



**CONTRACT No: 733/02/24**

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03)  
THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

**TECHNICAL DOCUMENT**

<b>Name of Consulting Firm</b>	
Contact Person	
Email Address	
Telephone Number	
Fax Number	
Physical/Postal Address	
	Code:

Issued by:

UPHONGOLO LOCAL  
MUNICIPALITY  
PO Box 191  
Pongolo  
3170

Tel: (+27) 34 413 1223  
Fax: (+27) 34 413 1706

PANEL OF CIVIL CONSULTANTS PROJECTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

**SUMMARY FOR TENDER OPENING PURPOSES**

*(To facilitate the reading out of tender parameters at the opening of tenders, the tenderer shall complete this form and submit it with this tender document)*

**Name of Service Provider:**  
*(Submitting the tender)*

**Delivery Contract Period**  
*(Within the Municipal Roster)*

**Details of contact person:**

*Name (Print):*

*Address:*

*Telephone No:*

*Fax No:*

*E-mail address (Main Communication):*

*(Note: In the event of conflict between the data provided in this summary and that given in the tender, the latter shall prevail.)*

**NAME:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

*(of person authorised to sign the tender)*

PANEL OF CIVIL CONSULTANTS PROJECTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

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**T1 TENDERING PROCEDURES**

**T1.1 TENDER NOTICE AND INVITATION TO TENDER**

**TENDER NOTICE**



**uPHONGOLO MUNICIPALITY**

**ADVERTISEMENT**

BID NUMBER	PROJECT NAME	ENQUIRIES	TENDER CLOSING DATE
733/02/24	PANEL OF CIVIL CONSULTANTS FOR A PERIOD OF 36 MONTHS	Mr. MVM Mbatha (034) 413-1223 Email: <a href="mailto:mgabadelim@uphongolo.gov.za">mgabadelim@uphongolo.gov.za</a>	19 <sup>th</sup> of March 2024 @ 10h00 AM

Terms of reference and tender documents will be available on the municipal website [www.uphongolo.gov.za](http://www.uphongolo.gov.za) and e-tender portal <https://etenders.treasury.gov.za> as from 22<sup>nd</sup> February 2024.

**Sealed bids marked with a relevant Bid No. must be placed in the bid box at uPhongolo Local Municipality at 61 Martins Street, uPhongolo, 3170 on or before 10H00 on a given Date above and will be opened directly thereafter and the bid result will be published on municipal website within three (3) days.**

**The following conditions will apply and Returnable Documents to be submitted:**

- Prices must be valid for ninety (90) days from the bid closing date.
- Prices quoted must be inclusive of VAT.
- Bids will be evaluated in accordance with the applicable Preferential Point Scoring System as set out in the Council's Supply Chain Management Policy. The following form, MBD 1, MBD 4, (MBD 6.1 Must be the complying with Regulation 2022), MBD 8, and MBD 9 must be completed and submitted with the bid.
- Bids and proposals that are late or incomplete will not be considered, whilst the lowest or only bid will not necessarily be accepted. **Bids per fax or E-mail will also not be considered.**
- A valid Tax Clearance Compliance Status Pin Certificate must accompany all bids.
- The 80/20 preferential points system, as determined by the Preferential Procurement Regulations 2022, issued in terms of section 5 of the Preferential Procurement Policy Framework Act (Act 5 of 2000) will be employed to evaluate this bid.
- Bids must be accompanied by CIPRO documentation to verify ownership.
- Joint Venture Agreement (where applicable),
- The Bidder must complete all MBD forms included in the tender document;
- Proof of National Treasury (NT) Central Supplier Database Registration i.e. submit a copy of CSD.
- A valid SARS Tax Clearance Certificate and the Tax Compliance Status pin are to be submitted.
- Certified ID Copies of Directors or Members (in cases of sole proprietor, partnerships, and close corporation), this must have been certified within three (03) months,
- Company Profile.
- CIDB Certificate.
- Bank Confirmation Letter.
- Curriculum Vitae Format of Key Personnel.

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The evaluation of the bids will be conducted in two stages process in terms of national treasury circular No:53

**Stage 1: Assessment of functionality. Only service provider who achieve a minimum score of 70 points of the total evaluation will qualify for stage two of the Evaluation process.**

**Stage 2: Thereafter the qualifying Bids are evaluated in terms of the 80/20 preference point system, where the 80 points are used for price and the 20 points are used for specific goals as determined by the advert.**

**SPECIFIC GOALS**

The specific goals allocated points in terms of this quote	80/20	Documents required for verification
<b>Specific goal 1 – Ownership - maximum points = 10</b>		
Company owned by 100% black person	10	Certified ID copy of director/Owner and CSD
Company owned by >51% black person	8	Certified ID copy of director/Owner and CSD
Company owned by >25% black person	5	Certified ID copy of director/Owner and CSD
<b>Specific goal 2 – BBBEE Certificate = 4</b>		
BBBEE Certificate level 1	4	BBBEE Certificate or Certified copy of Affidavit
BBBEE Certificate level 2	2	BBBEE Certificate or Certified copy of Affidavit
BBBEE Certificate level 3	1	BBBEE Certificate or Certified copy of Affidavit
<b>Specific goal 3 – RDP Goals – maximum points = 6</b>		
<b>Companies falls under the SMME Category</b>		
Promotion of enterprises located within Zululand District Municipality	6	Preferred address on CSD report and Certified copy of a utility bill of property rates and services OR proof of residence
Promotion of enterprises located within Kwa-Zulu Natal	4	Preferred address on CSD report and Certified copy of a utility bill of property rates and services OR proof of residence
Promotion of enterprises located within South Africa	2	Preferred address on CSD report and Certified copy of a utility bill of property rates and services OR proof of residence

For Enquiries Contact Mr. MVM Mbatha on (034) 413 - 1223 or and Mr. MS Mtshali for Supply Chain related enquiries (034) 413 – 1223 or [musawenkosim@uphongo.gov.za](mailto:musawenkosim@uphongo.gov.za). During office hours

uPHONGOLO Local Municipality reserves the right to accept any Bid or part of any Bid and is not bound to accept the lowest or any other Bid or to furnish any reason for the acceptance or rejection of a Tender.

**NO LATE, E-MAIL, POSTED OR FAXED BIDS WILL BE ACCEPTED**

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**MR MB KHALI  
MUNICIPAL MANAGER**

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**T1.2 TENDER DATA****1. GENERAL**

The Tender Data shall be read with the Standard Conditions of Tender in order to expand on the Tenderer's obligations and the Employer's undertakings in administering the tender process in respect of the project under consideration.

The Tender Data contained hereafter in Section 2 shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

Each item of Tender Data given below is cross-referenced to the relevant clause in the Standard Conditions of Tender.

**2. TENDER DATA APPLICABLE TO THIS TENDER**

**F.1.1** The Employer for this Contract is: **UPHONGOLO LOCAL MUNICIPALITY**

**F.1.2 Tender Documents**

(a) The Tender Document consists of the following:

**TENDER****T1: Tendering Procedures**

T1.1: Tender Notice and Invitation to Tender

T1.2: Tender Data

**T2: Returnable Documents**

T2.1: List of Returnable Documents

T2.2: Returnable schedules and forms

**CONTRACT****Part C1: Project Scope and Location**

C1.1: Scope of Works

C1.2: Project Location

**Part C.2: Terms of Reference**

C2.1: Project Cost Based Fees

C2.2: Discount on Project Cost Based Fees

**Part C.3: Agreements and Contract Data**

C3.1: Form of Offer

C3.2: Acceptance

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**F.1.5 The Employer's right to accept or reject any tender offer**

The Employer is not obliged to accept the lowest or any tender offer.

