



**WINNIE MADIKIZELA-MANDELA LOCAL MUNICIPALITY**  
**CONSTRUCTION OF DLTC GUARD HOUSE**  
**CONTRACT NUMBER: WMM LM 08/12/22/01 CGH**

**CIDB:2 GBPE/Higher**

**09 Dec. 22**

ISSUED BY:

Issued and prepared by: ENGINEERING SERVICES DEPARTMENT

Winnie Madikizela-Mandela Local Municipality

Engineering Services Department

51 Winnie Madikizela Street

Bizana

4800

Municipal Manager: Mr. L. Mahlaka

Contact Person: Mr. L. Gwala

Tel: 039 251 0230

**NAME OF TENDERER:** \_\_\_\_\_

**AMOUNT:** \_\_\_\_\_

**WINNIE MADIKIZELA-MANDELA LOCAL MUNICIPALITY**



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**CONTRACT NUMBER:**

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**Construction of DLTC Guard House**

<p><b>GENERAL BID INFORMATION</b></p>
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**ESTIMATED CIDB CONTRACTOR GRADING** : 2 GBPE/Higher

**CLOSING DATE** :

**CLOSING TIME** : 12h00

**CLOSING VENUE** : Email to [tenders.scm@mbizana.gov.za](mailto:tenders.scm@mbizana.gov.za)



PROJECT NAME	Minimum CIDB Requirement	COMPULSORY BRIEFING
Construction of DLTC Guard House	2GB or Higher	N/A

Bid proposals are hereby invited from suitably qualified and accredited service providers who are interested in the above-mentioned projects. Bid documents can be downloaded from e-tender portal website. ([www.etenders.treasury.gov.za](http://www.etenders.treasury.gov.za)).

Proposals will be evaluated based on functionality

Bids should score a minimum of 60% for functionality in order to be considered for further evaluation.

The bids will be evaluated on the **80/20** preferential points system

Failure to submit the following fully completed document(s) will render the bid null and void:

- A certified copy of Tax Registration Documents, Certified ID Copy(ies) of Director(s) (not older than 3 months), CSD Registration
- Entity Tax Compliance Status PIN
- Bid documents MBD1, MBD4, MBD6.1, MBD 8 and MDB 9
- Billing Clearance Certificate or Statement of Municipal Accounts confirming that no undisputed municipal accounts are overdue by more than 30 days and letter signed by the bidder declaring that all accounts have been disclosed and no account is more than 30 Days in arrears
- A certified copy or Original BBBEE Status Level Certificate or original affidavit
- In case of a joint venture, an original valid Tax Compliance Document of both partners should be submitted as well as a signed agreement by both parties clearly indicating the lead partner

Closing date: **09 January 2022** All tenders must be emailed to [tenders.scm@mbizana.gov.za](mailto:tenders.scm@mbizana.gov.za) by no later than 12h00 on the after which they will be opened. All tenders must be clearly marked the Name of the project and Reference number indicated above.

No late or incomplete bids will be accepted for consideration. The only or lowest bid received shall not necessarily be accepted. Winnie Madikizela Mandela Local Municipality reserves the right to accept part or full bid.

For technical enquiries, please contact Mr V Nontanda at (039) 251 0230, email: [Nontandav@mbizana.gov.za](mailto:Nontandav@mbizana.gov.za) during working hours. For Supply Chain Management related enquiries, please contact Mr. Z. Khala at (039) 2510230, email: [khalaz@mbizana.gov.za](mailto:khalaz@mbizana.gov.za) during working hours

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**Mr. L. Mahlaka**

**MUNICIPAL MANAGER**

Letter of Consent

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The Municipal Manager

Winnie Madikizela-Mandela Local Municipality

P.O. Box 12

Bizana

4800

Sir/Madam

Granting of authority to request information from any legal entity relevant to this Bid

I/we acknowledge that the information herein contained shall constitute the basis on which my/our Bid is to be considered. I/we grant approval that any source regarding this Bid may be fully investigated and that all such information shall be of material value to Winnie Madikizela-Mandela Local Municipality and directly relevant to the consideration of my/our Bid. I/we \_\_\_\_\_ grant my/our consent to such source to provide confidential information.

