



## TERMS OF REFERENCE

**SCMU11-23/24-041: MASANGWANAVILLE 376 (131 UNITS)  
REMEDIAL WORK PROJECT: APPOINTMENT OF A CONTRACTOR  
TO UNDERTAKE REMEDIAL WORKS ON 131 HOUSING UNITS AT  
RED LOCATION TOWNSHIP IN NELSON MANDELA BAY  
MUNICIPALITY IN GQEBERHA**

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## **LIST OF ACRONYMS**

<b>ECDHS</b>	Eastern Cape Department of Human Settlement
<b>RDP</b>	Reconstruction Development Program
<b>BOQ</b>	Bill of Quantities
<b>VIP</b>	Ventilated Improved Pit
<b>RWG</b>	Rain Water Goods
<b>COC</b>	Certificate of Compliance
<b>FURs</b>	Final Unit Report
<b>EPWP</b>	Expanded Public Works Program
<b>B-BBEE</b>	Broad-Based Black Economic Empowerment
<b>DTI</b>	Department of Trade and Industry
<b>NHBRC</b>	National Home Builders Regulation Council
<b>GPS</b>	Global Positioning System
<b>SABS</b>	South African Bureau of Standards
<b>SANS</b>	South African National Standards
<b>JBCC</b>	Joint Building Contracts Committee
<b>JCC</b>	Joint Contracts committee
<b>VAT</b>	Value Added Tax
<b>EME</b>	Exempted micro enterprise
<b>QSE</b>	Qualifying small enterprise
<b>SBD</b>	Standard Bidding Document
<b>ECSA</b>	Engineering Council of South Africa
<b>DPSA</b>	Department of Public Service and Administration
<b>SLA</b>	Service Level Agreement
<b>CSD</b>	Central Supplier Database

## 1. BACKGROUND

The Department is engaged in an effort to improve and accelerate delivery of Low Cost (RDP) houses in the Province and to fast track the implementation of these projects. The Department is calling on a contractor with high performing capacity to undertake remedial works on existing defective top structures and completion of the project as specified in this document.

**Masangwanaville 376 (131 units) housing project** is an existing project with defective houses which requires remedial works found scattered in between existing houses.

## 2. PROJECT LOCATION

**Masangwanaville 376 (131)** is located in **Gqeberha**, which forms part of **Nelson Mandela Bay Metropolitan Municipality** in the Eastern Cape. The project is located in Red Location Township which partly form part of New Brighton and it is located along the Malakane Street opposite to the Red Location Museum.

## 3. PROJECT DESCRIPTION

Project details are as follows: -

*Table 1: Project Details*

NO.	AREA AND WARD	MUNICIPALITY	NO. OF CONNECTION TO ENGINEERING SERVICES	NO. OF UNITS
1.	Masangwanaville, Ward 31	Nelson Mandela Bay Municipality	131	131
<b>TOTAL</b>				<b>131</b>

Table 2 : Project Information

NO	DESCRIPTION	STATUS	COMMENTS
1.	Number of approved beneficiaries	131 Beneficiaries	List of approved beneficiaries will be provided by the Department
2.	Environmental Impact Assessment (EIA)	Done	Exemption letter will be provided by the Department
3.	Geo-technical Investigation	Done	The Geo-tech report will be provided to a successful bidder. To be reviewed and revised to determine validity due to time lapsed
4.	Foundation Design	Done	To be done by Professional Team
5.	House Plan	Done	To be done by Professional Team
6.	Social Facilitation	Outstanding	To be done by Professional Team
7.	Monitoring and Certification	Outstanding	To be done by Professional Team
8.	Occupational Health and Safety Plan	Outstanding	Professional Team will be responsible during construction
9.	NHBRC Home Enrolment	Outstanding	To be done by Professional Team
10.	Global Positioning System (GPS) – Co-ordinates for each beneficiary stand	Outstanding	Professional Team to produce coordinates per approved beneficiary
11.	Remedial works on existing houses	Outstanding	Contractor will be responsible for the construction in respect to remedial works of all 131 houses

#### 4. SCOPE OF WORKS

There will be one contractor to be appointed in this project for construction of 131 houses. It must be noted that the contractor might be instructed to build a 45m<sup>2</sup> houses for a Disabled people or a 50 m<sup>2</sup> houses for Military Veterans when the need is identified (Specification for 45m<sup>2</sup> and 50m<sup>2</sup> to be provided later). The work is organized as follows:

