
	REQUEST FOR QUOTATION	
	RFQ Number: Q23/480AS	Form No: UW-RFQ-2 Version No: 3/2023 Effective Date: Jul 2023

Description	APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER TO UNDERTAKE LEGAL ENVIRONMENTAL COMPLIANCE AUDIT FOR UMGENI WATER OPERATED SITES
Advert Date	6 September 2023
Closing Date and Time	20/09/2023 at 15:00
Compulsory or Non-Compulsory Briefing Session	N/A
SCM Enquiries	Asheena Singh Tel: 031 7197300 ext 7390 Email: Asheena.singh@umgeni.co.za
Technical Enquiries	Ntokozo Sosibo Cel: 073 902 8804 Email: ntokozo.sosibo@umgeni.co.za
Contents of RFQ	1. Invitation to quote 2. Bidders information 3. Terms and Conditions 4. Undertaking by Bidder 5. Terms of Reference/RFQ specifications 6. Price Schedule 7. Authority to Sign 8. Bidders disclosure [SBD 4] 9. Preference points claim form (SBD 6.1) 10. Contract Form [SBD 7.2]

Quotation Submission:	Tip-Offs Anonymous Hotline:
Quotations clearly marked, 'RFQ Number and description of the required goods/services' uMngeni-Uthukela Water (Head Office) Supply Chain Management Unit 310 Burger Street Pietermaritzburg 3201 Or by email to : scmquotes@umgeni.co.za using Quote number as the email subject	Report unethical conduct at uMngeni-uThukela Water on: Toll Free Number: 0800 864 463 Email: umgeniwater@whistleblowing.co.za Toll Free Fax: 0800 212 689 Postal: Freepost KZN665, Musgrave, 4062 SMS: 33490 Online: www.whistleblowing.co.za <i>Stop theft / fraud / dishonesty / bribery /blackmail / intimidation, and remain anonymous.</i>

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BIDDERS INFORMATION


Name of Bidder	
Company Registration number	
VAT registration number	
Contact Person	
Telephone number	
Cell number	
E-mail address	
Postal address	
Physical address	
uMngeni-Uthukela Vendor Number	
CSD Supplier number	

I certify that the information furnished on this form is true and correct. I further accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

Name of Representative
(Duly Authorised)


Signature

Date

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TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)

1. Any alteration made by the bidder must be initialled.
2. Use of correcting fluid is prohibited
3. Bidders must be registered on the National Treasury's Central Suppliers Database.
4. Tenderers are required to submit a valid Tax clearance verification PIN or CSD MAAA number
5. This quotation is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2022; the General Conditions of Contract (GCC) and if applicable any other Special Conditions of Contract.
6. The applicable preference point system for this tender is the 80/20 preference point system, Failure on the part of a tenderer to submit proof or documentation required in terms of this RFQ to claim points for specific goals, will be interpreted to mean that preference points for specific goals are not claimed by the bidder. Kindly refer to SBD 6.1 form for additional information.
7. Suppliers must complete the attached SBD 4 – Bidders disclosure, failure to complete these documents may result in the quotation being invalidated.
8. Quotations must be in accordance and comply with the terms of reference/specifications provided, unless otherwise stipulated.
9. The official uMngeni-Uthukela Water quotation form must be used to quote the offered price. Should the allocated price page be insufficient, the tenderer may supplement the price page with an additional pricing breakdown.
10. Price Declaration must be completed, and should the total RFQ prices differ, the one indicated on the price declaration shall be considered the correct price.
11. The successful supplier may be required to fill in and sign a written Contract Form. (If applicable)
12. This document may contain confidential information that is the property of uMngeni-Uthukela Water.
13. No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this RFQ, without prior written permission from uMngeni-Uthukela Water and the Bidder.
14. All Copyright and Intellectual Property herein vests with uMngeni-Uthukela Water and its Bidder.
15. Responses to this RFQ must be submitted by email scmquotes@umgeni.co.za or be deposited in tender box situated as indicated on the quotation request form marked appropriated as directed. (*The applicable submission method is reflected on the cover page*).
16. It is the responsibility of the bidder to ensure that its response reaches uMngeni-Uthukela Water on or before the closing date and time of the RFQ. Late and incomplete submissions will not be accepted.
17. No services must be rendered or goods delivered before an official uMngeni-Uthukela Water Purchase Order form has been received.
18. **uMngeni-Uthukela Water reserves the right to appoint more than one supplier/service provider and or to award the quote as whole or in part.**
19. A full copy of General Conditions of Contract (GCC) are available on the National Treasury website (<https://www.treasury.gov.za/divisions/ocpo/sc/generalconditions/general%20conditions%20of%20contract.pdf>)

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UNDERTAKING BY BIDDER

1. I/We hereby quote to supply all or any of the supplies and/or to render all or any of the services described in the attached documents to uMngeni-Uthukela Water on the terms and conditions. In accordance with the specifications stipulated in the quotation documents (and which shall be taken as part of and be incorporated into this quote) at the prices and on the terms regarding time for delivery and/or execution inserted therein.

