

RFQ2025-OPS-023

TERMS OF REFERENCE & REQUEST FOR QUOTATIONS

1. Introduction

It is the intention of uThukela Water (Pty) Ltd to obtain services from an Approved Inspection Authority to perform occupational hygiene assessment, monitoring, reporting, training, and registration in compliance with Asbestos Abatement Regulations, for its Ngagane Water Treatment Plant and Pipeline.

2. Background

uThukela Water (Pty) Ltd has sections of its pipeline purportedly constructed of asbestos cement, linked to its Ngagane Water Treatment Plant in Newcastle. This pipeline at random instances requires either to be repaired or replaced, thereby presenting asbestos work. The contemplated work is outlined in Table 1 below.

3. Methodology and Approach:

The Approved Inspection Authority shall identify asbestos and develop an inventory of asbestos as required by Regulations 4 and 5 of the Asbestos Abatement Regulations, respectively.

Prepare an Asbestos Management Plan in accordance with Regulation 6 of the Asbestos abatement Regulations.

Monitor and ensure that work conducted by Registered Asbestos Contractors complies with provisions of Regulations 12 and 13 of the Asbestos Abatement Regulations

Employ occupational hygiene methods in accordance with the requirements of Regulations 5 and 16 of the Asbestos Abatement Regulations in the assessments and monitoring of exposure to asbestos containing material.

Train employees in line with Regulation 7 of the Asbestos Abatement Regulations, and facilitate registration of the Client as an Asbestos Contractor.

Prescribe the personal protective equipment to be used during asbestos work in line with Regulation 19 of the Asbestos Abatement Regulations.

Issue an Asbestos Clearance Certificate after completion of asbestos work in line with Regulation 22 of the Asbestos Abatement Regulations.

4. Requirements

The entity requires services from an Approved Inspection Authority as follows

TABLE 1

ITEM NO	DESCRIPTION OF SERVICE	SPECIFICATIONS
1	Approved Inspection Authority services for Ngagane Water Treatment Plant	<p>Scope of Services shall include, but not limited to:</p> <ol style="list-style-type: none"> 1. Identification of asbestos containing material; 2. Development of inventory of asbestos; 3. Asbestos Risk Assessment, including foetal exposure when an employee is pregnant; 4. Air Monitoring and reporting 5. Asbestos Management Plan; 6. Asbestos Clearance Certificates; 7. Submission and presentation of the comprehensive report(s) to the Client; 8. Training of personnel by a competent person according to Regulation 7 of the Asbestos Abatement Regulations; 9. Detailed specifications of PPE for use during asbestos work; 10. Ensure compliance of work performed by Registered Asbestos Contractor(s); and 11. Facilitate the process of registering uThukela Water (Pty) Ltd as a Registered Asbestos Contractor with the Department of Employment and Labour.

The following are mandatory returnable documents

Documents	Comply	Did not comply
1. Proof of approval by the Department of Labour as an Approved Inspection Authority for Asbestos;		
2. Proof of competency of the personnel to be engaged in the delivery of service shall be a CV and certificates of competency;		
3. Proof of Calibration by SANAS accredited facility for the equipment to be used in the assessment and monitoring;		
4. Proof of SANAS accreditation of the laboratory facility to be used for analysis;		

Service providers are to note the following

1. The service provider must quote itemised prices for the services to be rendered, according to Table 2 below and to please show travel and accommodation cost separately and VAT (if applicable); and
2. The service provider must claim points for specific goal to be allocated points by the entity kindly refer to MBD6 on this RFQ.

TABLE 2			
ITEM No.	ITEM DESCRIPTION	QUANTITY	AMOUNT (R)
1	Identification, and Creation of Inventory, of Asbestos	1	R
2	Asbestos Risk Assessment, Air Monitoring, and Reporting	1	R
3	Asbestos Management Plan	1	R
4	Asbestos Clearance Certificate	1	R
5	Training	1	R
6	PPE Detailed Specifications	1	R
7	Monitor Asbestos Contractors' Work	1	R
8	Facilitate and coordinate the process of registering uThukela Water (Pty) Ltd as a Registered Asbestos Contractor	1	R
9	Travel		R
10	Accommodation		R
	Total		R
	VAT (15 %)		R
	GRAND TOTAL (VAT INCLUSIVE)		R

5. Preference points system and specific goals

Bids will be adjudicated in terms of the Preferential Procurement Regulations, 2022 pertaining to Preferential Procurement Policy Framework Act, 5/2000 and other application legislation. Preference points will be awarded to service providers using Specific Goals claimed on MBD 6.1 (points will be not be allocated for unclaimed points) The municipal Entity reserves a right to accept all, some or none of the bids submitted, either wholly or in part and is not obliged to accept the lowest bid.

6. Compulsory Clarification meeting

Date : 17 September 2024
 Place :Ngagane Water Treatment Plant
 Time : 09H00 AM

Failure to attend the site meeting will render the service provider disqualified.

7. Contacts

SCM queries -Ms Z Mhlongo 034 328 5000 or
zamantugwa.mhlongo@uthukelawater.co.za

Technical queries – Mr Sabelo Ngcobo via email Sabelo.ngcobo@uthukelawater.co.za

8. Closing Day – 23 September 2024

9. Submission of the quotation

Quotes in plain sealed envelope, endorsed RFQ number should be placed place in the bid box provided by uThukela Water at 79 Harding Street Newcastle 2940 before 4pm or email to quotes@uthukelawater.co.za before end of business day.

10. Important information

Service providers are required to complete the following forms below failure to do so will renders the submission invalid.

MBD4
 MBD 6
 MBD9
 BBBEE Certificate.

The MDB forms are part of this RFQ , Please see below

Name of the service provider	
Central Database number	
Company registration number	

DECLARATION OF INTREST
MBD 4

1. No bid will be accepted form persons in the service of the state
2. Any person, having a kinship with person in the service of the state, including a blood relationship, may make an offer or offers of this invitation of bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to person connected with or related to person 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 and/or take an oath declaring his/her interest.

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

3.1 Full Name _____

3.2 Identity Number _____

3.3 Company Registration Number: _____

3.4 Tax Reference Number _____

3.5 Vat Registration Number _____

Item	Question	Yes	No
3.6	Are you presently in the service of the state?		
3.6.1	If so, furnish particulars		
3.7	Have you been in the service of the state of the past twelve months?		
3.7.1	If so, furnish particulars		
3.8	Do you, have any relationship (family, friend, other) with person in the service of the state and who may be involved with the evaluation and or adjudication of this bid?		
3.8.1	If so, furnish particulars		
3.9	Are you, aware of any relationship (family, friend, other) between a bidder and any person in the service of the state who may be involved with the evaluation and or adjudication of this bid		
3.9.1	If so, furnish particulars		

3.10	Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state?		
3.10.1	If so, furnish particulars		
3.11	Are any spouse, child or parent of the company's directors, managers, principal shareholders in service of the state?		
3.11.1	If so, furnish particulars		

CERTIFICATION

I, THE UNDERSIGNED (NAME) _____
(DIRECTOR /SHAREHOLDER MEMBER/TRUSTEE)

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

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

Signature

Date

Capacity

Name

**MBD6.1 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2022**

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

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

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.
- b) 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

- (a) 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;

“price” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

(a) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

(b) **“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

(c) **“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:

80/20

or

90/10

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Locality : UThukela Water Jurisdiction	10	
KwaZulu Natal Province	5	
Outside KZN	0	
100 % Black owned	5	
Women	5	

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. 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

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.
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

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

Name of the Bidder	Date	Signature
Capacity		