*Table 3 : Housing Typologies*

<b>TYPOLOGY</b>	<b>SIZE</b>	<b>NO. OF UNITS</b>
1. Normal House	40 m <sup>2</sup>	131
2. Disabled	45 m <sup>2</sup>	-
3. Military Veteran	50 m <sup>2</sup>	-

It must be noted that, if the status of any of the approved beneficiaries may change due to unforeseen circumstances during the implementation of the project, the appointed contractor may be instructed to build a 45 m<sup>2</sup> houses for a Disabled person or a 50m<sup>2</sup> for a Military Veteran. This will be due to unforeseen circumstances.

#### **4.1. CONSTRUCTION**

This phase entails the construction of top structure and further social facilitation,

The contractor will be responsible for the following during this stage:

- 4.1.1** Attend all project related meetings.
- 4.1.2** Remedial works and additions on existing forty square meter (40m<sup>2</sup>) top structures.
- 4.1.3** Remedial works and additions including alterations on existing forty-five square meter (45m<sup>2</sup>) unit to accommodate disabled (wheelchair bound) with wheelchair ramp and grab rails etc. where necessary.
- 4.1.4** Construction of fifty square meter (50m<sup>2</sup>) unit for military veterans with brick pillar carport for a single car, built in cupboards, 2 plate hops, fencing, floor, and vinyl tiling on the floors where necessary.
- 4.1.5** Monthly progress reporting and Extended Public Works Program (EPWP) reports.
- 4.1.6** Occupational Health and Safety and Environment management.
- 4.1.7** Provide completion certificates for all milestones and "Happy Letters", C.O.C (certificate of compliance) for electrical installation for all completed units and Further engagement with NHBRC to obtain Final Unit Reports (FURs) for all completed units.
- 4.1.8** Handover of houses.
- 4.1.9** Provide documents for detailed close-out of the project.

## **5. MINIMUM SPECIFICATIONS**

### **5.1. GENERAL**

- 5.1.1** All works to be carried out in compliance with the Department of Housing Generic Specifications (GFSH 1 to 11) and the Technical Guidelines as contained in the Housing Code and NHBRC Home Builders Manual;
- 5.1.2** All Department of Labour and Expanded Public Works Program (EPWP) requirements should be met;
- 5.1.3** All works to be done in compliance with the current Health & Safety Regulations;
- 5.1.4** All works must also be done in compliance with all Environmental Regulations; and
- 5.1.5** All relevant Local Authority requirements to be adhered to and relevant permission obtained.

### **5.2. INFRASTRUCTURE**

In addition to the above, the minimum requirements for infrastructure will be in accordance with the following:

- 5.2.1.** Guidelines for Human Settlements Planning and Design Vol. 1 & 2 ("Redbook");
- 5.2.2.** NHBRC Technical Requirements and SANS 10400.
- 5.2.3.** Department of Housing Generic Specification, GFSH 08.

### **5.3. TOPSTRUCTURE**

In addition to the specification already mentioned, the following are additional minimum requirements:

- 5.5.1** 2015 revised National Building regulations; South African National Standards (SANS) 10400 XA Energy Usage in Buildings;
- 5.5.2** All external doors must be SABS approved hardwood such as meranti frame ledged button doors or similar approved doors;
- 5.5.3** All door locks must be SABS approved with a minimum of five-year guarantee;
- 5.5.4** SABS approved roof trusses to be used and Roof Covering to be cement roof tiles;
- 5.5.5** Smaller size windows and special low clear and opaque safety glass for all window types as prescribed by the engineer or competent person;
- 5.5.6** Concrete aprons to be provided on all 4 sides with a minimum width of 1000mm including storm water management precautionary measures (as per NHBRC project enrolment requirement);
- 5.5.7** Fascia's and barge boards to be provided;
- 5.5.8** House to be plastered and painted both internally and externally;
- 5.5.9** Installation of a ceiling with the prescribed air gap for the entire dwelling.
- 5.5.10** Installation of above ceiling insulation comprising a 130mm mineral fibre glass blanket for the entire house;
- 5.5.11** One work surface to be provided in the kitchen area (minimum length 1m, height 1m and width of 0.5 m) and
- 5.5.12** Electrification of houses which include installation of a distribution board including plugs and lights to all living areas of the house, as per the current norms and standards.

