



RFP DESCRIPTION	REQUEST FOR PROPOSAL (RFP) FOR APPOINTMENT OF A TRANSACTION ADVISOR (TA) SUPPORT TO THE MUNICIPALITY IN THE DEVELOPMENT OF SMALL- SCALE ENERGY EFFICIENCY PROJECTS UNDER A PERFORMANCE CONTRACTING MODEL WITH ENERGY SERVICE COMPANIES (ESCOS) FOR A PERIOD OF 36 MONTHS
RFP NO.:	COM36/2026

Issued by:
 City of Mbombela
 P O BOX 45
 Nelspruit 1200

City Manager
 Mr W.J Khumalo

Name of Bidder	
CSD Number	
Company Address	
Contact Numbers	
Telephone / Cell phone No.	
E-mail Address	

CLOSING DATE: 14 MAY 2026 AT 11:00am

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1. NOTICE AND INVITATION TO SUBMIT PROPOSALS

BID NO: COM36/2026
CLOSING DATE: 14 MAY 2026 AT 11:00

BID NO.:	COM36/2026	APPOINTMENT OF A TRANSACTION ADVISOR SUPPORT TO THE MUNICIPALITY IN THE DEVELOPMENT OF SMALL-SCALE ENERGY EFFICIENCY PROJECTS UNDER A PERFORMANCE CONTRACTING MODEL WITH ENERGY SERVICE COMPANIES (ESCOS) FOR A PERIOD OF 36 MONTHS
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The City of Mbombela hereby request proposals from suitably qualified and experienced Professional Service Providers within their pre-approved database of Electrical Engineering Professional Services to submit priced proposals for the **APPOINTMENT OF A TRANSACTION ADVISOR SUPPORT TO THE MUNICIPALITY IN THE DEVELOPMENT OF SMALL-SCALE ENERGY EFFICIENCY PROJECTS UNDER A PERFORMANCE CONTRACTING MODEL WITH ENERGY SERVICE COMPANIES (ESCOS) FOR A PERIOD OF 36 MONTHS.**

It is compulsory that service providers download a copy of the bid document that will ONLY be available as from 10 April 2026 on the e-Tenders: www.etenders.gov.za and www.mbombela.gov.za on the tenders and notices folder, free of charge.

Duly completed bid documents and supporting documents which are, COPY OF TAX COMPLIANCE STATUS, CERTIFIED COPY OF B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE, CURRENT MUNICIPAL RATES AND TAXES STATEMENTS FROM RELEVANT LOCAL AUTHORITY OR PROOF OF RES FROM A TRIBAL AUTHORITY OR LEASE AGREEMENT ACCOMPANIED BY THE LESSOR'S UP-TO-DATE RATES AND TAXES STATEMENTS FOR BOTH THE BUSINESS AND ACTIVE DIRECTORS INCLUDING JV/CONSORTIUM MEMBERS, CSD REGISTRATION FULL REPORT (Summary Report will not be considered) and a copy of the COMPANY REGISTRATION CERTIFICATE, together with the bid document must be sealed in an envelope clearly marked: "BID NUMBER, FULL PROJECT DESCRIPTION AND CLOSING DATE" with the name of the bidder shall be placed in the bid box at MBOMBELA CIVIC CENTRE at 1 NEL STREET, MBOMBELA, before 11:00 on the closing date.

A compulsory briefing meeting will be held on the 20th of April 2026 at 10:00 at 1 Nel Street, Mbombela Civic Centre Hall.

Bids received by telegram, fax or e-mail will not be considered. Late bids shall not be accepted nor considered.

Bidders are advised not to commit fraudulent activities or forge documents. All abusers of the SCM system, including forging or faking of returnable documents, may be reported to SAPS and restricted from doing business with any Public Institutions for a period NOT exceeding 10 years which is in line with section 28 and 29 of the Prevention and Combating of Corrupt Activities Act 12 of 2004.

A preferential point system shall apply whereby this contract will be allocated to a bidder in accordance with the Preferential Procurement Policy Framework Act, No 5 of 2000 and as defined in the conditions of bid in the bid document, read in conjunction with the Preferential Procurement Regulations, 2022 and the City's Preferential Procurement Policy, where 80 points will be allocated in respect of price and 20 points in respect of specific goals.

Procurement Enquiries	:	Christopher Nkambule (013) 759 2358
Technical Enquiries	:	Jan Mabaso (013) 759 9183 Jan.Mabaso@mbombela.gov.za OR
	:	Mthobisi Ndwandwe (013) 759 2190 Mthobisi.Ndwandwe@mbombela.gov.za
Employer	:	City Manager, Wiseman Khumalo City of Mbombela, P.O. Box 45; Nelspruit; 1200

VISIT OUR WEBSITE: www.mbombela.gov.za

NB: the results of this bid will be published on council's website as prescribed on section 75(1) (g) of the MFMA and section 23(c) of the SCM Regulations.

2. SUBMISSION DATA – SPECIFIC CONDITIONS OF CONTRACT.

1.	<p>The Employer</p> <p>The Employer is CITY OF MBOMBELA and is referred to as the CLIENT or EMPLOYER.</p>
2.	<p>Returnable Documents</p> <p>Failure to submit the applicable returnable documents below will result in the proposal being disqualified from further consideration</p> <ul style="list-style-type: none"> • The project manager, Electrical Engineer must be registered with ECSA and certified proof must be attached. • Valid Company Professional Indemnity. • Company Registration Document. • Certified ID Copy(es) of Director(s) • Company Tax Compliance Status • Full CSD report not older than 30 Days from the closing date, Summary will not be accepted. • Authority for Signatory duly signed and dated original or certified copy on the Company(s) Letterhead. • The bidder must provide a valid copy of current municipal rates and taxes statement from relevant local authority / proof of residential from tribal authority (if the business is operating in a rural area) / lease agreement with the lessor’s up-to-date municipal rates and taxes statement for the business. Prospective bidders should ensure that the physical address details of the company on the CSD are similar to the one reflected on the company registration certificate. The municipality reserves the right to verify both the municipal rates and taxes of the company details reflected on the CSD and company registration certificates. It is prudent and remains the responsibilities of the prospective bidders to ensure that the company is cleared with regards to the municipal rates and taxes. • The bidder must provide valid copy of current municipal rates and taxes statement(s) from relevant local authority / proof of residential from tribal authority (if the director(s) is/are residing in rural areas) / lease agreement with the lessor’s up-to-date municipal rates and taxes statements for the director(s) including consortium and JV partners. Prospective bidders should ensure that the physical address / addresses details of the director(s) reflected on the company registration certificate are aligned to the address / addresses on the municipal rates and taxes statement(s) attached. The municipality further reserves the right to use ID numbers of the directors to verify if any municipal rates and taxes are not owned by each director. It is prudent and remains the responsibilities of the prospective bidders to ensure that each director or lessor’s municipal rates are cleared with regards to the municipal rates and taxes. • A certified copy or Original BBBEE Status Level Certificate or original affidavit. • In case of a joint venture, a signed joint venture agreement by both parties should be submitted. • Form of Offer and Acceptance • Declaration of Interest (MBD Forms)

- Record of Addenda or Errata to the Bid
- Certified letter of good standing from the Department of Labour (COIDA). For JV, Letter of Good Standing (COIDA) from all Service providers are required.
- Detailed Company Profile

NB: Only respondents who submit fully completed Proposals incorporating all Returnable Schedules duly complete and signed will be eligible to have their submissions evaluated for Functionality. Usage of Tippex is not allowed. Amendment without a signature in the bills of quantity or any part of the document is not allowed! Completion of the bid document using a pencil or erasable ink is not allowed! Failure to adhere will lead to immediate disqualification.