I/we warrant that all the information herein contained is to the best of my/our knowledge and belief true and correct in all material respects and I/we am /are not aware of any information which, should it become known to the Winnie Madikizela-Mandela Local Municipality, would affect the consideration of my/our Bid in any way.

The Winnie Madikizela-Mandela Local Municipality wishes to inform you that all information regarding your personal matters is treated as strictly confidential.

Please tick the appropriate box.

<input type="checkbox"/>	I/We hereby consent to the above
<input type="checkbox"/>	I/We hereby withhold consent and fully understand the implications and ramifications of my/our decision and will not hold the Winnie Madikizela-Mandela Local Municipality responsible for not considering my/our Bid.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name of the Witness

Signature:

Date

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## PART A INVITATION TO BID

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)**

BID NUMBER:	CLOSING DATE:	CLOSING TIME:	
DESCRIPTION			

**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).**

BID RESPONSE DOCUMENTS MAY BE EMAILED TO


**Tenders.scm@mbizana.gov.za**

### SUPPLIER INFORMATION

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX COMPLIANCE STATUS	TCS PIN:	OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes  <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes  <input type="checkbox"/> No

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3 ]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

## PART B TERMS AND CONDITIONS FOR BIDDING

### 1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

### 2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

### 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- |  |  |
|--|--|
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?                       | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?      | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?           | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?       | <input type="checkbox"/> YES <input type="checkbox"/> NO |

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

DATE: .....

**MBD 4**

## DECLARATION OF INTEREST

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

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number: .....

3.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):.....

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

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

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars. ....

.....

<sup>1</sup>MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
    - (i) any municipal council;
    - (ii) any provincial legislature; or
    - (iii) the national Assembly or the national Council of provinces;
  - (b) a member of the board of directors of any municipal entity;
  - (c) an official of any municipality or municipal entity;
  - (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
  - (e) a member of the accounting authority of any national or provincial public entity; or
  - (f) an employee of Parliament or a provincial legislature.
- <sup>2</sup> Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

3.9 Have you been in the service of the state for the past twelve months? ..... **YES / NO**

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons  
in the service of the state and who may be involved with  
the evaluation and or adjudication of this bid? ..... **YES / NO**

3.10.1 If yes, furnish particulars.

.....  
.....

3.11 Are you, aware of any relationship (family, friend, other) between  
any other bidder and any persons in the service of the state who  
may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.11.1 If yes, furnish particulars

.....  
.....

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

3.12.1 If yes, furnish particulars.

.....  
.....

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

3.13.1 If yes, furnish particulars.

.....  
.....

3.14 Do you or any of the directors, trustees, managers,  
principle shareholders, or stakeholders of this company  
have any interest in any other related companies or



business whether or not they are bidding for this contract.

**YES / NO**

3.14.1 If yes, furnish particulars:

.....

.....

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

Full Name	Identity Number	State Employee Number

### CERTIFICATION

**I, THE UNDERSIGNED (NAME)**

.....

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.**

**I ACCEPT THAT THE MUNICIPALITY MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....

**Signature**

.....

**Date**

.....

**Capacity**

.....

**Name of Bidder**

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

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

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

## **1. GENERAL CONDITIONS**

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

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

- 1.2
- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the ..... preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution

are not claimed.

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

## 2. DEFINITIONS

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

## 3. POINTS AWARDED FOR PRICE

### 3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

**80/20**

**or**

**90/10**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

#### 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

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

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

#### 5. BID DECLARATION

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

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

- 6.1 B-BBEE Status Level of Contributor:.....= .....(maximum of 10 or 20 points)  
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

#### 7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?  
(*Tick applicable box*)

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

7.1.1 If yes, indicate:

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

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

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

Designated Group: An EME or QSE which is at last 51% owned by:	EME ✓	QSE ✓
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

## 8. DECLARATION WITH REGARD TO COMPANY/FIRM

- 8.1 Name of company/firm:.....
- 8.2 VAT registration number:.....
- 8.3 Company registration number:.....
- 8.4 TYPE OF COMPANY/ FIRM

☐ Partnership/Joint Venture / Consortium

- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

**8.6 COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

**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-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

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

WITNESSES

- 1. ....
- 2. ....