## **6. PROJECT DELIVERABLES**

### **6.1 GENERAL**

The scope of works detailed in Section 4 clearly describes the extent of what is expected from the contractors. Project deliverables can, however, be summarized as follows:

- 6.1.1 Completing construction of houses as described in the scope of works, including providing FURs, COCs and “Happy Letters”.

## 7. FINANCIAL SCHEDULE OF RATES PROPOSAL

The Financial Schedule of rates proposal provided shall specify and state a **firm and fixed** price, including total fees and expenses (**VAT zero rated**), in order to complete the project.

Bidders must ensure that they fill in the following document as part of Financial Schedule of rates proposal as per the Bill of Quantities.

Blank spaces will be regarded as incomplete. Should the bidder not charge for the service, the bidder must indicate that with a zero (0). Bidders must complete the entire Pricing Schedule

The total of Table 4: Bill of quantities for activities of the remedial work on the existing 40m<sup>2</sup> house will be considered as the bidders quoted amount and must be carried over to the final summit and form of offer.

Table 4 : Bills of quantities for activities of 40m<sup>2</sup> house

CONSTRUCTION (40m <sup>2</sup> )					
1. <b>FLOOR SLAB</b> - Excavate and remove existing substandard slab and install a new smooth finished reinforced concrete floor slab on suitable under floor filling well compacted to the certification of the principal agent.	NO.	1			
2. <b>WALLS</b> - Insert new internal walls built with concrete blocks in class II mortar and jointed into existing external walls including all necessary reinforcement and a suitable foundation concrete footing according to the principal agent's instruction.	NO.	1			
3. Repairs to minor, major, and severe cracks on existing walls according to the principal agent's instruction	NO.	1			
4. Remove all existing sub-standard and defective timber door frames, doors, windows and cart away from site	NO.	1			
5. Replace all defective doors and door frames with hardwood timber doors (hollow core doors inside) and door frames complete with lockset, hinges etc. and weatherboards where required	NO.	1			
6. <b>ROOF</b> - Replace old and defective roof structure with completely new roof structure built with timber roof trusses, purlins, IBR roof sheets covering, and all necessary bracing, runners, painted fascia boards, painted barge boards etc. including painting to all exposed timbers and necessary patchwork to gable end and beam filling all as per principal agent's instruction.	NO.	1			
7. <b>COMPLETIONS</b> - 12mm thick Plaster to internal and external walls with class II mortar including removal of defective plaster where required.	NO.	1			
8. Excavate and install 1m wide new concrete apron around the building on suitable filling well compacted to the certification of the principal agent.	NO.	1			

9.	Install new nailed up rhino board ceiling with insulation on 38X38mm branding including removal of old ceiling where required.	NO.	1		
10.	Installation of aluminum windows with glazing and precast cement cills to replace old and defective windows.	NO.	1		
11.	Install/replace complete plumbing fittings inclusive of complete set of toilet pan with cistern, bath, kitchen sink with small cabinet including removal of all defective plumbing fittings etc.	NO.	1		
12.	Suitable paint – on walls, on ceilings including varnish on timber doors and door frames as per the instruction of the principal agent	NO.	1		
13.	Allow an amount for installation/replacement of electrical work as per the principal agent's instruction	NO.	1		
14.	<b>PRELIMINARIES AND GENERAL ITEMS (P&amp;Gs)</b> inclusive of CLO, EPWP reports, Implementation of Occupational health and safety ETC.	NO.	1		
<b>SUBTOTAL</b>				R	R
15.	<b>TOTAL = SUM OF SUB TOTALS FOR 131 UNITS (RATE PER UNIT)</b>			R	
16.	<b>TOTAL = PROVISION OF MINIMUM OF 30M<sup>2</sup> TEMPORAL SHELTER TO ACCOMMODATE BENEFICIARIES DURING CONSTRUCTION</b>	NO.	24	R	R
<b>GRAND TOTAL (15+16) = SUM OF TOTALS (Carried to FINAL SUMMARY &amp; FORM OF OFFER)</b>				R	

## 8. PAYMENT MILESTONES AND PRICE GUIDELINES

**8.1** Payment will only be made upon the completion of milestones (payment milestones) and price guidelines as follows:

