

T1.2 TENDER DATA

TENDER DATA

Clause							
1	<p>The Employer is: Thembisile Hani Local Municipality Stand No.24, Opposite Police Station Kwaggafontein C Mpumalanga 0458</p>						
2	<p>The tender document's contents is as follows:</p> <p>Part T1: Tendering procedures: T1.1 Tender notice and invitation to tender T1.2 Tender Data</p> <p>Part T2: Returnable documents T2.1 Returnable Schedules required for Tender Evaluation</p> <p>The Contract</p> <p>Part C1: Agreements and contract data C1.1 Form of Offer and Acceptance C1.2 Contract Data C1.3 Form of Guarantee</p> <p>Part C2: Pricing data C2.1 Pricing instructions C2.2 Bills of quantities</p> <p>Part C3: Scope of work C3.1 Description of Works</p> <p>Part C4: Annexures C4 1 : Supply Chain Management Policy</p>						
3	<p>Interpretation</p> <p>The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these tender conditions.</p>						
4	<p>Communication.</p> <p>The Employer's Representative is;</p> <table border="1" data-bbox="248 1874 1310 2116"> <thead> <tr> <th data-bbox="248 1874 592 1928"><u>Accounting Officer:</u></th> <th data-bbox="592 1874 999 1928"><u>Procurement Enquiries:</u></th> <th data-bbox="999 1874 1310 1928"><u>Technical Enquiries:</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="248 1928 592 2116"> Mr. D.J.D. Mahlangu Private Bag X4041 Kwaggafontein C Mpumalanga </td> <td data-bbox="592 1928 999 2116"> Mr. G.M Rapolai Private Bag X4041 Kwaggafontein C Mpumalanga </td> <td data-bbox="999 1928 1310 2116"> Adv J.P Skosana Private Bag X4041 Kwaggafontein C Mpumalanga </td> </tr> </tbody> </table>	<u>Accounting Officer:</u>	<u>Procurement Enquiries:</u>	<u>Technical Enquiries:</u>	Mr. D.J.D. Mahlangu Private Bag X4041 Kwaggafontein C Mpumalanga	Mr. G.M Rapolai Private Bag X4041 Kwaggafontein C Mpumalanga	Adv J.P Skosana Private Bag X4041 Kwaggafontein C Mpumalanga
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	0458 Tel: 013 986 9100	0458 Tel: 013 986 9233	0458 Tel: 013 986 9138
	<p>Attention is drawn to the fact that verbal communication given by the Employer's representative prior to the close of tenders will not be regarded as binding on the employer. Only information issued formally by the employer in writing to the tenders, under the signature of the Accounting Officer or his nominee will be regarded as amending the tender documents. Tender offer communicated on paper shall be submitted as an original.</p> <p>In the event that no correspondence or communication is received from the THLM within ninety (90) days after the stipulated closing date and time of the tender, the tender proposal will be deemed to be unsuccessful.</p>		
5	<p>The Employer's right to accept or reject any tender offer</p> <p>The employer has the right not to accept the lowest tender and to accept the whole or part of any tender or not to consider any tender not suitably endorsed is fully reserved by the Thembisile Hani Local Municipality.</p>		
6	<p>Cost of Tendering</p> <p>The employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the cost of any testing necessary to demonstrate that aspects of the offer satisfy requirements.</p>		
7	<p>Check documents</p> <p>The Tenderer should check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.</p> <p>Thembisile Hani Local Municipality reserves the right to request the bidder to submit original documents (as detailed in the proposed key personnel of the tender document and but not limited to, company CK document, qualifications of key personnel, as well as the BBB-EE certificate) for review and certification by its Commissioner of Oath.</p>		
8	<p>Confidentiality and Copyright of Documents.</p> <p>Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation</p> <p>In submitting any information or documentation requested in this tender or any other information that may be requested pursuant to this Tender, you are consenting to the processing by THLM or its stakeholders of your personal information and all other personal information contained therein, as contemplated in the Protection of Personal Information Act, No.4 of 2013 and Regulations promulgated thereunder ("POPI Act"). Further, you declare that you have obtained all consents required by the POPI Act or any other law applicable. Thus, you hereby indemnify THLM against any civil or criminal action, administrative fine or other penalty or loss that may arise as a result of the processing of any personal information that you submit.</p>		
9	<p>Submitting tender offer:</p>		
	<p>No Tender document will be considered unless submitted on Council's Official Tender Document</p> <p>Return all the returnable documents to the employer after completing them.</p> <p>Tenders must be deposited in the tender box clearly marked with project description.</p> <p>Location of tender Box: Thembisile Hani Local Municipality Building, municipal entrance.</p>		