3.	<p>Bid Clarification Meeting</p> <p>A compulsory clarification meeting with representatives of the Employer will take place as stipulated on the invitation to tender.</p>
4.	<p>MANUAL RETURN OF SUBMISSIONS AND NO ELECTRONIC SUBMISSION WILL BE ACCEPTED.</p> <p>The employer’s address for delivery of tender offers and identification details to be shown on each tender offer package are: Location of tender box:</p> <p>Mbombela Civic Centre, Ground Floor 1 Nel Street Nelspruit 1200.</p>
5.	<p>The closing time for submissions is as stated in the Notice and Invitation to Submit a Proposal Quotation.</p> <p>NO Late submissions, or submissions not deposited in the designated tender box will be considered, and it is incumbent on the Bidder to ensure that their submission together with all supporting documentation is in the designated tender box address before the closing Time and date specified.</p>
6.	<p>The Bidder holds Employer harmless and indemnifies Employer in the event of any failure that prevents or delays the bid submission from being in the designated Tender Box address at the time of Bid Closure.</p> <p>Bidders are prohibited from using Employer’s Staff acting as their couriers, agents or delivery mediums to deposit bids in the tender box, and the bidder acknowledges that the use of Employer’s staff in this way will immediately disqualify their tender submission.</p>
7.	<p>Information and data to be completed in all respects</p> <p>Accept that Bid offers, which do not provide all the data or information requested completely and, in the form, required, may be regarded by the Employer as non-responsive.</p> <p>Accept that the Employer shall not assume any responsibility for the misplacement or Premature opening of the tender offer if the Bid is not submitted in the required format and clearly marked with the bid reference and placed in the designated tender box before bid closing.</p>
8.	<p>Employer reserves the right to independently verify Information that is submitted by the bidder.</p>
9.	<p>Bidders are prohibited and will be disqualified if they share resources amongst themselves for the same tender e.g. the proposed team member of company “A” is also a team member of company “B”.</p>

3. PROJECT BACKGROUND

South Africa's Greenhouse Gas (GHG) emissions are high, in both absolute and per capita terms; mainly due to a primarily coal-based electricity supply industry, combined with a prevalent inefficient use of energy across many sectors. Public infrastructure, such as buildings, street lighting and water/ waste-water treatment plants, owned by and/or managed by municipalities, provinces, national government, and State-Owned Entities (SOEs), contribute to the country's GHG emissions.

Despite potential financial and energy savings, and emission reductions that could be achieved through demand-side energy efficiency interventions, uptake and implementation to date has been limited. This is due to a range of factors including: capacity and resource constraints, awareness of opportunities, comprehensive and accurate data on existing energy use, and access to finance.

To address these challenges and to fast track the SMALL-SCALE roll out of energy efficiency across public institutions, the Department of Electricity and Energy (DEE) have developed the Energy Efficiency in Public Buildings and Infrastructure Programme (EEPBIP) in collaboration with the South African National Development Institute (EMPLOYER), the National Business Initiative (NBI) and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

Energy Efficiency in Public Buildings and Infrastructure Programme (EEPBIP)

The objective of the EEPBIP, which commenced in 2019, is to reduce GHG emissions in South Africa by catalysing an energy efficiency transformation within the public-sector environment. This will be achieved through the provision of appropriate technical and financial support, and a programmatic approach to identifying, developing, financing, and implementing energy efficiency interventions in a consistent and replicable manner.

The EEPBIP aims to build on existing public sector programmes, including the municipal Energy Efficiency and Demand Side Management Programme (EEDSM), in addition to the Energy Performance Certificate regulations for buildings. The latent energy efficiency investment potential of the public sector can support a rapid and sustainable growth of the local Energy Service Company (ESCO) market and stimulate energy efficiency implementation across all sectors of society.

Energy Efficiency projects developed through the EEPBIP, will be tendered by public sector entities, and implemented by Energy Service Companies (ESCO's) through an Energy Performance Contracting (EnPC) model. The intention is to establish Shared Savings Contracts, with the ESCO providing the required debt and equity and recouping their investment and returns through electricity cost savings.

The EEPBIP supports the implementation of the National Energy Efficiency Strategy (NEES) and forms part of the overarching sector-wide Energy Efficiency and Energy Demand Management Flagship, a Near-term Priority Climate Change Flagship Programme, as prescribed in the National Climate Change Response Policy (NCCRP).

The implementation of the EEPBIP is supported by international climate finance, through the Mitigation Action Facility (MAF), alongside national funding for public sector energy efficiency programmes.

The EEPBIP comprises two key measures:

- **Technical Support:** An Energy Efficiency Project Support Unit (EEPSU) is established to provide technical assistance to public sector entities that have expressed an interest in participating in the programme. Activities will include:
 - assistance to institutions in identifying, quantifying and developing bankable energy efficiency projects
 - procurement support, including development of standardised Terms of Reference (ToRs), tender documents, and performance contracts
 - capacity building, institutional development and awareness raising
 - policy development support
 - Monitoring and Evaluation (M&E), and coordination of Measurement and Verification (M&V)

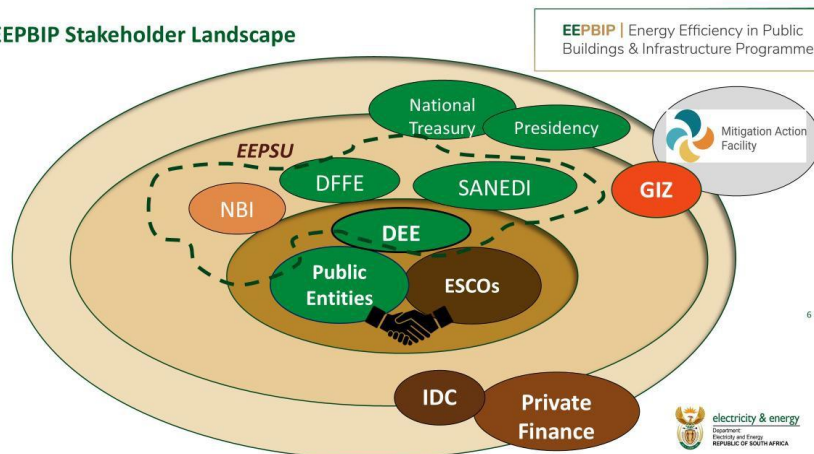
- **Access to finance:**

- A Partial Credit Guarantee (PCG) Fund is established within the Industrial Development Corporation of South Africa Ltd (IDC). The PCG will assist in unlocking access to credit lines for private ESCOs investing in public sector energy efficiency projects, by providing a partial guarantee to IDC against defaults on loans. It is noted that ESCOs can independently source finance from the project; however, the PCG is only available presently through IDC lending.

