bidders for each panel in respect of CIDB grade 3 and CIDB grade 4.
- 3.4** The MBDA reserves the right to add to the panel through a competitive tender process, at its discretion should the need arise.
- 3.5** The MBDA reserves the right to pursue competitive bidding process outside of this in circumstances that are deemed necessary.
- 3.6** Kindly note based intent of the creation of the above-mentioned panels Joint ventures will not be accepted for this tender.

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T1.1: TENDER NOTICE AND INVITATION TO TENDER

CONSTRUCTION TENDER

PANEL OF REGISTERED CIDB GRADE 3 AND GRADE 4 CONTRATORS FOR CIVIL WORKS (CE) AND GENERAL BUILDING WORKS (GB) - (MBDA BEP 07/23)

The **Mandela Bay Development Agency (MBDA)** hereby invites suitably qualified contractors to submit proposals for the establishment of a panel of qualified built environment contractors, specifically for General Building (GB) and Civil works (CE). As a development agency, the MBDA's purpose for this RFP is to create a database of contractors and will appointment a maximum of 10 successful contractors within the MBDA geographic mandate areas.

Contractors **must** have a minimum CIDB grading of **3 GB/CE and 4 GB/CE**.

The contractors will be required to execute **new** works in terms of General Building and Civil related works. The MBDA has an existing database of contractors responsible for repairs and maintenance.

Tenderers must have a CIDB contractor grading designation of 3GB/CE and 4GB/CE. Kindly note-based intent of the creation of the above-mentioned panels Joint ventures will not be accepted for this tender.

The final selection of qualifying tenders will be at the MBDA's sole discretion.

The electronic document, outlining the requirements is available for download by prospective bidders from the MBDA website. Alternatively, the electronic document, outlining the requirements will be provided to interested bidders upon an emailed request to publictenders@mbda.co.za quoting (MBDA BEP 07/23) in the subject line as well as company contact details, from Monday 27 May 2024. The last date for queries on this tender shall be Friday 21 June 2024. No further queries shall be responded to after this date.

A compulsory briefing session will be held at the MBDA Offices, **1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Central, Gqeberha on Tuesday 04 June 2024 at 14:00**. The onus is on bidders to ensure that they arrive on time. **No attendee(s) joining after 14:15 will be allowed to tender.**

The closing date and time is Friday 28 June 2024 at 12h00. Submissions MUST be on one (1) original hard copy placed in a sealed envelope and clearly marked with "PANEL OF REGISTERED CIDB GRADE 3 AND GRADE 4 CONTRATORS FOR CIVIL WORKS (CE) AND GENERAL BUILDING WORKS (GB) - (MBDA BEP 07/23)". One (1) electronic copy must be uploaded onto the MBDA Vendor Portal by Friday 28 June 2024 at 12h00. by 12h00, if the electronic upload is not possible to be submitted via the vendor portal the bidder must submit a copy on USB. FAILURE TO SUBMIT THE ORIGINAL HARD COPY AS WELL AS AN ELECTRONIC COPY VIA THE VENDOR PORTAL OR USB WILL DEEM THE BID NON-RESPONSIVE.

All responses must be placed in the MBDA tender box marked MBDA BEP 07/23 on the 1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Central, Port Elizabeth. Bids may only be submitted on bid documentation provided by the MBDA.

MBDA Office hours are Monday to Friday 08h00 to 16h30.

For further information contact Pamela Govender during office hours at tel. 041 811 8200 or email publictenders@mbda.co.za (please quote reference number MBDA BEP 07/23 on subject line).

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

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

Late and incomplete submissions will not be accepted.

No verbal and / or telephonic queries and clarifications will be entertained by the Agency and must instead be made in writing and will be responded to accordingly. The Agency reserves the right to circulate the questions and answers to all registered parties in the form of a tender bulletin. All queries and clarifications are to be addressed to publictenders@mbda.co.za the tender reference number MBDA BEP 07/23 must clearly be stated on the subject line. The cut-off date for such queries and clarifications will be close of business on Friday 21 June 2024.

PLEASE NOTE

1. NO BIDS WILL BE CONSIDERED FROM:

- a. **PERSONS IN THE SERVICE OF THE STATE (AS DEFINED IN REGULATION 1 OF THE LOCAL GOVERNMENT: MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS)**
- b. **BIDDER IS OR WAS INVOLVED AS A CONSULTANT IN THE PREPARATION OR IMPLEMENTATION OF THE PROJECT. THE SAME APPLIES TO AN ENTERPRISE OR AN INDIVIDUAL THAT IS CLOSELY CONNECTED TO THE BIDDER UNDER A COMPANY OR GROUP OR SIMILAR BUSINESS LINK, OR TO SEVERAL ENTERPRISES OR INDIVIDUALS OR ASSOCIATED CORRESPONDINGLY**

T1.2: TENDER DATA

The **Conditions of Tender** are the **Standard Conditions of Tender** as contained in **Annexure F** of the **Construction Industry Development Board's** revised Standard for Uniformity in Construction Procurement promulgated in Government Gazette No. 33239 dated 28 May 2010 (refer to www.cidb.org.za).

The Standard Conditions of Tender make several references to the Tender Data which specifically applies to this tender. The Tender Data shall take precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender. Each item of data given below shall be cross-referenced to the Clause in the Standard Conditions of Tender to which it mainly applies.

clause	wording/data
F.1.1.1	<p>The Employer:</p> <p>Mandela Bay Development Agency (MBDA)</p> <p>Address: MBDA, 1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Port Elizabeth, 6000</p> <p>Tel: 041 811 8200</p> <p>Contact Person: Pamela Govender</p> <p>E-mail: publictenders@mbda.co.za</p>
F.1.2	Refer to Page 1 of this document for a complete and comprehensive list of all Documents.
F1.2.1	Not Applicable
F.2.1	<p>Only those tenderers who are registered with the CIDB, in a contractor grading designation in accordance with Regulation 25(1B) or 25(7A) of the Construction Industry Development Regulations, for a 3 GB/CE and 4 GB/CE class of construction work, are eligible to have their tenders evaluated.</p> <p>Contractors will be rated based on the following criteria:</p> <ul style="list-style-type: none"> a) Experience on 5 similar projects during the last 5 years. b) Contractual commitment and quality of performance on completed similar projects c) Suitably qualified team leaders and organogram. (Individual/separate CV's are required for each of these positions – on person per position) d) Bank Rating C e) List of plant
F.2.7	<p>The arrangements for the compulsory clarification meeting are:</p> <p>A compulsory briefing session will be held at the MBDA Offices, 1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Central, Gqeberha on Tuesday 04 June 2024 at 14:00. The onus is on bidders to ensure that they arrive on time. No attendee(s) joining after 14:15 will be allowed to tender.</p> <p>Tenderers must sign the attendance list in the name of the tendering entity. Only Certificates of Attendance of Tenderers that attended compulsory clarification meeting will be signed by the Employer or Employer's representative.</p> <p>Tender documents will not be made available at the clarification meeting.</p>
F.2.12	No alternative offer will be considered.
F.2.13.1	All returnable documents to the employer as defined in F.1.2 of the Tender Data shall be returned in legible writing in non-erasable ink.

F.2.13.3	<p>The original completed tender document (refer clause F.1.2) shall be returned with all the required information supplied, duly completed in non-erasable ink in all aspects.</p> <p>The closing date and time is Friday 28 June 2024 at 12h00. Submissions <u>MUST</u> be on one (1) original hard copy placed in a sealed envelope and clearly marked with “PANEL OF REGISTERED CIDB GRADE 3 AND GRADE 4 CONTRATORS FOR CIVIL WORKS (CE) AND GENERAL BUILDING WORKS (GB) - (MBDA BEP 07/23)”. One (1) electronic copy must be uploaded onto the MBDA Vendor Portal by Friday 28 June 2024 at 12h00. by 12h00, if the electronic upload is not possible to be submitted via the vendor portal the bidder must submit a copy on USB. FAILURE TO SUBMIT THE ORIGINAL HARD COPY AS WELL AS AN ELECTRONIC COPY VIA THE VENDOR PORTAL OR USB WILL DEEM THE BID NON-RESPONSIVE.</p>
F.2.13.5	The identification details are stated in the Tender Notice and Invitation to Tender.
F.2.13.6	A two-envelope procedure will not be followed.
F.2.15	<p>The closing date and time as well as the specified address and location of the tender box for submission of tender offers are stated in the Tender Notice and Invitation to Tender.</p> <p>Note that telephonic, telegraphic, telex, facsimile, e-mailed, posted and late tender offers will not be accepted.</p>
F.2.16	The tender validity period is one hundred and twenty (120) days for this tender.
F.2.16.3	<p>Add the following:</p> <p>“Should a tenderer amend or withdraw his or her tender after the closing date and time, but prior to him or her being notified of the acceptance thereof, or should a tenderer after having been notified that his or her tender has been accepted –</p> <ol style="list-style-type: none"> 1.give notice of his or her inability to execute the Contract in accordance with his or her tender; or 2.fail to sign a contract within the period stipulated in the tender requirements or any extended period determined by the employer; or 3.fail to execute the Contract. <p>He or she shall pay all additional expenses which the employer has to incur in inviting new tenders and pay the difference between his or her tender and any less favourable tender accepted, as well as any consequential loss which may arise as a result of his/her non-fulfilment of his/her obligations: Provided that the employer may exempt a tenderer from the provisions of this sub-regulation if he is of the opinion that such non-performance is justifiable.</p> <p>When during the above-mentioned circumstances it is not deemed expedient to invite new tenders, the employer may entertain a recommendation for acceptance of a tender from those already received.”</p>
F.2.17	<p>Clarification of tender after submission</p> <p>Add the following:</p> <p>“The tenderer is to provide clarification with regards to a request for clarification from the employer, within 48 hours of the employer making the request, failing which, the tender offer will be considered non-responsive.”</p>
F.2.18	<p>Add the following to this Clause:</p> <p>“The tenderer shall, when requested by the employer to do so, submit the names of all management and supervisory staff that will be employed to supervise the works together</p>