*Table 5 :Payment Milestones and Price Guidelines*

ITEM	MILESTONE	UNIT	QUANTITY	PERCENTAGE PAYABLE
1	<b>FLOOR SLAB</b> (EARTHWORKS, CONCRETE & REINFORCEMENT) incl. P&Gs	No	1	26%
2	<b>WALL PLATE</b> (CRACK REPAIRS, BRICKWORK, DOORS & FRAMES, WINDOWS)	No	1	22%
3	<b>ROOF</b> (STRUCTURE, COVERING & BEAM FILLING, GABLE ENDS, BARGEBOARDS, FASCIA BOARDS)	No	1	30%
4	<b>COMPLETIONS</b> (CEILING& INSULATION, FINISHING'S, APRONS, PLASTERING & PAINTING, ELECTRICAL, FASCIA & BARGE BOARDS)	No	1	22%
<b>TOTAL</b>		<b>NO.</b>	<b>1</b>	<b>100 %</b>

**NB:** A sectional completion plan must be provided as a proposal by the contractor, agreed upon and approved by the Department. A written approval of the sectional completion plan must form part of the contract. The minimum market related rate per unit for this project is **R 150 000-00** and this include all extra ordinary site conditions i.e. double handling, difficult terrain and all Geo Technical site conditions.”

## 9. EVALUATION CRITERIA

ECDHS has set minimum standards (Stages) that a bidder needs to meet in order to be evaluated and selected as a successful bidder. The minimum standards consist of the following:

*Table 6: Evaluation stages*

<b>(STAGE 0): Administrative compliance</b>	<b>(STAGE 1): Price and Specific goals Evaluation</b>	<b>(STAGE 2): Risk Assessment</b>
Bidders must submit all documents as outlined in Table 7 below	Bidders will be evaluated in terms of section 5 of the PPPFA 2000, Preferential Procurement Regulations, 2022.	Bidders will be evaluated in terms risk. Bidders that fail to meet the risk criteria will be considered to containing a potential high risk level and will not be considered for appointment

### 9.1 STAGE 0 – ADMINISTRATIVE COMPLIANCE

**9.1.1** Without limiting the generality of ECDHS's other critical requirements for this Bid, bidders must submit the documents listed in the Table below. All documents must be completed and signed by the duly authorised representative of the prospective bidder. During this phase, bidders' response will be evaluated based on compliance with the listed administration and mandatory bid requirements. In case of a Joint Venture/Consortium all parties are expected to submit individual documentation:

**Table 7: Administrative compliance**

No	Document that must be submitted	Explanatory Information
1	SBD1: Invitation to tender	Complete and sign the supplied proforma document
2	SBD2: Tax clearance certificate	Provide proof of Tax compliance with the South African Revenue Service (SARS)
3	SBD4: Declaration of interest	Complete and sign the supplied proforma document
4	SBD6.1: Preference points claim form;	Complete and sign the supplied proforma document
5	SBD6.2: Declaration certificate for local production and content for designated sectors and Annexure A	Complete and sign the supplied proforma documents. Evaluation of local production and content
6	Bill of quantities and summary & form of offer	Submit full details of the pricing proposal as per Bill of quantities. Blank spaces will be regarded as incomplete. Should the bidder not charge for the service, the bidder must indicate that with a zero (0). Bidders must complete the entire Pricing Schedule
7	National home builders registration council (NHBRC) certificate	Bidders must submit a valid International NHBRC certificate (certified copy) at closing date. The Department will verify the NHBRC certificate prior/during evaluation. Non compliance will lead to elimination.
8	Central supplier Database (CSD) registration	Service Providers must be registered as a service provider on the Central Supplier Database (CSD). If you are not registered, prior to submitting your proposal. Visit <a href="https://secure.csd.gov.za/">https://secure.csd.gov.za/</a> to obtain your vendor number. Submit CSD printout as proof of registration.
9	Annexure A: Performance report	Completed performance reports must be submitted together with the bid proposal, failure to submit will result in non-

		allocation of points
10	Annexure B: Intent to form Joint venture consortium agreement	The joint venture and/or consortium agreements must clearly set out the shareholding and roles and responsibilities of the Lead Partner and the joint venture and/or consortium party. The agreement must also clearly identify the Lead Partner, who shall be given the power of attorney to bind the other party/parties in respect of matters pertaining to the joint venture and/or consortium arrangement. A signed agreement will be expected to be submitted prior award of contract.