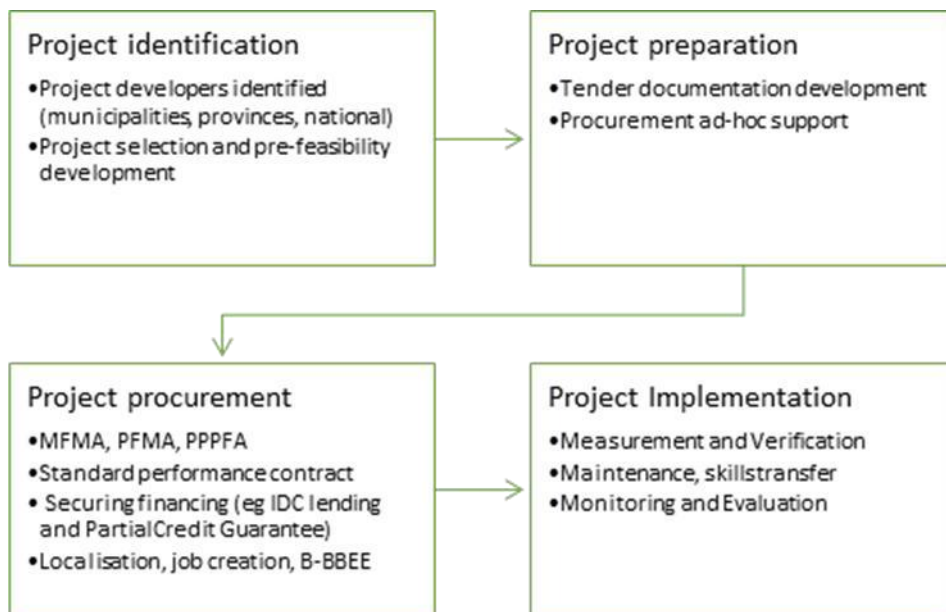
The key stakeholders directly involved in the EEPBIP are provide in Figure 1 below:

Figure 1: Key EEPBIP Stakeholders

EPPBIP Stakeholder Landscape



The key phases in the roll-out and implementation of energy efficiency projects in the public sector, focusing on municipalities, provincial governments, and State-Owned Entities, will comprise:



Public sector institutions, with the support from the EEPSU, will identify potential projects and prepare pre-feasibility studies, outlining the scope and scale of the project. These pre-feasibility studies will form the basis of the procurement process for contracting ESCOs.

The overall aim of the EEPBIP is to develop a standard project development model that can be rolled out across multiple different public sector institutions. This will build on the experience of interventions implemented and best practice, to scale up energy efficiency interventions and realise a significant impact in terms of energy reduction, cost savings, and the transition to a low-carbon economy.

In the context of the EEPBIP, energy efficiency projects may include energy efficiency and demand side management interventions on public sector buildings, street lighting, water pumping stations, and wastewater treatment plants. These can also incorporate small-scale embedded generation (SSEG) renewable energy projects, for example solar PV and biogas power generation.

Identification and Development of Energy Efficiency Projects

The EEPBIP is working with several public sector institutions (municipalities, provinces and SOEs), providing support on developing institutional capacity on energy management best practice and assisting in identifying, developing, and procuring potential energy efficiency projects.

Institutional Assessments will be conducted to provide an overview of key energy management capacities, namely: implementation, investment, marketing and communication, information systems, skills and knowledge, organization, and policy. Gaps are identified and recommendations are provided. Following the acceptance and approval of the Institutional Assessment, a Development Plan is prepared in collaboration with the institution to establish a clear pathway for addressing the gaps identified.

In parallel to the activities in preparing the Institutional Assessment and Development Plan, support is provided for project identification and development. A few public sector institutions are already developing pipelines for potential projects. These are at various stages of readiness, although most at early stage, some having completed high level energy audits and Energy Performance Certificates, through to one-page concepts and pre-feasibility studies.

Projects anticipated will include but not limited to:

- Energy efficiency retrofits in public buildings
- Energy efficiency retrofits of public/ street lighting
- Energy efficiency upgrades for water pumping stations
- Energy efficiency upgrades for waste-water treatment plants
- Installation of small-scale embedded generation

To take these high-level concepts through to contracting under an EnPC model, there is a need to establish the bankability of the projects, including the technical scope, the financial structure (estimated capex, financial savings, payback, institutional contributions etc), and to define the procurement model.

A draft Energy Performance Contract has been prepared under EEPBIP for use with public sector institutions. The draft Energy Performance Contract is to be refined and customised to meet the needs of the public institutions. These address many of the critical issues related to procurement under a shared savings model, although they may need to be adapted to specific institutional requirements. Where applicable the public institution may opt for guaranteed savings model.

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- **Phase 1** will require the TA to review project concepts and advise and support Employer in preparation for their procurement process. This will include a high-level review and due diligence on the technical and financial scope based on available data.
- **Phase 2** of the activities will include the development of a comprehensive and bankable Concept Business Case for implementation of the specific energy efficiency project and a review of the draft tender documentation and contract documents developed for the programme. The Concept Business Case will include technical specifications for the proposed technologies and a simple financial model, to support the procurement process for the appointment of an ESCO.
- **Phase 3** requires the TA, to assist the Employer with technical backstopping for the ESCO procurement process, prior to tender issuance, during the bidding process, and during contract negotiations.

The TA will be required to sign a confidentiality agreement with the respective institution for the duration of the support activities.

4. PROJECT OBJECTIVES

The objective of this project is to contract Transactional Advisors (TA) to provide tailored technical, financial, legal, contracts management and regulatory support to Employer for the development and implementation of energy efficiency projects under the Energy Performance Contracting (EnPC) model.

Specifically, the contracted TA will:

- Support project preparation and procurement by guiding Employer through the conceptualization, structuring, and packaging of energy efficiency projects for implementation via ESCOs.
- Develop and refine project documentation, including Concept Business Cases, financial models, technical specifications, Invitations to Tender, and draft Energy Performance Contracts, ensuring alignment with Employer requirements and national regulations.
- Advise on procurement and contracting strategies to ensure competitive, transparent, and legally sound engagement of ESCOs under a shared savings model.
- Build Employer capacity through training workshops, and knowledge transfer, enabling Employer to independently manage future energy efficiency transactions.

5. SCOPE OF WORKS

Tasks to be performed by the TA:

Transactional Advisor (TA) to support the development of the Business Case for the Energy Performance Contracting (EnPC) Projects. Developed EEDSM financing strategy and instruments for the EEDSM measures and introduction of Energy Performance Contracting (EnPC) Model for the following projects:

1. EnPC PROJECT-1: 7 X BUILDINGS FOR SMALL-SCALE EMBEDDED GENERATION
2. EnPC PROJECT-2: 2 X WASTE WATER TREATMENT WORKS (WWTWS) FOR ENERGY EFFICIENCY

TABLE 1: LIST OF FACILITIES FOR EnPC PROJECT-1

Item No.	Facility Description	Ward	Region	Co-ordinates
1.	Mbombela Stores and Workshops	Ward 14	Central Region	Latitude: 25°27'56.96"S Longitude:30°59'22.59"E
2.	Barberton Municipal offices	Ward 42	Southern Region	Latitude: 25°47'23.50"S Longitude: 31° 3'8.13"E
3.	Mbombela Civic Centre	Ward 15	Central Region	Latitude: 25°28'34.61"S Longitude:30°58'30.11"E
4.	White River Municipal Offices	Ward 30	Eastern Region	Latitude: 25°19'46.17"S Longitude: 31° 1'5.03"E
5.	Kabokweni Municipal Offices	Ward 33	Eastern Region	Latitude: 25°20'35.03"S Longitude: 31° 7'52.30"E
6.	Kanyamazane Municipal Offices	Ward 19	Central Region	Latitude: 25°27'55.01"S Longitude: 31°11'0.28"E
7.	Hazyview Municipal Offices	Ward 1	Northern Region	Latitude: 25° 2'53.83"S Longitude: 31° 7'39.31"E

TABLE 2: LIST OF FACILITIES FOR EnPC PROJECT-2

Item No.	Facility Description	Ward	Region	Co-ordinates
1.	White River Waste Water Treatment Works	Ward 30	Eastern Region	Latitude: 25°18'55.63"S Longitude: 31° 2'50.83"E
2.	Barberton Waste Water Treatment Works	Ward 43	Southern Region	Latitude: 25°45'8.12"S Longitude: 31° 2'3.33"E

All phases, tasks and sub-tasks are subject to timing and approval by Employer and require written approval from Employer before commencement. Certain elements of these tasks may or may not be required, subject to the needs of the Employer.