	with satisfactory evidence that such staff members satisfy the eligibility requirements as required in Part C3."
F.2.23	<p>The tenderer is required to submit with their tender all the documents, schedules and certificates as listed under T2.1 and T2.2 of the Tender Portion.</p> <ol style="list-style-type: none"> 1) Company Profile 2) Documents of incorporation 3) Registration with CSD 4) B-BBEE Certificate 5) Municipal Rates Clearance Certificate 6) Certificate of Registration with CIDB (CE, GB) 7) Previous work experience 8) Project Team (CV's, certified qualifications and certified ID copies) and others.
F.2.25	<p>Add the following clause:</p> <p>"Accept that no tenderer shall make any attempt to, either directly or indirectly, canvass any of the employer's officials or the employer's agent in respect of his tender during the tender process.</p> <p>No tenderer shall make any attempt to obtain particulars of any relevant information.</p>
F.2.26	<p>Add the following clause:</p> <p>"Accept that the Employer is prohibited to award a tender to a bidder if the bidder:</p> <p>Was or is involved as a consultant in the preparation or implementation of the project. The same applies to an enterprise or an individual that is closely connected to the bidder under a company group or similar business link.</p>
F.2.27	<p>Add the following clause:</p> <p>"Accept that the employer is prohibited to award a tender to a person who is in the service of the state;</p> <p>or</p> <p>if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state;</p> <p>or</p> <p>a person who is an advisor or consultant contracted with the municipality or municipal entity.</p> <p>In the service of the state means to be a member of:</p> <ul style="list-style-type: none"> ▪ any municipal council; ▪ any provincial legislature; ▪ the National Assembly or the National Council of Provinces; ▪ a member of the board of directors of any municipal entity; ▪ an official of any municipality or municipal entity; ▪ an employee of any national or provincial department; ▪ provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No 1 of 1999); ▪ a member of the accounting authority of any national or provincial public entity; ▪ an employee of Parliament or a Provincial Legislature.

	In order to give effect to the above, the questionnaire for the declaration of interests in the tender for persons in service of state under Part T2 of the Tender Portion must be completed.”
F.2.28	<p>Add the following clause:</p> <p>“Accept that the notes to the employer’s annual financial statements must disclose particulars of any award of more than R 2 000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including:</p> <ul style="list-style-type: none"> ▪ the name of that person; ▪ the capacity in which that person is / was in the service of the state; and c) the amount of the award. <p>In order to give effect to the above, the questionnaire for the declaration of interests in the tender of persons in service of state in Part T2 of the Tender Portion must be completed in full and signed.”</p>
F.2.32	<p>Add the following clause:</p> <p>“Municipal Rates Clearance Certificate</p> <p>Accept that no contract will be awarded to a tenderer who is in arrears for more than three months (or who fails to make suitable arrangements to settle the arrears) in respect of municipal rates and other charges due any municipality.</p> <p>Should the tender amount be more than R 10 million, the period for arrears reduces to one month.”</p>
F.3.2	Amend the wording “three days” to read “three working days.”
F.3.4.1	The time and place for the opening of valid tender submissions are stated in the Tender Notice and Invitation to Tender.
F.3.5	A two-envelope procedure will not be followed.
F.3.11.1	<p>Tenders will be evaluated in terms of the Mandela Bay Development Agency Supply Chain Management Policy as adopted in 2023.</p> <p>The method for the evaluation of responsive tenders shall be Method 2: Financial Offer and Preference as described under Clause F.3.11.3.</p>
F.3.11.7	The financial offer shall be scored using Formula 2, Option 1 within Table F.1 with the value of $W_1 = 90$.
F.3.11.8	<p>Tenders will be evaluated in terms of the Mandela Bay Development Agency Supply Chain Management Policy as adopted by the Board on August 2023. Any parts of the Supply Chain Management Policy that are outdated will be replaced by the applicable portions of the current Preferential Procurement Policy Framework Act and associated Regulations 2022.</p> <p>The method for the evaluation of responsive tenders shall be Method 2: Financial Offer and Preference as described under Clause F.3.11.</p> <p>PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022</p> <p>This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.</p> <p>NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022</p> <p>1. GENERAL CONDITIONS</p> <p>1.1 The following preference point systems are applicable to invitations to tender:</p> <ul style="list-style-type: none"> - 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 To be completed by the organ of state

- a) The applicable preference point system for this tender is the 80/20 preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

B-BBEE Status Level of Contributor	Number of Points
1	10
2	9
3	7
4	6
5	4
6	4
7	2
8	1
Non-compliant Contributor	0

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in **table 1 below**:

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

Note to tenderers: The tenderer to indicate how they claim points for each preference point system. This verified

The specific goals allocated points in terms of this tender	Points allocation	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Required proof for goals claimed
B-BBEE status contributor	10			B-BBEE certificate confirming BBEE level status contributor
Enterprise located within the Nelson Mandela Bay municipal area	5			Detailed CSD registration demonstrating supplier information together with municipal statement of acceptance, lease agreement or clearance certificate
Enterprise owned by women	3			Detailed CSD registration, detailed B-BBEE certificate demonstrating women ownership
Enterprise owned by black youth	2			Detailed CSD registration, detailed B-BBEE certificate demonstrating black ownership
TOTAL POINTS	20			

	Refer to Part T2 - Returnable Schedules.
F.3.13	<p>Replace the entire contents and wording of Clauses F.3.13 e) and F.3.13 f) with the following:</p> <p>Tender offers will only be accepted if:</p> <ul style="list-style-type: none"> ▪ Complies with all legal requirements, ▪ Is able, in the opinion of the employer, to perform the contract free of conflicts of interest, ▪ Submits a valid Tax Clearance Certificate issued by the South African Revenue Services or has made arrangements to meet outstanding tax obligations and can provide proof thereof, ▪ Is registered with the Construction Industry Development Board in an appropriate contractor grading designation, ▪ Or any of its directors / shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector, ▪ Has not abused the Employer's Supply Chain Management System, or failed to perform on any previous contract and has been given a written notice to this effect, ▪ Has completed the Compulsory Enterprise Questionnaire and there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are not permitted to submit tenders or participate in the contract, ▪ Is registered and in good standing with the compensation fund or with a licensed compensation insurer; ▪ Has, in terms of the Construction Regulations and the Occupational Health and Safety Act, the necessary competencies and resources to carry out the work safely, ▪ Or any of its directors, partners or principals is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges; ▪ Is registered with the National Treasury Central Supplier Database (CSD) and ▪ Is registered with, or provided proof of application for registration, with the Nelson Mandela Bay Municipality's Supplier's Database.
F.3.17	The number of paper copies of the signed contract to be provided by the Employer is one.

CIDB STANDARD CONDITIONS OF TENDER

CIDB STANDARD CONDITIONS OF TENDER

(August 2019 edition)

As published in Annex C of the Construction Industry Development Board's (CIDB) Standard for Uniformity in Engineering and Construction Works Contracts as published in Board Notice 423 of 2019 in Government Gazette No. 42622 of 08 August 2019.

* Note that should there be any discrepancies between this reproduction and the original document, the contents of the original document will prevail.

F.1 GENERAL

F.1.1 Actions

F.1.1.1 The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in F.2 and F.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.

F.1.1.2 The employer and the tenderer and all their agents and employees involved in the tender 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. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer 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.

Note:1 *A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.*

2 *Conflicts of interest in respect of those engaged in the procurement process include direct, indirect family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.*

F.1.1.3 The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract.

F.1.2 Tender Documents

The documents issued by the employer for the purpose of a tender offer are listed in the tender data.

F.1.3 Interpretation

F.1.3.1 The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender.

F.1.3.2 These conditions of tender, the tender data and tender schedules which are only required for tender evaluation purposes, shall not form part of any contract arising from the invitation to tender.

F.1.3.3 For the purposes of these conditions of tender, the following definitions apply:

a) conflict of interest means any situation in which:

- i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially;
- ii) an individual or organisation is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
- iii) incompatibility or contradictory interests exist between an employee and the organisation which employs that employee.

b) comparative offer means the price after the factors of a non-firm price and all unconditional discounts it can be utilised to have been taken into consideration;

c) corrupt practice means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process;

d) fraudulent practice means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels;

e) organization means a company, firm, enterprise, association or other legal entity, whether incorporated or not, or a public body;

f) functionality means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs.

