

**SIYANCUMA
LOCAL MUNICIPALITY**

TENDER NO.:03/2021: APPOINTMENT OF A PANEL OF CONSULTING ENGINEERING SERVICE PROVIDERS FOR THE PROVISION OF PROFESSIONAL CIVIL, MECHANICAL AND ELECTRICAL ENGINEERING SERVICES IN PLANNING, DESIGN, DOCUMENTATION AND CONSTRUCTION SUPERVISION OF VARIOUS MUNICIPAL INFRASTRUCTURE PROJECTS FOR A PERIOD OF 3 YEARS



**P.O. Box 27
Douglas
8730**

**Phone: 053 298 1810
Fax: 053 298 3141**

TENDER : SIYA 03/2021

RE – ADVERTISEMENT

APPOINTMENT OF A PANEL OF CONSULTING ENGINEERING SERVICE PROVIDERS FOR THE PROVISION OF PROFESSIONAL CIVIL , MECHANICAL AND ELECTRICAL ENGINEERING SERVICES IN PLANNING, DESIGN, DOCUMENTATION AND CONSTRUCTION SUPERVISION OF VARIOUS MUNICIPAL INFRASTRUCTURE PROJECTS FOR A PERIOD OF 3 YEARS

TENDER DOCUMENT

TENDER SUBMITTED BY:

Name of Company :

Contact Name :

Contact Number :

Address :

.....

.....

Tender Amount (VAT Incl.) : **NOT APPLICABLE**

Issued by:

**XS GEKO
ACTING MUNICIPAL MANAGER**

Delivery Address:
**Siyancuma Municipality
P.O. Box 27
C/O Charl Cilliers and Southy Streets
Douglas
8730**

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Phone: 053 298 1810

Fax: 053 289 3141

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END OF SECTION

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TENDERING PROCEDURES

PART T1.1. TENDER NOTICE AND INVITATION TO TENDER

RE ADVERTISEMENT

Siyancuma Local Municipality hereby invites tenders in terms of Section 83 of the Municipal Systems Act, Act 32 of 2000 (as amended) and Sections 110 and 112 of the Municipal Finance Management Act, Act 56 of 2003, from consulting engineering service providers for the provision of professional civil engineering services in planning, design, documentation and construction supervision of various municipal infrastructure projects for a period of 3 years as and when required. Siyancuma Local Municipality wishes to engage with Professional Service Providers in accordance with the Engineering Professions Act 46 of 2000.

Tender documents shall be available at Siyancuma Local Municipality Offices, **C/O Charl Cilliers and Southey Streets, Douglas** from the Tuesday 12 October 2021 during office hours from 07h30 – 16h30 on weekdays or on the e-tender website for free and the Municipal Website

Tender documents are to be completed in black ink and in accordance with the conditions and rules contained in the bid documents and must be placed in a sealed envelope and clearly marked as follows:

DISCIPLINE / PROFESSION	BID NO
APPOINTMENT OF A PANEL OF CONSULTING ENGINEERING SERVICE PROVIDERS FOR THE PROVISION OF PROFESSIONAL CIVIL ENGINEERING SERVICES IN PLANNING, DESIGN, DOCUMENTATION AND CONSTRUCTION SUPERVISION OF VARIOUS MUNICIPAL INFRASTRUCTURE PROJECTS FOR A PERIOD OF 3 YEARS	SIYA 03/2021

The completed Tender documents must be placed in the Tender Box, situated at the main reception area of Siyancuma Local Municipality, **C/O Charl Cilliers and Southey Street Douglas**, no later than 02 November 2021 at 12h00. Tender documents will be opened and registered in public at 12h00 on the 02 November 2021 subject to compliance and adherence to the applicable COVID-19 protocols and regulations.

Telephonic, facsimile, email and/or late bids will not be accepted. Bids must be valid for a period of ninety (90) days after the closing date of the bid.

Siyancuma Local Municipality reserves the right to accept the lowest bid or to award a contract to the bidder scoring the highest number of points.

There will be no briefing session due to the COVID-19. For SCM related enquiries please contact, PJE Bloem at Tel. 053 298 1810, and for technical related enquiries the Technical Manager/Acting Municipal Manager Mr. X.S Geco 053 298 1810 during office hours from 08h00 - 16h00.

**XS GECO
ACTING MUNICIPAL MANAGER**

**SIYANCUMA
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PART T1: TENDERING PROCEDURES

PART T1.2. TENDER DATA

The conditions of tender are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity as published in CIDB Board Notice 136 of 2015 as published in Government Gazette No 38960 of 10 July 2015. These Conditions of Tender are furthermore subject to the requirements of the Preferential Procurement Regulations, 2017 published in Government Gazette No 40553 dated 20 January 2017.

The Standard Conditions of Tender makes several references to the tender data. The tender data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard conditions of tender.

Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.

Clause	Addition or Variation to Standard Conditions of Tender
1.1	The Employer is SIYANCUMA LOCAL MUNICIPALITY
1.2	<p>The tender documents issued by the employer comprise of one volume only and consists of the following:</p> <p>PORTION 1: TENDER</p> <p>Part T1 Tendering Procedures</p> <p>Part T1.1 Tender Notice and Invitation to Tender</p> <p>Part T1.2 Tender Data</p> <p>Part T1.3 Standard Conditions of Tender</p> <p>Part T1.4 PPPFA Act 2000: Preferential Procurement Regulations 2017</p> <p>Part T2 Returnable Documents and Schedules</p> <p>Part T2.1 Returnable Documents</p> <p>Part T2.2 Returnable Schedules</p> <p>Part T2.3 Checklist</p> <p>PORTION 2: CONTRACT</p> <p>Part C1 Agreements and Contract Data</p> <p>Part C1.1 Form of Offer and Acceptance</p> <p>Part C1.2 Contract Data</p> <p>Part C2 Pricing Data</p> <p>Part C2.1 Pricing Instructions</p> <p>Part C2.2 Bill of Quantities</p> <p>Part C3 Scope of Work</p> <p>Part C3.1 Description of the Works</p> <p>Part C3.2 General Requirements</p> <p>Part C3.3 Safety, Health, Environment, Quality and Risk (SHEQ-R)</p> <p>Part C3.4 Site Information</p> <p>Part C3.5 Siyancuma Special Conditions</p>

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Clause	Addition or Variation to Standard Conditions of Tender
1.6.1	<p><i>ADD THE FOLLOWING TO THE CLAUSE 1.6.1:</i></p> <p>Allocation of Projects will be as follows:</p> <p>Tenderers that scored the highest scores in terms of the functionality criteria will be placed on the panel.</p> <p>When required to submit a request for proposal or request for quotation, tenderers on the panel will be requested on a rotational basis to ensure fairness.</p>
2.1	<p>Only those tenderers who satisfy the following eligibility criteria and who provide the required evidence in their tender submissions are eligible to submit tenders and have their tenders evaluated:</p> <ol style="list-style-type: none"> Only tenderers that score above the minimum threshold of 60% of the maximum points for Quality, identified under the Quality Evaluation Schedule, will be considered. Key Personnel must meet the minimum requirements for the key persons as stated in the Scope of works. Where the key personnel are no longer available to undertake the necessary work after the award of the tender, the contractor shall within a period of 14 working days replace the key personnel listed in T.2.2.2: Schedule 2 with personnel with equivalent competencies and subject to approval by the Employer. Such approval shall not be unreasonably withheld. The key person shall be a suitably qualified and experienced individual who will be the single point accountability and responsibility for the management of the project, and who is registered with ECSA as PrEng or PrTechEng shall be required as a minimum. <p>Failure to comply with the requirements or to complete T2.2.1, T2.2.2 & T2.2.3 may render the tender non-responsive.</p> <ol style="list-style-type: none"> National Treasury Central Supplier Database <p>Tenderers who are not registered on the National Treasury Central Supplier Database at close of tender, shall submit a copy of their application of registration, with their tender submission. Tenders received from such tenderers who have not submitted proof of their registration within 21 days after the closing date for tender submissions, will not be considered.</p> <ol style="list-style-type: none"> In case of a Joint Venture/Consortium submission, shall submit a Joint Venture agreement signed by all parties. Is registered in terms of the Companies Act, 2008 (Act 71 of 2008) or Close Corporation Act, 1984, (Act No. 69 of 1984) or, if a partnership, has a partnership agreement (buy and sell agreement for participating partners in this tender) in place that enables the partnership to automatically continue to function in the event of death or withdrawal of one of the partners. In case of having a subsidiary arrangement, shall submit an audited proof (letter or shareholding certificate) of agreement between the holding company and the subsidiary. Tenderers may only tender under 1 (one) company or 1 (one) consortium - tendering with more than 1 company or consortium will result in immediate disqualification. Siyancuma Municipality will recognise the JV/Consortium as single entity for the duration of the contract. Approach Paper including methodology. The tendering entity has professional indemnity insurance cover issued by a reputable South African insurer in an amount of not less than R10 million in respect of a claim without limiting to the number of claims. None of the documents with correction fluid on them. Any wrong entry, in case of correction, it must be cancelled by a single stroke and initialled by the Authorised signatory.

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Clause	Addition or Variation to Standard Conditions of Tender
2.2	<p><i>ADD THE FOLLOWING TO THE CLAUSE:</i></p> <p>Accept that the Employer will not compensate the Tenderer for any costs incurred in attending interviews in the office of the Employer or the Employer's Agent (if required)."</p>
2.7	<p>There will be no briefing session due to the COVID-19. For SCM related enquiries please contact PJE Bloem at Tel. 053 298 1810, and for technical related enquiries the Acting Municipal Manager Technical Manager, XS Geco 053 298 1810 during office hours from 08h00 16h00.</p>
2.8	<p><i>REPLACE THE CONTENTS OF THE CLAUSE WITH THE FOLLOWING:</i></p> <p>"Request clarification of the tender documents, if necessary, by notifying the Employer's official or the Employer's agent indicated in the tender notice and invitation to tender (section T1.1) in writing at least ten working days before the closing time stated in clause 2.15.1."</p>
2.11	<p><i>ADD THE FOLLOWING TO THE CLAUSE:</i></p> <p>"To correct errors made, draw a line through the incorrect entry and write the correct entry above in black ink and place the full signatures of the authorised signatories next to the correct entry."</p>
2.13.1	<p><i>ADD THE FOLLOWING TO THE CLAUSE:</i></p> <p>"No claim will be entertained for faults in the tender price resulting from any discrepancies, omissions or indistinct figures."</p>
2.13.2	<p><i>REPLACE THE CONTENTS OF THE CLAUSE WITH THE FOLLOWING:</i></p> <p>"Return all volumes of the tender document to the Employer after completion of the relevant sections of each volume in their entirety, either electronically (if they were issued in electronic format) or by writing in black ink.</p> <p>All volumes are to be left intact in their original formats and no pages shall be removed or re- arranged."</p>
2.13.3	<p>No copies of the tender offer are required.</p>
2.13.4	<p><i>ADD THE FOLLOWING TO THE CLAUSE:</i></p> <p>"Only authorised signatories may sign the original and all copies of the tender offer where required in terms of 2.13.3."</p>
2.13.5	<p>The Employer's address for delivery of tender offers and identification details to be shown on each tender offer package are:</p> <p>Tender box location: Information desk at Siyancuma Municipality Offices</p> <p>Physical address: C/O Charl Cilliers and Southey Streets Douglas, 8730.</p> <p>Identification details: TENDER NO: 03/2021</p> <p>APPOINTMENT OF A PANEL OF CONSULTING ENGINEERING SERVICE PROVIDERS FOR THE PROVISION OF PROFESSIONAL CIVIL, MECHANICAL AND ELECTRICAL ENGINEERING SERVICES IN PLANNING, DESIGN, DOCUMENTATION AND CONSTRUCTION SUPERVISION OF</p>