It is noted that Capacity Development for the Employer is a key component of this activity. For recommendations provided to an institution or support given on reviewing documents etc, the key findings must be provided both in written form (reports/ presentation) and through workshops and training, to assist in building capacity on key project development activities. Certain Energy Management best practices and some of the technical, financial, and regulatory concepts and processes being applied using an Energy Performance Contracting model may be unfamiliar to some officials. Capacity building and training will ensure the sustainability of the project and leverage the replication of additional projects.

The TA is responsible for providing the following services:

Milestones for the Development and Implementation of an EnPC Project Business Case		
	EnPC PROJECT DEVELOPMENT TASKS	DURATION
1	Inception Phase	<i>1 month</i>
1.1	Confirm and validate selected municipal buildings and infrastructure as suitable for energy efficiency retrofits.	
1.2	Review the municipality's readiness to implement a EnPC in accordance with the MFMA and Treasury Regulation 16.	
1.3	Prepare the project charter, stakeholder engagement plan, and high-level project timeline.	
1.4	Review the alignment of the project with municipal IDP, SDBIP and related policies.	
2	Technical Analysis and Project Preparation	<i>2 months</i>
2.1	Conduct analysis of the technical audits and energy assessments of targeted municipal infrastructure (e.g., lighting, HVAC, water systems).	
2.2	Develop output specifications for ESCO performance in line with national and international energy efficiency standards.	
2.3	Identify applicable technologies and retrofit measures, including smart metering, load optimization, and renewable integration.	
2.4	Define key performance indicators (KPIs) for energy savings verification and technical performance monitoring.	
2.5	Identify suitable energy-saving interventions.	
2.6	Project development and management plan	
2.7	Develop a comprehensive Project Concept in terms of National Treasury EnPC guidelines	
3	Financial Structuring	<i>2 months</i>
3.1	Develop a funding and financing strategy.	
3.2	Develop financial models reflecting lifecycle costing, ESCO remuneration structures, and municipal affordability.	
3.3	Evaluate different payment mechanisms (e.g., shared savings, annuity payments) and propose the most viable structure.	
3.4	Structure blended finance packages leveraging EEDSM Grant, municipal equity, and private capital.	
3.5	Conduct risk-adjusted economic evaluations (NPV, IRR, sensitivity analysis) for financial close decisions.	
4	Legal and Regulatory Analysis	<i>3 months</i>
4.1	Review all legal and regulatory frameworks including MFMA, PPP Guidelines, EEDSM Policy, and Municipal Systems Act.	
4.2	Draft legally sound contracts, including ESCO agreements, implementation plans, and performance guarantee clauses.	

4.3	Ensure contract enforceability, risk allocation, dispute resolution mechanisms, and compliance with Treasury Regulations.	
4.4	Support PPP approvals under MFMA Sections 33, 116, and National Treasury regulations.	
4.5	Ensure compliance with MFMA, PFMA, PPP Manual, Municipal Systems Act, and EEDSM Grant framework.	
5	Economic Development Analysis	<i>2 months</i>
5.1	Identify potential employment (direct and indirect) during design, implementation, and O&M phases.	
5.2	Promote local ESCO participation, especially those owned by youth, women, and historically disadvantaged groups.	
5.3	Identify components of energy efficiency technologies that can be sourced or manufactured locally (e.g., LED lights, HVAC retrofits, BMS).	
5.4	Evaluate the impact of reduced energy costs on municipal budgets and service delivery.	
5.5	Ensure gender-responsive design and inclusion of marginalized groups in training, employment, and benefit sharing.	
6	Governance and Institutional Arrangements	<i>2 Months</i>
6.1	Establish a Project Steering Committee (PSC) with clear roles, responsibilities, and reporting protocols.	
6.2	Define institutional arrangements and capacity-building requirements for the municipal project management team.	
6.3	Develop governance tools including stakeholder maps, RACI matrices, and escalation protocols.	
6.4	Ensure transparency and accountability throughout the project lifecycle.	
7	Project Management	<i>24 months</i>
7.1	Develop and implement a detailed project implementation plan with timelines, milestones, and deliverable tracking.	
7.2	Apply project management standards (e.g., PMBOK or PRINCE2) to oversee scope, time, quality, risk, and communication.	
7.3	Support the municipality in managing procurement, ESCO performance monitoring, and issue resolution.	
7.4	Provide monthly progress reports and facilitate review meetings with stakeholders and funders.	

8	Procurement Design and Bidding Process	<i>4 months</i>
8.1	Define a procurement model.	
8.2	Identify packaging strategy (single ESCO vs multiple lots/buildings)	
8.3	Develop Request for Proposal (RFP) framework including output specifications, performance-based payment structure, draft PPP where applicable, measurement and verification protocol and bid scoring methodology.	
8.4	Issue RFP to the prequalified ESCOs depending on whether the two-stage or one-stage procurement model is preferable.	
8.5	Facilitate bidder briefing and site visits	
8.6	Respond to clarification requests and issue addenda if necessary.	
8.7	Conduct technical, financial evaluation of the bidders and recommend the preferred bidder/s	
9	Contract Management and Financial Close	<i>24 months</i>
9.1	Lead negotiation of the contract or final agreement with preferred bidder/s	
9.2	Submit value for money report to National Treasury PPP Unit for comments and approval.	
9.3	Obtain municipal council approvals	
9.4	Facilitate financial closeness and finalize commercial agreements.	
9.5	Support signing, CP fulfilment, and grant disbursement.	
10	Monitoring, Evaluation, Reporting and Contract Finalisation	<i>24 months</i>
10.1	Design and implement an M&E framework.	
10.2	Establish digital M&E systems and provide capacity building.	
10.3	Prepare a comprehensive Handover Report, including compliance documentation for audit purposes.	

NOTES:

1. *The maximum contract period is 36 Months*
2. *Some of the activities above will be implemented in parallel*
3. *The Employer have the right to reduce scope of work where possible*

CONCEPT

In the tender, the tenderer is required to show *how* the objectives of this tender (Tasks to be performed) are to be achieved, if applicable under consideration of further method- related requirements (technical-methodological concept). In addition, the tenderer must describe the project management system for service provision.