F.1.4 Communication and employer's agent

Each communication between the employer and a tenderer shall be to or from the employer's agent only, and in a form that can be readily read, copied and recorded. Communications shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data.

F.1.5 Cancellation and Re-Invitation of Tenders

F1.5.1 An organ of state may, prior to the award of the tender, cancel a tender if-

- (a) due to changed circumstances, there is no longer a need for the services, works or goods requested; or
- (b) funds are no longer available to cover the total envisaged expenditure; or (c) no acceptable tenders are received.

F1.5.2 The decision to cancel a tender must be published in the cidb website and in the government Tender Bulletin for the media in which the original tender invitation was advertised.

F.1.6 Procurement procedures

F.1.6.1 General

Unless otherwise stated in the tender data, a contract will, subject to F.3.13, be concluded with the tenderer who in terms of F.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.

F.1.6.2 Competitive negotiation procedure

F.1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of F.3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of 36 F.3.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.

F.1.6.2.2 All responsive tenderers, or not less than three responsive tenderers that are highest ranked in terms of the evaluation method and evaluation criteria stated in the tender data, shall be invited in each round to enter into competitive negotiations, based on the principle of equal treatment and keeping confidential the proposed solutions and associated information. Notwithstanding the provisions of F.2.17, the employer may request that

tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

F.1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to make a fresh tender offer, based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer.

F.1.6.2.4 The contract shall be awarded in accordance with the provisions of F.3.11 and F.3.13 after tenderers have been requested to submit their best and final offer.

F.1.6.3 Proposal procedure using the two stage-system

F.1.6.3.1 Option 1

Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender.

F.1.6.3.2 Option 2

F.1.6.3.2.1 Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents.

F.1.6.3.2.2 The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data, and award the contract in terms of these conditions of tender.

F.2 TENDERER'S OBLIGATIONS

F.2.1 Eligibility

F.2.1.1 Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer.

F.2.1.2 Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders.

F.2.2 Cost of tendering

F2.2.1 Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer complies with requirements.

F2.2.2 The cost of the tender documents charged by the employer shall be limited to the actual cost incurred by the employer for printing the documents. Employers must attempt to make available the tender documents on its website so as not to incur any costs pertaining to the printing of the tender documents.

F.2.3 Check documents

Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.

F.2.4 Confidentiality and copyright of documents

Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.

F.2.5 Reference documents

Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.

F.2.6 Acknowledge addenda

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

F.2.7 Clarification meeting

Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.

F.2.8 Seek clarification

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

F.2.9 Insurance

Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

F.2.10 Pricing the tender offer

F.2.10.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable 14 days before the closing time stated in the tender data.

F.2.10.2 Show VAT payable by the employer separately as an addition to the tendered total of the prices.

F.2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.

F.2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

F.2.11 Alterations to documents

Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations.

F.2.12 Alternative tender offers

F.2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.

F.2.12.2 Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.

F.2.12.3 An alternative tender offer may only be considered in the event that the main tender offer is the winning tender.

F.2.13 Submitting a tender offer

F.2.13.1 Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.

F.2.13.2 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.

F.2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.

F.2.13.4 Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.

F.2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

F.2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked —financial proposal and place the remaining returnable documents in an envelope marked —technical proposal. Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

F.2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.

F.2.13.8 Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.

F.2.13.9 Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.

F.2.14 Information and data to be completed in all respects

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

F.2.15 Closing time

F.2.15.1 Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery.

F.2.15.2 Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.

F.2.16 Tender offer validity

F.2.16.1 Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.

F.2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.

F.2.16.3 Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted.

F.2.16.4 Where a tender submission is to be substituted, submit a substitute tender in accordance with the requirements of F.2.13 with the packages clearly marked as —"SUBSTITUTE".

F.2.17 Clarification of tender offer after submission

Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.

Note: Sub-clause F.2.17 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Employer elect to do so.

F.2.18 Provide other material

F.2.18.1 Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment. Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.

F.2.18.2 Dispose of samples of materials provided for evaluation by the employer, where required.

F.2.19 Inspections, tests and analysis

Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.

F.2.20 Submit securities, bonds and policies

If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

F.2.21 Check final draft

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

F.2.22 Return of other tender documents

If so instructed by the employer, return all retained tender documents within 28 days after the expiry of the validity period stated in the tender data.

F.2.23 Certificates

Include in the tender submission or provide the employer with any certificates as stated in the tender data.

F.3 THE EMPLOYER'S UNDERTAKINGS

F.3.1 Respond to requests from the tenderer

F.3.1.1 Unless otherwise stated in the tender Data, respond to a request for clarification received up to five working days before the tender closing time stated in the Tender Data and notify all tenderers who drew procurement documents.

F.3.1.2 Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to prequalify a tenderer to

submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

- a) an individual firm, or a joint venture as a whole, or any individual member of the joint venture fails to meet any of the collective or individual qualifying requirements;
- b) the new partners to a joint venture were not prequalified in the first instance, either as individual firms or as another joint venture; or
- c) in the opinion of the Employer, acceptance of the material change would compromise the outcome of the prequalification process.

F.3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify all tenderers who drew documents.

F.3.3 Return late tender offers

Return tender offers received after the closing time stated in the Tender Data, unopened, (unless it is necessary to open a tender submission to obtain a forwarding address), to the tenderer concerned.

F.3.4 Opening of tender submissions

F.3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

F.3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, number of points claimed for its BBEE status level and time for completion for the main tender offer only.

F.3.4.3 Make available the record outlined in F.3.4.2 to all interested persons upon request.

F.3.5 Two-envelope system

F.3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

F.3.5.2 Evaluate functionality of the technical proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the functionality evaluation more than the minimum number of points for functionality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any points claimed on BBEE status level. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for functionality.

F.3.6 Non-disclosure

Not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer.

F.3.7 Grounds for rejection and disqualification

Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.

F.3.8 Test for responsiveness

F.3.8.1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:

- a) complies with the requirements of these Conditions of Tender,
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the tender documents.

F.3.8.2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
- b) significantly change the Employer's or the tenderer's risks and responsibilities under the contract, or
- c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified.

Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

F.3.9 Arithmetical errors, omissions and discrepancies

F.3.9.1 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with F.3.11 for:

- a) the gross misplacement of the decimal point in any unit rate;
- b) omissions made in completing the pricing schedule or bills of quantities; or
- c) arithmetic errors in:
 - i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
 - ii) the summation of the prices.

F.3.9.2 The employer must correct the arithmetical errors in the following manner:

- a) Where there is a discrepancy between the amounts in words and amounts in figures, the amount in words shall govern.
- b) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.
- c) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

Consider the rejection of a tender offer if the tenderer does not correct or accept the correction of the arithmetical error in the manner described above.

F.3.10 Clarification of a tender offer

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.

F.3.11 Evaluation of tender offers

F.3.11.1 General

Appoint an evaluation panel of not less than three persons. Reduce each responsive tender offer to a comparative offer and evaluate them using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

F.3.11.2 Method 1: Price and Preference

In the case of a price and preference:

- 1) Score tender evaluation points for price
- 2) Score points for BBBEE contribution
- 3) Add the points scored for price and BBBEE.

F.3.11.3 Method 2: Functionality, Price and Preference

In the case of a functionality, price and preference:

- 1) Score functionality, rejecting all tender offers that fail to achieve the minimum number of points for functionality as stated in the Tender Data.
- 2) No tender must be regarded as an acceptable tender if it fails to achieve the minimum qualifying score for functionality as indicated in the tender invitation.
- 3) Tenders that have achieved the minimum qualification score for functionality must be evaluated further in terms of the preference points system prescribed in paragraphs 4 and 4 and 5 below. The 80/20 preference point system for acquisition of services, works or goods up to Rand value of R1 million
- 4) (a)(i) The following formula must be used to calculate the points for price in respect of tenders (including price quotation) with a rand value equal to, or above R 30 000 and up to Rand value of R 1 000 000 (all applicable taxes included):

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for comparative price of tender or offer under consideration;

Pt = Comparative price of tender or offer under consideration; and

Pmin = Comparative price of lowest acceptable tender or offer.

(4)(a)(ii) An employer of state may apply the formula in paragraph (i) for price quotations with a value less than R30 000, if and when appropriate:

(4)(b) Subject to subparagraph(4)(c), points must be awarded to a tender for attaining the B-BBEE status level of contributor in accordance with the table below:

B-BBEE status level of contributor	Number of points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

(4)(c) A maximum of 20 points may be allocated in accordance with subparagraph (4)(b)

(4)(d) The points scored by tender in respect of B-BBEE contribution contemplated in contemplated in subparagraph (4) (b) must be added to the points scored for price as calculated in accordance with subparagraph (4)(a).

(4)(e) Subject to paragraph 4.3.8 the contract must be awarded to the tender who scores the highest total number of points.

The 90/ 10 preference points system for acquisition of services, works or goods with a Rand value above R 1 million

(5)(a) The following formula must be used to calculate the points for price in respect of tenders with a Rand value above R1 000 000 (all applicable taxes included):

$$P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

P_s = Points scored for comparative price of tender or offer under consideration;

P_t = Comparative price of tender or offer under consideration; and

P_{min} = Comparative price of lowest acceptable tender or offer.