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Clause	Addition or Variation to Standard Conditions of Tender								
	<p style="text-align: center;">VARIOUS MUNICIPAL INFRASTRUCTURE PROJECTS FOR A PERIOD OF 3 YEARS</p> <p>The name and address of the tender shall be entered on the back of the envelope.</p>								
2.13.6	A two-envelope procedure will not be followed.								
2.13.10	<p><i>ADD THE FOLLOWING NEW CLAUSE:</i></p> <p>"Accept that all conditions, which are printed or written upon any stationery used by the Tenderer for the purpose of or in connection with the submission of a tender offer for this Contract, which are in conflict with the conditions laid down in this document shall be waived, renounced and abandoned."</p>								
2.14	<p><i>ADD THE FOLLOWING NEW CLAUSE:</i></p> <p>"The Tenderer is required to enter information in the following sections of the document:</p> <table border="0"> <tr> <td>Part T2.1</td><td>Returnable Documents</td></tr> <tr> <td>Part T2.2</td><td>Returnable Schedules</td></tr> <tr> <td>Part C1.1</td><td>Form of Offer and Acceptance</td></tr> <tr> <td>Part C1.2</td><td>Contract Data (Part 2)</td></tr> </table> <p>The above sections shall be signed by the Tenderer (and witnesses where required). Individual pages should only be initialled by the successful Tenderer and by the witnesses after acceptance by the Employer of the Tender Offer.</p> <p>The Tenderer shall complete and sign the Form of Offer prior to the submission of a Tender Offer.</p> <p>Accept that failure on the part of the Tenderer to submit any one of the Returnable Documents listed in clause 2.23 shall result in a tender offer being regarded as non-responsive.</p> <p>The Schedule of Deviations (if applicable) shall be signed by the successful Tenderer after acceptance by the Employer of the Tender Offer.</p> <p>Accept that the <u>Employer shall in the evaluation of tender offers take due account of the Tenderer's past performance in the execution of similar engineering works of comparable magnitude</u>, and the degree to which he possesses the necessary technical, financial and other resources to enable him to complete the works successfully within the contract period. Satisfy the Employer and the Engineer as to his ability to perform and complete the Works timeously, safely and with satisfactory quality, and furnish details in section T2 of contracts of a similar nature and magnitude which they have successfully executed in the past.</p>	Part T2.1	Returnable Documents	Part T2.2	Returnable Schedules	Part C1.1	Form of Offer and Acceptance	Part C1.2	Contract Data (Part 2)
Part T2.1	Returnable Documents								
Part T2.2	Returnable Schedules								
Part C1.1	Form of Offer and Acceptance								
Part C1.2	Contract Data (Part 2)								
2.15.1	<p>The closing time and location for the submission of tender offers are:</p> <p>Refer to Tender Notice and Invitation to Tender (Section T1.1 of the document).</p>								
2.16.1	The tender offer validity period is 90 days.								
2.16.1	<p><i>ADD THE FOLLOWING TO THE CLAUSE:</i></p> <p>"If the tender validity expires on a Saturday, Sunday or public holiday, the tender shall remain valid and open for acceptance until the closure of business on the following working day."</p>								
2.16.3	<i>ADD THE FOLLOWING NEW CLAUSE:</i>								

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	"Accept that should the Tenderer unilaterally withdraw his tender during this period, the Employer shall, without prejudice to any other rights he may have, be entitled to accept any less favourable tender for the Works from those received, or to call for fresh tenders, or to otherwise arrange for execution of the Works, and the Tenderer shall pay on demand any additional expense incurred by the Employer on account of the adoption of the said courses, as well as either the difference in cost between the tender withdrawn (as corrected in terms of clause 3.9 of the Conditions of Tender) and any less favourable tender accepted by the Employer, or the difference between the tender withdrawn (as corrected) and the cost of execution of the Works by the Employer as well as any other amounts the Employer may have to pay to have the Works completed.																																								
2.22	Return all retained tender documents prior to the closing time for the submission of Tender Offers.																																								
2.23	<p>The following information are to be provided with the tender:</p> <table> <tr> <td>A: Invitation to Bid</td><td>MBD 1</td></tr> <tr> <td>B: Declaration of Good Standing Regarding Tax</td><td>MBD 2</td></tr> <tr> <td>C: Declaration of interest</td><td>MBD 4</td></tr> <tr> <td>D: Preference points claim form</td><td>MDB 6.1</td></tr> <tr> <td>E: Declaration of Bidder's Past Supply Chain Management Practices</td><td>MBD 8</td></tr> <tr> <td>F: Certificate of independent Bid Determination</td><td>MBD 9</td></tr> <tr> <td>G: Compulsory Enterprise Questionnaire</td><td></td></tr> <tr> <td>H: Central Supplier Database report (Not older than 3 months from closing date of this tender)</td><td></td></tr> <tr> <td>I: Certified copy of Certificate of Incorporation (if tenderer is a Company), Certified copy of Founding Statement (if tenderer is a Closed Corporation), Certified copy of Partnership Agreement (if tenderer is a Partnership), Certified copy of Identity Document (if tenderer is a One-man concern)</td><td></td></tr> <tr> <td>J: Tax Clearance Certificate or Tax Compliance Status Pin Issued.</td><td></td></tr> <tr> <td>K: Certified copy of Identification Document of Directors and/or Members.</td><td></td></tr> <tr> <td>L: Authority of Signatory</td><td></td></tr> <tr> <td>M: Certified copy of Certificate of Tenderer's Certified B-BBEE Status Level of Contributor</td><td></td></tr> <tr> <td>N: Certified copy of Professional Indemnity Insurance</td><td></td></tr> <tr> <td>O: Certified copy of COIDA Good Standing Certificate</td><td></td></tr> <tr> <td>P: Joint Venture Agreement (if the tenderer is a joint venture)</td><td></td></tr> <tr> <td>Q: Latest Municipal account not more than 90 days in arrears or copy of valid Lease Agreement (if renting)</td><td></td></tr> <tr> <td>R: Record of Addenda</td><td></td></tr> <tr> <td>S: Proposed Amendments and Qualifications</td><td></td></tr> <tr> <td>T: Schedule 1: Experience of Tenderer with reference letters for Functionality Criteria</td><td></td></tr> </table>	A: Invitation to Bid	MBD 1	B: Declaration of Good Standing Regarding Tax	MBD 2	C: Declaration of interest	MBD 4	D: Preference points claim form	MDB 6.1	E: Declaration of Bidder's Past Supply Chain Management Practices	MBD 8	F: Certificate of independent Bid Determination	MBD 9	G: Compulsory Enterprise Questionnaire		H: Central Supplier Database report (Not older than 3 months from closing date of this tender)		I: Certified copy of Certificate of Incorporation (if tenderer is a Company), Certified copy of Founding Statement (if tenderer is a Closed Corporation), Certified copy of Partnership Agreement (if tenderer is a Partnership), Certified copy of Identity Document (if tenderer is a One-man concern)		J: Tax Clearance Certificate or Tax Compliance Status Pin Issued.		K: Certified copy of Identification Document of Directors and/or Members.		L: Authority of Signatory		M: Certified copy of Certificate of Tenderer's Certified B-BBEE Status Level of Contributor		N: Certified copy of Professional Indemnity Insurance		O: Certified copy of COIDA Good Standing Certificate		P: Joint Venture Agreement (if the tenderer is a joint venture)		Q: Latest Municipal account not more than 90 days in arrears or copy of valid Lease Agreement (if renting)		R: Record of Addenda		S: Proposed Amendments and Qualifications		T: Schedule 1: Experience of Tenderer with reference letters for Functionality Criteria	
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Clause	Addition or Variation to Standard Conditions of Tender															
	U: Schedule 2: Experience of Key Personnel with CV and certified supporting documents V: Schedule 3: Approach Paper (Methodology)															
3.1	<i>REPLACE THE CONTENTS OF THE CLAUSE WITH THE FOLLOWING:</i> "Respond to a request for clarification received up to ten working days before the Tender closing time stated in the Tender Data and notify all Tenderers who drew procurement documents within seven working days of the same date."															
3.4	The time and location for opening of the tender offers are: Directly after the tender close, subject to compliance and adherence to the applicable COVID-19 protocols and regulations.															
3.5	A two-envelope procedure will not be followed															
3.8.3	<i>Add the following new sub item to Item 3.8:</i> Functionality Criteria The functionality criteria are as listed in the table below: <table><tr><th>Quality criteria</th><th>Evaluation Schedule</th><th>Maximum number of points</th></tr><tr><td>Experience of the tenderer</td><td>Schedule 1</td><td>40</td></tr><tr><td>Experience of key personnel:</td><td>Schedule 2</td><td>40</td></tr><tr><td>Approach paper (Methodology)</td><td>Schedule 3</td><td>20</td></tr><tr><td>Maximum possible score for quality (M_s)</td><td></td><td>100</td></tr></table> The Tenderer must comply with the minimum requirements in accordance with the Functionality Criteria table above and must obtain at least 60% under the Points Allocation of the Functionality Criteria to qualify.	Quality criteria	Evaluation Schedule	Maximum number of points	Experience of the tenderer	Schedule 1	40	Experience of key personnel:	Schedule 2	40	Approach paper (Methodology)	Schedule 3	20	Maximum possible score for quality (M_s)		100
Quality criteria	Evaluation Schedule	Maximum number of points														
Experience of the tenderer	Schedule 1	40														
Experience of key personnel:	Schedule 2	40														
Approach paper (Methodology)	Schedule 3	20														
Maximum possible score for quality (M_s)		100														
3.11.1	Only tenders that pass the eligibility criteria shall be evaluated. Evaluation shall be done in terms of Method 2 (Functionality, Price and Preferences). The financial offer will be scored using Formula 2 (Option 1) where W1 is: <ul style="list-style-type: none">- 80 where the financial value inclusive of VAT of one or more responsive tenders received have a rand value equals or above R 30 000.00 and up to a rand value of R 50 000 000.00.															
3.11.8	Scoring preference The tenderer is required to submit a B-BBBEE Verification Certificate in accordance with promulgation in Government Gazette 38766 of 6 May 2015 and in accordance with promulgation in Gazette 39703 on 17 February 2016 and the Preferential Procurement Regulations of 2017 as promulgated in Government															