Technical-methodological concept

- *Provide an interpretation of the project objectives, demonstrating a clear understanding of the scope of work.*
- *Described the proposed strategy to deliver services, referencing the main tasks and deliverables outlined in Chapter 3 (Tasks to be performed).*
- *Present an implementation plan that details key activities, timelines, milestones and how partners contribution will be integrated.*
- *Identify and describe collaboration with key stakeholders, including internal and external EEPBIP partners and outline how coordination will be managed.*
- *Describe the TA's contribution to knowledge management for the Employer.*

Project Management and Coordination of the TA

- *Describe the proposed project management and coordination approach, including mechanisms to engage with Employer, and other relevant actors.*
- *Provide a personnel assignment plan indicating expert roles, level of effort (in expert months), and alignment with tasks and timelines.*
- *Describe the TA's backstopping arrangements and internal quality assurance processes.*

Deliverables and Reporting

- *Confirm adherence to all deliverables as listed in the Terms of Reference*
- *Describe proposed reporting mechanisms and timelines, including inception, progress, and final reports, as well as knowledge dissemination materials*

6. COSTING REQUIREMENTS

1. Use of the provisional sum item requires prior written approval from EMPLOYER.
2. EMPLOYER reserves the right to decrease the scope of work.
3. Service providers are expected to provide estimated hours and Rates as follows:
 - 3.1 Hours: guided by the Activities and Time Frames provided in the "Schedule of Rates".
 - 3.2 Rates: guided by the Activities and Time Frames provided in the "Schedule of Rates" and ECSA guideline
4. The Municipality reserves the right not to appoint the lowest bidder.
5. The Tender Document will serve as an SLA for the contract.
6. All travel will be costed as per disbursement schedule.
7. All business travel must be agreed in advance by the officer responsible for the project.

SCHEDULE OF RATES

PROJECT NUMBER: COM36/2026					
PROJECT DESCRIPTION: APPOINTMENT OF A TRANSACTION ADVISOR (TA) SUPPORT TO THE MUNICIPALITY IN THE DEVELOPMENT OF LARGE-SCALE ENERGY EFFICIENCY PROJECTS UNDER A PERFORMANCE CONTRACTING MODEL WITH ENERGY SERVICE COMPANIES (ESCOS)					
PRICING SCHEDULE A: TIME BASED ACTIVITIES					
	DESCRIPTION	UNIT	QTY	RATE	TOTAL AMOUNT
A1	Inception Phase Report	Sum	1		
A2	Technical Analysis and Project Preparation Report	Sum	1		
A3	Financial Structuring Report	Sum	1		
A4	Legal and Regulatory Analysis Report	Sum	1		
A5	Economic Development Analysis Report	Sum	1		
A6	Governance and Institutional Arrangements Report	Sum	1		
A7	Project Management	Month	24		
A8	Procurement Design and Bidding Process for ESCO	Sum	1		
A9	Contract Management and Financial Close	Month	24		
A10	Monitoring, Evaluation, Reporting and Contract Finalisation	Month	24		
SUB TOTAL: A					
PRICING SCHEDULE B: DISBURSEMENTS (Typing, Printing, Reproduction)					
	DESCRIPTION	UNIT	QTY	RATE	TOTAL AMOUNT
B1	Drawing	A3			
B2	Drawing	A1			
B3	Drawing	A0			
B4	Tender / Technical Report Documentation	A4			
B5	Tender / Technical Report document binding	No			
B6	Accommodation (Fixed for 36 Months)	Nights			
B7	Travelling (Fixed for 36 Months)	Km			
SUB TOTAL: B					

PRICING SCHEDULE C: PROVISIONAL COST ITEMS (A maximum of 15% mark-up and attendance costs to the Provisional Cost Items shall be allowed by the council. The claim of such shall be on a quotation bases with the submission of the original invoice and approved by the Employer and / or the Employer's Agent.)

C					
	DESCRIPTION	Unit	Qty	RATE	TOTAL AMOUNT
C1	Survey	Sum	1	R100 000.00	R100 000.00
C2	Geotechnical	Sum	1	R200 000.00	R200 000.00
C3	Environmental processes (EIA, Authorisations, e.t.c)	Sum	1	R200 000.00	R200 000.00
C4	Occupational Health and Safety	Sum	1	R100 000.00	R100 000.00
C5	Quality Assurance System	Sum	1	R100 000.00	R100 000.00
C6	Mediation, Arbitration and Liquidation	Sum	1	R100 000.00	R100 000.00
C7	Other Services	Sum	1	R300 000.00	R300 000.00
C8	Mark-up on Provisional Cost	Sum	R1 100 000.00%	
SUB TOTAL: C					

	SUMMARY	TOTAL AMOUNT
A	PRICING SCHEDULE A: TIME BASED ACTIVITIES	
B	PRICING SCHEDULE B: DISBURSEMENTS	
C	PRICING SCHEDULE C: PROVISIONAL COST ITEMS	
	SUB TOTAL	
	15% VAT	
	TOTAL	

GUIDELINE / PRICING ASSUMPTION

Public Works Professional Rates Available at:

http://www.publicworks.gov.za/PDFs/consultants_docs/2025/RATES_110_FOR_REIMBURSABLE_EXPENSES_February2025.pdf

(Accessed: 24/11/2025)

(i) registered professional principals*: 18,75 cents for each R100,00 of the total annual remuneration package attached to the lowest notch of a level 13 salary range (Director) in the Public Service; (ii) registered professionals*: 17,5 cents for each R100,00 of the total annual remuneration package attached to the lowest notch of a level 12 salary range (Deputy Director second leg) in the Public Service; (iii) registered technicians**: 16,5 cents for each R100,00 of his/her gross annual remuneration; provided that this hourly rate shall not exceed 16,5 cents for each R100,00 of the total annual remuneration package attached to the lowest notch of a level 11 salary range (Deputy Director first leg) in the Public Service

NOTE: Hourly rates calculated in terms of (i), (ii) and (iii) above shall be deemed to include overheads and charges in respect of time expended by clerical personnel which shall, therefore, not be chargeable separately.

7. EVALUATION CRITERIA

NO.	EVALUATION CRITERIA	SCORING	WEIGHT (%)
1.	TEAM LEADER AND KEY EXPERTS		75
1.1.	TEAM LEADER (ENERGY EXPERT)		30
1.1.1	Should at least have qualification in Electrical Engineering. Certified copies of certificates and ID Copy should be attached to the proposal as proof. Failure to attach, bidder(s) will forfeit points.	Qualification points: <ul style="list-style-type: none"> • 20 = B-Tech OR Degree and Above • 15 = Diploma • 0 = No qualification submitted 	20
1.1.2	Team leader must have 5-10 years' experience in renewable energy related projects and implementation thereof. He/she must have strong technical expertise, project management and business development	CV points <ul style="list-style-type: none"> • 10 = 10 Years • 5 = 5 Years • 0 = Below 5 Years 	10
1.1.3	Professional registration with relevant engineering bodies (Engineering Council of South Africa – ECSA - Pr. Tech or Higher in Electrical engineering)	Professional Registration Points <ul style="list-style-type: none"> • No points allocation, this is a mandatory requirement. 	0
1.2.	TEAM LEADER REPRESENTATIVE / RESIDENT ENGINEER		20
1.2.1	Should at least have qualification in Electrical Engineering. Certified copies of certificates and ID should be attached to the proposal as proof. Failure to attach, bidder(s) will forfeit points.	Qualification points: <ul style="list-style-type: none"> • 10 = B-Tech and Above • 5 = Diploma • 0 = No qualification submitted 	10
1.2.2	Team leader representative must have 3-5 years' experience in renewable Energy related projects and implementation thereof.	CV points <ul style="list-style-type: none"> • 3 = 5 Years • 2 = 3 Years • 0 = Below 3 Years 	4
1.2.3	Professional registration with relevant engineering bodies. 1. ECSA Candidate in Electrical Engineering and 2. SACPCMP Candidate in Construction Project Manager	Professional Registration Points <ul style="list-style-type: none"> • 6 = Yes (3 each) • 0 = None 	6