**F.2.1 Eligibility**

A Tenderer will not be eligible to submit a tender if:

- (a) the Tenderer submitting the tender is under restrictions or has principals who are under restrictions to participate in the Employer's procurement due to corrupt or fraudulent practices;
- (b) the Tenderer does not have the legal capacity to enter into the contract;
- (c) the Tenderer submitting the tender is insolvent, in receivership, 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 the foregoing;
- (d) The Tenderer does not comply with the legal requirements stated in the Employer's procurement policy;
- (e) The Tenderer cannot demonstrate that he possesses the necessary professional and competent technical qualifications, financial resources, equipment and other physical facilities, managerial capability, personnel, experience and reputation to perform the contract;  
Tenders that do not meet the minimum requirements in terms of key personnel and experience will be disqualified.

**TENDERER'S TO TAKE PARTICULAR NOTICE OF THIS CLAUSE AS TENDERERS WHO DO NOT COMPLY HEREWITH WILL NOT BE CONSIDERED ELIGIBLE.**

- (f) The Tenderer cannot provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the contract.
- (g) Joint ventures are eligible to submit tenders and will be evaluated according to the joint capacity offered by the joint venture.
- (h) Tenderers that score less than **70 points** on the overall score will not be considered for inclusion on Roster of Panel for Consultants.

**F.2.7 Site visit and clarification meeting**

There will be no site clarification meeting for this contract.

**F.2.13 Submitting a Tender Offer****F.2.13.3** Tender offers shall be submitted as an original only.

Under no circumstances whatsoever may the tender forms be retyped or redrafted.

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**F.2.13.5** The **two-envelope procedure** will not be followed.

The Employer's address and identification details are as follows:

Location of Tender box:		UPhongolo Local Municipality Offices in Ulundi	
Physical address:		61 Martin Street, uPhongolo	
Identification details	Reference Number	<b>733/02/24</b>	
	Title of Tender	Panel of Civil Engineering Consultants	
	Closing Date	<b>Tuesday, 19<sup>th</sup> of March 2024</b>	10H00 AM
	Time	P.O Box 191, Pongola 3170	
Postal address:			

**F.2.15 Closing Time**

The closing time for submission of Tender Offers is: **10h00AM on Tues, 19<sup>th</sup> March 2024**  
Telephonic, telegraphic, facsimile, telex, electronic or e-mailed tenders will not be accepted.

**F.2.16 Tender Validity**

All tenders shall remain valid for a period of ninety (90) days after the time and date set for the opening of tenders, or until the Tenderer is relieved of this obligation by the Employer, in writing, at an earlier date. However, the Tenderer may be requested in writing, not later than fourteen (14) days before this validity period will lapse, to extend the validity of this tender for a specific period. The written approval of the Tenderer must then be received before the lapsing of the original validity period, in order to remain valid.

Should a Tenderer –

- Withdraw his tender during the period of its validity; or
- give notice of his inability to execute the contract or fail to execute the contract; then he shall be liable for and pay to the Employer –
- all expenses incurred in calling for fresh tenders, if it should be necessary;
- the difference between his tender and any less favourable tender accepted either by fresh tenders being called or by another tender being accepted from those already received;
- any escalation of the final contract price resulting from any delay caused in calling for fresh tenders:

Provided always that the Employer may exempt a Tenderer from the provisions here of, if it is of the opinion that the circumstances justify such exemption.

**F.2.19 Access**

In instances where a site visit is deemed necessary during the course of the contract, projects may be located throughout the PLM district and access could be by tar or dirt road.

**F.2.22 Return of Tender Documents**

Tenders may only be returned on the tender documentation that is issued by the UPHONGOLO LOCAL MUNICIPALITY for Contract **733/02/24**. Requirements for sealing, addressing, delivering, opening and assessment of tenders are stated in the tender data.

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**F.2.23 Certificates**

The following certificates must be provided with the tender:

- Original, Valid Tax Clearance Certificate and Tax reference number, Request reference number and PIN obtained from SARS.
- VAT Registration Certificate from the South African Revenue Services (SARS);
- A certified copy of B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or Sworn Affidavit confirming annual turnover and level of black ownership and in case of all EMEs and QSEs with 51% black ownership or more.
- National Treasury Central Supplier Database Compliance Information (CSD), containing registration confirmation status of National Treasury with MAAA" supplier reference number.
- Certificate of Registration/s with the Engineering Council of South Africa as a Professional (ECSA Professional Registration/s)
- Joint Venture Agreement and Power of Attorney in case of Joint Ventures;
- Company / CC / Trust / Partnership registration certificates;
- Proof that payment for municipal services is up to date not more than 30 days; and
- Certified Copies of Identity Document in the case of one-man concerns

**F.3.4 Opening of Tender Submissions**

The time, date and location for the opening of the tender offers are as follows:

Time: **10h00**  
Date: **Tuesday, 19<sup>th</sup> of March 2024**  
Location / Venue: **uPhongolo Local Municipal Offices, 61 Martin Street, uPhongolo**

**F.3.5 Tender System**

The two-envelope system **will not** apply to this tender.

**F.3.11 Evaluation of Tender Offers**

**F.3.11.1** The UPHONGOLO LOCAL MUNICIPALITY has adopted a policy in supporting the legislation applicable to Procurement of tenders and Management of Construction Contracts. To achieve the RDP principles, an environment conducive to emerging and SMME's Consultants has to be created. Therefore, the procurement policy adopted by UPHONGOLO LOCAL MUNICIPALITY will be implemented in this contract to give effect to Section 217(2) of the Constitution and as published in Government Gazette no 16085, dated 23 November 1994.

**F.3.11.2** Tenders will be evaluated in two stages in accordance with the standard tender evaluation Method 1: Functionality Offer Preference and Method 2: Financial Offer Preference as follows:

**STAGE/METHOD 1: TEST FOR RESPONSIVENESS/FUNCTIONALITY**

In order for a tender to be considered responsive, it must comply with **ALL** of the following criteria:

- a) The tender documentation must be completed and signed in all respects;
- b) The tender documentation must include all necessary and applicable documentation as listed in F.2.23 above; and
- c) The tender must comply with the eligibility criteria noted in F.2.1.

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**STAGE/METHOD 2: FINANCIAL OFFER AND PREFERENCES**

All tenders that meet the stage 1 criteria for responsiveness will progress through to the evaluation phase as set out below:

**F.3.11.3 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_t} \right) & \text{or} & P_s = 90 \left( 1 - \frac{P_t - P_{min}}{P_t} \right) \\
 & & \left( \frac{P_t - P_{min}}{P_{min}} \right)
 \end{array}$$

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

**IT IS ESTIMATED THAT TENDERS ON THIS CONTRACT WILL BE EVALUATED ON 80/20 PREFERENCE POINT SYSTEM.**

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***Annex F: Standard Conditions of Tender***

**(As contained in Annexure F: Standards for Uniformity in Civil Engineering Procurement Contract)**

**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 or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation

**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 for the calling for expressions of interest, the following definitions apply:

- a) **comparative offer** means the tenderer's financial offer after the factors of non-firm prices, all unconditional discounts and any other tendered parameters that will affect the value of the financial offer have been taken into consideration
- b) **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; and

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- c) **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
- d) **quality (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 directly to the employer's contact person indicated, and in a form that can be read, copied and recorded. Writing 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 The employer's right to accept or reject any tender offer**

**F.1.5.1** The employer may accept or reject any variation, deviation, tender offer, or alternative tender offer, and may cancel the tender process and reject all tender offers at any time before the formation of a contract. The employer shall not accept or incur any liability to a tenderer for such cancellation and rejection but will give written reasons for such action upon written request to do so.

**F.1.5.2** The employer may not subsequent to the cancellation or abandonment of a tender process or the rejection of all responsive tender offers re-issue a tender covering substantially the same scope of work within a period of six months unless only one tender was received and such tender was returned unopened to the tenderer.

**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 submission 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 F.3.8 relating to the material deviations or qualifications which affect the competitive position of tenders 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.

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**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**

Submit a tender offer only if the tenderer complies with 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.2.2 Cost of tendering**

Accept that 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 satisfy requirements.

**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.

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**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**

The successful Tenderer will be required to provide proof of Professional Indemnity 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.

**F2.10.2** 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**

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. Erasures and the use of masking fluid are prohibited.