2. I/we agree that:
 - (a) the offer herein shall remain binding upon me and open for acceptance by uMngeni-Uthukela Water during the validity period indicated and calculated from the closing time of the quote;
 - (b) this quote and its acceptance shall be subject to the Public Finance Management Act, 1999, uMngeni-Uthukela Water's Supply Chain Management Policy and Procedures, the General and Special Conditions of Contract as may be applicable, with which I/we am fully acquainted;
 - (c) if I/we withdraw my quote within the period for which I/we have agreed that the quote shall remain open for acceptance, or fail to fulfil the contract when called upon to do so. uMngeni-Uthukela Water may, without prejudice to its other rights, agree to the withdrawal of my quote or cancel the contract that may have been entered into between uMngeni-Uthukela Water and I/us. I/we will then pay to uMngeni-Uthukela Water any additional expenses incurred for having either to accept any less favourable quote or, if fresh quote have to be invited, the additional expenditure incurred by the invitation of fresh quotes and by the subsequent acceptance of any less favourable quotes. uMngeni-Uthukela Water shall reserve the right to recover such additional expenditure by set-off against monies which may be due to me under this, or any other tender or contract or against any guarantee or deposit that may have been furnished by me or on my behalf for the due fulfilment of this or any other tender or contract. Pending the ascertainment of the amount of such additional expenditure to retain such monies, guarantee or deposit as security for any loss uMngeni-Uthukela Water may sustain by reason of my default;
 - (d) if my quote is accepted, the acceptance may be communicated to me by electronic mail, to the email address supplied in my quotation document;
 - (e) the law of the Republic of South Africa shall govern the contract created by the acceptance of my quote and I choose *domicilium citandi et executandi* in the Republic at (full physical address) :

3. I/we furthermore confirm that I/we have satisfied myself as to the correctness and validity of my quote: that the price(s), rate(s) and preference quoted cover all of the work/item(s) and my obligations under a resulting contract, and I accept that any mistakes regarding the price(s) and calculations will be at my risk.

4. I/we hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement, as the Principal(s) liable for the due fulfilment of this contract.


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5. I/we agree that any action arising from this contract may in all respects be instituted against me and I/we hereby undertake to satisfy fully any sentence or judgement which may be pronounced against me as a result of such action.
6. I/we confirm that I/we have declared all and any interest that I or any persons related to my business has with regard to this quote or any related quotations by completion of the Declaration of Interest Section.
7. **I/WE, THE UNDERSIGNED, WHO WARRANT THAT I AM DULY AUTHORISED TO DO SO ON BEHALF OF THE TENDERER, CERTIFY THAT THE INFORMATION SUPPLIED IN TERMS OF THIS DOCUMENT IS CORRECT AND TRUE, THAT THE SIGNATORY TO THIS DOCUMENT IS DULY AUTHORISED AND ACKNOWLEDGE THAT:**
 - (1) The tenderer will furnish documentary proof regarding any tendering issue to the satisfaction of the uMngeni-Uthukela Water, if requested to do so.
 - (2) If the information supplied is found to be incorrect and/or false then uMngeni-Uthukela Water, in addition to any remedies it may have, may: -
 - a) Recover from the contractor all costs, losses or damages incurred or sustained by uMngeni-Uthukela Water as a result of the award of the contract, and/or
 - b) Cancel the contract and claim any damages which uMngeni-Uthukela Water may suffer by having to make less favourable arrangements after such cancellation.

 Name of Representative
 (Duly Authorised)

 Signature

 Date

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TERMS OF REFERENCE FOR THE APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER TO UNDERTAKE LEGAL ENVIRONMENTAL COMPLIANCE AUDIT FOR UMGENI WATER OPERATED SITES

1. Background

Umngeni-uThukela Water (UW) is a state-owned water utility that operates predominately in the province of KwaZulu-Natal and is governed by the Water Services Act No. 108 of 1997. The primary function of the organization is to treat raw water to drinking standards and distribute it in bulk to municipalities within its operational area. In addition to the provision of bulk potable water, the organization is also involved in wastewater treatment, implementing sanitation projects, and providing commercial activities as well as social development services. A formal environmental legal compliance audit is required to ensure that uMngeni-uThukela Water keeps up with the applicable environmental laws and regulations.