1.3	FINANCE EXPERT		20
1.3.1	Should at least have Finance or economics Qualification. Certified copies of certificates and ID should be attached to the proposal as proof. Failure to attach, bidder(s) will forfeit points.	Qualification points: <ul style="list-style-type: none"> • 10 = Degree and Above • 5 = Diploma • 0 = No qualification submitted 	10
1.3.2	Finance Expert must have 3-5 years' experience in in the structuring of financing energy projects.	CV points <ul style="list-style-type: none"> • 5 = 5 Years • 2 = 3 Years • 0 = Below 3 Years 	5
1.3.3	Must be licensed by the Financial Sector Conduct Authority (FSCA) or Chartered Accountant (CA)	Professional Registration Points <ul style="list-style-type: none"> • 5 = Yes • 0 = None 	5
1.4	LEGAL EXPERT		20
1.4.1	Should at least have Legal Qualification. Certified copies of certificates should be attached to the proposal as proof. Failure to attach, bidder(s) will forfeit points.	Qualification points: <ul style="list-style-type: none"> • 10 = Degree and Above • 5 = Diploma • 0 = No qualification submitted 	10
1.4.2	A Legal Expert with at least 3-5 years' experience providing legal expertise on implementation of energy related projects and drafting of required legal agreements.	CV points <ul style="list-style-type: none"> • 5 = 5 Years • 2 = 3 Years • 0 = Below 3 Years 	5
1.4.3	Professionally Registered with Legal Practice Council (LPC) as an admitted and enrolled legal practitioner	Professional Registration Points <ul style="list-style-type: none"> • 5 = Yes • 0 = None 	5
2.	CONFIRMATION OF AVAILABILITY OF PERSONNEL/EXPERT/PROFESSIONAL		10
2.1	Consent Form Confirming Availability of all the 3 x key personnel	<ul style="list-style-type: none"> • 3 points each 	9
2.2	Organogram of team members including supporting Staff	<ul style="list-style-type: none"> • 1 = Organogram attached • 0 = No Organogram attached 	1
TOTAL			100%
THRESHOLD			70%

9. Agreements and Contract Data

C1.1 Form of Offer and Acceptance

Form of Offer

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract for the **PANEL FOR ELECTRICAL SERVICE PROVIDERS FOR SUPPLY, DELIVERY AND INSTALLATION OF SOLAR HIGH MAST LIGHTING AS AND WHEN REQUIRED WITHIN CITY OF MBOMBELA FOR A PERIOD OF THREE YEARS.**

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

By the representative of the tenderer, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance the tenderer offers to perform all of the obligations and liabilities of the **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 VAT IS:

(in words)Rand;

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 including the Schedule of Deviations (if any) to the tenderer before the end of the agreed period of validity, or other period as agreed, whereupon the tenderer becomes the party named as the **Contractor** in the conditions of contract identified in the Contract Data.

Signature(s) _____ Date: _____

Name(s) _____

Capacity _____

For the tenderer:
 (Insert name and address of organisation)

_____ Date: _____
 Name & signature of witness

Acceptance

By signing this part of this Form of Offer and Acceptance, the Employer identified below accepts the tenderer's Offer. In consideration thereof, the Employer shall pay the Contractor the amount due in accordance with the conditions of contract identified in the Contract Data. Acceptance of the tenderer's Offer shall form an agreement between the Employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

 The terms of the contract, are contained in:

- Part C1 Agreements and Contract Data, (which includes this Form of Offer and Acceptance)
- Part C2 Pricing Data
- Part C3 Scope of Work: Works Information
- Part C4 Site Information

and drawings and documents (or parts thereof), which may be incorporated by reference into the above listed Parts.

Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Returnable Schedules as well as any changes to the terms of the Offer agreed by the tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Form of Offer and Acceptance. No amendments to or deviations from said documents are valid unless contained in this Schedule.

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

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the Schedule of Deviations (if any). Unless the tenderer (now **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(s)

Name(s)

Capacity

for the

Employer

(Insert name and address of organisation)

Name &
 signature of
 witness

Date

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

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

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, hareholder²):...

3.4 Company Registration Number:

3.5Tax Reference Number:.....

3.6VAT Registration Number:

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

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

3.8.1If yes, furnish particulars.....

¹MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

² Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

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

3.9.1If yes, furnish particulars.....

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

3.10.1 If yes, furnish particulars.

.....
.....

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

3.11.1 If yes, furnish particulars

.....
.....

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

3.12.1 If yes, furnish particulars.

.....
.....

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

3.13.1 If yes, furnish particulars.

.....
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:

.....
.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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

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

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

2. DEFINITIONS

- (a) “**tender**” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) “**tender for income-generating contracts**” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right) \text{ or } Ps = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. **POINTS AWARDED FOR PRICE**

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

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

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

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

Item no.	The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Number of points claimed (80/20 system) (To be completed by the tenderer)
A total of preference points shall be allocated on a proportional or pro rata basis for contracting an enterprise owned by historically disadvantaged persons or individuals who meet the following requirements -			
1.	for 100% black person or people owned enterprise	5 points	
2.	for at least 30% woman or women shareholding or owned enterprise	2.5 points	
3.	For at least 30% youth shareholding or owned enterprise	2.5 points	
4.	for at least 30% people living with disability shareholding or owned enterprise	2.5 points	
A total of 7.5 preference points shall be allocated on a proportional or pro rata basis for implementing of programmes for RDP -			
5.	for enterprise regarded as EMEs located within the local area of jurisdiction;	2.5 points	
6.	for valid B-BBEE level 1 contribution (SANAS accredited B-BBEE certificate for generic enterprise, and for EME and SME a sworn affidavit or CIPC issued certificate confirming annual turnover and level of Black Ownership).	5 points	
The City will utilize the CSD report for the above-mentioned information.			

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

 SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:
DATE:
ADDRESS:

2.2 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 as a company or person 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 National Treasury after the <i>audi alteram partem</i> rule was applied).	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)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	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:		
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

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
- a) take all reasonable steps to prevent such abuse;
 - b) reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c) cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of:

_____ that:
(Name of Bidder)

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

14. AUTHORITY TO SIGN A BID

1. COMPANIES AND CLOSE CORPORATIONS

- a. **If a Bidder is a COMPANY, a certified copy of the resolution by the board of directors**, duly signed, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company **must be submitted with this bid**, that is, before the closing time and date of the bid

- b. In the case of a **CLOSE CORPORATION (CC)** submitting a bid, **a resolution by its members**, authorizing a member or other official of the corporation to sign the documents on their behalf, **shall be included with the bid**.

PARTICULARS OF RESOLUTION BY BOARD OF DIRECTORS OF THE COMPANY / MEMBERS OF THE CC

Date Resolution was taken	
Resolution signed by (name and surname)	
Capacity	
Name and surname of delegated Authorized Signatory	
Capacity	
Specimen Signature	

Full name and surname of ALL Director(s) / Member (s)

Is a CERTIFIED COPY of the resolution attached?	YES		NO	
--	------------	--	-----------	--

SIGNED ON BEHALF OF COMPANY / CC:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	

2. SOLE PROPRIETOR (SINGLE OWNER BUSINESS)

I, _____, the undersigned, hereby confirm that I am the sole owner of the business trading as _____

3. PARTNERSHIP

We, the undersigned partners in the business trading as _____

hereby authorize Mr/Ms _____ to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid and /or contract for and on behalf of the abovementioned partnership.