**F.2.13 Submitting a tender offer**

**F.2.13.1** Submit a tender offer 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 in black ink.

**F.2.13.3** All documentation added to the tender documents to be in English only.

**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. The signatories for tenderers proposing to contract as joint ventures shall state who of the signatories are the lead partners that 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.

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**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 shall 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.2.14 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. Proof of posting shall not be accepted as proof of delivery. The employer shall not accept tender offers submitted by telegraph, telex, facsimile or e-mail, unless stated otherwise in the tender data.

**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.

**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 total of the prices or substance of the tender offer is sought, offered, or permitted. The total of the prices stated by the tenderer shall be binding upon the tenderer.

**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), referencing 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.

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**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, policies, etc.**

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 clarification**

Respond to a request for clarification received up to five working days prior to the tender closing time stated in the Tender Data and notify all tenderers who drew procurement documents.

**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 of the Tender Notice until seven 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, will then notify it to 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.

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**F.3.4.2** Announce at the opening 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, the total of his prices, preferences claimed and time for completion, if any, 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 functionality 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 the quality 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 quality evaluation above the minimum number of points for quality stated in the tender data, and announce the score obtained for the functionality proposals and the total price and any preferences claimed.

**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, on opening and before detailed evaluation, whether each tender offer properly received:

- a) Meets 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:

- detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
- change the Employer's or the tenderer's risks and responsibilities under the contract, or
- 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.

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.****F.3.9 Arithmetical errors**

**F.3.9.1** Check responsive tender offers for arithmetical errors, correcting them in the following manner:

- Where there is a discrepancy between the amounts in figures and in words, the amount in words shall govern.
- If a bill of quantities (or schedule of rates) 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 will be corrected.
- 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 a bill of quantities applies) to achieve the tendered total of the prices.

**F.3.9.2** Consider the rejection of a tender offer if the Tenderer does not correct or accept the correction of his arithmetical errors in the manner described in F.3.9.1 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.

Bidders are advised that they take responsibility for submitting a **TENDER OFFER** that is correct and without any arithmetical errors. All line items must reflect the correct unit price and total price as per the Bill of Quantities provided by the UPHONGOLO LOCAL MUNICIPALITY, after taking into account all the quantities. The sum of all line items must correctly reflect the total of all line items, without VAT and inclusive of VAT to those registered for Value Added Tax with the South African Revenue Services (SARS). UPHONGOLO LOCAL MUNICIPALITY may disqualify bidders that submit bids with arithmetical or non-justifiable errors on tender offer.

**F.3.11 Evaluation of tender offers****F.3.11.1 General**

Appoint an evaluation 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: Functionality Offer**

- a) The responsiveness of a tender will be assessed by scoring the bid according to the criteria detailed in the Functionality/Eligibility table overleaf.
- b) It is vital on the Tenderer to ensure that the returnable documents are completed with sufficient details to enable the scoring and to be properly assessed for point scoring of qualifying minimum threshold. If the information provided renders a specific criterion not being fully complied with the requirement, then the bid will not score on that criterion.

**RESPONSIVE TENDERER WILL BE THE ONE MEETING THE REQUIRED MINIMUM SCORE IN ALL ASPECT IN ORDER FOR THE BIDDER TO BE ACCEPTED FOR PANEL INCLUSION.**

PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

A. FUNCTIONALITY CRITERIA.

EVALUATION CRITERIA 1		SCORING	
<b>MIN SCORE FOR FUNCTIONALITY (Pf)</b>		<b>70</b>	
<b>COMPANY</b>	<b>REQUIREMENTS</b>		
At least 1 professionally registered Civil Engineer/Technologist (ECSA) in the company	2	<b>10</b>	
2 Professionally registered Civil Engineer/Technologist in the company	5		
More than 2 Professionally registered Civil Engineer/Technologist in the company	10		
<b>SENIOR CIVIL ENGINEER / TEAM LEADER</b>			
ECSA Registration (Pr Eng or Pr Tech Eng)	2	<b>22</b>	
At least 5 years Post-Registration Experience (ECSA)	5		
Experience with the Management of Civil Engineering works and Roads Infrastructure Project of at least R10m to R30m and above.	R10M = 2 R20M = 4 R30M = 6		
Experience with the management of Civil Engineering works and Roads Infrastructure Projects in KZN	Yes = 09 No = 0		
<b>ASSISTANT CIVIL ENGINEER / DESIGN ENGINEER</b>			
Qualified Civil Engineer (Degree) or Technologist (B Tech)	Yes = 3 No = 0	<b>15</b>	3
Years Engineering Experience (Post-Graduation)	2-3 Years = 1 >3 Years = 3		3
Experience with the Management of Civil Engineering and Roads Infrastructure of at least R1m to R10m	R1M = 1 R5M = 2 R10M = 3		3
Experience with the Management of Civil Engineering and Roads Infrastructure Schemes of at least R11m to R20m	R11M = 1 R15M = 2 R20M = 3		3
Experience with the Management of Civil Engineering and Roads Infrastructure Projects of at least R20m to up wards.	Up to R20M = 1 > R10M = 3		3
<b>SITE RESIDENT ENGENT / CLERK OF WORKS</b>			
Qualified Civil Technician (National Diploma 3 years)	Yes = 5 No = 0	<b>20</b>	5
Years of experience (post-graduation)	2-3 Years = 3 >3 Years = 5		5
Experience with the implementation of Civil Engineering and Roads Infrastructure.	2-3 Years = 5 >3 Years = 10		10
<b>OFFICE ADMIN/SUPPORT CLERK</b>			
Years of experience in Office Admin	2-3 Years = 1 >3 Years = 3	<b>3</b>	3



PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

**B. SPECIFIC GOALS.**

The specific goals allocated points in terms of this quote	80/20	Documents required for verification
<b>Specific goal 1 – Ownership - maximum points = 10</b>		
Company owned by 100% black person	10	Certified ID copy of director/Owner and CSD
Company owned by >51% black person	8	Certified ID copy of director/Owner and CSD
Company owned by >25% black person	5	Certified ID copy of director/Owner and CSD
<b>Specific goal 2 – BBBEE Certificate = 4</b>		
BBBEE Certificate level 1	4	BBBEE Certificate or Certified copy of Affidavit
BBBEE Certificate level 2	2	BBBEE Certificate or Certified copy of Affidavit
BBBEE Certificate level 3	1	BBBEE Certificate or Certified copy of Affidavit
<b>Specific goal 3 – RDP Goals – maximum points = 6</b>		
<b>Companies falls under the SMME Category</b>		
Promotion of enterprises located within Zululand District Municipality	6	Preferred address on CSD report and Certified copy of a utility bill of property rates and services OR proof of residence
Promotion of enterprises located within Kwa-Zulu Natal	4	Preferred address on CSD report and Certified copy of a utility bill of property rates and services OR proof of residence
Promotion of enterprises located within South Africa	2	Preferred address on CSD report and Certified copy of a utility bill of property rates and services OR proof of residence

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**F.3.11.3 Method 2: Financial Offer**

In the case of a financial offer:

- a) Rank tender offers from the most favourable to the least favourable comparative offer.
- b) Recommend the highest ranked tenderer for the award of the contract, unless there are compelling and justifiable reasons not to do so.
- c) Re-rank all tenderers should there be compelling and justifiable reasons not to recommend the highest ranked tenderer and recommend the highest ranked tenderer, unless there are compelling and justifiable reasons not to do so and the process set out in the sub clause is repeated.

**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 Quality**

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:

$$N_Q = W_2 \times S_o / M_s$$

where:  $S_o$  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.  
 $W_2$  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 unacceptable commercial 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, 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.

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**F.3.14 Prepare contract documents**

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.3.15 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.

PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

**T2. Returnable Documents**

**T2.1 List of Returnable Documents**

The Tenderer must complete the following returnable documents:

**1 Returnable documents required for tender evaluation purposes only:**

REF	DESCRIPTION
MBD1	INVITATION TO BID
MBD4	DECLARATION OF INTEREST
MBD5	DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (VAT INCL)
MBD6.1	PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022
MBD7.2	CONTRACT FORM – RENDERING SERVICES
A	Certificate of Certificate of Tender Collection and Submission
B	Record of Addenda to Tender Documents
C	Certificate of Authority for Joint Ventures / Close Corporation/ Partnership/ Company/ Sole Proprietor (Certified copies of Identity Documents in the case of Sole Proprietor)
D	Registration Certificates of Entities – Joint Ventures / Close Corporation/ Partnership/ Company/ Sole Proprietor.
E	Banking Details
F	Company Profile
G	Schedule of the Tenderer's Experience
H	Key Personnel
I	Curriculum Vitae Format of Key Personnel
J	Tax Clearance Certificate
K	B-BBEE Status Level Verification Certificate
L	National Treasury Central Supplier Database Compliance Information (CSD)
M	Declaration of Payment of Municipal Services not older than 3 Three Months
N	Preferential Procurement Schedules and Sworn Affidavit that will be incorporated into the contract
O	Contract Participation Goals for Civil Engineering Contracts
P	Scope of Works and Project Location
Q	Terms of Reference
R	Form of Offer and Acceptance

PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

MBD 1



**uPHONGOLO MUNICIPALITY**

**ADVERTISEMENT**

BID NUMBER	PROJECT NAME	ENQUIRIES	TENDER CLOSING DATE
733/02/24	PANEL OF CIVIL CONSULTANTS FOR A PERIOD OF 36 MONTHS	Mr. MVM Mbatha (034) 413-1223 Email: <a href="mailto:mgabadelim@uphongo.gov.za">mgabadelim@uphongo.gov.za</a>	19 <sup>th</sup> of March 2024 @ 10h00 AM

Terms of reference and tender documents will be available on the municipal website [www.uphongo.gov.za](http://www.uphongo.gov.za) and e-tender portal <https://etenders.treasury.gov.za> as from 22<sup>nd</sup> February 2024.

**Prospective bidders may contact the above-mentioned contacts if they want to do site inspection.**

Sealed bids marked with a relevant **Bid No.** must be placed in the bid box at uPhongolo Local Municipality at 61 Martins Street, uPhongolo, 3170 **on or before 12H00 on a given Date above** and will be opened directly thereafter and the bid result will be published on municipal website within three (3) days.

**The following conditions will apply and Returnable Documents to be submitted:**

- Bids will be evaluated in accordance with the applicable Preferential Point Scoring System as set out in the Council's Supply Chain Management Policy. The following form, MBD 1, MBD 4, (MBD 6.1 Must be the complying with Regulation 2022), MBD 8, and MBD 9 must be completed and submitted with the bid.
- Bids and proposals that are late or incomplete will not be considered, whilst the lowest or only bid will not necessarily be accepted. **Bids per fax or E-mail will also not be considered.**
- A valid Tax Clearance Compliance Status Pin Certificate must accompany all bids.
- The 80/20 preferential points system, as determined by the Preferential Procurement Regulations 2022, issued in terms of section 5 of the Preferential Procurement Policy Framework Act (Act 5 of 2000) will be employed to evaluate this bid.
- Bids must be accompanied by CIPRO documentation to verify ownership.
- Joint Venture Agreement (where applicable),
- The Bidder must complete all MBD forms included in the tender document;
- Proof of National Treasury (NT) Central Supplier Database Registration i.e. submit a copy of CSD.
- A valid SARS Tax Clearance Certificate and the Tax Compliance Status pin are to be submitted.
- Certified ID Copies of Directors or Members (in cases of sole proprietor, partnerships, and close corporation), this must have been certified within three (03) months,
- Company Profile.
- CIDB Certificate.
- Bank Confirmation Letter.
- Curriculum Vitae Format of Key Personnel.

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

The evaluation of the bids will be conducted in two stages process in terms of national treasury circular No:53

**Stage 1: Assessment of functionality. Only service provider who achieve a minimum score of 70 points of the total evaluation will qualify from stage two of the Evaluation process.**

**Stage 2: Thereafter the qualifying Bids are evaluated in terms of the 80/20 preference point system, where the 80 points are used for price and the 20 points are used for specific goals as determined by the advert.**

**SPECIFIC GOALS**

The specific goals allocated points in terms of this quote	80/20	Documents required for verification
<b>Specific goal 1 – Ownership - maximum points = 10</b>		
Company owned by 100% black person	10	Certified ID copy of director/Owner and CSD
Company owned by >51% black person	8	Certified ID copy of director/Owner and CSD
Company owned by >25% black person	5	Certified ID copy of director/Owner and CSD
<b>Specific goal 2 – BBBEE Certificate = 4</b>		
BBBEE Certificate level 1	4	BBBEE Certificate or Certified copy of Affidavit
BBBEE Certificate level 2	2	BBBEE Certificate or Certified copy of Affidavit
BBBEE Certificate level 3	1	BBBEE Certificate or Certified copy of Affidavit
<b>Specific goal 3 – RDP Goals – maximum points = 6</b>		
<b>Companies falls under the SMME Category</b>		
Promotion of enterprises located within Zululand District Municipality	6	Preferred address on CSD report and Certified copy of a utility bill of property rates and services OR proof of residence
Promotion of enterprises located within Kwa-Zulu Natal	4	Preferred address on CSD report and Certified copy of a utility bill of property rates and services OR proof of residence
Promotion of enterprises located within South Africa	2	Preferred address on CSD report and Certified copy of a utility bill of property rates and services OR proof of residence

For any further information contact the Enquiries at the above – mentioned contacts or Technical enquiries please Contact the above personnel on (034) 413 - 1223 or and Mr. MS Mtshali for Supply Chain related enquiries (034) 413 – 1223 or [musawenkosim@uphongo.gov.za](mailto:musawenkosim@uphongo.gov.za).

UPHONGOLO Local Municipality reserves the right to accept any Bid or part of any Bid and is not bound to accept the lowest or any other Bid or to furnish any reason for the acceptance or rejection of a Tender.

**NO LATE, E-MAIL, POSTED OR FAXED BIDS WILL BE ACCEPTED**

\_\_\_\_\_  
**MR MB KHALI**  
**MUNICIPAL MANAGER**

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

**DECLARATION OF INTEREST**

**MBD 4**

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.

- o No bid will be accepted from persons in the service of the state\*.
- o 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 authorized representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

**3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name: .....

3.2 Identity Number: .....

3.3 Company Registration Number:  
.....

3.4 Tax Reference Number: .....

3.5 VAT Registration Number: .....

3.6 Are you presently in the service of the state\*  
**YES/NO**

3.6.1 If so, furnish particulars  
.....  
.....

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

3.7.1 If so, furnish particulars  
.....  
.....

\*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.

PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

3.8 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

3.8.1 If so, furnish particulars  
.....

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

3.9.1 If so, furnish particulars  
.....

3.10 Are any of the company's Directors, Managers, Principle Shareholders or Stakeholders in service of the State? YES/NO

3.10.1 If so, furnish particulars  
.....

3.11 Are any spouse, child or parent of the company's Directors, Managers, Principle Shareholders or Stakeholders in service of the State? YES/NO

3.11.1 If so, furnish particulars  
.....

**CERTIFICATION**

**I, THE UNDERSIGNED**

**(NAME)** .....

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

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

.....  
**SIGNATURE**

.....  
**DATE**

.....  
**POSITION**

.....  
**NAME OF BIDDER**

PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (VAT INCLUDED)

MBD 5

For all procurement expected to exceed R10 million (VAT included), bidders must complete the following questionnaire:

- 1 Are you by law required to prepare annual financial statements for auditing?
  - 1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years. YES/NO
  - .....
  - .....
- 2 Do you have any outstanding undisputed commitments for municipal services towards a municipality or any other service provider in respect of which payment is overdue for more than 30 days?
  - 2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days. YES/NO
  - 2.2 If yes, provide particulars.
    - .....
    - .....
- 3 Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract? YES/NO
  - 3.1 If yes, furnish particulars
    - .....
    - .....
- 4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic? YES/NO
  - 4.1 If yes, furnish particulars
    - .....
    - .....