**9.1.2 Evaluation for local production and content for designated sectors.**

**9.1.2.1**On local content designated items, only locally produced goods or services with a stipulated minimum threshold for local production and content of 100% will be considered.

**9.1.2.2**The relevant designated sector: Steel Components and Plastic pipes and fittings. The minimum threshold for local production and content: 100%: - Reinforcing Bars (100%) Door and Window Frames (100%) Roof Trusses (100%) Joining Connection Components (100%) and Plastic pipes and fittings (100%);

**9.1.2.3**Exchange rate to be used for the calculation of local content (local content and local production are used interchangeably) must be the exchange rate published by the SARB at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid.

**9.1.2.4** Failure to indicate minimum percentage (%) or not meeting minimum percentage for local content will automatically invalidate the bid for further consideration.

**9.1.2.5** If the raw material or input to be used for a specific item is not available locally, bidders should obtain written authorization from the DTI should there be a need to import such raw material or input and a copy of this authorization letter must be submitted together with the bid document at the closing date and time.

**9.1.2.6** The main contractor may not sub-contract work to an extent that the local content and production is compromised. The conditions and rules applying to the main bidder on local production and content also apply to the sub-contractor(s).

**9.1.2.7** For further information, bidders may contact the Steel products and components unit within DTI at 012 394 5157

**9.1.2.8** Bidders must complete SBD 6.2 with Annexure C and it must be submitted with the bid at the closing date and time. Bids which have not scored the required minimum percentage of 100% for Local Production and content will be disqualified unless the bidder obtains exemption from DTI at this stage. Only qualifying bids will proceed to the evaluation on price and specific goals.

## **9.2 STAGE 1: PRICE AND SPECIFIC GOALS EVALUATION**

**9.2.1** Regulation 3 of the Preferential Procurement Policy Framework Act 2000: Preferential Procurement Regulations 2022, (the Regulations) stipulates that an organ of state must, prior to making an invitation for tenders, determine and stipulate the appropriate preference point system to be utilized in the evaluation and adjudication of tenders. If there is uncertainty on the preference point system to be applied, institutions must advertise the tender indicating that the tender will be evaluated on either the 80/20 or 90/10 preference point system.

**9.2.2** 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, 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.

**9.2.3** Regulation 5 and 6 stipulates that 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).

### **9.3 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

$$\begin{array}{ccc}
 80/20 & \text{or} & 90/10 \\
 Ps = 80 \left( 1 - \frac{Pt - P_{\min}}{P_{\min}} \right) & \text{or} & Ps = 90 \left( 1 - \frac{Pt - P_{\min}}{P_{\min}} \right)
 \end{array}$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

#### **9.3.1 POINTS AWARDED FOR SPECIFIC GOALS**

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 below as may be supported by proof/ documentation stated in the conditions of this tender:

**Table 8: Specific goals allocated points**

<b>The specific goals allocated points in terms of this tender</b>	<b>Number of points allocated (80/20 system)</b>	<b>Number of points allocated (90/10 system)</b>	<b>Number of points claimed (80/20 system) (To be completed by the tenderer)</b>
Women owned Organizations	8	3	
Youth	4	2	
People with Disability	2	2	
Locality: Eastern Cape	5	2	
Military Veterans	1	1	

### **9.3.2 CLAIMING OF PREFERENCE POINTS**

**9.3.2.1** Preference points allocated for women may be claimed if there is sufficient evidence that such woman has ownership of 51% or more of the enterprise shareholding. Bidders must submit proof in a form of valid Central Supplier Database (CSD) supplier profile that outlines the ownership of the organisation.

**9.3.2.2** Preference points allocated for persons with disabilities may only be claimed if there is sufficient evidence that such person has ownership of 51% or more of the enterprise shareholding. Bidders must submit proof in form of a medical certificate / letter not older than 6 months from a registered medical practitioner (Practitioner number, contact details to be stated on correspondence) detailing the disability. The Medical certificate will only be used for evaluation purposes.

**9.3.2.3** Preference points allocated for promotion of youth may only be claimed if there is sufficient evidence that such youth has ownership of 51% or more of the enterprise shareholding. Bidders must submit proof in a form of valid Central Supplier Database (CSD) supplier profile that outlines the ownership of the organisation.