(5)(b) Subject to subparagraph(5)(c), points must be awarded to a tender for attaining the BBBEE status level of contributor in accordance with the table below:

B-BBEE status level of contributor	Number of points
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

(5)(c) A maximum of 10 points may be allocated in accordance with subparagraph (5)(b).

(5)(d) The points scored by tender in respect of B-BBEE contribution contemplated in contemplated in subparagraph (5) (b) must be added to the points scored for price as calculated in accordance with subparagraph (5)(a).

(5)(e) Subject to paragraph 4.3.8 the contract must be awarded to the tender who scores the highest total number of points.

F.3.11.6 Decimal places

Score price, preference and functionality, as relevant, to two decimal places.

F.3.11.7 Scoring Price

Score price of remaining responsive tender offers using the following formula:

$$N_{FO} = W_1 \times A$$

where:

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

W_1 is the maximum possible number of tender evaluation points awarded for price as stated in the Tender Data.

A is a number calculated using the formula and option described in Table F.1 as stated in the Tender Data.

Table F.1: Formulae for calculating the value of A

Formula	Comparison aimed at achieving	Option 1 ^a	Option 2 ^a
1	Highest price or discount	$A = \left(1 + \left(\frac{P - P_m}{P_m} \right) \right)$	$A = P/P_m$
2	Lowest price or percentage commission / fee	$A = \left(1 - \left(\frac{P - P_m}{P_m} \right) \right)$	$A = P_m/P$
^a P_m is the comparative offer of the most favourable comparative offer P is the comparative offer of the tender offer under consideration			

F.3.11.8 Scoring preferences

Confirm that tenderers are eligible for the preferences claimed in accordance with the provisions of the tender data and reject all claims for preferences where tenderers are not eligible for such preferences. Calculate the total number of tender evaluation points for preferences claimed in accordance with the provisions of the tender data.

F.3.11.9 Scoring functionality

Score each of the criteria and sub criteria for quality in accordance with the provisions of the Tender Data.

Calculate the total number of tender evaluation points for quality using the following formula:

$$N_Q = W_2 \times S_0 / M_S$$

where:

S₀ is the score for quality allocated to the submission under consideration;

M_S is the maximum possible score for quality in respect of a submission; and

W₂ is the maximum possible number of tender evaluation points awarded for the quality as stated in the tender data

F.3.12 Insurance provided by the employer

If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide.

F.3.13 Acceptance of tender offer

Accept the tender offer, if in the opinion of the employer, it does not present any risk and only if the tenderer:

- a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement,
- b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,
- c) has the legal capacity to enter into the contract,
- d) is not insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,
- e) complies with the legal requirements, if any, stated in the tender data, and
- f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

F.3.14 Prepare contract documents

F.3.14.1 If necessary, revise documents that shall form part of the contract and that were issued by the employer as part of the tender documents to take account of:

- a) addenda issued during the tender period,
- b) inclusion of some of the returnable documents, and
- c) other revisions agreed between the employer and the successful tenderer.

F.3.14.2 Complete the schedule of deviations attached to the form of offer and acceptance, if any.

F.3.15 Complete adjudicator's contract

Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.

F.3.16 Notice to unsuccessful tenderers

F.3.16.1 Notify the successful tenderer of the employer's acceptance of his tender offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated in the tender data, or agreed additional period.

F.3.16.2 After the successful tenderer has been notified of the employer's acceptance of the tender, notify other tenderers that their tender offers have not been accepted.

F.3.17 Provide copies of the contracts

Provide to the successful tenderer the number of copies stated in the Tender Data of the signed copy of the contract as soon as possible after completion and signing of the form of offer and acceptance.

F.3.18 Provide written reasons for actions taken

Provide upon request written reasons to tenderers for any action that is taken in applying these conditions of tender, but withhold information which is not in the public interest to be divulged, which is considered to prejudice the legitimate commercial interests of tenderers or might prejudice fair competition between tenderers.

F3.19 Transparency in the procurement process

F3.19.1 The cidb prescripts require that tenders must be advertised and be registered on the cidb i.Tender system.

F3.19.2 The employer must adopt a transparency model that incorporates the disclosure and accountability as transparency requirements in the procurement process.

F3.19.3 The transparency model must identify the criteria for selection of projects, project information template and the threshold value of the projects to be disclosed in the public domain at various intervals of delivery of infrastructure projects.

F3.19.4 The client must publish the information on a quarterly basis which contains the following information:
Procurement planning process

- Procurement method and evaluation process
- Contract type
- Contract status
- Number of firms tendering
- Cost estimate
- Contract title
- Contract firm(s)
- Contract price
- Contract scope of work
- Contract start date and duration
- Contract evaluation reports

F3.19.5 The employer must establish a Consultative Forum which will conduct a random audit in the implementation of the transparency requirements in the procurement process.

F3.19.6 Consultative Forum must be an independent structure from the bid committees.

F3.19.7 The information must be published on the employer's website.

F 3.19.8 RECORDS OF SUCH DISCLOSE

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T2.2: 2A: FORM MBD6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011: 90/10 VERSION

T2.2: 3A: SCHEDULE OF WORK SATISFACTORILY CARRIED OUT BY THE TENDERER FOR PRIVATE CLIENTS OR ORGANS OF STATE

T2.2: 3B: MUNICIPAL RATES CLEARANCE CERTIFICATE

T2.2: 3C: PROOF OF REGISTRATION WITH THE CONSTRUCTION INDUSTRY

T2.2: 3D: PROOF OF REGISTRATION WITH THE NATIONAL TREASURY CENTRAL SUPPLIER DATA BASE

T2.2: 4F: PERSONNEL SCHEDULE

T2.2: 5A: RECORD OF ADDENDA TO TENDER DOCUMENTS

CONTRACT

PART 1 (OF 4): AGREEMENT AND CONTRACT DATA

C 1.2: CONTRACT DATA: PART 2

T2.1: LIST OF RETURNABLE DOCUMENTS

The following documents are to be completed and returned, as they constitute the tender. Whilst many of the returnable documents are required for the purpose of evaluating the tenders, some will form part of the subsequent contract, as they form the basis of the tender offer. For this reason, it is very important that tenderers return **all information requested**.

RETURNABLE DOCUMENTS REQUIRED FOR TENDER EVALUATION PURPOSES		
Failure to complete in full, sign and submit these applicable documents will result in the tender offer being disqualified from further consideration.		
T2.2 : 1A	Status of Concern Submitting Tender	Tick if completed and submitted
T2.2 : 1B	Certificate for Authority of Signatory	Tick if completed and submitted
T2.2 : 1C	Certificate for Attendance at Compulsory Site / Clarification Meeting	Tick if completed and submitted
T2.2 : 1D	Declaration of Interest in Tender of Persons in Service of the State	Tick if completed and submitted
T2.2 : 1E	Compulsory Enterprise Questionnaire	Tick if completed and submitted
T2.2 : 1F	Declaration of Tenderer's past Supply Chain Management Practices	Tick if completed and submitted
T2.2 : 1G	Declaration concerning fulfillment of the Construction Regulations, 2014	Tick if completed and submitted
T2.2 : 1I	Certificate of Independent Bid Determination	Tick if completed and submitted
T2.2 : 1J	Declaration of indemnity	Tick if completed and submitted
T2.2 : 1K	Financial Standing	Tick if completed and submitted
T2.2 : 3C	Proof of Active Registration with CIDB in the Applicable Category	Tick if completed and submitted
T2.2 : 4F	Personnel Schedule	Tick if completed and submitted
T2.2 : 4F-1	Personnel Schedule – Construction Manager	Tick if completed and submitted
T2.2 : 4F-2	Personnel Schedule – Contracts Manager	Tick if completed and submitted
T2.2 : 4F-3	Personnel Schedule – Site Agent	Tick if completed and submitted
T2.2 : 4F-4	Personnel Schedule – General Foreman	Tick if completed and submitted
T2.2: 5A:	Record of addenda to tender documents	Tick if completed and submitted

2. RETURNABLE DOCUMENTS REQUIRED FOR PREFERENTIAL PROCUREMENT EVALUATION PURPOSES

T2.2 : 2A	Form MBD 6.1: Preference Points claim form in terms of the Preferential procurement regulations 2022 (80/20 version). FAILURE TO SUBMIT THE APPLICABLE DOCUMENTS WILL RESULT IN THE TENDER OFFER BEING AWARDED WITH 0 (ZERO) PREFERENCE POINTS IN THE 80/20 ALLOCATION.	Tick if completed and submitted
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3. ADDITIONAL RETURNABLE DOCUMENTS THATS REQUIRED FOR TENDER EVALUATION PURPOSES

Failure to complete in full, sign and submit these applicable documents will result in the Tenderer having to submit same upon request within 7 calendar days and if not complied with, will result with the tender offer being disqualified from further consideration [See also clause 2.18 of the Standard Conditions of Tender]

T2.2 : 3A	Schedule of Work Satisfactorily carried out by the Tenderer for Private Clients or Organs of State	Tick if completed and submitted
T2.2 : 3B	Municipal Rates Clearance Certificate. <i>If tenderer is not locally based, submit clearance certificate from the Municipality in which he is based.</i>	Tick if completed and submitted
T2.2 : 3A	Schedule of Contracts awarded to Tenderer by Organs of State	Tick if completed and submitted
T2.2 : 3D	Proof of registration with the National Treasury Central Supplier Data base	Tick if completed and submitted
T2.2: 1H	Valid Tax Compliance Certificate	Tick if completed and submitted
T2.2: 4E:	Schedule of plant and equipment	Tick if completed and submitted

T2.2: RETURNABLE SCHEDULE

T2.2: 1A: STATUS OF CONCERN SUBMITTING TENDER

General

State whether the tenderer is a company, a closed corporation, a partnership, a sole practitioner or a joint venture. Mark the appropriate option in the table below.