CERTIFICATION

I, THEUNDERSIGNED (NAME)..... CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 MBD 6.1**

**1. GENERAL CONDITIONS**

- 1.1 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).

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

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

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

- (a) Functionality; 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
<b>SPECIFIC CRITERIA</b>	80
<b>SPECIFIC GOALS</b>	20
<b>Total points for Functionality and Specific Goals</b>	<b>100</b>

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) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(e) **“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/SPECIFIED CRITERIA**

**3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \text{or} & \mathbf{90/10} \\
 \mathbf{Ps} = \mathbf{80} \left( \mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) & \text{or} & \mathbf{Ps} = \left( \mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) \\
 \mathbf{90} & \text{Where} & 
 \end{array}$$

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

**3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT**

**3.2.1. POINTS AWARDED FOR PRICE/SPECIFIED CRITERIA**

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \text{or} & \mathbf{90/10} \\
 \mathbf{Ps} = \mathbf{80} \left( \mathbf{1} + \frac{\mathbf{Pt} - \mathbf{Pmax}}{\mathbf{Pmax}} \right) & \text{or} & \mathbf{Ps} = \mathbf{90} \left( \mathbf{1} + \frac{\mathbf{Pt} - \mathbf{Pmax}}{\mathbf{Pmax}} \right)
 \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

**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 the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

***(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.***

***Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)***

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Specific Goals		20		

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. 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]

PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

4.6. 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.

	..... <b>SIGNATURE(S) OF TENDERER(S)</b>
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....
	.....
	.....

PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

SERVICE CONTRACT FORM - RENDERING OF SERVICES

MBD 7.2

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE EMPLOYER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE EMPLOYER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to **UPHONGOLO LOCAL MUNICIPALITY** in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number **733/02/24** at the specific criteria and goals mentioned. My offer/s remain binding upon me and open for acceptance by the Employer during the validity period indicated and calculated from the closing date of this bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s) / specific goals;
    - Filled in task directive/proposal;
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2022;
    - Declaration of interest;
    - Declaration of Bidder's past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

WITNESSES	
1	.....
2	.....
DATE: .....	

PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

CONTRACT FORM - RENDERING OF SERVICES

MBD 7.2

PART 2 (TO BE FILLED IN BY THE EMPLOYER (PLM))

1. I..... in my capacity as.....  
Accept your bid under reference number .....dated..... for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	COMPLETION DATE
ESTABLISHMENT OF CIVIL ENGINEERING CONSULTANTS ROSTER TO ASSIST UNDERTAKING WATER, SANITATION AND ROADS INFRASTRUCTURE PROJECTS FOR THE PERIOD OF THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.	THREE YEARS FROM DATE OF APPOINTMENT

4. I confirm that I am duly authorized to sign this contract.

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

NAME (PRINT) .....

SIGNATURE .....

EMPLOYER OFFICIAL STAMP

WITNESSES

1 .....

2 .....

DATE: .....

PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

**A: CERTIFICATE OF TENDER RECEIPT/OFFER**

**(TO BE SIGNED BY THE TENDERER SUBMITTING AN OFFER)**

This is to certify that (*Tenderer*)

.....

Of (*address*).....

.....

was represented by the person(s) named below when collecting/receiving the Tender Document

.....

**Particulars of person(s) collecting/receiving the Tender Document:**

Name: ..... Signature: .....

Capacity: .....

**(TO BE SIGNED BY THE EMPLOYER - PLM)**

**Signing of delivery of the Tender Documents is confirmed by the Employer's representative, namely:**

Name..... Signature : .....

Capacity ... Date and Time: .....

EMPLOYER OFFICIAL STAMP



**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**B: RECORD OF ADDENDA TO TENDER DOCUMENTS**

I / We confirm that the following communications received from the Employer or his representative before the date of submission of this tender offer, amending the tender documents, have been considered in this tender offer.

<b>ADD. No.</b>	<b>DATE</b>	<b>TITLE ORDETAILS</b>
1		
2		
3		
4		
5		

NAME.....

SIGNATURE: .....  
*(of person authorised to sign on behalf of the Tenderer)*

DATE: .....

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

**C: CERTIFICATE OF AUTHORITY OF AN ENTITY**

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.

(I) Company	(II) Close Corporation	(III) Partnership	(IV) Joint Venture	(V) Sole Proprietor

**(I) CERTIFICATE FOR COMPANY**

I ..... , chairperson of the Board of Directors of

....., hereby confirm by resolution of the

Board (copy attached) taken on ..... 20. .... , that

Mr/Ms ..... , acting in the capacity of

....., was authorised to sign all

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

**Signature of Chairman:** .....

**Signature of Signatory:** .....

**As Witnesses:**

1..... Name in Block Letters.....

2..... Name in Block Letters.....

**Date:** .....

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

**(II) CERTIFICATE FOR CLOSE CORPORATION**

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

.....hereby authorise

Mr/Ms..... acting in the capacity of .....

to sign all documents in connection with the tender for Contract No .....

and any contract resulting from it on our behalf.

**Signature of Signatory:** .....

**As Witnesses:**

1..... Name in Block Letters.....

2..... Name in Block Letters.....

**Date:** .....

NAME	ADDRESS	SIGNATURE	DATE

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

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

**(III) CERTIFICATE FOR PARTNERSHIP**

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

.....hereby authorise

Mr/Ms..... acting in the capacity of .....

to sign all documents in connection with the tender for Contract No .....

and any contract resulting from it on our behalf.

**Signature of Signatory:** .....

**As Witnesses:**

1..... Name in Block Letters.....

2..... Name in Block Letters.....

**Date:** .....

NAME	ADDRESS	SIGNATURE	DATE

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

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

**(IV) CERTIFICATE FOR JOINT VENTURE**

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorize

.....hereby authorise

Mr/Ms..... acting in the capacity of .....

to sign all documents in connection with the tender for Contract No .....

and any contract resulting from it on our behalf.

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

**Signature of Signatory:** .....

**As Witnesses:**

1..... Name in Block Letters.....

2..... Name in Block Letters.....

**Date:** .....

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME AND CAPACITY
Lead partner		

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

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**(V) CERTIFICATE FOR SOLE PROPRIETOR**

I....., hereby

confirm that I am the sole owner of the

business trading as.....

**Signature of Sole owner:** .....

**As Witnesses:**

1..... Name in Block Letters.....

2..... Name in Block Letters.....

**Date:** .....

PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

---

**D: REGISTRATION CERTIFICATE OF AN ENTITY**

***[Important note to Tenderer: Registration Certificates for Companies, Close Corporations and Partnerships and ID documents for Sole Proprietors, must be inserted here. In the case of a Joint Venture, a copy of a duly signed Joint Venture Agreement clearly setting out the roles and responsibilities of the parties must be included with particular reference to the guarantees required in terms of the Contract Data. The Joint Venture Agreement must also clearly indicate how payment is to be affected to the entity and distributed to the parties ]***

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

**E: BANKING DETAILS**

Tenderers financial capacity to finance and undertake a contract of this nature will also be checked and consequently it is a requirement that the details below be provided.

NAME OF TENDERER				
NAME OF ACCOUNT HOLDER AT BANK				
TYPE OF ACCOUNT (Please tick)	CURRENT/CHEQUE	SAVINGS	TRANSMISSION	
BANK				
BRANCH NAME				
ACCOUNT NUMBER				
BRANCH CODE				
BANK TELEPHONE NO				
BANK ADDRESS				
NAME OF BANK MANAGER				
TELEPHONE NUMBER				
FAX NUMBER				
NO OF YEARS THE ABOVE ACCOUNT HAS BEEN WITH BANK				
CREDIT FACILITIES AVAILABLE (Yes/Not)				

NAME: .....  
 (Of person authorised on behalf of the Tenderer)

SIGNATURE: .....  
 (of person authorised to sign on behalf of the Tenderer)

DATE: .....