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Clause	Addition or Variation to Standard Conditions of Tender																														
	<p>Gazette 40553 on 20 January 2017 (see relevant form in Returnable Schedules). See also www.sanas.co.za for details of accredited Verification Agencies.</p> <p>Points awarded will be according to the tenderer's B-BBEE status level of contribution and is summarised in the table below.</p> <table><tr><th>Status Level of Contributor</th><th>Preference Points based on scorecard for Financial Value up to R 50 000 000.00</th><th>Preference Points based on scorecard for Financial Value exceeding R 50 000 000.00</th></tr><tr><td>1</td><td>20</td><td>10</td></tr><tr><td>2</td><td>18</td><td>9</td></tr><tr><td>3</td><td>14</td><td>6</td></tr><tr><td>4</td><td>12</td><td>5</td></tr><tr><td>5</td><td>8</td><td>4</td></tr><tr><td>6</td><td>6</td><td>3</td></tr><tr><td>7</td><td>4</td><td>2</td></tr><tr><td>8</td><td>2</td><td>1</td></tr><tr><td>Non-compliant Contributor</td><td>0</td><td>0</td></tr></table> <p>Eligibility for preference points is subject to the following conditions:</p> <p>a) A tenderer's scorecard shall be based on the Sector Codes of Practice promulgated in Government Gazette 38766 of 6 May 2015 and in accordance with promulgation in Gazette 39703 on 17 February 2016; and</p> <p>b) The scorecard shall be submitted as a certificate attached to the relevant page of the Returnable Documents; and</p> <p>c) The certificate shall have been issued by</p> <p>i. a verification agency accredited by the South African National Accreditation System (SANAS) ; or</p> <p>ii. a registered auditor approved by the Independent Regulatory Board of Auditors (IRBA), in accordance with Government Notice 754 issued by the Department of Trade and Industry on 23 September 2011 under Government Gazette 34612;</p> <p>iii. Affidavit and</p> <p>d) The date of issue of the certificate must be less than 12 (twelve) months prior to the advertised tender closing date (see Tender Data F.2.15); and</p> <p>e) Compliance with any other information requested to be attached to the relevant page of the Returnable Documents; and</p> <p>f) If a tenderer has failed to submit an acceptable Verification Certificate, a period of 24 hours will be granted to re-submit a valid Verification Certificate; and</p> <p>g) Failure to submit any valid Verification Certificate will result in disqualification as the tender will not meet the pre-qualifying criteria.</p> <p>In the event of a Joint Venture (JV), a consolidated B-BBBEE Verification Certificate in the name of the JV shall be submitted.</p>	Status Level of Contributor	Preference Points based on scorecard for Financial Value up to R 50 000 000.00	Preference Points based on scorecard for Financial Value exceeding R 50 000 000.00	1	20	10	2	18	9	3	14	6	4	12	5	5	8	4	6	6	3	7	4	2	8	2	1	Non-compliant Contributor	0	0
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8	2	1																													
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Clause	Addition or Variation to Standard Conditions of Tender
3.12	<i>REPLACE THE CONTENTS OF THE CLAUSE WITH THE FOLLOWING:</i> "If requested by any Tenderer, submit for the Tenderers' information the policies or certificates of insurance (or both) which the conditions of contract identified in the Contract Data require the Employer to provide."
3.13.1	A Tender offer will only be accepted on condition that such acceptance is not prohibited in terms of the Municipal Supply Chain Management Regulations published in terms of the Municipal Finance Management Act, 2003.
3.18	The successful tenderer shall receive one copy of the signed contract.

END OF SECTION

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PART T1: TENDERING PROCEDURES

PART T1.3. STANDARD CONDITIONS OF TENDER

The Standard Conditions of Tender that shall govern, shall be the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity as published in CIDB Board Notice 136 of 2015 and as published in Government Gazette No 38960 of 10 July 2015 as amended and supplemented by the Tender Data in Part T1.2.

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, allegiance, or loyalty which would in any way affect any decisions taken.

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

F.1.2. Tender Documents

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

F.1.3. Interpretation

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

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

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

- 1) **conflict of interest** means any situation in which:
 - i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfil his or her duties impartially;
 - ii) an individual or organisation is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or

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- iii) Incompatibility or contradictory interests exist between an employee and the organisation which employs that employee.
- iv) comparative offer means the price after the factors of a non-firm price and all unconditional discounts it can be utilised to have been taken into consideration;
- 2) 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;
- 3) 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;
- 4) **organization** means a company, firm, enterprise, association, or other legal entity, whether incorporated or not, or a public body;
- 5) Functionality means the totality of features and characteristics of a product or service that bear on its ability to satisfy **stated** or implied needs.

F.1.4. Communication and employer's agent

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

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

F.1.5.1. An organ of state may, prior to the award of the tender, cancel a tender if-

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

F.1.5.2. The decision to cancel a tender must be published in the CIDB website and in the government Tender Bulletin for the media in which the original tender invitation was advertised.

F.1.6. Procurement procedures

F.1.6.1. General

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

F.1.6.2. Competitive negotiation procedure

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

F.1.6.2.2. All responsive tenderers, or not less than three responsive tenderers that are highest ranked in terms of the evaluation method and evaluation criteria stated in the tender data, shall be invited in each round to enter into competitive negotiations, based on the principle of equal treatment and keeping confidential the proposed solutions and associated information. Notwithstanding the provisions of F.2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental

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aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

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

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

F.1.6.3. Proposal procedure using the two stage-system.

F.1.6.3.1. Option 1

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

F.1.6.3.2. Option 2

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

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

F.2. Renderer's Obligations

F.2.1. Eligibility

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

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

F.2.2. Cost of tendering

F.2.2.1. Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer complies with requirements.

F.2.2.2. The cost of the tender documents charged by the employer shall be limited to the actual cost incurred by the employer for printing the documents. Employers must attempt to make available the tender documents on its website so as not to incur any costs pertaining to the printing of the tender documents.

F.2.3. Check documents

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

F.2.4. Confidentiality and copyright of documents

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

F.2.5. Reference documents

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

F.2.6. Acknowledge addenda

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

F.2.7. Clarification meeting

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

F.2.8. Seek clarification

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

F.2.9. Insurance

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

F.2.10. Pricing the tender offer

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

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

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

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

F.2.11. Alterations to documents

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

F.2.12. Alternative tender offers

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

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

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

F.2.13. Submitting a tender offer

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- F.2.13.1.** Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.
- F.2.13.2.** Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.
- F.2.13.3.** Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.
- F.2.13.4.** Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.
- F.2.13.5.** Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.
- F.2.13.6.** Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked -financial proposal and place the remaining returnable documents in an envelope marked -technical proposal. Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.
- F.2.13.7.** Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.
- F.2.13.8.** Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.
- F.2.13.9.** Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.
- F.2.14. Information and data to be completed in all respects**
- Accept that tender offers, which do not provide all the data or information requested completely and, in the form, required, may be regarded by the employer as nonresponsive.
- F.2.15. Closing time**
- F.2.15.1.** Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery.
- F.2.15.2.** Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.
- F.2.16. Tender offer validity**
- F.2.16.1.** Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.
- F.2.16.2.** If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.
- F.2.16.3.** Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted.

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

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F.2.17. Clarification of tender offer after submission

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

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

F.2.18. Provide other material

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

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 requests from the tenderer

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

F.3.1.2. Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

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

F.3.2. Issue Addenda

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

F.3.3. Return late tender offers

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

F.3.4. Opening of tender submissions

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

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

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

F.3.5. Two-envelope system

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

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

F.3.6. Non-disclosure

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

F.3.7. Grounds for rejection and disqualification

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

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F.3.8. Test for responsiveness

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

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

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

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

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

F.3.9. Arithmetical errors, omissions, and discrepancies

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

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

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

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

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

F.3.10. Clarification of a tender offer

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

F.3.11. Evaluation of tender offers

F.3.11.1. General

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

F.3.11.2. Method 1: Price and Preference In the case of a price and preference:

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

F.3.11.3. Method 2: Functionality, Price and Preference In the case of a functionality, price and preference:

1. Score functionality, rejecting all tender offers that fail to achieve the minimum number of points for functionality as stated in the Tender Data.
2. No tender must be regarded as an acceptable tender if it fails to achieve the minimum qualifying score for functionality as indicated in the tender invitation.
3. Tenders that have achieved the minimum qualification score for functionality must be evaluated further in terms of the preference points system prescribed in paragraphs 4 and 4 and 5 below.

The 80/20 preference point system for acquisition of services, works or goods up to Rand value of R50 million
F.3.11.4

4. (a)(i) The following formula must be used to calculate the points for price in respect of tenders(including price quotation) with a rand value equal to, or above R 30 000 and up to Rand value of R 50 000 000 (all applicable taxes included):

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

Where

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

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

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

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

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

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	16
4	12
5	8
6	6

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7	4
8	2
Non-compliant	0

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

(4)(d) The points scored by tender in respect of 8-BBEE contribution contemplated in subparagraph (4) (b) must be added to the points scored for price as calculated in accordance with subparagraph (4)(a).

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

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

(5)(d) The points scored by tender in respect of 8-BBEE contribution contemplated in subparagraph (5) (b) must be added to the points scored for price as calculated in accordance with subparagraph (5)(a).

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

F.3.11.6. Decimal places

Score financial offers, preferences and quality, as relevant, to two decimal places.

F.3.11.7. Scoring Financial Offers

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

$$NFO = W1 \times A$$

where: NFO is the number of tender evaluation points awarded for the financial offer.
W1 is the maximum possible number of tender evaluation points awarded for the financial offer as stated in the Tender Data.

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

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

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

F.3.11.8. Scoring preferences

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

Calculate the total number of tender evaluation points for preferences claimed in accordance with the provisions of the tender data.

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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:

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

where: S_Q is the score for quality allocated to the submission under consideration;
 M_S is the maximum possible score for quality in respect of a submission; and
 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, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,
- e) complies with the legal requirements, if any, stated in the tender data, and
- f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

F.3.14. Prepare contract documents

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

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

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

F.3.15. Complete adjudicator's contract

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

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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.