**9.3.2.4** Preference points for Locality may be allocated for promotion of enterprises located within the Eastern Cape Province may be claimed by submission of proof that the enterprise is located within the borders of Eastern Cape Province. This includes an enterprise whose head office may be situated in another province but has a fully-fledged branch within Eastern Cape Province. Enterprises located outside the borders of the Eastern Cape Province and who only appoints agents and or commission warehouses in this municipal area are expressly excluded from claiming points for this goal. Bidders must submit proof of the Company's Registered Offices. Proof of rate statement, lease agreement or confirmation of locality from local authority.

**9.3.2.5** Preference points allocated for Military Veterans may only be claimed if there is sufficient evidence that such person has ownership of 51% or more of the enterprise shareholding. Bidders must submit proof in terms confirmation letters from the Department of Military Veterans.

**NB:** Bidders must provide sufficient proof and supporting documentation in respect of the above evaluation criteria and specific goals evaluation. Bidders who do not submit the required information shall not be scored for the respective/relevant evaluation criteria. In a case of a joint venture and/or consortium the agreements must clearly set out the shareholding and roles and responsibilities of the Lead Partner and the joint venture and/or consortium party. Failure to submit shareholding will result in non-allocation of points

#### **9.4 STAGE 2: OBJECTIVE CRITERIA/RISK ASSESSMENT**

**9.4.1** The Department reserves the right not to appoint the highest scoring bidder, in a case where the bidder has quoted below the minimum market related amount of **150 000.00 per unit**. The market related price includes all extra ordinary development site conditions i.e. double handling, difficult terrain, scatterdness of sites, creation of access roads and all geo technical site conditions.

#### 9.4.2 Risk analysis:

**9.4.2.1** The Department has the right to conduct a risk analysis on shortlisted bidders including verification through contractors site visit and conduction of loco inspection. The loco inspection will be conducted for verification of:

**9.4.2.2** Plant and equipment

**9.4.2.3** Completed projects (site visits)

**9.4.2.4** Personnel

**9.4.3** The risk assessment implies a systematic identification and judgement of potential risks levels to create a foundation decision making.

**9.4.4** The risk analysis will be conducted on the bidder's quality of work and performance on previous completed projects not older than five (05) years starting from 2018 to the date of advert of the bid. Bidders must submit all three (03) documents listed below on Table 09 for each project to be assessed for risk. Failure to submit all documents will result in non-allocation of points:

***Table 9: Document that must be submitted for risk analysis***

No	Document that must be submitted	Explanatory Information
1	Appointment letters.	Bidders must submit appointment letters of previous or current project undertaken that will be utilised for assessment of risk
2	Performance reports which must reflect 50% completion (Attached on bid document as Annexure A),	Bidders must submit performance reports on previous or current similar projects undertaken. Reports must be completed and signed by client with contactable references.
3	Practical completion certificates or final completion certificates	Bidders must submit Practical completion certificates or final completion certificates on similar previous or current project undertaken. Reports must be completed and signed by client with contactable references.

- 9.4.5** Performance reports are attached as Annexure A of the bid document and must be completed signed and stamp by the client.
- 9.4.6** Completed performance reports must be submitted together with the bid proposal, failure to submit will result in non-allocation of points. Bidders that fail to submit performance reports will be considered as high risk as the Department will be unable to satisfy itself.
- 9.4.7** Where information provided for loco inspections and performance reports are found to be fraudulent or there's misrepresentation of information, the Department will eliminate the bidder from further evaluation.

**9.4.8** Risk assessment scorecard

**9.4.8.1** The risk assessment score card will focus on the following risk factors.

**9.4.8.1.1** Performance on previous projects.

**9.4.8.1.2** Quality standard of completed projects this refers to assessment of quality, contract extension and variation orders.

**9.4.8.2** Risk will be assessed through scoring risk levels as below:

**9.4.8.2.1** Poor = 04 points

**9.4.8.2.2** Fair = 03 points

**9.4.8.2.3** Good = 02 points

**9.4.8.2.4** Excellent = 01 points

**9.4.8.3** The score of seven (07) points will be maximum risk level the Department is willing to accept.

**9.4.8.4** Bidders who score a total of eight (08) points and above will be considered to containing a potential significant to sever risk level and will not be considered for appointment.