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

---

**F: COMPANY PROFILE**

Tenderers are to provide COMPANY PROFILES detailing all the key requirements and references to this contract in which the company has been involved.

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

**G: SCHEDULE OF THE TENDERER’S EXPERIENCE**

Tenderers are to provide references for **FIVE (5)** other recent similar programmes (last five years) in which the company has been involved.

The information provided here will be used to evaluate the Tenderer’s eligibility to undertake the contract. It is important that the Tenderer ensure that sufficient and legible information is provided to enable the Employer to evaluate the criteria noted in the table in F.3.11.2.

<b>COMPANY</b>	
Name of Service Provider	
Contact Person	
Telephone Number	(+27)
Project Name	
Details of Service provided	
Value of Service provided	R
<b>Employer / Implementing Agent</b>	
Name of Agent	
Contact Person	
Telephone Number	(+27)
Email Address	

Service Provider to make additional copies of this page and provide references for other recent programmes in with which the company has been involved.

NAME: .....  
 (Of person authorised on behalf of the Tenderer)

SIGNATURE: .....  
 (Of person authorised to sign on behalf of the Tenderer)

DATE: .....

**PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

**H: KEY PERSONNEL**

<b>SENIOR CIVIL ENGINEER / TEAM LEADER (PROFESSIONALLY REGISTERED)</b>	
Name and Surname	
Highest qualification obtained	
Year qualification obtained	
Institution where qualification was obtained	
Professional Registration No	
Institute registered with:	
Registration Discipline	
Years of Experience	
Current Office Location	
Experience Details (Attach CV)	

<b>ASSISTANT CIVIL ENGINEER / DESIGN ENGINEER (PROFESSIONALLY REGISTERED)</b>	
Name and Surname	
Highest qualification obtained	
Year qualification obtained	
Institution where qualification was obtained	
Professional Registration No	
Institute registered with:	
Registration Discipline	
Years of Experience	
Current Office Location	
Experience Details (Attach CV)	

The Tenderer hereby certifies that the information stated above is a true reflection of the experience and resources available for the project.

NAME: .....  
 (Of person authorised on behalf of the Tenderer)

SIGNATURE: ..... DATE: .....

**PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

<b>SITE RESIDENT ENGINEER / CLERK OF WORKS (ENGINEER/TECHNOLOGIST)</b>	
Name and Surname	
Highest qualification obtained Year	
qualification obtained	
Institution where qualification was obtained	
Professional Registration No (Not Compulsory)	
Institute registered with:	
Registration Discipline Years	
of Experience Current Office	
Location	
Experience Details (Attach CV)	

<b>OFFICE ADMIN/SUPPORT CLERK</b>	
Name and Surname	
Qualification	
Year qualification obtained	
Institution where qualification was obtained	
Years of Experience	
Current Office Location	
Experience Details (Attach CV)	

The Tenderer hereby certifies that the information stated above is a true reflection of the experience and resources available for the project.

NAME: .....  
 (Of person authorised on behalf of the Tenderer)

SIGNATURE: ..... DATE: .....

PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

---

**I: CURRICULUM VITAE OF KEY PERSONNEL**

Tenderers must attach Company Profile and CV's of key personnel here.

Item	Key Personnel	Submitted(Yes/No)	Comments
01	Company Profile		
02	Senior Civil Engineer/Team Leader		
03	Assistant Civil Engineer/Design Engineer		
04	Site Resident Engineer/Clerk of Works		
05	Office Admin/Support Clerk		

NAME: .....  
 (Of person authorised on behalf of the Tenderer)

SIGNATURE: .....  
 (Of person authorised to sign on behalf of the Tenderer)

DATE: .....

PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

J: TAX COMPLIANCE STATUS / TAX CLEARANCE CERTIFICATE

IMPORTANTNOTES:

- 1. The following is an abstract from the Preferential Procurement Regulations 2022 promulgated with the Preferential Policy Framework Act No 5 of 2000:

**"Tax clearance certificate**

No contract may be awarded to a person who has failed to submit an original valid Tax Clearance matters or Certificate from the South African Revenue Service ("SARS") certifying the taxes of that person to be in order or that suitable arrangement have been made with SARS."

- 2. The ST 5.1 form, Application for Tax Clearance Certificate (in respect of tenders), must be **completed by the tenderer in every detail and submitted to the Receiver of Revenue** where the tenderer is registered for income tax purposes. The Receiver of Revenue will then furnish the tenderer with a Tax Clearance Certificate that will be valid for 12 months from date of issue. **This Tax Clearance Matters or Certificate must be submitted in the original valid with the tender that is before the closing time and date of the tender.**

Each party to a Consortium/Joint Venture/Sub-Consultants must complete a separate Tax Clearance Certificate.

SARS has implemented a new Tax Compliance Status (TCS) system in terms of which a taxpayer is now able to authorize any 3rd party to verify its compliance status in one of two ways: either through the use of an electronic access PIN or through the use of an Original Valid Tax Clearance Certificate obtained from the new TCS system. All Bidders are required to provide the following to UPHONGOLO LOCAL MUNICIPALITY in order to enable it to verify their tax compliance status:

TradingName: \_\_\_\_\_

Taxreference number: \_\_\_\_\_

Request reference number: \_\_\_\_\_ and

PIN: \_\_\_\_\_.

No tender may be awarded to any tenderer whose tax matters have not been declared to be in order by SARS.

***[Tax Clearance information must be provided and attached to this page as requested above as obtained from TCS Systems of SARS]***

***[Failure to provide proof of requested Tax Compliance Status Information will invalidate Service Provider tender offer]***

**PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**K: B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE**

Valid B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System [SANAS] or a sworn affidavit confirming annual turnover and level of black ownership and in case of all EMEs and QSEs with 51% black ownership or more

Failure on the part of a bidder to submit a **certified** B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B- BBEE status level of contribution are not claimed.

***[B-BBEE Status level verification information / certificate must be attached with this page in order to qualify for preference points for B-BBEE]***

**PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**L: NATIONAL TREASURY CENTRAL SUPPLIER DATABASE COMPLIANCE INFORMATION (CSD)**

In terms of paragraph 5.6 of the NATIONAL TREASURY SCM INSTRUCTION NO 4 OF 2016/2017, which became effective on 1 May 2016, UPHONGOLO LOCAL MUNICIPALITY may only award bids to suppliers after verifying that the supplier is registered as prospective suppliers on the National Treasury Central Supplier Database.

Please follow the following steps to register your company on the National Treasury Central Supplier Database and confirm your registration by submitting your National Treasury “MAAA” supplier reference number.

- Step 1: Access the CSD site on <https://secure.csd.gov.za/>
- Step 2: Register a new CSD account <https://secure.csd.gov.za/Account/Register>
- Step 3: Receive an activation email and click activate account
- Step 4: Activate account by requesting and entering the OTP
- Step 5: Log in the CSD
- Step 6: Complete supplier identification information
- Step 7: Complete contact information
- Step 8: Complete address information
- Step 9: Complete bank account information
- Step 10: Complete tax information
- Step 11: Complete directors'/members information (if non-CIPC company)
- Step 12: Complete associations (if relevant)
- Step 13: Complete commodities information
- Step 14: Complete B-BBBEE information (future phase)
- Step 15: Maintain users
- Step 16: Complete notification information
- Step 17: Complete accreditations

***[Failure on part of a bidder to submit CSD required compliance information together with the bid might be interpreted to mean that National Treasury Central Supplier Compliance Information is not valid and the Service Provider may be disqualified on that privilege.]***

PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

M: DECLARATION OF PAYMENT OF MUNICIPAL SERVICES

DECLARATION TO CERTIFY THAT:

THE TENDERER HAS NO UNDISPUTED COMMITMENTS FOR MUNICIPAL SERVICES TOWARDS A MUNICIPALITY OF WHICH PAYMENT IS OVERDUE FOR MORE THAN 30 DAYS

*[Proof of Payment to be attached to this page]*

DECLARATION

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the firm, confirms that there are no undisputed commitments for municipal services towards a municipality of which payment is overdue for more than 30 days to my personal knowledge, and save where stated otherwise to the best of my belief both true and correct.