Public Company	
Private Company	
Closed Corporation	
Partnership	
Sole Proprietary	
Co-operative	

Information to be provided

<i>If the Tendering Entity is a:</i>		<i>Documentation to be submitted with the tender</i>
1	Closed Corporation , incorporated under the Close Corporation Act, 1984, Act 69 of 1984.	CIPRO CK1 or CK2 (Copies of the founding statement) and list of members.
2	Private Company incorporated with share capital, under the companies Act, 1973, Act 61 of 1973 (including Companies incorporated under Art 53 (b)).	Copies of: CIPRO CM 1 - Certificate of Incorporation CIPRO CM 29 – Contents of Register of Directors, Auditors and Officers Shareholders Certificates of all Members of the Company.
3	Private Company incorporated with share capital, under the companies Act, 1973, Act 61 of 1973 in which any, or all, shares are held by another Closed Corporation or company with, or without, share capital.	Copies of documents referred to in 1 and/or 2 above in respect of all such Closed Corporations and/or Companies.
4	Public Company incorporated with share capital, under the companies Act, 1973, Act 61 of 1973 (including Companies incorporated under Art 21).	A signed statement of the Company's Secretary confirming that the Company is a public Company. Copy of CM 29.
5	Sole Proprietary or a Partnership.	Copy of the Identity Document of: Such Sole Proprietary, or Each of the Partners in the Partnership Copy of the Partnership agreement.

Note:

If the shares are held in trust provide a copy of the Deed of Trust (only the front page and pages listing the trustees and beneficiaries are required) as well as the Letter of Authority as issued by the Master of the Supreme Court, wherein trustees have been duly appointed and authorised, must be provided.

Include a copy of the Certificate of Change of Name (CM9) if applicable.

Registered for VAT Purposes in Terms of the Value-Added Tax Act (Act No. 89 of 1991)

(Make an X in the appropriate space below)

Yes	
No	
registration number:	

T2.2: 1B: AUTHORITY FOR SIGNATORY

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

A	B	C	D
Company	Partnership	Sole Proprietor	Close Corporation

Tenderers must ensure that a copy of the resolution of the entity providing the authority to the signatory is provided. Failure to do so will deem the bid non-responsive.

A. Certificate for Company

I, _____ chairperson of the board of directors of _____

_____, hereby confirm that by resolution of the board _____

(copy attached) taken on: _____, 20 _____; Mr/Ms _____

acting in the capacity of: _____ was authorized to sign all documents in connection _____

with this tender and any contract resulting from it on behalf of the company.

witness 1 signature:

witness 2 signature:

chairperson's signature:

date:

<i>name</i>	<i>capacity</i>	<i>signature</i>	<i>date</i>

Note:

This resolution must be signed by all the Directors/Members/Partners of the Bidding Enterprise.

Should the number of Directors/Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

B. Certificate for Partnership

We, the undersigned, being the key partners in the business trading as:

.....

....., hereby authorize Mr/Ms

.....

acting in the capacity of: to sign all documents in connection with this tender

.....

and any contract resulting from it on our behalf.

<i>name</i>	<i>capacity</i>	<i>signature</i>	<i>date</i>

Note:

This resolution must be signed by all the Directors/Members/Partners of the Bidding Enterprise.

Should the number of Directors/Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

C. Certificate for Sole Proprietor

I, _____ hereby confirm that I am the sole owner

of the business trading as: _____

witness 1 signature: _____

witness 2 signature: _____

sole proprietor's signature: _____

date: _____

D. Certificate for Close Corporation

We, the undersigned, being the key members in the business trading as:

.....

....., hereby authorize Mr/Ms

.....

acting in the capacity of: to sign all documents in connection with this tender

and any contract resulting from it on our behalf.

<i>name:</i>	<i>address:</i>	<i>signature:</i>	<i>date:</i>

NOTE:

This resolution must be signed by all the Directors/Members/Partners of the Bidding Enterprise.

Should the number of Directors/Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

T2.2: 1C: CERTIFICATE OF ATTENDANCE AT CLARIFICATION MEETING

This is to certify that:

(tenderer's name)

(tenderer's address)

was represented by the person(s) named below at the compulsory meeting held for all tenderers at:

(location)

held on:

(date)

starting at:

(time)

We acknowledge that the purpose of the meeting was to **acquaint ourselves with the site of the works** and/or **matters incidental to doing the work specified** in the tender documents in order for us to take account of everything necessary when compiling our rates and prices included in the tender.

Particulars of person(s) attending the meeting:

name:

capacity:

signature:

Attendance of the above persons at the meeting is confirmed by the Employer's Representative, namely:

name:

capacity:

signature:

date and time

T2.2: 1D: DECLARATION OF INTEREST IN TENDER OF PERSONS IN SERVICE OF THE STATE

Where the tenderer is a natural person, state/declare whether the tenderer or an employee is in the service of the state, or has been in the service of the state during the past twelve months.

Yes	
No	

If so, state particulars:

If so and where applicable, state the date of resignation:

Where the tenderer is not a natural person, state / declare whether any of its directors, managers, principal shareholders or stakeholders are in the service of the state, or have been in the service of the state during the past twelve months.

Yes	
No	

If so, state particulars:

State / declare whether a spouse, child or parent of the tenderer or any of its directors, managers, shareholders or stakeholders referred to in subparagraph 2 are in the service of the state, or have been in the service of the state during the past twelve months.

Yes	
No	

If so, state particulars:

State / declare whether the tenderer or any of its directors, managers, shareholders, stakeholders or employees referred to in subparagraph 2 is a person who is an advisor or consultant contracted with the municipality or municipal entity.

Yes	
No	

If so, state particulars:

State / declare whether the tenderer or any of its directors, managers, shareholders or stakeholders referred to in subparagraph 2 are involved in another entity for this particular tender.

Yes	
No	

If so, state particulars:

I, the undersigned, warrant that I am duly authorised to do so on behalf of the enterprise and confirm that the contents of this schedule are, to my personal knowledge and best belief, both true and correct.

name:

position:

signature:

date:

tenderer:

T2.2: 1E: COMPULSORY ENTERPRISE QUESTIONNAIRE

The following particulars must be furnished. In the case of a joint venture, **separate enterprise questionnaires** in respect of **each partner** must be completed and submitted.

SECTION 1: NAME OF ENTERPRISE

SECTION 2: VAT REGISTRATION NUMBER (IF ANY)

SECTION 3: CIDB REGISTRATION NUMBER (IF ANY)

SECTION 4: PARTICULARS OF SOLE PROPRIETORS AND PARTNERS IN PARTNERSHIPS

<i>name*:</i>	<i>identity number*:</i>	<i>personal income tax number*:</i>
* Complete only if sole proprietor or partnership and attach separate page if more than three partners.		

SECTION 5: PARTICULARS OF COMPANIES AND CLOSE CORPORATIONS

<i>company registration number:</i>	
<i>close corporation number:</i>	
<i>tax reference number:</i>	

SECTION 6: RECORD OF SERVICE OF THE STATE

Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

	an employee of Parliament or a Provincial Legislature
	a member of the National Assembly or the National Council of Provinces
	an employee of any Provincial Department, National or Provincial Public entity or Constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999)
	a member of an accounting authority of any national or provincial public entity
	a member of any Municipal Council
	a member of the Board of Directors of any Municipal entity
	an official of any Municipality or Municipal entity

If any of the above boxes are marked, disclose the following: (insert separate page if necessary)

name of: sole proprietor, partner, director, manager, principal shareholder or stakeholder	name of: institution, public office, board or organ of state	position held:	status of service (tick appropriate column)	
			Current	Within last 12 months

*Insert separate page if necessary.

SECTION 7: RECORD OF SPOUSES, CHILDREN AND PARENTS IN THE SERVICE OF THE STATE

	an employee of Parliament or a Provincial Legislature		a member of the National Assembly or the National Council of Provinces
	an employee of any Provincial Department, National or Provincial Public entity		a member of an accounting authority of any national or provincial public entity
	a member of any Municipal Council		a member of the Board of Directors of any Municipal entity
	an official of any Municipality or Municipal entity		

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:

name of: parent, spouse, or child	name of: institution, public office, board or organ of state	position held:	status of service (tick appropriate column)	
			Current	Within last 12 months

*Insert separate page if necessary.

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise:

authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my/our tax matters are in order;

confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and

combating of Corrupt Activities Act of 2004; iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;

confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest;

confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

enterprise name:

name:

position:

signature:

date:

T2.2: 1F: DECLARATION OF TENDERER'S PAST SUPPLY CHAIN MANAGEMENT PRACTISES

This form serves as a declaration to be used by the Employer 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.