2. Description of services required

Scope of Work

Tasks


The successful PSP will review and ensure familiarity with uMngeni-uThukela Water operational processes and applicable environmental legislation thereof. The scope includes the whole of UW operational sites including WTW, wastewater treatment works (WWTW), pump stations, dams, workshops and office buildings and conveyance systems. The successful service provider will be expected to also review and update the existing Environmental Legal Register, and provide an environmental audit report with recommendations.

The following activities are deemed necessary to successfully accomplish the required services:

- **Desktop and site visits:** to familiarize with UW operational processes
- Determine which environmental laws, policies and procedures are applicable to the operations of UW.
- Conduct an assessment to determine whether the business is complying with the applicable environmental laws, policies and procedures.
- **Audit report:** Compile an audit report which will detail the compliance status of the UW with environmental legislation. The audit report must clearly indicate where UW complies with the applicable environmental laws, policies and procedures, where UW does not comply, and it will provide pertinent recommendations and actions on improving overall legal compliance.

Time Frame

The project is anticipated to be completed within a period of eight (8) months. The PSP should provide a clear program identifying milestones and deliverables. Corrections or revisions to the report and other documents prepared by the Service Provider are anticipated and shall be considered as part of the

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normal audit process. No extension of time or fees shall be allowed for corrections as described herein above.

Reporting Requirements

The PSP should plan for monthly meetings during the audit to update uMngeni-uThukela Water on project progress. These meetings may be conducted virtually.

3. Deliverables/Key Outcomes.

The purpose of this document is to provide the terms of reference (TOR) to secure the services of an independent and qualified professional service provider (PSP) to undertake the legal environmental compliance audit for UW operational sites. A legal compliance audit would assist in identifying gaps related to environmental management compliance and closing these, thus preventing and/or reducing the potential for legal non-compliances.

- One project inception meeting will be required.
- The successful PSP will be required to present all results and recommendations inbound reports.
A workshop on the report and the Environmental Legal Register will be required.

4. Contract term

We anticipate that the Contract will be completed within 8 months. Kindly refer to the time frame above.

5. Other information

- a) We estimate the quantity to be delivered as per the Bill of Quantity.
- b) We require the services to be delivered to uMngeni-uThukela Water as specified.
- c) Payment will be effected on successful delivery of milestones / monthly 30 days from date on invoice.

6. Mandatory documentation


- a) Proof of a degree in Environmental Management/ Environmental Law/ Environmental Auditing/ Environmental Sciences.
- b) CV of key personnel.

7. Other documents

N/A

8. Special conditions

- (a) The service provider will be required to hold a workshop to make presentations of all results and recommendations for the findings.

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9. Pricing

- The bidder shall provide the price proposal as detailed in SBD 3.1
- The bidders' price must be fully inclusive, and each item must be clearly specified.
- All additional costs must be clearly specified and included in the total quotation price, (e.g. transport, labour, etc.).
- All prices must be VAT inclusive.
- The bidder is responsible for all the cost that they shall incur related to the preparation and submission of the quotation.

10. Evaluation Process

The RFQ will be evaluated using a three (03) stage evaluation approach:

10.1 First stage:

10.1.1 Administrative Requirements

- Bidder completed all RFQ Forms
- Bidder registered on National Treasury, attach CSD report
- Bidder to attach BBBEE Certificate / Sworn Affidavit and CIPC document


10.1.2 Mandatory Requirements

- SBD 4 – Bidders disclosure
- Proof of a degree in Environmental Management/ Environmental Law/ Environmental Auditing/ Environmental Sciences
- CV of key personnel

10.2 Second Stage: Functionality

The functionality criteria will be evaluated based on the following:

Functionality		
The minimum qualifying Functionality Evaluation Score shall be seventy (70) points.		
The table below lists the returnable schedules that set out the scoring criteria and sub-criteria, and the percentage weighting for the score achieved against the relevant schedule:		
i.	Tenderer's Experience	25
ii.	Experience of Key Personnel	35
iii.	Method Statement	20
iv.	Preliminary Programme	20
Failure to score a single point in any of the criteria listed above will deem the bid to be non-responsive and the bidder will be disqualified.		