Signature: .....

Duly authorized to sign on behalf of:.....

Address: .....

.....

.....

Telephone: .....

Date: .....

**Municipal rates statement must be attached to this page. Proof of payment may be attached only in the event that the Tenderer has recently paid the outstanding balance, but it has not reflected on the municipality's records.**

PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

**M1. AFFIDAVIT OF TENDERER THAT DOES NOT HAVE A MUNICIPAL RATES ACCOUNT BUT IS WORKING FROM A RESIDENTIAL ADDRESS.**

The purpose of this affidavit is to declare that the Tenderer is;

- working from a residential address or
- any other means

to declare that neither it nor any of the principals of the enterprise has any existing municipal accounts in any municipal area in the republic of South Africa that have not been disclosed in this tender and that failure to disclose such will lead to disqualification or cancellation of the Tender.

**DECLARATION:** *(to be signed in the presence of a Commissioner of Oaths)*

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the firm, confirms that the contents of this Affidavit are within my personal knowledge, and save where stated otherwise to the best of my belief both true and correct.

Signature: .....

Duly authorized to sign on behalf: .....

Address: .....  
.....  
.....

Telephone: .....

Signed and sworn to before me at.....on this the .....day of .....20....., by the Deponent, who has acknowledged that he/she knows and understands the contents of this Affidavit, that its true and correct to the best of his/her knowledge and that he/she has no objection to taking the prescribed oath, and that the prescribed oath will be binding on his/her conscience.

Commissioner of oaths .....

**NOTE: This affidavit comprises one (1) page all of which must be initialled by both the Deponent and the Commissioner of Oaths.**

**NOTE: A letter from a Councillor or Tribal Authority must be attached in support of the address disclosed above.**

PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

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**M2. DECLARATION OF TENDERER WHO DOES NOT HAVE A MUNICIPAL RATES ACCOUNT BUT IS RENTING OR LEASING AN OFFICE**

This is a declaration that:

**THE TENDERER DOES NOT HAVE A MUNICIPAL RATES ACCOUNT BUT IS LEASING OR RENTING OFFICE SPACE FROM A LANDLORD.**

**DECLARATION:**

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the firm, confirms that the Tenderer does not have a municipal rates account but is leasing or renting office space from a Landlord.

Signature: .....

Duly authorized to sign on behalf of: .....

Lease Address: .....  
.....  
.....

Telephone: .....

Date: .....

***NOTE: Lease Agreement must be attached to this page.***

**PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

**N: SWORN AFFIDAVIT OF GOOD STANDING THAT WILL BE INCORPORATED INTO THE CONTRACT**

The Tenderer hereby certifies that neither it nor any of the principals of the enterprise is 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. The Tenderer further certifies that none of its principals have ever been convicted of fraud.

**DECLARATION** (to be signed in the presence of a Commissioner of Oaths)

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the firm, confirms that the contents of this Affidavit are within my personal knowledge, and save where stated otherwise to the best of my belief both true and correct.

Name & Surname: .....  
(Of person authorised on behalf of the Tenderer)

Signature: .....

Duly authorized to sign on behalf: .....

Address: .....  
.....  
.....

Telephone: .....

Signed and sworn to before me at.....on this the .....day of .....20....., by the Deponent, who has acknowledged that he/she knows and understands the contents of this Affidavit, that its true and correct to the best of his/her knowledge and that he/she has no objection to taking the prescribed oath, and that the prescribed oath will be binding on his/her conscience.

Commissioner of oaths .....

**NOTE: This affidavit comprises one (1) page all of which must be initialled by both the Deponent and the Commissioner of Oaths and must be stamped**

**PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**O: CONTRACT PARTICIPATION GOALS**

**CONTRACT PARTICIPATION GOALS – CIVIL ENGINEERING CONSULTING WORKS**

**1. Objective**

The objective of UPHONGOLO LOCAL MUNICIPALITY's B-BBEE policy is to bring about meaningful transformation in the built environment construction industry through the following:

- Meaningful Economic Participation;
- Local Economic Development;
- Transfer of Technical, Management and Entrepreneurial Skills; and
- Creation of sustainable Large Black Enterprises

**2. Contract Participation Goals**

Contract Participation Goal (CPG) – the value of goods, services and works paid to one or more targeted enterprise(s).

The CPG is expressed as a percentage of the contract amount. The special arrangements are to be defined and agreed upon prior to signing subcontracting terms.

UPhongoLO Local Municipality requires Contract Participation Goals (CPG) of the value of goods, services and works paid to one or more targeted enterprises to comply with the Regulations pertaining to the Preferential Procurement Policy Framework Act.

**3. Applicability**

The CPG target is applicable to all Engineering Consulting and related projects and sort of contracts in the Civil Engineering Consulting classes of works and may be achieved through any of the following mechanisms/approaches:

- Joint Venture
- Partnership
- Sub-contracting

It is envisaged that such mechanisms/approaches will involve two or more entities, one being an established or developed enterprise (or JV) and the other(s) being one or more targeted enterprise(s).

These are defined in the table below;

Intention is for skills to be transferred from the developed enterprise to the targeted enterprise hence joint ventures formed by two or more targeted enterprises are not desirable. Engaging Sub-Service Consultant will be a preferred method.

**PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**Pre-qualification criteria for preferential procurement**

Only targeted enterprise that meet one or more of the following criteria will be considered:

- a) a tenderer having a stipulated minimum B-BBEE status level of contributor.
- b) an EME or QSE.
- c) a tenderer subcontracting a minimum of 10% to-
  - (i) an EME or QSE which is at least 51% owned by black people;
  - (ii) an EME or QSE which is at least 51% owned by black people who are youth;
  - (iii) an EME or QSE which is at least 51% owned by black people who are women;
  - (iv) an EME or QSE which is at least 51% owned by black people with disabilities;
  - (v) an EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
  - (vi) a cooperative which is at least 51% owned by black people;
  - (vii) an EME or QSE which is at least 51% owned by black people who are military veterans;
- (viii) an EME or QSE.

***A Tenderer that fails to meet the above criteria may be disqualified.***

**Preference to be given in all cases to targeted enterprises located within the boundaries of UPHONGOLO LOCAL MUNICIPALITY in its 5 local municipalities.**

**4. Reporting**

For each monthly invoice submitted by the main Service Consultant, on a contract where the CPG target is applicable, the split between the Developed Enterprise(s) and the Targeted Enterprise(s) claim must be clearly articulated to enable the CPG targets to be easily and regularly monitored.

**Monitoring of Contractual Obligations**

- Agreement between developed and target partner to be submitted within 30 days from date of award clearly providing detailed work packages to be performed by the targeted enterprise
- Payment Certificates from the targeted partner indicating work packages performed.
- Site visits conducted together by both parties.
- Performance management monitoring by both parties.