The tender of any Tenderer may be rejected if that Tenderer, or any of its directors have:

- i. abused the Municipality's / Municipal entity's supply chain management system or been guilty of any improper conduct in relation to such system;
- ii. been convicted for fraud or corruption during the past five years;
- iii. willfully neglected, reneged on or failed to comply with any government, Municipal or other public sector contract during the past five years; or
- iv. been listed in the Register for Tender Defaulters in terms of Section 29 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004).

In order to give effect to the above, this form and the questionnaire must be completed in full and signed. Failure to comply will result in the tender being **declared non-responsive**.

item:	question:	response:	
4.1	<p>Is the Tenderer or any of its directors listed on the National Treasurer's database as a company or persons prohibited from doing business with the public sector?</p> <p><i>Companies for persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied</i></p> <p>If so, furnish particulars:</p>	Yes	No
4.2	<p>Is the Tenderer 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, 2004 (Act 12 of 2004)?</p> <p><i>To access this Register enter the National Treasury's website (www.treasury.gov.za) http://www.treasury.gov.za/ and click on the icon "Register for Tender Defaulters;" or submit your written request for a hard copy of the Register to facsimile number 0123265445.</i></p> <p>If so, furnish particulars:</p>	Yes	No
4.3	<p>Was the Tenderer 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?</p> <p>If so, furnish particulars:</p>	Yes	No
4.4	<p>Was any contract between the Tenderer 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?</p> <p>If so, furnish particulars:</p>	Yes	No
4.5	<p>Does the tenderer 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?</p>	Yes	No

	If so, furnish particulars:
--	-----------------------------

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

tender:

name:

position:

signature:

date:

T2.2: 1G: DECLARATION CONCERNING FULFILMENT OF THE CONSTRUCTION REGULATIONS, 2014

In terms of regulation 5.1(k) of the Construction Regulations, 2014 (hereinafter referred to as the Regulations), promulgated on 07 February 2014 in terms of Section 43 of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993) the Employer shall not appoint a Contractor to perform construction work unless the Contractor can satisfy the Employer that his/her firm has the necessary competencies and resources to carry out the work safely and has allowed adequately in his/her tender for the due fulfilment of all the applicable requirements of the Act and the Regulations.

Tenderers shall answer the questions below:

I confirm that I am fully conversant with the Regulations and that my company has (or will acquire/procure) the necessary competencies and resources to timeously, safely and successfully comply with all of the requirements of the Regulations.

Yes	
No	

Indicate which approach shall be employed to achieve compliance with the Regulations. (Tick)

Own resources, competent in terms of the Regulations (refer to 3 below)	
Own resources, still to be hired and/or trained (until competency is achieved)	
Specialist subcontract resources (competent). Please specify:	

Provide details of proposed key persons, competent in terms of the Regulations, who will form part of the Contract team as specified in the Regulations (CVs to be attached):

Provide details of proposed training (if any) that will be undergone:

List potential key risks identified and measures for addressing risks:

I have fully included in my tendered rates and prices (in the appropriate payment items provided in the Bill of Quantities) for all resources, actions, training and any other costs required for the due fulfilment of the Regulations for the duration of the construction and defects repair period

Yes	
No	

SIGNATURE OF PERSON(S) AUTHORISED TO SIGN THIS TENDER:

name:

identity number:

signature:

T2.2: 1H: TAX CLEARANCE CERTIFICATE

In terms of Clause 43 of the Municipal Supply Chain Management Policy, tenderers must ensure that they are up-to-date with their payments of taxes. It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

The tenderer must attach to this page a valid Tax Compliance Certificate(s).

In order to meet this requirement bidders are required to complete in full the form TCC 001: "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.

SARS will then furnish the bidder with a Tax Compliance Certificate.

The Tax Compliance Certificate must be submitted together with the bid

In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Compliance Certificate.

Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za

Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za

In the case of a joint venture between two or more firms, the tenderer shall attach the TCC for each of the joint venture partners.

No award will be made to a bidder that is not Tax Compliant with SARS or that has not made suitable arrangements with SARS relating to their tax matters.

Tenderers will be provided 7 days to ensure Tax Compliance with SARS, failure to do so will result in the tender being deemed non-responsive.

Alternatively, the tenderer must submit a valid Tax Compliance Status PIN to allow Supply Chain Management to verify the real-time compliance status.

Tax Compliance Status PIN
---------------------------	-------

Signed:

Date:

Name:

Position:

Tenderer:

APPEND TAX COMPLIANCE CERTIFICATE HERE

T2.2: 1I: CERTIFICATE OF INDEPENDENT BID DETERMINATION MBD9

I, the undersigned, in submitting the accompanying bid:

(bid number and
description)

in response to the invitation for the bid made by:

(name of client)

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

I certify, on behalf of:

(name of bidder)

That:

I have read and I understand the contents of this Certificate;

I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;

I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;

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;

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:

has been requested to submit a bid in response to this bid invitation;

could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and

provides the same goods and services as the bidder and/or is in the same line of business as the bidder

The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium will not be construed as collusive bidding.

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;

geographical area where product or service will be rendered (market allocation)

methods, factors or formulas used to calculate prices;

the intention or decision to submit or not to submit, a bid;

the submission of a bid which does not meet the specifications and conditions of the bid; or

bidding with the intention not to win the bid.

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.

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.

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:

position:

signature:

date:

T2.2: 1J: DECLARATION OF INDEMNITY

I,, the undersigned for an on behalf of (herein referred to as "the Contractor") indemnify and safeguard the Mandela Bay Development Agency and its Employees against all action, suits, proceedings, claims, demands, costs and expenses whatsoever which may be instituted, brought or sent, or may be incurred or be payable by the Council arising out of or in connection with any damage, death or injury caused or alleged to have been caused by or as a result of any act, omission by the contractor and/or the Contractors Employees or Employees arising out of work done in connection with or arising out of the following contract.

Contract number :

Contract description :
.....

:

:

:

Full name and Surname: Signature:

Place: Date:

Capacity:
.....

For and on behalf of:

To completed by a Commissioner of Oath:

I hereby declare that the above Declaration was made before me.

Full Name and Surname of Commissioner of Oath:

ID number:

Signature:

T2.2: 1K: FINANCIAL STANDING

The tenderer shall attach to this form a letter from the bank at which he/she declares he/she conducts his/her account. The contents of the bank's letter must state the **Bank Rating C**, in addition to the information required below, accords to the tenderer for the business envisaged by this tender. Failure to provide the required letter **Bank Rating C** with the submission will render the tenderer's offer unresponsive in terms of the tender condition F3.8.1.

The tenderers banking details as they appear below shall be completed.

If the tenderer cannot submit the Bank rating C letter, the tenderer shall attach to this form a letter from his/her registered auditor or accountant confirming that the tendering entity has the financial capacity to carry out the implementation of this tender.

Failure to provide the required letter with the submission will render the tenderer's offer unresponsive in terms of the tender condition F3.8.1.

The tenderers banking details as they appear below shall be completed.

In the event that the tenderer is a joint venture enterprise, details of all members of the joint venture shall be similarly provided and attached to this form.

Description	Details
Name of account holder	
Account number	
Name of bank	
Branch name	
Branch code	
Bank rating	
(current rating, attach letter from bank must be rating "C")	
Bank and branch details	

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

SignedDate

NamePosition

Tenderer

T2.2: 2A: FORM MBD6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

4. GENERAL CONDITIONS

4.1 The following preference point systems are applicable to invitations to tender:

- 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).

4.2 **To be completed by the organ of state**

- b) The applicable preference point system for this tender is the 80/20 preference point system.

4.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (c) Price; and
(d) Specific Goals.

4.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

4.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

4.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

5. DEFINITIONS

- (e) “**tender**” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (f) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (g) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (h) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

4.2. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

B-BBEE Status Level of Contributor	Number of Points
1	10
2	9
3	7
4	6
5	4
6	4
7	2
8	1
Non-compliant Contributor	0

5. POINTS AWARDED FOR SPECIFIC GOALS

- 5.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated **in table 1 below**:

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

Note to tenderers: The tenderer to indicate how they claim points for each preference point system. This verified

The specific goals allocated points in terms of this tender	Points allocation	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Required proof for specific goals claimed
B-BBEE status contributor	10			B-BBEE certificate confirming B-BBEE level status contribution
Enterprise located within the Nelson Mandela Bay municipal area	5			Detailed CSD registration report demonstrating supplier address information together with municipal statement of account or lease agreement or billing clearance certificate
Enterprise owned by women	3			Detailed CSD registration report / detailed B-BBEE certificate demonstrating women ownership
Enterprise owned by black youth	2			Detailed CSD registration report / detailed B-BBEE certificate demonstrating black youth ownership
TOTAL POINTS	20			

DECLARATION WITH REGARD TO COMPANY/FIRM

5.2. Name of company/firm.....

5.3. Company registration number:

5.4. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

- 5.5. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
 - iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

WITNESS:

DATE:

SIGNATURE OF BIDDERS

ADDRESS

DATE:.....

ADDRESS.....

8. DECLARATION WITH REGARD TO COMPANY / FIRM

8.1 Name of firm:

8.2 VAT registration number:

8.3 Company registration number:

8.4 TYPE OF COMPANY/ FIRM [Tick applicable box]

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

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

..... 8.6

COMPANY CLASSIFICATION

[Tick applicable box]

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

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:

8.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

8.9 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-BBEE status level of contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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 :.....