.....  
SIGNATURE(S) OF BIDDERS(S)

DATE: .....

# DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

## WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	<p>If so, furnish particulars:</p>   		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>



4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

### CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME) .....**  
**CERTIFY THAT THE INFORMATION FURNISHED ON THIS**  
**DECLARATION FORM TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY**  
**BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

**WINNIE MADIKIZELA-MANDELA MUNICIPALITY**  
**TERMS OF REFERENCE**

**1. OUTLINE**

These Terms of Reference outline the minimum Scope of Works for which the service provider is responsible. It defines key accountabilities and what the service provider is responsible for delivering. The terms of reference give details of the description of work that the municipality wants to, construction, service and any other information that will be of useful information to the bidders / suppliers.

**2. BACKGROUND**

WMM LM has a responsibility to provide good working conditions to its employees as stipulated by the Occupational Health and Safety Act.

This includes the following:

- Providing suitable office environment for employees working under Municipal Main Building.

**3. BID QUALIFICATION**

POINT SCORING

<b>(a) Team Member</b>	<b>Points</b>	<b>Total</b>
Site Foreman with a minimum qualification of NQF Level 4 with a minimum of two years' experience in the built environment. <b>Copy of CV, certified ID and Qualifications copy must be attached</b>	20	
<b>(b) Experience</b>		
Previous Experience in maintenance of buildings or construction of two or more buildings to the value of R500 000.00 or above. One (1) appointment letter and completion certificate equals 20 points. <b>Appointment Letters, Reference Letters and Completion Certificates must be attached</b>	40	
Previous Experience in maintenance of buildings or construction of one building to the value of R500 000.00 or above <b>Appointment Letters, Reference letter, and Completion Certificates must be attached</b>	20	

This bid will be subjected to functionality assessment. The bidder must score a minimum of 48 points to proceed to the second stage. It is expected that all the construction works that will be provided by the bidder will all be of high quality and completed in stipulated time frame.

Tenderers MUST tender on all items to be considered for evaluation, should any Tenderers fail to tender on all items, your tender will be disqualified.

- 3.1 Tenders will be evaluated on a comparative basis, which is the reason for the design of the tender specification and additional schedules (if applicable).**

#### **4. CONDITIONS OF APPOINTMENT**

Municipality will provide all relevant information available for the purpose of successfully completing the project. The quoted amount must cover for all the costs that will ensure full completion of the project. The appointed service provider must after sign the acceptance letter communicates with the relevant official as specified in the appointment letter to show the products that will be delivered and confirm time frames.

#### **5. QUALITY AND QUANTITY**

5.1 All construction work items offered in terms of this Tender shall comply with the latest relevant Codes of the South African Bureau of Standards (SABS).

5.2 Guarantee periods and what does not constitute guarantee must be clearly indicated.

5.3 Non-compliance with the agreed service delivery could lead to breach of contract and the bidder. Will be liable for any expenses incurred as effect thereof.

#### **6. PRICING REQUIREMENTS**

Tender prices must be in ZAR Currency (Rand).

## 7. SCOPE OF WORK (Specification)

The scope of work required for the contract includes the following:

Construction of DLTC Guard House

## 8. ACCOUNTABILITY

The Service Provider is accountable to the Client for the execution of the Scope of Work detailed in the Terms of Reference.

## 9. PROFESSIONAL INDEMNITY COVER / INSURANCES / SURETIES

There are no insurances or sureties that are required for this bid. The service provider must also provide proof that they are paying the municipal rates where they are residing. Non-submission of proof that the supplier does not owe municipal rates will lead to the elimination of the bidder from the evaluation process. If the bidder is renting offices, then a letter / correspondence from the landlord must be provided stating that the bidder/supplier does not owe any municipal rates