**Penalties for not achieving the minimum CPG or finishing late**

**Annexes:**

- a) Declaration by Targeted Enterprise
- b) Targeted Enterprise Company profile

PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

**Targeted Enterprise Declaration**

(To be completed separately for each Targeted Enterprise and attached hereto)

<b><u>Targeted Enterprise Details</u></b>
Company Name: _____ Registration No.: _____ Contact Person: _____ Designation of Contact Person: _____ Office No.: _____ Fax No.: _____ Cellphone No.: _____ Email: _____

<b><u>Ownership by Designated Black People</u></b>
Name: _____ Surname: _____ ID No.: _____ Citizenship: _____ Equity Holding: _____ Gender: _____ Contact No.: _____ Email: _____
Name: _____ Surname: _____ ID No.: _____ Citizenship: _____ Equity Holding: _____ Gender: _____ Contact No.: _____ Email: _____
Name: _____ Surname: _____ ID No.: _____ Citizenship: _____ Equity Holding: _____ Gender: _____ Contact No.: _____ Email: _____

<b><u>Employee Details</u></b>								
Number of permanent Employees other than the owner: _____								
<table border="0"> <thead> <tr> <th align="left"><b><u>Name</u></b></th> <th align="left"><b><u>Identity No.</u></b></th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> </tbody> </table>	<b><u>Name</u></b>	<b><u>Identity No.</u></b>	_____	_____	_____	_____	_____	_____
<b><u>Name</u></b>	<b><u>Identity No.</u></b>							
_____	_____							
_____	_____							
_____	_____							
<b><i>NB: Please attached copies of letters of employment.</i></b>								

<b><u>Developed Enterprise / Main Consultant</u></b>
Company Name: _____ Registration No.: _____
<b><u>Project Description</u></b>
Tender No.: _____ Project Description: _____ _____

PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

<u>Contract Participation for Targeted Enterprise</u>
Total value of Contract excluding VAT: _____
Total value of contract participation by targeted enterprise: _____
Percentage (%) contract participation by targeted enterprise: _____
<b>Broad description of work to be performed by the targeted enterprise:</b>
_____
_____
_____

**Declaration by Targeted Enterprise**

I/We, the undersigned warrant that:

- If \_\_\_\_\_ (developed enterprise) is successful in being awarded the above contract, I/we will enter into a formal sub-contract agreement.
- I / We are duly authorised to sign on behalf of the targeted enterprise.

**Name:** \_\_\_\_\_ **Designation:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

.....

**On behalf of the Developed Enterprise:**

I, the undersigned warrant that:

I am duly authorised to sign on behalf of the Developed Enterprise.

**Name:** \_\_\_\_\_ **Designation:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Witness 1:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(Name & Signature)

**Witness 2:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(Name & Signature)

PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

**DECLARATION REGARDING CONTRACT PARTICIPATION GOALS**

I, the undersigned, in submitting the accompanying bid:

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

in response to the invitation for the bid made by:

**UPHONGOLO LOCAL MUNICIPALITY**

do hereby make the following declaration and certify the statements contained herein 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 Declaration and the fully completed bid document accompanying this declaration;
- 2. I understand and declare that the accompanying bid will, and must comply with this Declaration and to be true and complete in every respect;
- 3. I understand and declare that in the event that this bid is successful, I will be required to, and shall, fully implement the commitments that are submitted with this bid. regarding the Bidder's contract participation goals and commitments towards the allocation of certain portion of the contract to qualifying targeted enterprises. Failure to implement such commitments as outlined in the bid document and or failure to provide the relevant information within the prescribed period as determined in the Letter of Intention to Award the Bid, shall automatically disqualify this bid from further consideration and the Employer has the right to, and must, then award the bid to the next highest ranked bidder; and as a result I or the bidder or any of its directors shall have no recourse against UPHONGOLO LOCAL MUNICIPALITY.
- 4. I am authorized by the bidder to sign this Declaration, and to submit the accompanying bid, on behalf of the bidder;
- 5. 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;
- 6. I consent that should my company (the Bidder) deviate from the commitments and the spirit of the CPG objectives as agreed to, shall amount to a repudiation of the contractual arrangement between the two parties (UPHONGOLO LOCAL MUNICIPALITY and the Bidder); and UPHONGOLO LOCAL MUNICIPALITY have the right to disqualify or terminate the contract with immediate effect and without giving my company (the Bidder) prior notice to remedy the breach.

\_\_\_\_\_  
Full Names & Surname  
(Duly Authorised)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position

\_\_\_\_\_  
Name of Bidder

PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

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**Witness 1**

\_\_\_\_\_  
Full Names & Surname

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Witness 2**

\_\_\_\_\_  
Full Names & Surname

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**P: PART C1: SCOPE OF WORKS AND PROJECT LOCATION**

**C1.1. SCOPE OFWORKS**

Establishment of Civil Engineering Consultants Roster to assist the municipality in undertaking the implementation of Civil Engineering works on Roads and Infrastructure project for the period estimated to be not less than three years for UPHONGOLO LOCAL MUNICIPALITY.

**PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

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**C1.2. PROJECT LOCATION**

The performance of this contract will be distributed among other service consultants and within the border(s) of the UPHONGOLO LOCAL MUNICIPALITY in which the municipal headquarters are located.

PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

**Q: PART C.2: TERMS OF REFERENCE**

**C.2.1 Project Cost Based Fees**

The project cost-based fees for Service Provider's will be calculated according to ECSA Guideline Scope of Services and Professional Fees as of May 2022.

This fee calculation will initially be based on the PLM cost estimates that are provided at the time of tendering and will be reviewed the first time once tenders for construction have closed and the construction prices of the preferred Contractor(s) are known. A second and final revision of the basic fee calculation will be done once construction is complete and the final construction value is known.

Payment of the basic fee shall be made in stages as follows:

- |   |      |         |
|---|------|---------|
| a. Inception                              | 5 %  | of Fees |
| b. Concept and Viability                  | 25 % | of Fees |
| c. Design Development                     | 25 % | of Fees |
| d. Documentation and Procurement          | 25 % | of Fees |
| e. Contract Administration and Inspection | 15 % | of Fees |
| f. Close-Out                              | 5 %  | of Fees |

**C.2.2 Discount on Project Cost Based Fees**

- Specific Items in the Bill of Quantities will make allowance for a percentage discount on the project Cost Based Fees to be tendered.
- The fee amount tendered is to include all services of the Project Cost Based Fees.
- The rates provided should consider Construction Monitoring costs.
  - **A maximum of 15% discount will be allowed on Project Cost Based Fee.**
  - **Discounts of 100% in construction monitoring will lead to disqualifications.**

Payment shall be made as a % discount of the basic fee .....Unit: % fee

PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.

R: PART C.3: FORM OF OFFER AND ACCEPTANCE

C.3.1. FORM OF OFFER

The Employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the procurement of the following document:

Contract Number : 733/02/24

Contract Description: PANEL OF CIVIL CONSULTANTS FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY

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

By the representative of the Tenderer, deemed to be duly authorised, signing this part of this form of offer and acceptance, the Tenderer offers to perform all of the obligations and liabilities of the Consulting Firm 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.

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 Consulting Firm in the conditions of contract identified in the contract data.

Signature: (of person authorized to sign the tender): .....

Name: (of signatory in capitals): .....

Capacity: (of Signatory): .....

Name of Tenderer: (organisation): .....

Address: .....  
.....

Telephone number: ..... Fax number: .....

Witness:

Name / Signature: .....

Date: .....

**PANEL OF CIVIL CONSULTANTS ROSTER TO A FOR THE PERIOD OF (03) THREE YEARS FOR UPHONGOLO LOCAL MUNICIPALITY.**

**C.3.2. ACCEPTANCE**

By signing this part of this form of offer and acceptance, the Employer identified below accepts the Tenderer's offer. In consideration thereof, the Employer shall pay the Consulting Firm the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the Tenderer's offer shall form an agreement between the Employer and the Tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract are contained in:

- Part C1: Scope of work and Project Location
- Part C2: Form of Offer and Acceptance, (which include this agreement)

and drawings and documents or parts thereof, which may be incorporated by reference into the above listed parts. Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the returnable schedules as well as any changes to the terms of the offer agreed by the Tenderer and the Employer during this process of offer and acceptance, are contained in the schedule of deviations and forming part of this form of offer and acceptance. No amendments to or deviations from said documents are valid unless contained in this schedule.

The Tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Employer's agent (whose details are given in the contract data) to arrange the delivery of any securities, bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the Tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the Tenderer (now Consulting Firm) within five working days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties (Consulting Firm and the Municipality).

**For the Employer:**

**Signature** : .....

**Name** : *(in capitals)* .....

**Capacity** : .....

**Name of Employer** : UPHONGOLO LOCAL MUNICIPALITY

**Address** : 61 Martin street, uPhongolo 3170

**Witness:**

**Name** : .....

**Signature** : .....

**Date** : .....