	<p>Physical Address: Thembisile Hani Local Municipality, Stand No.24 Kwaggafontein C, Mpumalanga, 0458.</p> <p>Telephonic, telegraphic, telex, facsimile or emailed tenders will not be considered</p> <p>All tender received by the Thembisile Hani Local Municipality will remain in the Municipality's possession until after the stipulated closing date and time.</p> <p>Accept that a tender submitted to the employer cannot be withdrawn or substituted. No substitute tenders will be considered</p>
10	<p>Closing Time:</p> <p>The time and location for opening of the Tender offers are:</p> <p>Closing Time: 12h00pm</p> <p>Closing Date: 25 May 2026</p> <p>Location: Thembisile Hani Local Municipality Stand No.24 Kwaggafontein C Mpumalanga 0458.</p> <p>Tenders will be opened in public at the same time.</p>
	<p>After the opening of the tender proposals, no information relating to the clarification, determination of responsiveness, evaluation and comparison of tender proposals and recommendations concerning the award of the tender shall be disclosed to any other tenderer or persons not concerned with such process until the award of the Tender has been announced by the THLM.</p>
11	<p>Pricing the tender</p> <p>State the rates and prices in Rands</p>
12	<p>Alterations to the Tender Documents.</p> <p>No alterations may be made to the tender document issued by the employer.</p> <p>Proposals and any other supporting documents must be attached to the back of this tender document</p>
	<p>Alternative tender offer.</p> <p>No alternative tender offers will be considered or accepted</p> <p>Alternative offers may be submitted only if a main tender offer, strictly in accordance with all the requirements of the tender document is also submitted. The alternative tender offer is to be submitted with the main tender offer together with a schedule that compares the requirements of the tender document with the alternative requirements the tenderer proposes.</p>
14	<p>Declaration Certificate for Local Production and Content for Designated Sectors</p> <p>Local Content is NOT APPLICABLE on this project.</p>
15	<p>Tender Offer Validity</p> <p>The Tender offer validity period is 120 days from the closing date.</p>
16	<p>Tender clarification after submission</p> <p>A tender may be regarded as non-responsive if the tenderer fails to provide clarification requested by the employer within the time for submission stated in the employer's written request.</p>
17	<p>Tender evaluation points</p> <p>The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20-point system shall be applicable.</p>

	<p>Preference points for this bid shall be awarded for:</p> <ul style="list-style-type: none"> (a) Price; and (b) Specific Goals. 								
18	<p>The maximum points for this bid are allocated as follows:</p>								
	<table border="1" data-bbox="248 383 1161 667"> <thead> <tr> <th data-bbox="248 383 971 448"></th> <th data-bbox="971 383 1161 448">POINTS</th> </tr> </thead> <tbody> <tr> <td data-bbox="248 448 971 510">PRICE</td> <td data-bbox="971 448 1161 510">80</td> </tr> <tr> <td data-bbox="248 510 971 573">Specific Goals</td> <td data-bbox="971 510 1161 573">20</td> </tr> <tr> <td data-bbox="248 573 971 667">Total points for Price and Specific Goals must not exceed</td> <td data-bbox="971 573 1161 667">100</td> </tr> </tbody> </table>		POINTS	PRICE	80	Specific Goals	20	Total points for Price and Specific Goals must not exceed	100
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	<p>Evaluation of Tenders</p> <p>The Tenderers notice is drawn to the fact that the evaluation, adjudication and awarding of this tender will be terms of the Supply Chain Management Policy of the THLM.</p> <p>The following steps will be followed in evaluation.</p> <ol style="list-style-type: none"> 1. Determine whether tender offers are complete or not. 2. Determine whether tender offers are responsive or not. 3. Assess the reasonableness of tender offers. 4. Confirmation of the eligibility of preferential points claimed by tenderers. 5. Determination of expertise and experience of tenderers. 6. Awarding of points for financial offer. 7. Ranking of tenderers according to the total points 8. Performance of risk analysis by checking the credit record of the tenderers 								
19	<p>Technical adjudication and General Criteria</p> <ul style="list-style-type: none"> ▪ Tenders will be adjudicated in terms of inter alia: ▪ Compliance with Tender conditions ▪ Technical specifications <p>If the Tenderer does not comply with the Tender Conditions, the Tenderer may be rejected. If technical specifications are not met, the Tender may also be rejected.</p> <p>With regard to the above, certain actions or errors are unacceptable and warrants REJECTION OF THE TENDER, for example</p> <ul style="list-style-type: none"> ▪ A valid Tax Compliance letter with a unique PIN in terms of the electronic Tax Compliance Status (TCS) system from SARS has been submitted. ▪ Pages to be completed, removed from the Tender document, and have therefore not been submitted. ▪ If tender document is not fully completed as required and as stipulated in the tender data. ▪ If any tender document is tempered with or it is unbundled or unbundled. ▪ Scratching out without initialling next to the amended rates or information. ▪ Writing over / painting out rates / the use of correction fluid without initialising or the use of any erasable ink, e.g. pencil. ▪ The Tender has not been properly signed by a party having the authority to do so, according to the Form D – “Authority for Signatory” 								