**END OF
SECTION**

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PORTION 1: TENDER

RETURNABLE DOCUMENTS AND SCHEDULES

PART T2.1. LIST OF RETURNABLE DOCUMENTS

Documents required for tender evaluation purposes.

The tenderer shall attach to this tender document in the form of a bind document the following documentation in the same order as follows:

A:	Invitation to Bid	MBD 1
B:	Declaration of Good Standing Regarding Tax	MBD 2
C:	Declaration of interest	MBD 4
D:	Preference points claim form	MDB 6.1
E:	Declaration of Bidder's Past Supply Chain Management Practices	MBD 8
F:	Certificate of independent Bid Determination	MBD 9
G:	Compulsory Enterprise Questionnaire	
H:	Central Supplier Database report (Not older than 3 months from closing date of this tender)	
I:	Certified copy of Certificate of Incorporation (if tenderer is a Company), Certified copy of Founding Statement (if tenderer is a Closed Corporation), Certified copy of Partnership Agreement (if tenderer is a Partnership), Certified copy of Identity Document (if tenderer is a One-man concern)	
J:	Tax Clearance Certificate or Tax Compliance Status Pin Issued.	
K:	Certified copy of Identification Document of Directors and/or Members.	
L:	Authority of Signatory	
M:	Certified copy of Certificate of Tenderer's Certified B-BBEE Status Level of Contributor	
N:	Certified copy of Professional Indemnity Insurance	
O:	Certified copy of COIDA Good Standing Certificate	
P:	Joint Venture Agreement (if the tenderer is a joint venture)	
Q:	Latest Municipal account not more than 90 days in arrears or copy of valid Lease Agreement (if renting)	
R:	Record of Addenda	
S:	Proposed Amendments and Qualifications	

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A. INVITATION TO BID (MBD 1)

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME: 12H00	
DESCRIPTION		APPOINTMENT OF A PANEL OF CONSULTING ENGINEERING SERVICE PROVIDERS FOR THE PROVISION OF PROFESSIONAL CIVIL ENGINEERING SERVICES IN PLANNING, DESIGN, DOCUMENTATION AND CONSTRUCTION SUPERVISION OF VARIOUS MUNICIPAL INFRASTRUCTURE PROJECTS FOR A PERIOD OF 3 YEARS			
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Siyancuma Local Municipality (Tender Box)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON			CONTACT PERSON		
TELEPHONE NUMBER 053 298 1810			TELEPHONE NUMBER		
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS			E-MAIL ADDRESS		
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER		CODE		NUMBER	
CELLPHONE NUMBER					
FACSIMILE NUMBER		CODE		NUMBER	
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS		TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No: MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE		TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	

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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?

☐ Yes

☐ No

DOES THE ENTITY HAVE A BRANCH IN THE RSA?

☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

☐ YES ☐ NO

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

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**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA .
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

.....

DATE:

.....

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B. DECLARATION OF GOOD STANDING REGARDING TAX (MBD 2)

MBD 2: TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

1. In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved; each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za. 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

.....
Signature

.....
Date

.....
Capacity

.....
Name of the Bidder

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C. DECLARATION OF INTEREST (MBD 4)

MBD 4: DECLARATION OF INTEREST

1.	No bid will be accepted from persons in the service of the state.	
2.	Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in the service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.	
3.	In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.	
3.1	Full Name of bidder or his/ her representative:	
3.2	Identity Number:	
3.3	Position occupied in the Company (director, trustee, shareholder2) :	
3.4	Company Registration Number:	
3.6	Tax Reference Number:	
3.6	VAT Registration Number:	
3.7	The names of all directors/ trustees I shareholders/ members, their individual identity numbers and state employee numbers (where applicable) must be indicated in paragraph 4 below.	
3.8	Are you presently in the service of the state?	YES/ NO
3.8.1	If yes, furnish particulars:	
	
<p>¹ MSCM Regulations: "in the service of the state" means to be -</p> <p>1. a member of-</p> <p style="margin-left: 40px;">i. any municipal council;</p> <p style="margin-left: 40px;">ii. any provincial legislature ; or</p> <p style="margin-left: 40px;">iii. the National Assembly or the National Council of Provinces;</p> <p>2. a member of the board of directors of any municipal entity;</p> <p>3. an official or any Municipality or municipal entity;</p> <p>4. 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);</p> <p>5. a member of the accounting authority of any national or provincial entity; or</p> <p>6. an employee of Parliament or a provincial legislature.</p> <p>² "Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercise control over the company.</p>		

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

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4. Full details of directors / trustees / members / shareholders		
Full Names	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of the Bidder

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D. PREFERENCE POINTS CLAIM FORM (MDB 6.1)

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:
(a) Price; and
(b) B-BBEE Status Level of Contributor.

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

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

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

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

1.7 Failure on the part of a bidder to fill in, sign this form and submit a 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 a Accounting Officer as contemplated in the Close Corporation Act (CCA), or a sworn affidavit (EME's and QSE's) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.8 If the contributor status level of a bidder changes after the closing date of the tender, the bidder must notify the municipality, as such a tender will not be eligible for any change in preference points, based on the change's status.

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2. DEFINITIONS

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

3. POINTS AWARDED FOR PRICE

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

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

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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

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

- 4.2 A bidder who qualifies as an EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.
- 4.3 A Bidder other than EME or QSE must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 4.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 4.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 4.6 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 4.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 4.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

5. BID DECLARATION

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

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

- 6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)

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

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7. SUB-CONTRACTING

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

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

(Tick applicable box)

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

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

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:

8.2 VAT registration number:

8.3 Company registration number:

8.4 TYPE OF COMPANY/ FIRM

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

[Tick applicable box]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

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8.6 COMPANY CLASSIFICATION

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

[Tick applicable box]

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:

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

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

- i. The information furnished is true and correct;
- ii. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv. if the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESS

1.

2.

.....
SIGNATURE(S) OF BIDDERS

DATE:

ADDRESS:

.....
.....
.....

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E. DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MBD 8)

**MBD 8: DECLARATION OF BIDDER'S
PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

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

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

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Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME):

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT.

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

.....
Signature

.....
Date

.....
Capacity

.....
Name of the Bidder

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F. CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9)

MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a pe se prohibition meaning that it cannot be justified under any grounds.
3. Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. takes all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
4. This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (MBD9) must be completed and submitted with the bid:

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

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

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CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD9)

I, the undersigned, in submitting the accompanying bid:

APPOINTMENT OF A PANEL OF CONSULTING ENGINEERING SERVICE PROVIDERS FOR THE PROVISION OF PROFESSIONAL CIVIL, MECHANICAL AND ELECTRICAL ENGINEERING SERVICES IN PLANNING, DESIGN, DOCUMENTATION AND CONSTRUCTION SUPERVISION OF VARIOUS MUNICIPAL INFRASTRUCTURE PROJECTS FOR A PERIOD OF 3 YEARS

(Bid Number and Description)

in response to the invitation for the bid made by:

Siyancuma LOCAL MUNICIPALITY

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

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

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

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f) bidding with the intention not to win the bid.

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

.....
Signature

.....
Date

.....
Capacity

.....
Name of the Bidder

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G. COMPULSORY ENTERPRISE QUESTIONNAIRE

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

Section 1: Name of enterprise:

Section 2: VAT registration number, if any:

Section 3: CIDB registration number, if any:

Section 4: Particulars of sole proprietors and partners in partnerships

Name*	Identity Number*	Personal Income Tax Number*

*Complete only if sole proprietor or partnership and attach separate page if more than 3 partners in partnership

Section 5: Particulars of companies and close corporations

Company registration number:

Close corporation number:

Tax reference number:

Section 6: Record in the service of the state

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

- | | |
|--|---|
| <input type="checkbox"/> a member of any municipal council | <input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999) |
| <input type="checkbox"/> a member of any provincial legislature | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity |
| <input type="checkbox"/> a member of the National Assembly or the National Council of Province | <input type="checkbox"/> an employee of Parliament or a provincial legislature |
| <input type="checkbox"/> a member of the board of directors of any municipal entity | |
| <input type="checkbox"/> an official of any municipality or municipal entity | |

If any of the above boxes are marked, disclose the following:

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 Months

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*Insert separate page if necessary

Section 7: Record of spouses, children and parents in the service of the state

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

- | | |
|--|---|
| <input type="checkbox"/> a member of any municipal council | <input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999) |
| <input type="checkbox"/> a member of any provincial legislature | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity |
| <input type="checkbox"/> a member of the National Assembly or the National Council of Province | <input type="checkbox"/> an employee of Parliament or a provincial legislature |
| <input type="checkbox"/> a member of the board of directors of any municipal entity | |
| <input type="checkbox"/> an official of any municipality or municipal entity | |

If any of the above boxes are marked, disclose the following:

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 Months

*Insert separate page if necessary

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

- authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears has within the last five years been convicted of fraud or corruption;
- confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

.....
Signature

.....
Date

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Capacity

Name of the Bidder

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**H. CENTRAL SUPPLIER DATABASE REPORT
(NOT OLDER THAN 3 MONTHS FROM CLOSING DATE OF THIS TENDER)**

Attach document to this page

.....
Signature

.....
Date

.....
Capacity

.....
Name of the Bidder

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- I. CERTIFIED COPY OF CERTIFICATE OF INCORPORATION (IF TENDERER IS A COMPANY), CERTIFIED COPY OF FOUNDING STATEMENT (IF TENDERER IS A CLOSED CORPORATION), CERTIFIED COPY OF PARTNERSHIP AGREEMENT (IF TENDERER IS A PARTNERSHIP), CERTIFIED COPY OF IDENTITY DOCUMENT (IF TENDERER IS A ONE-MAN CONCERN)**

Attach document to this page

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Signature

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Date

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Capacity

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Name of the Bidder

**SIYANCUMA
LOCAL MUNICIPALITY**

TENDER NO.: SIYA 03/2021: APPOINTMENT OF A PANEL OF CONSULTING ENGINEERING SERVICE PROVIDERS FOR THE PROVISION OF PROFESSIONAL CIVIL, MECHANICAL AND ELECTRICAL ENGINEERING SERVICES IN PLANNING, DESIGN, DOCUMENTATION AND CONSTRUCTION SUPERVISION OF VARIOUS MUNICIPAL INFRASTRUCTURE PROJECTS FOR A PERIOD OF 3 YEARS

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J. TAX CLEARANCE CERTIFICATE OR TAX COMPLIANCE STATUS PIN ISSUED.

Attach document to this page

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Signature

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Date

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Capacity

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Name of the Bidder

**SIYANCUMA
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K. CERTIFIED COPY OF IDENTIFICATION DOCUMENT OF DIRECTORS AND/OR MEMBERS.