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10.2.1. TENDERER'S PREVIOUS EXPERIENCE (25%)

The experience of the Tenderer or joint venture partners in the case of an unincorporated joint venture or consortium will be evaluated on the basis of experience in similar projects or similar areas and conditions in relation to the scope of work.


Tenderers should briefly summarize their company's experience (and that of any specialist sub-consultants, joint venture partners or consortium members) relevant to the scope of work.

Scoring of the Tenderer's Company experience will be as follows: 25

Description	Max Possible Score
Company experience in conducting Environmental Audits/ Water Use licenses (Submit Proof of previous experience) 2-3 Project – 10 points 4-5 Projects -15 points 5 additional points for every project more than 5 projects to a maximum of 25 points	100

The summary table below may be used. If a separate table is prepared, it shall be put in tabular form with the same headings.

Project name and location	Duration and Year Completed	Rand Value of work incl. VAT (Fee not project value)	Company (Where the service was provided) & Type of Company (Name & Sector)	Client/Employer	Client reference Contact Details

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10.2.2. EXPERIENCE OF KEY PERSONNEL (35%)

Provide relevant information as prescribed below for the following Key Personnel proposed in the tender to fulfil the following positions:

A. Project Lead / Manager:

B. Lead Auditor

C. Auditor

The experience of each key person, relevant to the scope of work, will be evaluated from the points below:

- 1) General experience (total duration of activity), level of education and training and positions held by the key person.
- 2) The education, training and experience of the person, in the specific sector, field, subject, etc. which is directly linked to the scope of work.


A CV (**not more than 3 pages**) in the required format below, shall be provided for each team member and should be attached to this schedule. Note that Copies of Qualification and Professional Registration Certificates should be attached separately.

Each CV should be structured under the following headings:

1. Personal particulars
 - name
 - date and place of birth
 - place (s) of tertiary education and dates associated therewith
2. Qualifications
3. Overview of last 10 years of experience (project name, project duration, organization)
4. Outline of recent assignments / experience that have a bearing on the scope of work for this tender.

Scoring of the experience of key staff will be as follows: 35

Description	Max Possible Score
<p>The proposed team must include CVs showing experience in Environmental Auditing and/or Environmental Impact/Risk Assessment.</p> <p>Experience of Project Manager</p> <ul style="list-style-type: none"> • Less than 3 years - 0 points • 3 years - 5 points • 5 years - 10 points <p>5 additional points for every year more than 5 years to a maximum of 30 points</p> <p>Experience of Lead Auditor</p> <ul style="list-style-type: none"> • Less than 3 Projects - 0 points • 3 Projects - 5 points • 5 Projects - 10 points <p>5 additional points for every project more than 5 projects to a maximum of 20 points</p>	100

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Experience of Auditor <ul style="list-style-type: none"> • Less than 2 Projects - 0 points • 2 Projects - 5 points • 5 Projects - 10 points 5 additional points for every project more than 5 projects to a maximum of 20 points	
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10.2.3. METHOD STATEMENT (20%)

The method statement must respond to the Scope of Work and outline the proposed approach/methodology. The method statement should articulate what value the Tenderer will add by in achieving the stated objectives for the project.

The Tenderer must as such explain his / her understanding of the objectives of the assignment and the Purchaser's stated and implied requirements, highlight the issues of importance, and explain the technical approach they would adopt to address them. The approach paper should explain the methodologies which are to be adopted, and demonstrate the compatibility of those methodologies with the proposed approach. The approach should also include a quality plan which outlines processes, procedures and associated resources, applied by whom and when, to meet the requirements and indicate how risks will be managed and what contribution can be made regarding value management.


The Tenderer must attach his / her approach paper to this page. The approach paper should not be longer than 5 pages.

The scoring of the approach paper will be as follows: 20

No submission (Score 0)	No method statement submitted
Poor (Score 40)	The technical approach and / or methodology is poor / is unlikely to satisfy project objective or requirements. The tenderer has misunderstood certain aspects of the scope of work or does not deal with the critical aspect of the project)
Satisfactory (Score 70)	The approach is generic but tailored to address the general project objectives and methodology. The approach does not deal with the critical characteristics of the project. The quality plan, the manner in which risk is to be managed is very generic.
Good (Score 90)	The approach is specifically tailored to address the specific project objectives and methodology and is sufficiently flexible to accommodate changes that may occur during execution. The quality plan and approach to managing risk is specifically tailored to the critical characteristics of the project.
Excellent (Score 100)	Besides meeting the "good" rating, the important issues are approached in an innovative and efficient way, indicating that the Tenderer has outstanding knowledge or state-of-the-art approaches. The approach details ways to improve the project outcomes and the quality of the outputs.