## 10. BILL OF QUANTITIES (BOQ)

Item No.	Description	Unit	Quantity	Rate	Price
	<b>CONSTRUCTION OF DLTC GUARD HOUSE</b>				
1.	<b>Preliminary and General: Includes all the contractual obligations</b>	Item	1		R
2.	<b>Clearance</b> To clear site of all rubble and consumable material.	m <sup>2</sup>	80		R
3.	<u><b>Guard house</b></u> (i) Excavate for surface trench in all pickable				

	material.	m <sup>3</sup>	6		R
	(ii) Concrete in foundations.	m <sup>3</sup>	2		R
	(iii) Brickwork in foundations.	m <sup>2</sup>	8		R
	GFC				
	• Imported material	m <sup>3</sup>	2		R
	• Clean river sand.	m <sup>3</sup>	1		R
	• Reinforcement .	m <sup>2</sup>	12		R
	USB green 375 micron	m <sup>2</sup>	12		R
	25mpa concrete	m <sup>3</sup>	2		R
	250 micron DPC	m	14		R
	Brickwork	m <sup>2</sup>	37		R
	Lintels suitable 1bkwl 1.8	no	1		R
	Lintels suitable 1bkwl 1.5	no	5		R
	Lintels suitable 1bkwl 0.9	no	1		R
	Aluminium window	no	3		R
		no	1		R
		no	4		R
		no	4		R
	Aluminium Door frames	m <sup>2</sup>	73		R
	Aluminium doors	m <sup>2</sup>	73		R
	Plaster	m <sup>2</sup>	73		R
	Paint	m <sup>2</sup>	73		R
	First coat PVA paint	m <sup>2</sup>	73		R
	Second coat plascon acrylic emulsion paint				



	<b>Roof</b>	no	14		R
	SSAP Half span trusses	m	14		R
	SSAP wall plate in laid in walls	m	36		R
	SSAP bracing purlins	m <sup>2</sup>	30		R
	375micron cislalation for roof covering	m <sup>2</sup>	30		R
	Double roman concrete tills	m <sup>2</sup>	15		R
	Double roman ridge and valley tiles	m <sup>2</sup>	12		R
	Gypsum ceiling board	m	32		R
	SSAP burton	no	2		R
	Nails for button's	no	2		R
	Nails for tiles	no	28		R
	Hoop iron roof ties	m	17.6		R
	Facia boards				
4.	<b><u>Plumbing</u></b>				
	(i) Supply & install white ceramic pan at toilet	No	1		R
	(ii) Supply and erect water system to taps	No	1		R
	(iii) Supply and erect WHB	No.	1		R
	(iv) Excavate in trench for pipe connection to the existing conservancy tank n'e 1,5m deep below ground level.	Item	1		R
	<b>Ancillary</b>				
	(a) Supply and fit 110 mm dia meter pipe for sewerage	M	50		R
	(b) Supply and install extractor fan for Toilets	No	1		R
					R

	(c) Sink mixer taps for the basins..	No	1		R
	(d) Erect and install catch pits.	No	2		
5.	<b><u>Electricity</u></b>				
	(i) Supply and install new electrical service points plugs; light bulb and fittings.	Item.	1		R
	(ii) Supply & install New air conditions B2000 SPLIT type air conditioner unit weight 9kg	No	1		R
	(iii) Supply and install service points for CCTV, and other security services.	Item	1		R
6.	<b><u>Floor Tiles</u></b>				
	Supply and install floor porcelain tiles with skirting	m <sup>2</sup>	8		
7.	<b><u>Professional Services</u></b>	Prov. Sum	1	80 000	R 80 000.00
	Handling cost in respect of Professional Services	%	80000		
	<b>SUB-TOTAL</b>				
	<b>CONTIGENCIES (10%)</b>				
	<b>SUB-TOTAL</b>				
	<b>ADD 15% VAT</b>				
	<b>TOTAL CARRIED TO FORM OF OFFER</b>				

I, the undersigned, hereby declare that the information provided above is true and if found otherwise agrees that my submission must be disqualified.

.....

Name

.....

Signature

.....

Date

.....

Company Name

## 11. CONTRACT DATA

### PART 1: DATA PROVIDED BY THE EMPLOYER

The contract data of this contract are:

11.1 Conditions of Contract

11.2 Data provided by the Employer

#### 11.1 Conditions of Contract

The General Conditions of Contract for Construction Works 3rd Edition (2015) published by the South African Institution of Civil Engineering, is applicable to this contract. Copies of these conditions of contract may be obtained from the South African Institution of Civil Engineering [www.saice.org.za](http://www.saice.org.za). The General Conditions of Contract for Construction Works make several references to the Contract Data for specific data, which together with these conditions collectively describe the risks, liabilities,

and obligations of the contracting parties and the procedures for the administration of the Contract. The Contract Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the general conditions of contract.