Attach document to this page

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Signature

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Date

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Capacity

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Name of the Bidder

**SIYANCUMA
LOCAL MUNICIPALITY**

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L. AUTHORITY OF SIGNATORY (THIS DOCUMENT MUST BE COMPLETED AND A COPY OF THE AUTHORISED SIGNATORY MUST BE ATTACHED)

We, the undersigned, hereby authorize Mr / Mrs.....

acting in his/her capacity as of the business trading as
.....

to sign all documentation in connection with Tender

NAME OF MEMBERS / DIRECTORS	SIGNATURE	DATE

**SIYANCUMA
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M. CERTIFIED COPY OF CERTIFICATE OF TENDERER'S CERTIFIED B-BBEE STATUS LEVEL OF CONTRIBUTOR

Attach document to this page

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Signature

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Date

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Capacity

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Name of the Bidder

**SIYANCUMA
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N. CERTIFIED COPY OF PROFESSIONAL INDEMNITY INSURANCE

Attach document to this page

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Signature

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Date

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Capacity

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Name of the Bidder

**SIYANCUMA
LOCAL MUNICIPALITY**

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O. CERTIFIED COPY OF COIDA GOOD STANDING CERTIFICATE

Attach document to this page

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Signature

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Date

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Capacity

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Name of the Bidder

**SIYANCUMA
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P. JOINT VENTURE AGREEMENT (IF THE TENDERER IS A JOINT VENTURE)

Attach document to this page

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Signature

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Date

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Capacity

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Name of the Bidder

**SIYANCUMA
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Q. LATEST MUNICIPAL ACCOUNT NOT MORE THAN 90 DAYS IN ARREARS OR COPY OF VALID LEASE AGREEMENT (IF RENTING)

- a) Tenderers are required to submit a municipal account bearing the Tenderers Entity's name as proof of payment of municipal services which is not older than 3 months at the tender closure date and in case of a lease agreement, should not have expired.
- b) For Joint Ventures(JV), Tenderers are requested to submit Municipal Statements Account for each member of the JV and conditions of Lease agreement are stipulated below (c).
- c) Conditions for Lease agreement;
- i. In case tenderers lease office space from the landlord via the estate agency, tenderers are requested to submit the said lease agreement together with the Municipal Statement Account bearing the Name of the Lessor.
 - ii. The same Lessor's Company name and must appear on both the Lease Agreement and the Municipal Statement Account.
 - iii. The Lessee's Entity name must appear on the Lease Agreement.

d) Municipal Information:

Municipality where business is situated :

Registered Municipal Account Number :

Stand/Erf Number :

Name of Street :

Name of the Suburb :

Name of the City/Town :

Postal Code :

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Signature

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Date

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Capacity

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Name of the Bidder

**SIYANCUMA
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R. RECORD OF ADDENDA

We confirm that the following communications received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:

	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Attach additional pages if more space is required.

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Signature

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Date

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Capacity

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Name of the Bidder

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S. PROPOSED AMENDMENTS AND QUALIFICATIONS

The Tenderer should record any deviations or qualifications he may wish to make to the tender documents in this Returnable Schedule. Alternatively, a tenderer may state such deviations and qualifications in a covering letter to his tender and reference such letter in this schedule.

The Tenderer's attention is drawn to clause 5.8 of SANS 10845-3 regarding the employer's handling of material deviations and qualifications.

Page	Clause or Item	Proposal

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Signature

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Date

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Capacity

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Name of the Bidder

**SIYANCUMA
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PORTION 1: TENDER

PART T2: RETURNABLE DOCUMENTS AND SCHEDULES

PART T2.2. RETURNABLE SCHEDULES

The tenderer must complete the following returnable schedules.

The documents and schedules the tenderer shall submit with the tender shall include, but not be limited to those set out below.

Documents that will become part of the Contract:

T2.2.1 SCHEDULE 1: EXPERIENCE OF THE TENDERER

T2.2.2 SCHEDULE 2: EXPERIENCE OF KEY PERSONNEL

T2.2.3 SCHEDULE 3: APPROACH PAPER

**SIYANCUMA
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T2.2.1. SCHEDULE 1: EXPERIENCE OF THE TENDERER

The experience of the tenderer as a company (as opposed to key staff members) in providing professional engineering services in Public sector and Local government space over the last 10 years from the date of tender advert.

The project chosen for referencing should be for work done only in the Public sector and Local government space. Tenderers shall submit reference letters from the employer for the projects successfully completed. The projects should be within previous 10 years period from the date of tender advert.

Tenderers should briefly describe his or her experience in this regard, emphasising the nature of the works and complexity and attach this to this schedule.

The description should be put in tabular form with the following headings:

Employer, Contact Person and Telephone Number, where available	Description of Project Nature and Location	Construct Value of the Project Inclusive of VAT (Rand)	Date	
			Start	Completion (Actual)

The scoring of the tenderer's experience will be as follows:

1. Water & Sanitation:

- 1.1. Traceable letter of appointment or reference letter for completed projects in water and sanitation sector. This experience must only relate to instance where the tenderer acted as the main/principal consultant. One letter on client's letterhead per project completed in water and sanitation sector. 2 points to be awarded per letter per project. **10 points**
- 1.2. Highest value (Professional fees) of project completed in in the Public or Local Government Space **10 points**
- | | | | | |
|----|---|-----------------|---|-----------|
| a) | < | R1 Million | = | 1 point |
| b) | ≥ | R1 M but < R3 M | = | 4 points |
| c) | ≥ | R3 M but < R5 M | = | 7 points |
| d) | ≥ | R 5 M | = | 10 points |

2. Roads & Stormwater:

- 2.1. Traceable letter of appointment or reference letter for completed project in roads and stormwater sector. This experience must only relate to instance where the tenderer acted as the main/principal consultant. One letter on client's letterhead per project completed in roads and stormwater sector. 2 points to be awarded per letter per project. **10 points**
- 2.2. Highest value of project completed in in the Public or Local Government Space **10 points**
- | | | | | |
|----|---|-----------------|---|-----------|
| a) | < | R1 Million | = | 1 point |
| b) | ≥ | R1 M but < R3 M | = | 4 points |
| c) | ≥ | R3 M but < R5 M | = | 7 points |
| d) | ≥ | R 5 M | = | 10 points |

Total **40 points**

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

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Signature

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Date

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Capacity

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Name of the Bidder

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T2.2.2. SCHEDULE 2: EXPERIENCE OF KEY PERSONNEL

The experience of all the key personnel will be evaluated in relation to their respective academic and professional qualifications and experience (as explained herein in this schedule) on projects having scope of work relevant to this project and positions proposed by the tenderer.

For ease of evaluation, the tenderer must cover the following minimum items highlighted below on the CV template.

(NB: The CV must not be more than 3 pages.)

Proposed Position:	Phone:
Years with the Firm:	Cell:
Mailing Address:	E-mail:
	ID No.:

NAME:	
Nationality:	
Education:	
Computer Skills:	
Professional Membership:	Membership #:
Experience	

<u>IN SOUTH AFRICA</u>	
Duration:	Organization
From (mm/yyyy)	(belongs to):
To (mm/yyyy)	
	Project Name:
	Client:
	Project Value:
Position:	
Responsibilities / Work Done:	

<u>IN OTHER COUNTRIES</u>	
Duration:	Organization
From (mm/yyyy)	(belongs to):
To (mm/yyyy)	
	Project Name:
	Client:
	Project Value:
Position:	
Responsibilities / Work Done:	

Consent:	<p>I do hereby offer my full consent to work in the project titled as 'appointment of panel of professional service providers that specializes in civil engineering for the provision of professional engineering services on various municipal infrastructure projects for a period of 3 years' with the Tenderer named as</p> <hr/> <p>I also confirm that I have not offered and will not offer my consent to any other Tenderer to work for any other project till the expiry of the validity of the proposal or the award of the contract whichever is later. However, if the above-mentioned Tenderer is successful in winning this contract, I shall be available for the full duration of the contract or for the full period of my input to the project whichever will be applicable for me.</p> <p>Signature: _____ Date: _____</p>
-----------------	--

Enclosure:	<ol style="list-style-type: none">1. Certificates of academic qualifications2. Certificate of Professional registration
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The CV of individuals will be used for evaluation for each of the personnel for this section.

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The scoring of the personnel will be as below:

40 points

(Team Leader= 20; Professionals= 20)

A. Team Leader – 1 [Total: 20 Points]
(Please note the Team leader can only be used for the one role)

- | | | |
|----|--|-----------------|
| 1) | Qualifications | 5 points |
| | a) Degree (BSc / B Tech in Civil Engineering) | = 3 points |
| | b) Honours in Civil Engineering | = 4 points |
| | c) Master's in Civil Engineering | = 5 points |
| 2) | Professional Registration | 5 points |
| | a) Pr. Eng / Pr Tech Eng | = 5 points |
| 3) | Years of relevant work experience (as described in Schedule 1 above) | 5 points |
| | a) Below 5 years | = 0 points |
| | b) 5 to below 7 years | = 3 points |
| | c) 7 to below 10 years | = 4 points |
| | d) 10 years and above | = 5 points |
| 4) | Highest Value (Project Professional Fees) of a completed Civil Engineering single project as Team / Project Leader | 5 points |
| | a) Below R 1 Million | = 1 point |
| | b) R 1 Million to below R 2 Million | = 2 points |
| | c) R 3 Million to below R 5 Million | = 3 points |
| | d) R 5 Million and above | = 5 points |

B. Support Professionals – 4 [Total: 20 Points]
The support engineers and professionals with the following expertise are required:

- Civil Engineer X 2
- Electrical Engineer
- Mechanical Engineer

They must be professionally registered with the appropriate registration body (Engineers/Technologists - ECSA) and must attach proof of registration.

The scoring of the experience of support professionals will be as follows:

Each professional will be scored separately. Then the scores will be averaged. One person will be scored per discipline.