10.2.4 PRELIMINARY PROGRAMME: 20

The Tenderer shall detail below or attach a preliminary programme reflecting the proposed sequence and tempo of execution of the main work components. The programme shall be in accordance with the information supplied in the Contract, requirements of the Project Specifications and with all other aspects of his Tender.

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The programme to illustrate activities, sequencing and timelines as described and summarised in the Method Statement (6.2.3) above. The bidder should note that the contract is required to be completed, commissioned and handed over to the Purchaser by the date specified in the contract data.

PROGRAMME														
Component / sub component	WEEKS / MONTHS													


Note: The programme must be based on the completion time as specified in the Contract Data. No other completion time that may be indicated on this programme will be regarded as an alternative offer, unless it is listed in supported by a detailed statement to that effect, all as specified in the Tender Data.

Scoring of the preliminary programme will be as follows: 20

	Suitability of programme
No submission (score 0)	No preliminary programme submitted
Poor (score 40)	Programme is inadequate and/or considered unrealistic and does not achieve required completion date
Satisfactory (score 70)	Programme is considered realistic and adequately shows the main components and compliance with completion date
Good (score 90)	Programme is considered realistic and includes the main components and sub subcomponents and compliance with completion date
Very good (score 100)	Programme is considered realistic and includes the main components and subcomponents and linkages and compliance with completion date

10.3 Third Stage: Price and Preference goals


- Subsequent to the evaluation of mandatory/ administrative requirements, the second stage of

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- evaluation of the bids will be in respect of price and preferential procurement only.
- Tenderer is tax compliant
 - In compliance with the Preferential Procurement Regulations 2022, the 80/20 preference point system is applicable: points for this bid shall be awarded for:
 - Price; and (80) and Preference as defined in SBD 6.1 (20)
 - The Preference Goals that have been identified for this bid is stipulated in SBD 6.1
 - Preferential goals and applicable points for this tender in terms of Preferential Procurement Regulations 2022, are indicated in the table below:

	Description	80/20	Evidence to be provided
HDI	An entity which is at least 51% owned by black people	10	BBBEE Certificate / Sworn Affidavit
RDP	South African owned Company	10	CIPC / CSD
Total points for preferential goals		20	

- Failure on the part of a bidder to submit proof or documentation required in terms of this RFQ to claim points for specific goals, will be interpreted to mean that preference points for specific goals are not claimed by the bidder.
- UW reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by UW.
- UW reserves the right to conduct negotiations with the qualifying bidder/s regarding any terms and conditions, including price(s), of a proposed contract where applicable UW reserves the right not to accept the lowest financial offer or any offer

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PRICING SCHEDULE (BOQ)– FIRM PRICES

NOTE:


- a) Only firm prices will be accepted. Non-Firm prices (including prices subject to rates of exchange variations) will not be considered
- b) In cases where different delivery points influence the pricing, a separate pricing schedule must be submitted for each delivery point

Name of bidder _____	RFQ number _____
Closing Time _____	Closing date _____


OFFER TO BE VALID FOR _____ CALENDER DAYS FROM THE CLOSING DATE OF QUOTE.

BILL OF QUANTITIES - PRICE TABLE

Item No.	Material / Description of item	Qty (A)	Unit Measure	Unit Price Excl. (B)	Quoted Price(AxB) Excl. Vat
SECTION 1: PROJECT INCEPTION					
1.1	Inception meeting to confirm project scope and environmental legal requirements	1	Sum		
1.2	Disbursements	1	Sum		
Section 1 Total Carried to Final Summary					
SECTION 2: PROJECT EXECUTION					
2.1	Audit Scheduling and Planning Activities	4	Sum		
2.2	Documentation Review at sites	52	Sum		
2.3	Site Inspection (site visits)	52	Sum		
2.4	Disbursements	1	Sum		
2.5	Project Progress Reports	8	Sum		
Section 2 Total Carried to Final Summary					
SECTION 3: AUDIT REPORT					
3.1	Draft Audit Report and Register circulated	3	Sum		
3.2	Updated Final Audit Report and Register with comments from circulated draft report	2	Sum		
3.3	Final Report and Register Soft and Hard Copies with signatures issued	1	Sum		
3.4	Adhoc Meetings (Teleconferences)	15	Sum		
3.5	Disbursements	1	Sum		