I, the undersigned, warrant that I am duly authorised to do so on behalf of the enterprise and confirm that the contents of this schedule are, to my personal knowledge and best belief, both true and correct.

tenderer:

name:

position:

signature:

date:

T2.2: 3A: SCHEDULE OF WORK SATISFACTORILY CARRIED OUT BY THE TENDERER FOR PRIVATE CLIENTS OR ORGANS OF STATE

Organs of State include any Local, Provincial or National Government Authority.

Bidders must furnish hereunder details of similar works / service, which they have satisfactorily completed in the past.

The information shall include a description of the works, the contract value and the name of the employer.

The following is a statement of similar work successfully executed by myself/ourselves:			
<i>employer contact person and telephone number</i>	<i>description of contract</i>	<i>value of work (in Rands, inclusive of VAT)</i>	<i>date completed</i>

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

tenderer:

name:

position:

signature:

date:

T2.2: 3B: MUNICIPAL RATES CLEARANCE CERTIFICATE

In terms of Clause 38 of the Municipal Supply Chain Management Policy, tenderers must ensure that they are up-to-date with their payments of municipal accounts.

The tenderer is referred to the added Clause F2.29 of the Conditions of tender: Accept that no contract will be awarded to a tenderer who is in arrears (or who fails to make suitable arrangements to settle the arrears) in respect of municipal rates and other charges due to any municipality.

The tenderer shall attach to this page, a Municipal Accounts Tender Clearance Certificate, which provides proof that his payment of Municipal accounts is up-to-date.

Should the tenderer not be based in the Nelson Mandela Bay Municipality, he must submit a Rates Clearance Certificate issued by the municipality in which he is based.

The MBDA will accept a lease agreement in the name of the tendering entity or a municipal statement of account not older than three months in the names of all the directors of the tendering entity.

T2.2: 3C: PROOF OF REGISTRATION WITH THE CONSTRUCTION INDUSTRY DEVELOPMENT BOARD

Tenderers shall attach to this page, recent printout of proof from the CIDB website, verifying their valid CIDB registration. (In the case of Joint Ventures, proof must be provided for each partner).

T2.2: 3D Proof of registration with the National Treasury Central Supplier Data base

All businesses and suppliers wishing to conduct business with the Mandela Bay Development Agency must register on the National Treasury Central Supplier Database.

The database is administered by National Treasury and the tenderers must attach to this page a copy of their confirmation of registration on the Central Supplier Database.

Available: www.csd.gov.za

National Treasury CSD registration number	MAAA.....
---	-----------

T2.2: 4E: SCHEDULE OF PLANT AND EQUIPMENT

The following are lists of major items of relevant equipment that I/we **presently** own or lease and will have available for this contract or will acquire or hire for this contract if my/our tender is accepted.

(a) Details of major equipment that is owned by and immediately available for this contract.

Quantity	description, size, capacity, etc.

Attach additional pages if more space is required.

(b) Details of major equipment that will be acquired, for this contract if the tender is acceptable.

Quantity	description, size, capacity, etc.

Attach additional pages if more space is required.

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

name:

position:

signature:

date:

T2.2: 4F: PERSONNEL SCHEDULE

The tenderer must insert the number of personnel he/she proposes employing on this contract .		
<i>job description</i>	<i>permanent staff</i>	<i>temporary staff (from local community)</i>
Contract Manager (CR8.1)		
Site Agent		
General Foreman		
Other*		
Other*		
Other*		
Other*		
Other*		
Other*		
Other*		
Other*		
Other*		
Other*		
* To be filled in by Tenderer.		

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

tenderer::

name:

position:

signature:

date:

T2.2: 4F-1: PERSONNEL SCHEDULE

It is a requirement of this tender that the **Construction Manager** (CR8.1) shall have at least 10 years relevant year experience, an NQF level 7 qualification in the Built Environment and must have a valid and relevant professional registration. The Tenderer must submit the CV and qualifications of the nominated Contracts Manager.

In the event that the bidder is awarded to the panel, the Bidder shall ensure that the nominated Construction Manager remains the nominated Construction Manager for the duration of the contract. Where the Construction Manager is no longer available to provide the expertise to the contract, the Contractor shall replace the Construction Manager with an equally qualified and experienced person. The Contractor shall inform the MBDA of any of all nominated personnel changes throughout the contract period.

Failure to complete in full, sign and submit these applicable documents will result in the tender offer being DISQUALIFIED from further consideration.

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

tenderer::

name:

position:

signature:

date:

T2.2: 4F-2: PERSONNEL SCHEDULE

It is a requirement of this tender that the **Contracts Manager** shall have at least 10 years relevant year experience, an NQF 6 level qualification in the Built Environment. The Tenderer must submit the CV and qualifications of the nominated Contracts Manager.

In the event that the bidder is awarded to the panel, the Bidder shall ensure that the nominated Contract Manager remains the nominated Contract Manager for the duration of the contract. Where the Contract Manager is no longer available to provide the expertise to the contract, the Contractor shall replace the Contract Manager with an equally qualified and experienced person. The Contractor shall inform the MBDA of any of all nominated personnel changes throughout the contract period.

Failure to complete in full, sign and submit these applicable documents will result in the tender offer being DISQUALIFIED from further consideration.

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

tenderer::

name:

position:

signature:

date:

T2.2: 4F-3: PERSONNEL SCHEDULE

It is a requirement of this tender that the **Site Agent** (CR8.1) shall have at least 10 years relevant year experience. The Tenderer must submit the CV and qualifications of the nominated Site Agent.

In the event that the bidder is awarded to the panel, the Bidder shall ensure that the nominated Contract Manager remains the nominated Site Agent for the duration of the contract. Where the Site Agent is no longer available to provide the expertise to the contract, the Contractor shall replace the Site Agent with an equally qualified and experienced person. The Contractor shall inform the MBDA of any of all nominated personnel changes throughout the contract period.

Failure to complete in full, sign and submit these applicable documents will result in the tender offer being DISQUALIFIED from further consideration.

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

tenderer::

name:

position:

signature:

date:

T2.2: 4F-4: PERSONNEL SCHEDULE

It is a requirement of this tender that the **General Foreman** shall have at least 15 years relevant year experience. The Tenderer must submit the CV and qualifications of the nominated General Foreman.

In the event that the bidder is awarded to the panel, the Bidder shall ensure that the nominated General Foreman remains the nominated General Foreman for the duration of the contract. Where the General Foreman is no longer available to provide the expertise to the contract, the Contractor shall replace the General Foreman with an equally qualified and experienced person. The Contractor shall inform the MBDA of any of all nominated personnel changes throughout the contract period.

Failure to complete in full, sign and submit these applicable documents will result in the tender offer being DISQUALIFIED from further consideration.

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

tenderer::

name:

position:

signature:

date:

T2.2: 5A: RECORD OF ADDENDA TO TENDER DOCUMENTS

We confirm that the following communications were received from the Employer before the submission of this tender offer, amending or amplifying the tender documents, have been taken into account in this tender offer:		
<i>Number</i>	<i>date</i>	<i>title or details</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Attach additional pages if more space is required.

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

tenderer::

name:

position:

signature:

date:

VOLUME 3: CONTRACT

CONTENTS

CONTRACT PART 1: agreement and contract data

- C3.1 Description of the works
- C3.2 Condition of contract
- C3.3 Scope of works and procurement

C3.1 : DESCRIPTION OF THE WORKS

C3.1.1 EMPLOYER'S OBJECTIVES

The employer's objectives are to establish a panel of pre-qualified construction companies for civil and general building works for the MBDA, reducing the procurement process and fast tracking to project implementation.

Progress and quality will be the key performance indicators. The data base shall remain valid for the **Thirty-Six (36) months**.

1. The MBDA's Vision is to develop an iconic world-class ocean city showcasing its diversity of people, culture, heritage and environment;
2. The MBDA's mission is to become a knowledge based developmental agency that seeks to achieve social, spatial and economic transformation in Nelson Mandela Bay;
3. The Mandela Bay Development Agency (MBDA) was mandated by the Nelson Mandela Bay Metropolitan Municipality (NMBM) as a trans-disciplinary implementing agent for programmes, projects and events which have a number of defined objectives which include inter alia:
 - 3.1 Enabling social, spatial and economic transformation;
 - 3.2 Implementing existing and identify new projects, programmes and events within its mandated areas referred to as "designated localities, nodes and precincts (of different scales)" which are to be aligned to the various plans of the NMBM.

C3.1.2 OVERVIEW OF THE WORKS

This panel enables the MBDA to appoint from time to time, as required with approved contractors, within the Nelson Mandela Bay Municipality for the next 36 Months.