- | | | |
|----|--|------------------|
| 1) | Qualifications | 5 points |
| | a) Degree (BSc / B Tech in Civil Engineering) | = 3 points |
| | b) Honours in Civil Engineering | = 4 points |
| | c) Master's in Civil Engineering | = 5 points |
| 2) | Professional Registration | 5 points |
| | a) Pr. Eng / Pr Tech Eng | = 5 points |
| 3) | Years of relevant work experience (as described in Schedule 1 above) | 10 points |
| | a) Below 5 years | = 0 points |
| | b) 5 to below 7 years | = 3 points |
| | c) 7 to below 10 years | = 4 points |
| | d) 10 years and above | = 5 points |

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Total

40 points

Note: It should be noted that the tendering entity must ensure that they have in their team the following resources, even though these resources will not be considered for evaluation purposes:

- Construction Project Manager
- Junior Engineer
- GIS Support
- CAD Operator
- Office Support

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

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Signature

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Date

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Capacity

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Name of the Bidder

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T2.2.3. SCHEDULE 3: APPROACH PAPER

The approach paper must respond to the scope of work (reference: C3 Scope of work), the nature of the contract, the main option that has been selected for the contract and outline the proposed approach / methodology including that relating to the controlling programming and management of sub consultants in relation to the works that may be provided over the term of the contract. The approach paper as such needs to:

Table of Contents: Listing of contents of the approach paper with page numbers and/ references to annexures (if any);

Executive Summary: A brief summary of the whole contents of the approach paper;

Approach: Detailed approach that the tenderer feels best to deliver the intended services for the Project with identification of tasks, for each of the activities/ deliverables as have been foreseen in 'Part C3. Scope of work', detailing at least the following:

- 1) Understating of Project Scope
- 2) Methodology to be adopted; including generic Project implementation schedule for the services as given in scope of work (Activity, task and sub-task wise to achieve the deliverables); Organogram for the proposed project team and their responsibilities;
- 3) Identified project implementation Risks and Risk Management proposal;
- 4) Quality control mechanism to be adopted for project deliverables;
- 5) Stakeholder identification, management and reporting mechanism to be followed.

Evaluating Point	Assessment Criteria	Maximum allocated point(s)
Approach Paper		20 Points
Understanding of Project Scope	Demonstration of clear understanding of Project objectives (2), scope and deliverables with timeframes (3). Adequacy and appropriateness will be assessed.	5 points
Methodology	Program knowledge, informative appropriateness of proposed approach/implementation (3) and presentation and organogram of team (1) including outline approach to be used when working with for sub- consultants (1)	5 points
Project implementation Risks and Risk Management	Adequacy of understanding of project risks (1.5) and appropriateness of proposed mitigation measures (1.5)	3 points
Quality Control and Quality Assurance mechanism to be adopted	Appropriateness and adequacy of tools (2) and processes (2.) to ensure quality control and assurance in all phases of the project.	4 points
Stakeholder management and reporting	Adequate description of how stakeholders will be managed including but not limited to identification of the stakeholders (1.5). Indicate appropriate reporting requirement and summary of content (1.5).	3 points

Total

20 points

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

.....
Signature

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Date

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Capacity

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Name of the Bidder

END OF SECTION

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PORTION 2: CONTRACT

PART C1. AGREEMENTS AND CONTRACT DATA

PART C1.1. : FORM OF OFFER AND ACCEPTANCE

**SIYANCUMA
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PART C1.1: FORM OF OFFER AND ACCEPTANCE

OFFER

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract in respect of the following works:

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The Tenderer, identified in the Offer signature block below, has examined the documents listed in the Tender Data and addenda thereto as listed in the Tender Schedules, and by submitting this Offer has accepted the Conditions of Tender.

By the representative of the Tenderer, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance, the Tenderer offers to perform all of the obligations and liabilities of the Contractor under the Contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the Conditions of Contract identified in the Contract Data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:

Rand

..... (in words);

R (in figures).

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 bidder before the end of the period of validity stated in the bid data, whereupon the bidder becomes the party named as the service provider in the conditions of contract identified in the contract data.

Signature

Name

Capacity

for the bidder
(Name and
address of
organization)

Name and signature Date

of witness

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ACCEPTANCE

By signing this part of this form of offer and acceptance, the employer identified below accepts the bidder's offer. In consideration thereof, the employer shall pay the service provider 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 T1: Tendering Procedures
Part T2: Returnable Documents and Schedules
Part C1: Agreement and contract data, (which includes this agreement)
Part C2: Pricing Data
Part C3: Scope of Work

and drawings and documents or parts thereof, which may be incorporated by reference into Parts T1 and T2, and C1 to C3 above.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender 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 attached to and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule.

The bidder shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the employer's representative (whose details are given in the contract data) to arrange the delivery of any 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 bidder receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer (now Contractor) 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.

Signature

Name

Capacity

for the Employer

Siyncuma LOCAL MUNICIPALITY
97 Oranje Street
Groblorhoop
8850

Name and signature
of witness

Date

**SIYANCUMA
LOCAL MUNICIPALITY**

TENDER NO.: SIYA 03/2021: APPOINTMENT OF A PANEL OF CONSULTING ENGINEERING SERVICE PROVIDERS FOR THE PROVISION OF PROFESSIONAL CIVIL, MECHANICAL AND ELECTRICAL ENGINEERING SERVICES IN PLANNING, DESIGN, DOCUMENTATION AND CONSTRUCTION SUPERVISION OF VARIOUS MUNICIPAL INFRASTRUCTURE PROJECTS FOR A PERIOD OF 3 YEARS

SCHEDULE OF DEVIATIONS

Notes:

1. The extent of deviations from the tender documents issued by the Employer prior to the tender closing date is limited to those permitted in terms of the Conditions of Tender.
2. A Tenderer's covering letter shall not be included in the final contract document. Should any matter in such letter, which constitutes a deviation as aforesaid become the subject of agreements reached during the process of, offer and acceptance, the outcome of such agreement shall be recorded here.
3. Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the tender documents and which it is agreed by the Parties becomes an obligation of the contract shall also be recorded here.
4. Any change or addition to the tender documents arising from the above agreements and recorded here, shall also be incorporated into the final draft of the Contract.
- 4.1. Subject
Details
- 4.2. Subject
Details
- 4.3. Subject
Details
- 4.4. Subject
Details
- 4.5. Subject
Details

By the duly authorized representatives signing this agreement, the employer and the bidder agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the tender data and addenda thereto as listed in the bid schedules, as well as any confirmation, clarification or changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the tenderer of a completed signed copy of this agreement shall have any meaning or effect in the contract between the parties arising from this agreement.

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FOR THE BIDDER:

Signature

Name

Capacity

for the bidder

(Name and
address of
organization)

Name and signature Date

of witness

FOR THE EMPLOYER:

Signature

Name

Capacity

for the Employer

Siyancuma LOCAL MUNICIPALITY

97 Oranje Street

Groblerhoop

8850

Name and signature Date

of witness

END OF SECTION

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PORTION 2: CONTRACT

PART C1: AGREEMENTS AND CONTRACT DATA

PART C1.2. CONTRACT DATA

Part 1: Contract Data provided by the Employer

Schedule of Contract Documents

1. The General Conditions of contract are the **Standard Professional Services Contract (July 2009)(Third Edition of CIDB document 1014)**, published by the Construction Industry Development Board <http://www.cidb.org.za/publications/Pages/Procurement-Documents-templates-and-Guidelines.aspx>. Government Gazette No 39480, 4 December 2015: Guideline Scope of Services and Tariff of Fees for Persons Registered In Terms of the Engineering Profession Act, 2000, (Act No 46 of 2000): Board Notice 138 of 2015, applicable from 1 January 2016. <http://www.ecsa.co.za/RegulationDocs/Guideline Fees 2016.pdf>
2. Standard for Infrastructure Procurement and Delivery Management First Edition October 2015 <http://www.treasury.gov.za/legislation/pfma/TreasuryInstruction/Annexure0A-0Standard for Infrastructure Procurement and Delivery Management.pdf>
3. This Tender document PCE01/2021

GENERAL CONDITIONS OF CONTRACT

The general conditions of Contract are the standard **Professional Services Contract (July 2009) (third Edition of CIDB document 1014)**, published by the Construction Industry Development Board. Copies of these General Conditions of Contract may be obtained from the Construction Industry Development Board's website under Standard Documents of the page: <http://www.cidb.org.za/publications/Pages/Procurement-Documents-templates-and-Guidelines.aspx>.

Copies of the General Conditions of Contract are also available for inspection and security at the offices of the Employer.

The General Conditions of Contract make several references to the Contract Data for specific data, which together with the standard contract collectively describe the risks, liabilities and obligations of the contracting parties and the procedure for the administration of the Contract. The Contract Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the General Conditions of Contract.

The General Conditions of contract shall be read in conjunction with the variations, amendments and additions set out in the Contract Specific Data below. Each item of Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the General Conditions of Contract.

The General Conditions of contract shall be read in conjunction with the variations, amendments and additions set out in the Contract Specific Data below. Each item of data given below is cross-referenced to the clause in the General Condition to which it mainly applies.

CONTRACT SPECIFIC DATA

The following contract specific data is applicable to this Contract:

The **Employer** is the **Siyancuma LOCAL MUNICIPALITY**.

Clause 3.4 and Clause 4.3.5:

Add the following:

The authorized and designated representative of the Employer is the:
MUNICIPAL MANAGER / ADMINISTRATOR.

The address for receipt of communications is:

Telephone: (054) 833 9500

Postal Address: Private Bag x2
Groblerhoop

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8850

The project is the **APPOINTMENT OF A PANEL OF CONSULTING ENGINEERING SERVICE PROVIDERS FOR THE PROVISION OF PROFESSIONAL CIVIL ENGINEERING SERVICES IN PLANNING, DESIGN, DOCUMENTATION AND CONSTRUCTION SUPERVISION OF VARIOUS MUNICIPAL INFRASTRUCTURE PROJECTS FOR A PERIOD OF 3 YEARS**

Clause 3.14

And the following:

The programme shall be submitted with **14** days after required by the Client.

Clause 5.3

Refer to Clause 3.4

Clause 5.4.1:

Add the following:

The Service Provider is required to take out and maintain, for the full duration of the performance of this contract, the following insurance cover:

1. Professional Indemnity Insurance providing cover in an amount of not less R 10 000 000 in respect of each and every claim during the period of insurance.
2. Public Liability Insurance with a limit of indemnity of not less than R 10 000 000 for any single claim, the number of claims to be unlimited during the contract period.
3. This indemnity cover is applicable for tender purposes and the minimum professional indemnity insurance cover in respect of services rendered will be required.
4. Insurance in terms of the provisions of the Compensation for Occupational Injuries and Diseases (COID) Act, Act No 130 of 1993.

The service provider shall ensure that any subcontractors engaged in construction activities shall, in addition to the Public Liability and COID Insurance as described above, also take out and maintain contractors all risks insurance to the value of the work being undertaken.

Clause 5.5

Add the following:

The service Provider is required to obtain the Employer's prior approval in writing before taking any of the following actions:

1. Replacing any of the key personnel listed at the time of tender.
2. Appointing construction monitoring staff with respect to any construction contract arising out of this **APPOINTMENT OF A PANEL OF CONSULTING ENGINEERING SERVICE PROVIDERS FOR THE PROVISION OF PROFESSIONAL CIVIL ENGINEERING SERVICES IN PLANNING, DESIGN, DOCUMENTATION AND CONSTRUCTION SUPERVISION OF VARIOUS MUNICIPAL INFRASTRUCTURE PROJECTS FOR A PERIOD OF 3 YEARS** contract.
3. Occupying any public land or facility for any purpose that will cause disruption and or inconvenience to the users of such land or facility.