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3.6	Report and Legal Register Workshop	3	Sum		
Section 3 Total Carried to Final Summary					
FINAL SUMMARY					
Section 1	Project Inception				
Section 2	Project Execution				
Section 3	External Audit Report and Environmental Legal Register				
A SUB TOTAL 1+2+3					
B CONTINGENCY @ 10% OF A					
C SUB TOTAL A+B					
D Vat (15%) OF C					
E GRAND TOTAL (price SA Rands with all applicable taxes included)					
Does the offer comply with the specification(s)		YES			NO
If not to specification, indicate deviation(s)					
<p>I (full name) _____, in my capacity as _____, the duly authorized representative of _____ (business name) hereby declares that the offer is in accordance with the attached specification, notes to suppliers & accepts all conditions/clauses contained in the said documents.</p>					
Signature of duly authorized representative		_____		DATE: _____	

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AUTHORITY TO SIGN

RFQ NO: _____

Description: _____

Close Corporation / Company / Partnership / Trust /Sole proprietor or Sole trader

Company Name: _____

Registration Number: _____

Resolution Of The Directors Of The Company etc. resolved that _____, in his/her capacity as _____, is authorized to make applications on behalf of the Close Corporation / Company / Partnership / Trust /Sole proprietor or sole trader for:


Any documentation relating to the business (which is not necessarily a change of ownership). The nominated person will also have access to webpage for the business. Signature(s) for Close Corporation / Company / Partnership / Trust/ Sole proprietor or sole trader.

(Sole member still must sign this resolution)

Signature of members:

Name	Signature	Date
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

NB: FAILURE TO COMPLETE, SIGN AND DATE THE RESOLUTION AS OUTLINED ABOVE WILL RESULT IN THE TENDERER RENDERED INCOMPLETE AND WILL BE DISQUALIFIED/ ALTERNATIVELY THE TENDERER MAY ATTACH A SIGNED COMPANY RESOLUTION ON A COMPANY LETTERHEAD

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SBD 4 - BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state **YES/NO**


2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**


2.3.1 If so, furnish particulars:

3 DECLARATION

I, the undersigned, (name)_____ in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5 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.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7 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

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.


I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature

Date

Position

Name of bidder

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PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 (SBD 6.1)

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

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

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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:

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

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:

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

Where

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

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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—
- 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
 - any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
An entity which is at least 51% owned by black people	10	
South African owned Company	10	


DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm _____

4.4. Company registration number:


TYPE OF COMPANY/ FIRM [TICK APPLICABLE BOX]

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

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- 4.5. 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:	_____

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SBD 7.2 CONTRACT FORM - RENDERING OF SERVICES

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

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

1. I hereby undertake to render services described in the attached bidding documents to uMngeni-Uthukela Water in accordance with the requirements and task directives / proposals specifications stipulated in above mentioned RFQ Number at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Proof of tax compliance status;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Bidder's Disclosure form;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) _____


CAPACITY _____

SIGNATURE _____

NAME OF TENDERER _____

DATE _____

WITNESSES	
1.	_____
2.	_____
DATE:	_____

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CONTRACT FORM - RENDERING OF SERVICES (SBD 7.2)

PART 2 (TO BE FILLED IN BY THE PURCHASER)

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

DESCRIPTION OF SERVICE	
PRICE (ALL APPLICABLE TAXES INCLUDED)	
CONTRACT TERM / COMPLETION DATE	
TOTAL PREFERENCE POINTS CLAIMED	
An entity which is at least 51% owned by black people	
South African owned Company	

- I confirm that I am duly authorised to sign this contract.

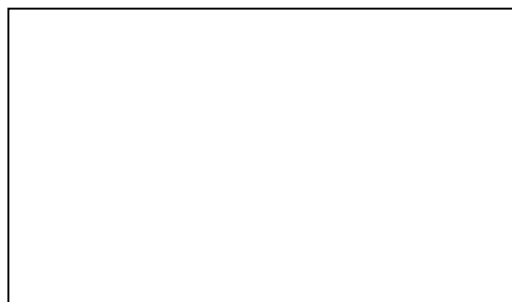
SIGNED AT _____

ON: _____

NAME (PRINT): _____

SIGNATURE: _____

OFFICIAL STAMP



WITNESSES

1. _____

2. _____

DATE: _____