The following particulars in respect of every partner must be furnished and signed by every partner:

Full name of partner	Signature

SIGNED ON BEHALF OF PARTNERSHIP:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	

15. CERTIFICATE OF AUTHORITY FOR JOINT VENTURES

This returnable schedule is to be completed by JOINT VENTURES

We, the undersigned, are submitting this tender offer in joint venture and hereby authorize Mr/Ms _____
 _____ authorized signatory of the Company/Close Corporation/Partnership (name)____
 _____, acting in the capacity of lead partner, to sign all documents in connection with
 the tender offer and any contract resulting from it on our behalf.

1. Name of firm (Lead partner)			
Address			
		Tel. No.	
Signature		Designation	

2. Name of firm			
Address			
		Tel. No.	
Signature		Designation	

3. Name of firm			
Address:			
		Tel. No.	
Signature		Designation	

4. Name of firm			
Address			
		Tel. No.	
Signature		Designation	

NOTE: A copy of the Joint Venture Agreement showing clearly the percentage contribution of each partner to the Joint Venture, shall be appended to this Schedule.

CHECKLIST FOR RETURNABLE DOCUMENTS STIPULATED UNDER SPECIAL CONDITIONS OF TENDER 16. 16.

16. DOCUMENTS AS MANDATORY REQUIREMENTS. THIS DOCUMENT SHALL BE APPLICABLE TO ALL TENDER DOCUMENTS OF THE CITY.

Preamble

The objective of this checklist is aimed at ensuring that interpretation and application of the special conditions and other mandatory requirements at Bid Evaluation Committee (BEC) & Bid Adjudication Committee (BAC) are aligned as envisaged by the Bid Specification Committee (BSC). This will enhance consistency and uniformity in the entire bid committee system whilst promoting “user friendly” principles by simplifying tender requirements to all interested prospective bidders.

ITEM NO:	DESCRIPTION / RETURNABLE DOCUMENTS	NOTES	FOR OFFICE USE ONLY	
			CHECKLIST	YES or NO or N/A
1.	Company Registration Certificate	<p>a) It's a certificate issued by the Companies and Intellectual Property Commission in line with section 14 of the Companies Act 78 of 2008</p> <p>b) A Certificate issued by CIPRO in line with section 2 of the Close Corporation Act 69 of 1984</p> <p>NB: The registration of Close Corporations (CCs) was replaced by introduction of the New Companies Act which came to effect in April 2011. CCs to be recognized as valid registration certificate will be up to 2010.</p>	Has the bidders attached a valid company registration document in line with the applicable legislation?	YES
2.	Company Profile	<p>a) A Company Profile is a professional introduction of your Business that aims to inform Clients about its purpose, vision, trustworthiness, products and services, and experience of your Company. It is basically a “CV for your Business/Company”</p>	Has the bidder attached a company profile and its experience is relevant to add value on this project?	YES
3.	<p>Certification of documents to be submitted together with the tender document.</p> <p>I.e. ID Copies of business owners, qualifications, Licenses and certificates, accreditation by professional bodies, proof of ownership document, appointment letters, completion certificates, etc.</p>	<p>a) The certification of documents must be done by a commissioner of oath as prescribed in the Justices of the Peace and Commissioners of Oaths Act 16 of 1963 and its Regulations.</p> <p>b) Acceptable certified copies are copies originally certified from any police station, post office, Lawyers or <u>notary public</u> (who are members of a recognised professional body), Actuaries or accountants (who are members of a recognised professional body), Members of the judiciary, Directors, managers or company secretaries of a banks or regulated financial services business.</p> <p>c) <i>Commissioner of Oaths stamps can be purchased at Stationary shops, but it can be custom made following the below example:</i></p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>CERTIFIED TRUE COPY OF THE ORIGINAL DOCUMENT. THERE ARE NO INDICATIONS THAT THE ORIGINAL DOCUMENT HAS BEEN ALTERED BY UNAUTHORISED PERSONS.</p> <p>Designation (rank)ex officio: RSA</p> <p>Date: Place</p> <p>Business Address:</p> <p>Commissioner of Oaths</p> <p>Signature Full Names</p> </div> <p>NB: All certified copies must NOT exceed three months and be originally certified.</p>	<p>Has the bidder certified all documents to be certified as per special conditions of bid?</p> <p>Check validity on the date, check if the commissioner of oaths stamp is compliant as per example copied from the Regulations.</p>	YES

4.	Central Supplier Database (CSD) Full report, (Summary report will NOT be acceptable). N/B CSD Report date should not be more than 30 days before Bid closing date.	a) The City requires that all prospective bidders should be registered on CSD. This is aimed at verification of email addresses, phone numbers, banking details, company registration numbers, tax status with SARS, state employees, etc.	Has the bidder attached a full CSD report, are tax matters in good order, are the directors not in the employment of any state and the CSD report is not older than 30 days from the closing date?	YES
5.	Tax Compliant Status (TCS)	a) Prospective bidders are required to attach a valid TCS together with the tender document.	Has the bidder attached a valid (not expired) TCS? The designated official should verify the bidder's tax compliance status prior to finalization of the award of a bid or prize quotation. Where the recommended bidder is not tax compliant, the bidders should be notified of their non-compliant status and the bidder must be requested to submit to the City within 7 working days, written proof from SARS of their tax compliance status or proof from SARS that they have made arrangements to meet their outstanding tax obligations. The proof of tax compliance status submitted by the bidder to the City must be verified via the CSD report or e-Filing. The City should reject a bid submitted by the bidder if such a bidder fails to provide proof of tax compliance status within the timeframe stated above (See MFMA Circular No: 90).	YES
6.	Certified copy of B-BBEE Certificate / affidavit for B-BBEE status level of contributor (to claim points only) .	<p>a) EMEs in terms of the B-BBEE Act 53 of 2003 may submit a sworn affidavit confirming annual total revenue and level of black ownership or Certified Copy of B-BBEE Certificate.</p> <p>b) Bidders other than EMEs and QSEs MUST submit their certified copies of valid B-BBEE status level verification certificate, substantiating their B-BBEE rating issued by a registered auditor approved by IRBA or a verification agency accredited by SANAS.</p> <p>c) 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.</p> <p>NB: There is NO consolidated affidavit for B-BBEE status level of contributor. Only consolidated B-BBEE certificate will be considered for JVs / Consortium & large companies that are making an annual turnover in excess of R50 million including value added tax (VAT). <i>This is not a disqualifying factor, non-adherence will lead to no allocation of B-BBEE points.</i></p>	<p>Is the copy B-BBEE Certificate valid?</p> <p>Is the sworn affidavit for EME / QSE in line with the threshold for EME and EME and valid?</p> <p>If the tendering entity is a JV / Consortium / Large company, has the bidder attached a certified copy of a valid and consolidated B-BBEE certificate in order to claim points as prescribed by the MSCM Regulations?</p> <p>Is the copy of B-BEE certificate certified by the Commissioner of Oaths reflects as prescribe on the regulations of the Act?</p> <p>Is the affidavit for B-BBEE stamped and signed by commissioner of oaths? I.e. full names and signature, force/practice number, designation / rank, date and address.</p> <p>Is the certification date not</p>	YES