Clause 8.1:

Add the following:

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The time to commence the performance of the Services is within 14 days after required by the client to proceed with the project.

Clause 8.4.1

Add the following:

(f) If, as a result of a budget adjustment process, it becomes necessary to change the funding allocation for the contract.

Clause 8.7 Duration of Contract

The duration of the contract shall be 36 months from the date of appointment and will extend until the completion of all projects and instructions that were issued or emanated during this 36-month period.

Clause 9.1:

Copyrights of documents prepared for the project shall be vested with the **Employer. Clause 12.1.2:**

Add the following:

Interim settlement of disputes is to be by **Adjudication**. If the parties disagree with any decision of the Adjudicator the matter will be referred to arbitration

12.2.1

Add the following:

In the event that the parties fail to agree on Adjudication will be nominated by the President of the South African Institute of Civil Engineers.

Part 2: Data provided by the Service Provider

The **Service Provider** is :

Postal Address :

.....

.....

Physical Address :

.....

Telephone :

Facsimile :

The **authorized and designated representative** of the Service Provider is:

Name :

The address for receipt of communication is:

Address :

.....

Telephone :

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Facsimile :

SIGNED ON BEHALF OF BIDDER:

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PORTION 2: CONTRACT

PART C2. : PRICING DATA

PART C2.1. : PRICING INSTRUCTIONS

1. GENERAL

These pricing instructions provide the Tenderer with guidelines and requirements with regard to the completion of the Bill of Quantities. These pricing instructions also describe the criteria and assumptions which will be assumed in the Contract to have been taken into account by the Tenderer when developing his prices.

2. PAY SCHEDULE

These pricing instructions provide the Tenderer with guidelines and requirements with regard to the completion of the Bill of Quantities. These pricing instructions also describe the criteria and assumptions which will be assumed in the Contract to have been taken into account by the Tenderer when developing his prices.

3. ACTIVITY SCHEDULES

The Project-Cost based fee shall be calculated according to the Government Gazette No 39480, 4 December 2015: Guideline Scope of Services and Tariff of Fees for Persons Registered in Terms of the Engineering Profession Act, 2000, (Act No 46 of 2000): Board Notice 138 OF 2015, applicable from 1 January 2016 item 4.3: Project-Cost Based Fees.

Any other work that cannot be involved against fees for normal services will be done on a time and cost basis in accordance with time based free rates as published in BOARD NOTICE 138 OF 2015 in the Government Gazette No 39480, December 2015, clause 4.2.

4. ADJUSTMENT FOR COST OF WORKS.

As the cost of works decreases or increases the percentage fee should be adjusted up or down, generally in accordance with the guideline provided below in **Figure 4-1**.

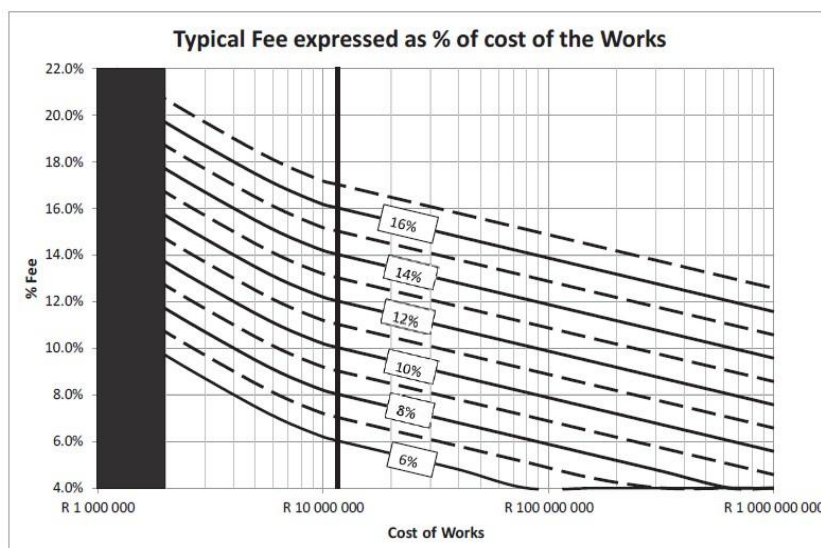


Figure 4-1: Adjustment for Cost of works with value > R11.5m [% Fee = (FeeCat+16.3%) – 0.023Log(Cost of Works)] (Min 4%)

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The Cost of Category of Works will be based on clause 4.3.2 Fee Range for Projects Categories, Table 4-5 of the Guideline Scope of Services and Tariff of Fees for Persons registered in terms of the Engineering Profession Act, 2000, (Act No. 46 of 2000), BOARD NOTICE 138 of 2015 based on a R 11,5 million cost of works.

The upper and lower limits of Figure 4-1 from Guideline Scope of Services and Tariff of Fees for Persons registered in terms of the Engineering Profession Act, 2000, (Act No. 46 of 2000), BOARD NOTICE 138 of 2015 must be taken as a guideline.

Table 4-5: Guideline Fee for difference Project Categories for a R 11.5 million works value

Fee Category	Typical Lower Limit		Typical Upper Limit
	Based on a R 11.5 million works value		
A	6.0%	to	8.0%
B	7.0%	to	9.0%
C	8.0%	to	10.0%
D	9.0%	to	11.0%
E	10.0%	to	13.0%
F	12.0%	to	15.0%
G	13.0%	to	17.0%
M	2.0%	to	4.0%
N	Not appropriate to estimate fees based in cost of works		

The Actual Fee can be obtained from the equations:

Projects > R11,5 million: $F_a = 2,374 \times \log C_a + F_c$

Where ($C_a \geq R11,5$ million and $F_a = \geq 4\%$)

Projects > R11,5 million: $F_a = 5,453 - 5,141 \times C_a + F_c$

Where ($C_a \geq R11,5$ million and $C_a \geq R2$ million)

Where:

C_a = Category of Work Cost (11.5m)

C_a = Actual Cost of Work (Rm)

F_c = Category Fee (%) per Category of Work

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Fa= Actual Fee (average of upper and lower limit in%) per Category of Work

The sum of the Cost of all Categories of works will be the cost of Works done against a construction contract.

In case of an annual contract the Cost the cost of works will be the work done against a contract in one financial year and based on the municipal budget per year which can accumulate every year depending on the budget.

Construction monitoring tariff shall be based on Clause 4.4 item 2(a)(i) (BOARD NOTICE 138 of 2015 in the Government Gazette No 39480, 4 December 2015)

The Client shall reimburse the Consulting Engineer for printing, copying, compiling and binding of documents incurred by himself in performing his duties as follows:

Recoverable Expenses (Disbursements undertaken by Consultant himself)	Rands (Excluding VAT)	
Printing single sided: Paper size A1 sheets	Black & White	R 20.00
Printing single sided: Paper size A2 sheets	Black & White	R 15.00
Printing/Copying single sided: Paper size A3 pages (reports and tender documents or books of drawings)	Black & White	R 2.00
	Colour Prints	R 13.50
	Colour Paper (Black & White)	R 3.00
Typing of Original / Master per A4		R 22.00
CD with Bill of Quantities (Each)		R 35.00
Printing/Copying single sided: Paper size A4 pages (reports and tender documents)	Black & White	R 0.65
	Colour Prints	R 1.70
	Colour Paper (Black & White)	R 8.00
Compiling and binding od documents: A3 Size with multi-colour cover pages	Cover	R 18.00
	Ring Bind (38mm)	R 20.00
	Staple & Tape	R 33.00
Compiling and binding od documents: A4 Size with multi-colour cover pages	Cover	R 8.00
	Ring Bind (38mm)	R 20.00

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	Staple & Tape	R	27.00
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The Client shall reimburse the Consulting Engineer for travelling expenses incurred by himself and his staff in performing his duties as follows:

- a. Will be reimbursing for actual kilometre travelling and rates per kilometre to be in accordance with AA rates.

5. Payment and monthly reporting

When submitting interim certificate, no payment can be made before the Services Provider is registered as a vendor on the Employer's system.

The service provider shall submit payment certificates for all work rendered in the Employer's financial year within that specific year.

The service provider shall submit and update on a monthly basis a cash flow forecast for the remuneration of the full service to be rendered.

END OF SECTION

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PORTION 2: CONTRACT

PART C2: PRICING DATA

PART C2.2. : BILL OF QUANTITIES

No price to be offered. Appointed Service Provider will be reimbursed in accordance with Guideline Scope of Services and Tariff of Fees for Persons registered in terms of the Engineering Profession Act, 2000, (Act No. 46 of 2000), BOARD NOTICE 138 of 2015

END OF SECTION

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PORTION 2: CONTRACT

PART C3. SCOPE OF WORK

PART C3.1. : DESCRIPTION OF THE WORKS

C3.1 DESCRIPTION OF THE SERVICES

1.1. Employers objectives

Siyancuma Local Municipality's objective is to put in place a panel for Professional Service Providers (PSP's) from proven experienced, qualified companies to render Water and Sanitation professional services on an as-and-when required basis for a period of 3 years on projects.

The municipality aims to achieve this objective through establishing a panel for Professional Service Providers Siyancuma will accelerate service delivery and also secure the services of pool of qualified professionals to serve the needs and requirements for commonly encountered professional services whenever such services are required.

1.2. Overview of the Works

Implementation of the Works will predominantly be the provision of professional engineering services to investigate, design, develop, document, assist in procuring a necessary construction, bulk supply upgrading and service connections, monitoring and validation of the project.

The scope of services for Professional Services will be subjected to Guideline for Services and Processes for Estimating Fees for Persons Registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000) as published by the Engineering Council of South Africa.

A. PLANNING, STUDIES, INVESTIGATIONS AND ASSESSMENTS

- (1) Consultation with the client or client's authorized representative.
- (2) Inspection of the site of the project.
- (3) Preliminary investigation, route location, planning and a level of design appropriate to allow decisions on project feasibility and the selection of the most desirable project option.
- (4) Assessments of existing built environment elements with a view to informing the project options, the scope of work and how to refurbish and/or integrate new works with existing works
- (5) Consultation with authorities having rights or powers of sanctions.
- (6) Advice the client on regulatory and statutory requirements, including environmental management and the need for surveys, analyses, tests and site or other investigations, as well as approvals, where such are required for the compilation of the report, and arranging for these to be carried out at the client's expense.
- (7) Searching for, obtaining, investigating and collecting available data, drawings and plans relating to the works.
- (8) Investigating financial and economic implications relating to the proposals or feasibility studies.

Deliverables will typically include:

- Collation of information.
- Reports on technical and financial feasibility and related implications.
- List of consents and approvals.
- Schedule of required surveys, tests, analyses, site and other investigations.

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B. NORMAL SERVICES

The stages listed below are the engineering services required to take the project through to successful completion of construction and are included as Normal Services.