	<ul style="list-style-type: none"> ▪ A Resolution by a Board of Directors of the Company authorising the Tenderer to sign the Tender document on behalf of the Company. No authority for signatory submitted. ▪ Particulars required in respect of the Tender have not been provided – non-compliance of Tender requirements and/or specifications. ▪ The Tenderer's attempts to influence or has in fact influenced the evaluation and/or awarding of the contract. ▪ The Tender has been submitted after the relevant closing date and time ▪ Failure to complete and sign Form C1.1 Form of Offer and Acceptance ▪ If any municipal rates and taxes or municipal service charges owed by that Tenderer or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months. ▪ If any Tenderer who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that Tenderer that performance was unsatisfactory.
20	<p>Size of enterprise and current workload</p> <p>Evaluation of the Tenderer's position in terms of:</p> <ol style="list-style-type: none"> 1. Previous and expected current annual turnover 2. Current contractual obligations 3. Capacity to execute the contract
21	<p>Previous experience</p> <p>The procedure for the evaluation of responsive Bids will be on the completed projects where the firm was involved. Reference of clients MUST be provided.</p> <p>The tenderer shall list in the appropriate Forms the appropriate related projects undertaken by the member firms of the tenderer within the last three (3) years.</p> <p>Evaluation of the Tenderer's position in terms of his previous experience. Emphasis will be placed on the following:</p> <ul style="list-style-type: none"> ▪ Experience in the relevant technical field ▪ Experience of contracts of similar size
	<p>The tenderer shall provide documentation of the company experience of each member of the Consortium/Joint Venture related to the projects.</p>
22	<p>Financial ability to execute the contract:</p> <p>Evaluation of the Tenderer's financial ability to execute the contract. Emphasis will be placed on the following:</p> <ul style="list-style-type: none"> ▪ Contact the Tender's bank manager to assess the Tenderer's financial ability to execute the contract and the Tenderer hereby grants his consent for this purpose.
23	<p>Good standing with SA Revenue Services</p> <ul style="list-style-type: none"> ▪ Determine whether a valid Tax Compliance letter with a unique PIN in terms of the electronic Tax Compliance Status (TCS) system from SARS has been submitted.
	<p>If the Tender does not meet the requirements contained in the THLM Procurement Policy, and the mentioned framework, it will be rejected by the Council, and may not subsequently be made acceptable by correction or withdrawal of the non-conforming deviation or reservation.</p>
24	<p>Penalties</p> <p>The Thembisile Hani Local Municipality will if upon investigation it is found that a preference in terms of the Act and these regulations has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract, on discretion of the Municipal Manager, one or more of the following penalties will be imposed:</p> <ul style="list-style-type: none"> ▪ Cancel the contract and recover all losses or damages incurred or sustained from the Tenderer.