			older than 3 months and original ink is clear on the document to confirm if it is originally certified?	
7.	Formal agreement must be attached in case of a joint venture (JV) or consortium.	a) The JV/consortium must amongst others, reflect clear profit and loses sharing percentages. It is compulsory that the lead partner must have at least 51% majority shares in the JV/consortium.	If the tendering entity / bidder is a JV/Consortium, has the bidder attached a detailed JV/Consortium agreement with all critical information?	YES
8.	In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit separate required returnable documents.	a) This will not be applicable to functionality and B-BBEE requirements.	If the tendering entity / bidder is a JV/Consortium, have the parties involved attached all individual required documents as per special condition of bid?	YES
9.	<p>Latest municipal rates and taxes certificates from relevant local authority for the business and all business directors</p> <p>OR</p> <p>Proof of resident from tribal authority for the business and all business directors</p> <p>OR</p> <p>Lease agreement with the Lessor's latest municipal rates and taxes certificates from relevant local authority.</p> <p>NB: All accounts owing any municipality for more than 90 days will be disqualified as prescribed on the MSCM Regulations.</p>	<p>a) If the business is operated and its director(s) are residing within a municipal area, bidders are expected to attach latest municipal rate and taxes certificates for the business and ALL its directors.</p> <p>b) If the business is operated and its director(s) are residing within a tribal authority. Bidders are expected to attach proof of resident for the business and ALL its directors.</p> <p>c) If the business directors are leasing a facility for residential purposes, they are required to attach individual lease agreement with lessor's latest municipal rates and taxes for a facility is within a Municipal boundary and if the business is renting office / business facility, the bidders are required to attach lease agreement for the business with lessor's latest municipal rates and taxes for a facility within a municipal boundary. If the facility leased is in a rural area, lease agreement will be accompanied with the lessor's proof of residential from a tribal authority.</p> <p>NB: <i>Domicilium citandi at executandi</i>: Domicilium citandi et executandi is a Latin legal term meaning the address nominated by a bidder in a legal contract where legal notices may be sent.</p> <p>Bidders are encouraged to update their addresses when they relocate their businesses and the preferred address on the CSD should be in line with the address on the Company Registration Document. It is the responsibility of the bidder to ensure that all physical addresses reflected either on the company registration document and CSD are not owing any municipal rates and taxes for more than three months including the Lessor's municipal account in case of lease. The rationale behind this requirement is the enhance revenue in RSA municipalities as enshrined on the Municipal Systems Act 32, 2000. Alignment of addresses must be as per special conditions in the tender document.</p>	<p>Has the bidder attached latest municipal rates and taxes from relevant local authority for the company / business and all company directors / owners?</p> <p>In case of lease, has the bidders attached lease agreements and lessor's proof of res from a tribal authority or latest municipal rates and taxes certificate? Is the account not in areas for more than 90 days (3 months)?</p>	YES
10.	<p><u>Forging of documents/certificates</u></p> <p>The City has noted that prospective bidders are allegedly submitting fraudulent and forged documents when bidding for tenders. Bidders are advised not to commit fraudulent activities and forge documents. The City will ensure that this Act is adhered to by reporting all abusers of the SCM system to SAPS and enlist them on the Register of Tender Defaulters as prescribed on section 29 of the Prevention and Combating of Corrupt Activities Act 12 of 2004.</p>	<p>Section 34(1)(b) of the Prevention and Combating of Corrupt Activities Act 12 of 2004, stipulates that: <i>"any person who holds a position of authority and who knows or ought reasonably to have known or suspected that any other person has committed the offence of theft, fraud, extortion, forgery or uttering a forged document involving an amount of R100 000 or more, must report such knowledge or suspicion or cause such knowledge or suspicion to be reported to any police official"</i>.</p> <p>Section 34(2) of the same Act stipulates that: <i>"subject to the provision of section 37(2), any person who fails to comply with subsection (1), is guilty of an offence"</i>.</p>	<p>Are there any suspicious / alleged fraudulent or forged documents?</p> <p>If yes, has the matter been reported to the nearest SAPS following correct institutional protocol?</p> <p>Has the matter been registered with the Registrar to enable due processes and per the Act?</p> <p>NB: The minutes of the BEC / BAC should detail all the elements of alleged fraud and forged documents.</p>	YES

	Abusers of the SCM system, amongst other penalties, may be restricted to do business with any Public Institutions for a period NOT exceeding 10 years (see section 28 of this Act).			
11.	Copy of Public Liability insurance. Only insurance covers from registered and authorized financial service providers will be accepted.	a) Public liability insurance may vary from one project to another on the basis of the level of risk and complexity of the project. Minimum cover to be determined by the BSC prior consultation with the project manager if deemed necessary.	If applicable, is the bidder compliant with the minimum cover stipulated in the bid document? Is the public liability insurance from a registered financial institution?	YES
12.	Recent audited / independently reviewed financial statements for three consecutive years. NB: if a company provides any financial statements in terms of section 29 of the Companies Act, such statements must comply with the provision of the Act.	a) Applicable to private companies that are not managed by its owners, if: <ul style="list-style-type: none"> - It compiles its financial statement internally and its public interest score is less than 100. - It has its financial statements compiled independently and its public interest score is between 100 and 349. - the public interest score is 350 points or more, is required for an audit to be conducted. 	Has the bidder furnished MBD 5 as mandatory for all projects estimated to be in excess of R10 million? Has the bidder attached the relevant AFS as required by law and is it aligned with his/her declaration on MBD 5? False / mismatched / inconsistent declaration may lead to immediate disqualification.	N/A
13.	Recent annual financial statement (AFS) for three consecutive years (unaudited AFS). NB: if a company provides any financial statements in terms of section 29 of the Companies Act, such statements must comply with the provision of the Act.	a) Applicable to private companies with a public interest score of less than 100. b) If, with respect to a particular company, every person who is a holder of, or has a beneficial interest in, any securities issued by that company is also a director of the company, that company is exempt from the requirements in this section to have its annual financial statements audited or independently reviewed. NB: An independent review will suffice if the company has opted to have its financial statement audited or is required by its Memorandum of Incorporation (MOI) to do so.	Has the bidders furnished MBD 5 as mandatory? Has the bidder attached the relevant AFS as required by law in line with his/her declaration on MBD 5?	N/A
14.	Functionality / Quality for evaluation of complex projects	a) Functionality test refers to evaluation of bidders on various aspects of the contract to establish if the bidders has the capabilities to execute the contract or not. The various aspect may include but not limited to: track record and experience on similar projects, human resource and their individual experience, financial capabilities, relevant technology, etc. NB: Functionality will not be compulsory for all projects but for complex projects. Functionality criteria will vary from one project to another.	Has the bidder met the minimum threshold on functionality in order to qualify for further evaluation on price and B-BBEE? Has the bidders been scored in line with the evaluation criteria set on the tender document? All portfolio of evidence attached and certified as stated on the bid document?	YES
15.	The Compensation for Occupation Injuries and Diseases Act 130 of 1993 (COIDA)	a) The COIDA provides for compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment, or for death resulting from such injuries or diseases, hence bidders are expected to attach COIDA certificates in line with their specialize area aligned to the type/nature of business.	If applicable, is the COIDA certification / letter of good standing attached, valid and reflects the nature of work in line with the scope of works?	YES

SUPPLY CHAIN POLICY USING 80/20 PREFERENCE POINT SYSTEM

		MAXIMUM POINTS TO BE ALLOCATED	POINTS CLAIMED BY BIDDER	ALLOCATED POINTS
PRICE AND COMPETENCE GOALS (80 POINTS)	PRICE	80		
	SUB TOTAL	80		
EQUITY PROMOTION GOALS (20 POINTS)				
	B-BBEE STATUS LEVEL OF CONTRIBUTION	20		
	SUB TOTAL	20		
TOTAL		100		