Stage 1: Inception relates to

- (1) Assist in developing a clear project brief.
- (2) Attend project initiation meetings.
- (3) Advise on procurement policy for the project.
- (4) Advise on rights, constraints, consents and approvals.
- (5) Define the scope of services and scope of work required.
- (6) Conclude the terms of the agreement with the client.
- (7) Inspect the site and advise on the necessary surveys, analyses, tests and site or other investigations where such information will be required for Stage 2 including the availability and location of infrastructure and services.
- (8) Determine the availability of data, drawings and plans relating to the project.
- (9) Advise on criteria that could influence the project life cycle cost significantly.
- (10) Provide necessary information within the agreed scope of the project to other consultants involved.

Deliverables will typically include:

- Collation of information.
- Reports on technical and financial feasibility and related implications.
- List of consents and approvals.
- Schedule of required surveys, tests, analyses, site and other investigations.
- Agreed scope of services and scope of work.
- Signed agreement.
- Report on project, site and functional requirements

Stage 2: Concept and Viability, relates to:

- (1) Establish the concept design criteria.
- (2) Prepare initial concept design and related documentation.
- (3) Advise the client regarding further surveys, analyses, tests and investigations, which may be required.
- (4) Establish regulatory authorities' requirements and incorporate into the design.
- (5) Refine and assess the concept design to ensure conformance with all regulatory requirements and consents.
- (6) Establish access, utilities, services and connections required for the design.
- (7) Prepare process designs (where required), preliminary designs, and related documentation for approval by authorities and client and suitable for costing.
- (8) Provide cost estimates and life cycle costs as required.
- (9) Liaise, co-operate and provide necessary information to the client.
- (10) Present the preliminary design to the client (technical team) for approval and acceptance.

Deliverables will typically include:

- Concept/Preliminary design.
- Schedule of required surveys, tests and other investigations and related reports.
- Process design.
- Cost estimates as required.

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Stage 3: Design development, relates to:

- (1) Incorporate client's and authorities detailed requirements into the design.
- (2) Prepare design development drawings including draft technical details and specifications.
- (3) Outline specification and exercise cost control.
- (4) Prepare detailed estimates of design cost.
- (5) Submit the necessary design documentation to local and other authorities for review and approval.

Typical deliverables will include:

- Design development drawings.
- Outline specifications.
- Local and other authority submission drawings and reports.
- Detailed estimates of design costs.

The appointed PSP shall develop and provide the detailed final design report as provided herein below.

Type of Submission	QTY	Medium of Submission	Design Stage	Composition of Distribution
Hardcopy	2	Print	Design development	X1: Employers representative X 1: Site Copy
	1		Final Stage	Databook File copy: Note: At this stage, the "Updated" design report would have updates that factored in any changes that would have had material change to the design report released during the feasibility stage.
Softcopy (pdf)	1	Compact disc (CD) and e-mail/ Portal	Final Stage	Databook File copy and digital footprint copy.

The appointed PSP shall develop and release a detailed final design report for review/acceptance and final adoption for project implementation that shall include, but not limited to the submission of the design drawings, plan layouts, schematics, etc., per study phase as listed below:

I. Pre-feasibility Stage:

The appointed PSP shall ensure that each of the plans forms part of the annexure of the commissioned feasibility study report, and the remaining quantity of plans are printed and provided as stand-alone plans.

II. Design Stage:

The appointed PSP shall ensure that each of the plans forms part of the annexure of the final design report, and the remaining quantity of plans are printed and provided as stand-alone plans.

III. Final Stage:

The appointed PSP shall ensure that each of the plans forms part of the annexure of the **"updated"** final design report, and the remaining quantity of plans are printed and provided as stand-alone plans. The appointed PSP shall develop and update a drawing register throughout the project life cycle.

Upon successful delivery of a design report study, the appointed PSP will be responsible for the development of tender documentation to enable the appointment of a contractor for the execution of the Works.

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Stage 4: Documentation and Procurement relates to:

- (1) Prepare specifications and preambles for the works.
- (2) Accommodate services design.
- (3) Check cost estimates and adjust designs and documents if necessary, to remain within budget.
- (4) Prepare documentation for contractor procurement.
- (5) Review designs, drawings and schedules for compliance with approved budget.
- (6) Assist in calling for tenders and / or negotiation of prices.
- (7) Assist in the evaluation of tenders.
- (8) Assist with the preparation of contract documentation for signature.
- (9) Assess samples and products for compliance and design intent.

Typical deliverables will include:

- Specifications.
- Services co-ordination.
- Working drawings.
- Budget design cost.
- Tender documentation.
- Tender evaluation report.
- Tender recommendations.
- Priced contract documentation.

Documentation and Procurement stage relates to development and preparation of the Tender documentation and the procurement of a Contractor to implement the project construction scope.

The appointed PSP shall develop and prepare tender documentation for the appointment of a Construction contractor and shall after receiving tenders from the contractors or suppliers evaluate the tenderers submissions.

The appointed PSP shall submit an evaluation report to the Employer/employers representative with the preferred tenderer for review/acceptance to enable the Employer to appoint or reject submissions.

Stage 5: Contractor Administration and Inspection relates to:

- (1) Attend site handover.
- (2) Issue Design documentation in accordance with the documentation schedule including, in the case of structural engineering, reinforcing bending schedules and detailing and specifications of structural steel sections and connections.
- (3) Carry out contract administration procedures in terms of the contract.
- (4) Prepare schedules of predicted cash flow.
- (5) Prepare proactive estimates of proposed variations for client decision making.
- (6) Attend regular site, technical and progress meetings.
- (7) Review the Contractor's quality control programme, advise and agree a quality assurance plan.
- (8) Inspect the works for quality and conformity to contract documentation, on average once every 2 weeks during the course of the construction works .
- (9) Review the outputs of quality assurance procedures and advise the contractor and client on the adequacy and need for additional controls, inspections, and testing.
- (10) Adjudicate and resolve financial claims by contractor(s).
- (11) Assist in the resolution of contractual claims by the contractor.
- (12) Establish and maintain a financial control system.
- (13) Clarify details and descriptions during DESIGN as required.
- (14) Prepare valuations for payment certificates to be issued.
- (15) Witness and review of all tests and mock-ups carried out both on and off site.
- (16) Check and approve contractor drawings for design.
- (17) Update and issue drawings register.
- (18) Issue contract instructions as and when required.
- (19) Review and comment on operation and maintenance manuals, guarantee certificates and warranties.
- (20) Inspect the works and issue practical completion and defects lists.

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- (21) Arranging for the delivery of all test certificates, including the Electrical Certificate of Compliance, statutory and other approvals, as built drawings and operating manuals.

Typical deliverables will include:

- Schedule of predicted cash flow.
- Design documentation.
- Drawing register.
- Estimates for proposed variations.
- Contract instructions.
- Financial control reports.
- Valuations for payment certificates.
- Progressive and draft final account(s).
- Practical completion and defects list.

Stage 6: Close Out, relates to:

- (1) Inspect and verify the rectification of defects.
- (2) Receive, comment and approve relevant payment valuations and completion certificates.
- (3) Prepare and/ or procure operations and maintenance manuals, guarantees and warranties.
- (4) Prepare and/ or procure as-built drawings and documentations.
- (5) Conclude the final accounts where relevant.

Typical deliverables will include:

- Valuations for payment certificates.
- Works and final completion lists.
- Operations and maintenance (O&M) manuals, guarantees and warranties.
- As-built drawings and documentation.
- Final accounts.
- Schedule of required surveys, tests, analyses, site and other investigations.
- Schedule of consents and approvals.

1.3. Extent of the services

Tenderers to submit a tender to provide all the listed disciplines (Consortiums may be formed)

- 1) Roads and Stormwater
 - a) Municipal road network and stormwater masterplan
 - b) Design of municipal roads (interlocking paving blocks, asphalt surfacing, concrete surfacing, gravel)
 - c) Upgrade/Rehabilitation of municipal roads
 - d) Design of stormwater management structures
 - e) Construction supervision (roads and stormwater)
 - f) Project Management in relation to roads and stormwater
 - 2) Water and Sanitation
 - a) Design of reticulation systems for Bulk water / sewer services
 - b) Design of WWTPs / WTW
 - c) C. Design of upgrade/maintenance of water/sanitation systems
 - d) Design of weirs and dams
 - e) Construction supervision of WWTPs / WTWs
 - f) . Project Management in relation to water and sanitation projects
- Siyancuma Local Municipality will allow PSP's to make use of outsourced specialist consultants where the required expertise is not available within the company; provided that such personnel is qualified and registered at the relevant institutions and rates will be unchanged. MISA reserves the right to approve such specialist outsourced consultants.

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- Siyancuma Local Municipality reserves the right to appoint any number of responsive consultants to the panel

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1.4. Location of the services

The works shall be located within the Siyancuma Local Municipality region shown in C3.4

END OF SECTION

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PORTION 2: CONTRACT

PART C3: SCOPE OF WORK

PART C3.2. : GENERAL REQUIREMENTS

- 2.1. The Consultant shall in providing the services observe all statutes, by-laws and associated regulations and industry norms established in relevant South African national standards published in terms of the Standards Act of 2008 or standards recommended by professional associations.
- 2.2. The Consultant shall only utilize in the provision of the services materials (substances that can be incorporated into the works), products (item manufactured or processed for incorporation into the works), components (products manufactured as distinct units to serve a specific function or functions) and assemblies (set of related components attached to each other) which are:
- a) Fit for their intended purpose; and
 - b) Capable of fulfilling required functions under intended use conditions or when in use, with planned maintenance, under the influence of the environmental actions or a result of a self- ageing process for a period of time within industry accepted norms.

END OF SECTION

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PORTION 2: CONTRACT

PART C3: SCOPE OF WORK

PART C3.3. : SAFETY, HEALTH, ENVIRONMENT, QUALITY AND RISK (SHEQ-R)

SPECIFICATIONS

C3.3.1 Health and Safety Management

The appointed PSP shall perform work having due regard to the Occupational Health and Safety regulations (i.e., OHS Act 85 of 1993) and specifications for this scope of work.

C3.3.2 Quality Management

The appointed PSP shall have, maintain and demonstrate the use of its Quality Management system that conform to the International Standard ISO 9001 (or an equivalent acceptable to the Project Manager).

C3.3.3 Environmental Management

The appointed PSP shall perform the works and all construction activities within the Site and Working Areas having due regard for the environment and to the environmental management practices.

The appointed PSP shall draw reference for environmental activities from the South African Environmental regulations, as amended.

C3.3.4 Risk Management

The appointed PSP shall perform risk assessment of the works and present a detailed risk register that shall indicate all identified risks and their mitigation.

END OF SECTION