The below must be noted:

- a) Where a grade 3 has a valid registration for both a GB and CE, the bidder is to submit one combined tender submission.
- b) **Successful bidders with a grade 3 or 4 grading will NOT be considered for works related to a lower CIDB grading in this respect a CIDB grade 2 when panels are instituted. This will apply to all other and higher CIDB grading requests for proposal to be listed on a panel for the MBDA.**
- c) The MBDA shall appoint 10 compliant and responsive bidders for each panel in respect of CIDB grade 3 and CIDB grade 4.
- d) The MBDA reserves the right to add to the panel through a competitive tender process, at its discretion should the need arise.
- e) The MBDA reserves the right to pursue competitive bidding process outside of this in circumstances that are deemed necessary.
- f) Based intent of the creation of the above-mentioned panels Joint ventures will not be accepted for this tender.

C3.1.3 EXTENT OF THE WORKS

The details of each project will be given to the Contractor before his acceptance of the project. However, it must be noted that some work will take place in developed areas and special care will be required for the protection of existing services and access to existing properties.

Proposed scope of Work:

To provide Construction works as it deemed necessary by the employer as and when required.

The allocation of works will be also at the discretion of the employer.

The emerging contractor information will be kept on the database of the municipality.

C3.1.4 LOCATION OF THE WORKS

The site for any assignment will be within the boundaries of the Nelson Mandela Bay Municipality.

C3.1.5 CONFIDENTIALITY

It is acknowledged that the contents of proposal submitted in response to this bid are confidential and shall not be released to parties other than the municipality. Final selection and summary of evaluations will become part of the public record as distributed to the municipal stakeholders. Only the name and address of the successful bidders will be released after awarding is finalized.

C3.1.6 ALLOCATION AND AWARD OF CONTRACT

Both the 90/10 and the 80/20 BEEE criteria, as regulated in terms of the Preferential Procurement Policy Framework Act, No 5 of 2000, will be used when allocating work, depending on the value of award.

The MBDA will notify the successful respondents in writing by email, that his/her bid has been accepted. This letter will by no means create legitimate expectation for allocation of works save to advise that work will be allocated as and when projects are available with funding. The letter of offer and the letter of award will be issued in line with the relevant construction contract.

C3.2: CONDITIONS OF CONTRACT

C3.2.1 THE CONTRACT

The contract conditions shall be as set out in the JBCC and GCC, which may be amended at any time during the term of the panel.

C3.2.2 SPECIAL CONDITIONS OF CONTRACT

MBDA SCM Policy is applicable to this Tender.

The following Miscellaneous Special Conditions of Contract will be applicable when bidding for works happens:

Section 27. (16) Miscellaneous Special Conditions of Contract

1. General

- (i) Only a tenderer who has completed and signed the declaration part of the tender documentation may be considered;
- (ii) Points scored will be rounded off to the nearest 2 decimal places;
- (iii) In the event that two or more tenders score equal total points, the successful tender will be the one scoring the highest number of preference points for B-BBEE;
- (iv) When functionality is part of the evaluation process and two or more tenders have scored equal points including equal preference points for B-BBEE, the successful tender will be the one scoring the highest score for functionality;
- (v) Should two or more tenders be equal in all respects; the award shall be decided by the drawing of lots.

In addition, contractors will be expected to observe the DTI's guidelines and these shall be determined by the Allocations Committee at the time of work allocation and will be specified in the allocation/letter of award to the contractor.

C3.2.3 ALLOCATION OF WORK

This tender requires a panel of 10 construction companies, registered in **each** of the following categories:

- CIDB GRADE 3- GENERAL BUILDING
- CIDB GRADE 3- CIVIL ENGINEERING
- CIDB GRADE 4- GENERAL BUILDING
- CIDB GRADE 4- CIVIL ENGINEERING

Upon availability of work, the MBDA will prepare Scope of Works, Bills of Quantities (BOQ), drawings (if any) for first 5 bidders (5 of 10) to price and submit on an agreed closing date. When more work is available, the next 5 bidders will be requested to price. The allocation of work will be on a rotational basis.

Bidders will also be required to submit an organogram, indicating personnel that will be directly involved on the project.

C3.3 : SCOPE OF THE WORKS

C3.3.1. EMPLOYER'S OBJECTIVES

The employer's objectives are to establish a panel of qualified construction companies for civil and general building works for the MBDA.

Progress and quality will be the key performance indicators. The database shall remain valid for the **Thirty-Six (36) months**.

The MBDA's Vision is to develop an iconic world-class ocean city showcasing its diversity of people, culture, heritage and environment.

The MBDA's mission is to become a knowledge based developmental agency that seeks to achieve social, spatial and economic transformation in Nelson Mandela Bay.

The Mandela Bay Development Agency (MBDA) was mandated by the Nelson Mandela Bay Metropolitan Municipality (NMBM) as a trans-disciplinary implementing agent for programmes, projects and events which have a number of defined objectives which include inter alia:

Enabling social, spatial and economic transformation.

Implementing existing and identify new projects, programmes and events within its mandated areas referred to as "designated localities, nodes and precincts (of different scales)" which are to be aligned to the various plans of the NMBM.

C3.3.2 OVERVIEW OF THE WORKS

This panel enables the MBDA to appoint from time to time, as required with approved contractors, within the Nelson Mandela Bay Municipality for the next 36 Months.

C3.3.3 EXTENT OF THE WORKS

The details of each project will be given to the Contractor before his acceptance of the project. However, it must be noted that some work will take place in developed areas and special care will be required for the protection of existing services and access to existing properties.

Proposed scope of Work:

To provide Construction works as it deemed necessary by the employer as and when required.

The allocation of works will be also at the discretion of the employer.

The emerging contractor information will be kept on the database of the municipality.

C3.3.4 LOCATION OF THE WORKS

The site for any assignment will be within the boundaries of the Nelson Mandela Bay Municipality.

C3.3.5 TEMPORARY WORKS

Some appointments in the civil works will require Temporary works before the planned execution of works.

C3.3.6 MINIMUM REQUIREMENTS

Registration with CIDB GRADE 3 and 4 (CE and GB).

C3.3.2 : PROCUREMENT

PREFERENTIAL PROCUREMENT PROCEDURES

C3.3.2.1 RESOURCES STANDARDS

This public bid will be evaluated purely in terms of functionality as the contract will be dependent of availability of work. As and when work becomes available and depending on contract value, on allocation, both the 80/20 and the 90/10 BBEEE preferential Point System will also be used.

The MBDA reserves the right to allocate work to more than one contractor on any given project.

C3.3.2.2 EVALUATION CRITERIA

C3.3.2.3 FUNCTIONALITY

In this stage, the capabilities of the contractor as well as the professional team will be assessed. Functionality will be scored out of **one hundred and twenty (120)** points where **one hundred (100)** points shall be the minimum acceptable score. **Bidders scoring less than 100 out of 120 will be deemed non-responsive.**

FUNCTIONALITY MATRIX SUMMARY

Functionality criteria 1: Experience on 5 similar projects during the past 5 years [30]

Interested bidders experience on similar projects during the past specified period, will also include current projects that they are implementing. Failing to provide contactable references will result in the submission declared non-responsive.

Bidders must attach the following:

1. The clients contact person with contact information and Project Name (Nature of project) **[1-10 points]**
2. Duration of the tender **[1-10 points]**
3. Appointment value (attach appointment letter) **[1-10 points]**

Functionality Criteria 2: Contractual commitment and quality of performance on completed similar projects listed in Functionality criteria 1 above [20]

This functionality criteria considers the quality of work performed by the bidder, financial management aspects, contractual administration and Health and Safety adherence.

Bidders must attach:

1. A reference letter from clients of projects listed in Functionality criteria 1 above only. **[1-10 points]**
2. Final completion certificates **[1-10 points]**

Functionality Criteria 3: Suitably qualified team leaders and organogram [30]

This functionality criteria, considers the level of qualifications for the team leader/s, capacity of the bidder and professional registration will be an added advantage. The bidder is also required to submit an organogram of the team that will be participating on projects, if the bidder is successful. If a team member does not have the required experience, the bidder will be scored zero (0).

Bidders must attach:

1. An organogram and CV's of the critical staff members as listed in the returnable documents. **[1-10 points]**

2. The experience, qualifications of the Construction Manager and valid relevant Professional registration must be submitted. **[1-5 points]**
3. The experience and qualifications of the Contracts Manager with Professional registration will be an added advantage). **[1-5 points]**
4. The experience and qualifications of the Site Agent with Professional registration will be an added advantage). **[1-5 points]**
5. The experience and qualifications of the General Forman with Professional registration will be an added advantage). **[1-5 points]**

Functionality criteria 4: Financial viability, Bank Rating C [20]

This functionality item considers the financial cash flow of the bidder. Failure to submit a Bank Rating C will result in the bidder being deemed non-responsive.

Bidders must attach:

1. A valid Bank Rating "C" letter from the Bank from an accredited banking institution in South Africa

Functionality criteria 5: List of Plant [20]

Plant Points Allocation is listed below but not limited too. Bidder must ensure that at least four (4) plant items are submitted with the relevant proof/evidence.

- | | |
|----------------------------|-------------------|
| a) Small plant (list only) | [5 Points] |
| b) Bakkie | [5 Points] |
| c) Generator | [5 Points] |
| d) Compactor | [5 Points] |

In relation to the four example plant items above, the Bidders must submit:

1. Proof of ownership of Plant.
2. Where the Bidder is not the owner of the plant item/s, the Bidder who has leased plant must submit valid proof of lease agreement.

Where no proof or evidence is submitted for the above, this will result in zero scored.