	<ul style="list-style-type: none"> ▪ Impose a financial penalty at the discretion of Council ▪ Restrict the contractor, its shareholders and directors on obtaining any business from the Thembisile Hani Local Municipality for a period of 5 years.
25	<p>Evaluation Method 4</p> <p>Which entails the balance between financial offer, preferences and Quality and 80-20 points system, will be adopted.</p>
26	<p>The additional conditions of Bid Document</p> <ol style="list-style-type: none"> 1. Thembisile Hani Local Municipality may also request that the Tenderer provide written evidence that his financial, labour and resources are adequate for carrying out the project. 2. The Thembisile Hani Local Municipality reserves the right to appoint a firm of chartered accountants and auditors and / or execute any other financial investigations on the financial resources of any Tenderer. The Tenderer shall provide all reasonable assistance in such investigations.

FORM A: EVALUATION SCHEDULE: TENDER COMPLIANCE

Tender compliance by the contracting Firm

It must be noted that a total of **40 points** must be obtained by the contracting firm in relation to the requirements as mentioned on the table below failure which a tender shall be automatically eliminated from any further evaluation.

Evaluation Criteria	Evaluation Criteria	Elimination Factor	Points obtainable	Points Claimed
Delegation of authority (Note 01)	Delegation of authority for signatory signed by senior directors and/or shareholders nominating representative on the project	Yes	5	
Completing tender document (Note 02)	Must initial every page in the tender document, signing and fill the tender document in full	Yes	5	
Company registration (Note 03)	Proof of company registration with Company and Intellectual Property Commission (CIPC) and proof of shareholding	Yes	5	
Tax PIN Verification (Note 04)	Proof of Tax registration and compliance with South African Revenue Services (SARS)	Yes	5	
Municipal account (Note 05)	A statement of the municipal account, which does not owe municipal services for more than 90 days must be attached.	Yes	5	
CSD Report (Note 06)	A copy of the CSD report of the company which is not older than 1 (one) month must be attached.	Yes	5	
Registration with Legal Practice Council (LPC) (Note 07)	A copy registration with any SAQA Accredited Professional Bodies must be attached <ul style="list-style-type: none"> • Legal Practice Council (LPC) 	Yes	5	
Registration with the Fidelity Fund (Note 08)	A copy of the Fidelity Fund Certificate	Yes	5	
Total 40 points				

Note 01: Delegation of Authority

In case of a Company, a delegation of Authority signed by the Consulting Firm’s Board of Directors nominating a Team Leader as a delegated and authorized Signatory must be attached. In case of a Closed Corporation, a delegation of Authority signed by the Contracting Firm’s majority Shareholders nominating a Team Leader as a delegated and authorized Signatory must be attached. Failure to attach the delegation of authority certificate shall warrant an automatic elimination of tender from any further evaluation.

Note 02: Completing tender document

As stipulated in the tender rules or in addition thereto, a tender document shall be completed in full with all the provided spaces fully completed, every page initialled accordingly and all required documentation attached thereto. Failure which shall warrant an automatic elimination of tender from any further evaluation. The prospective bidder may not make any alterations or additions to the tender documents, except to comply with instructions

issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations. Erasures and the use of correction fluid are prohibited. Failure to complete the tender document in full shall warrant automatic elimination of tender from any further evaluation.

Note 03: Company registration

A proof of company registration in the form of a copy from Company and Intellectual Property Commission (CIPC) shall be attached including a copy of a certificate for proof of shareholding. Failure to attach the CIPC certificate shall warrant an automatic elimination of tender from any further evaluation.

Note 04: Tax Verification PIN

A copy of tax registration and compliance (**Tax PIN**) with relevant legislation in the form of a valid verification PIN certificate shall be attached. Failure to attach the tax pin verification pin certificate shall warrant an automatic elimination of tender from any further evaluation.

Note 05: Municipal Account

Attach an original or a copy of a municipal utility account (not older than three (3) months) and the account must not be in arrears for more than 90 days of any of the registered director(s) or company. Attach a copy of the lease agreement along with the utility account of the Landlord, whereby the company is leasing the property it is operating from. Failure to attach the municipal statement of account shall warrant an automatic elimination of tender from any further evaluation.

Note 06: CSD Report

Attach a copy of CSD report of the company which is not older than one (01) month must be attached. Failure to attach the CSD report shall warrant an automatic elimination of tender from any further evaluation.