## **11.2 Data provided by the employer**

Each item of data given below is cross-referenced to the clause in the General Conditions of Contract for Construction Works to which it mainly applies. The following contract specific data are applicable to this Contract:

### **CONTRACT SPECIFIC DATA**

The following contract specific data, referring to the General Conditions of Contract for Construction Works, Third Edition, 2015, are applicable to this Contract:

Clause 1.1.1.13:

The Defects Liability Period is 6 months.

Clause 1.1.1.14:

The time for achieving Practical Completion is 04 Months

Clause 1.1.1.15:

The name of the Employer is Winnie Madikizela-Mandela Local Municipality

Clause 1.1.1.26:

The Pricing Strategy is a Re-measurement

Clause 1.2.1.2:

The address of the Employer is: Postal: P.O Box 12, Mbizana, 4800

Physical: 51 Main Street, Mbizana, 4800

Tel: [039] 251 0230

Fax: [039] 251 0917

Clause 1.1.1.16:

The name of the Engineer is Winnie Madikizela-Mandela Local Municipality - Engineering Services

Clause 1.2.1.2:

The address of the Engineer is Postal: P.O Box 12, Mbizana, 4800

Clause 5.3.1:

The documentation required before commencement with Works execution are :

Approved Health and Safety Plan (Refer to Clause 4.3)

Initial construction programme (Refer to Clause 5.6)

Clause 5.3.2:

The time to submit the documentation required before commencement with Works execution is 14 days.

Clause 5.7.1:

Where the Rate of Progress falls behind the approved Programme of Works by two months, the Employer may terminate the contract giving a five days' notice

Clause 5.8.1:

The non-working days are Sundays and Saturdays

The special non-working days are:

- (1) public holidays
- (2) The year-end break commencing on 15 December 2022 and ending on 09 January 2023.

Clause 5.11.1

In the event that the performance of the services has to be suspended on the grounds of Force Majeure, the period of performance shall be extended by the extent of the delay at no extra cost.

Clause 5.11.2

During the period of his inability to perform services as a result of an event of Force Majeure, the service provider shall not be entitled to any payment in terms of the contract.

Clause 5.13.1:

The penalty for failing to complete the Works is R 500.00 per calendar per day.

Clause 5.16.3:

The latent defect period is 5 years.

Clause 6.8.2

There is no contract price adjustment

Clause 6.10.1.5:

The percentage advance on materials not yet built into the Permanent Works is 0%

Clause 6.10.3:

The limit of retention money is 10%

Clause 8.6.1.1.3:

The amount to cover professional fees for repairing damage and loss to be included in the insurance sum is 0% of the value.

Clause 8.6.1.3:

The limit of indemnity for liability insurance is R0 million.

Clause 9.2.1

The Employer may terminate the contract:

- a) Where the services are no longer required
- b) Where the funding for the services is no longer available
- c) If the service provider does not remedy a failure in the performance of his obligations under the Contract within 7 days after having been notified thereof by the employer.
- d) If the service provider becomes insolvent or liquidated; or
- e) If as a result of Force Majeure, the Service Provider is unable to perform part or the whole service for a period of thirty (30) days.
- f) Where the Rate of Progress falls behind the approved Programme of Works by two months, the Employer may terminate the contract giving a five days' notice.

## FORM OF OFFER AND ACCEPTANCE

### 11.1 FORM OF OFFER

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for:

#### **CONSTRUCTION OF DLTC GUARD HOUSE.**

The tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the tender schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

#### **THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS**

.....  
.....

.....Rand (in words);

R..... (in figures) (or other suitable wording)

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the tender data, whereupon the tenderer becomes the party named as the contractor in the conditions of contract identified in the contract data.

Signature(s) .....

Name(s) .....

Capacity .....

for the

tenderer .....

(Name and address of organization)

Name and

Signature of

witness ..... Date .....