Note 07 Registration with any SAQA Professional Bodies

A copy of registration with any SAQA Accredited Professional Bodies (LPC) - Legal Practice Council must be attached. Failure to attach proof of registration with LPC shall warrant automatic elimination from any further evaluation.

Note 08 Registration with the Fidelity Fund

A copy of the Fidelity Fund Certificate must be attached. Failure to attach proof of registration with Fidelity Fund shall warrant automatic elimination from any further evaluation.

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

Person Authorized to sign Tender:

FULL NAME:

SIGNATURE:

DATE:

FORM B: EVALUATION SCHEDULE: FUNCTIONALITY

The Firm's tender responsiveness in relation to points is therefore summarised as follows:

Summary of Functionality	
Organising and Staffing	60
Experience of Firm	30
Total	90

A firm must obtain a minimum of 68 points out of the 90 points above to be considered for price and specific goals.

Project Manager/ LEAD PARTNER:

(Maximum Points obtainable 35)

Name of Project Manager/Lead Partner

Evaluation Criteria	Minimum Required	Elimination Factor	Maximum Points obtainable	Points Claimed
Academic Qualifications (Note 1)	Master's in law or higher NQF Level 9	No	10	
	Bachelor of Laws (LLB), or B IURIS or B PROC degree, NQF Level 7	Yes	8	
Professional Registration (Note 2)	Admission as an attorney/Advocate (Registered with the Legal Practice Council)	Yes	2	
Sub-total			12	
Years of experience after admission (letter of good standing from the legal practice Council)	1-2 years of experience	No	1	
	3-6 years of experience	No	6	
	7 years of experience and above	No	10	
Sub-Total			10	
Involvement in comparable projects (testimonial letters from the client)	3-5 projects	No	1	
	6-9 projects	No	6	
	10 projects and above	No	10	
Sub-Total			10	
Current Employment (appointment letters)	Full time employed by the Legal Firm	Yes	3	
Sub-total			3	
Total			35	

NOTE: SHOULD THE PROJECT TEAM LEADER BE THE SAME AS THE PROFESSIONAL ASSISTANT / JUNIOR ADVOCATE ZERO POINTS WILL BE ALLOCATED.

PROFESSIONAL ASSISTANT/JUNIOR ADVOCATE: (Maximum Points obtainable 25)

Name of PA:

Evaluation Criteria	Minimum Required	Elimination Factor	Maximum Points	Points Claimed
			obtainable	
Academic Qualifications	Bachelor of laws (LLB) or higher NQF Level 7	Yes	08	
Professional Registration	Admission as an attorney/Advocate (Registered with the Legal Practice Council)	Yes	07	
Sub-total			15	
Years of experience after admission as an Attorney/Advocate (letter of good standing from the legal Practice Council).	1-2 years of experience	No	1	
	3-5 years of experience	No	3	
	6 years of experience and above	No	6	
Sub-Total			6	
Current Employment (Curriculum Vitae)	Full time employment by the Firm	Yes	4	
Sub-Total			4	
Total			25	

NOTES

Note 1: Academic Qualifications

Proof of academic qualifications in the form of certified copies must be attached to all personnel. Foreign qualifications must be accompanied by a certificate from Qualifications Certification Body. Failure to provide this proof of academic qualifications will result in the Personnel being regarded as not having minimum prescribed qualifications and will eliminate the tender from further evaluation.

Minimum requirements for Project Manager

- At least a B Uris/ B Proc/ LLB Law Degree or master's in law
- At least 1 or more years of experience after admission as attorney.

Note 2: Professional Registration

Both the Lead Partner (Project Manager) and the Professional Assistant/Junior Advocate must be registered with the Legal Practice Council as an admitted attorney, Advocate. Proof of registration thereof should be attached, failing which shall lead to an automatic disqualification.

Experience of the Firm**(Maximum Points 30)**

Provide proof of the company's previous completed projects in the form of verifiable appointment letters /orders issued by the previous clients with contact details. If none of any of these are provided, zero points will be allocated in that regard.

Evaluation Criteria	Evaluation Criteria	Elimination Factor	Points obtainable	Points Claimed
Company experience in terms of similar projects completed	2 - 3 Projects	No	10	
	4 - 5 Projects	No	25	
	6 Projects and above	No	30	
TOTAL			30	

TOTAL SCORE: _____/90