**Table 10: Risk assessment scorecard**

<b>RISK ASSESSMENT SCORECARD</b>			
<b>Risk level</b>	<b>Risk description</b>	<b>Performance on previous project</b>	<b>Quality</b>
<b>4 – Poor</b>	Risk that will have a severe impact on achieving desired results to the extent that one or more of its critical outcome objectives will not be achieved	Project not completed <b>181 days or more past</b> the stipulated time frames.	Project completed/not completed with outstanding compliance issues
<b>3 – Fair</b>	Risk that will have a significant impact on achieving desired results, to the extent that one or more stated outcome objectives will fall below acceptable levels.	Project completed within <b>91 to 180 days past</b> the stipulated time frames.	Project completed with partially resolved compliance issues
<b>2 - Good</b>	Risk that will have a Moderate impact on achieving desired results, to the extent that one or more stated outcomes objectives will fall below goals but above minimum acceptable levels	Project completed within <b>90 days past</b> the stipulated time frames.	Project completed with minor resolved compliance issues
<b>1 – Excellent</b>	Risk has little or no impact on achieving outcome objectives	Project completed within the stipulated time frames.	Project completed with no outstanding compliance issues

- 9.4.9** The Department reserves the right not to appoint the highest points scorer if the tenderer has already been awarded another project from the Eastern Cape Department of Human Settlements (ECDHS) and has not achieved 50% completion of the awarded project (signed performance reports to be provided).
- 9.4.10** If a bidder has been awarded a project from the ECDHS and has not achieved 50% completion on the awarded project. The bidder will be eliminated from further evaluation
- 9.4.11** Where the highest point scorer declines the appointment, the second highest point scorer will be considered, and if the second highest scorer declines the appointment the third highest point scorer will be considered and if the third highest points scorer declines the bid will be cancelled and re-advertised.
- 9.4.12** The Department will not negotiate a price higher than that quoted by the bidder.
- 9.4.13** The minimum market related amount of **R150 000.00 per unit** will be utilized as the minimum related price.
- 9.4.14** If the price offered by a tenderer scoring the highest points is above the market related price,
- 9.4.15** The Department may
  - 9.4.15.1** Negotiate a market-related price with the tenderer scoring the highest points;
  - 9.4.15.2** If the tenderer scoring the highest points does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the second highest points;

**9.4.15.3** If the tenderer scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the third highest points and if the third highest points scorer does not agree to a market related price the bid will be cancelled and re-advertised.

**9.4.16** In an event where the Department has advertised more than one (01) tender on a single notice, the highest scoring bidder will be awarded one tender of the tenders advertised. If a single bidder has scored the highest points on multiple tenders the Department will enter into negotiations with the bidder to give waver to award the second highest scoring bidder up to the third highest points scorer.

## **10. LEGALITIES OF CONTRACT AND TENDER RULES**

### **10.1 GENERAL CONDITIONS OF CONTRACT**

**10.1.1** The JBCC shall apply.

### **10.2 SPECIFIC CONDITIONS OF THE CONTRACT**

Special Conditions that apply to this contract are as follows:

**10.2.1** The contractor will have to sign a valid contract agreement with the DoHS immediately upon approval of the award.

**10.2.2** The contractor will be liable for any recollection of missing data, as a result of poor completion of questionnaire by the appointed entity;

**10.2.3** Copyright of the reports to be delivered by the bidder to the Department will vest upon the Department on acceptance of the final reports.

**10.2.4** Department reserves the right to conduct risk analysis on whether to appoint a contractor or not.

**10.2.5** The contractor must have access to internet as basis of communication (email).

**10.2.6** The contractor will draft and submit its own detailed Bill of Quantities

(BOQ).

- 10.2.7** The contactor will furnish the Department with an invoice upon Completion of each milestone (along with other required supporting documentation).
- 10.2.8** Contractor will be required to attend an initial meeting organized by the ECDHS to introduce the relevant project stakeholders.
- 10.2.9** The contractor will be liable for any recollection of missing data because of poor completion of questionnaire by the appointed entity.
- 10.2.10** Tariffs must not exceed the tariffs published by ECSA, DPSA or the Department of Public Works for specified Consultant's categories.

## **11. DOCUMENTS TO BE SUBMITTED**

The following documents **MUST** be submitted with the proposal and failure to submit will lead to **elimination**. In case of a Joint Venture/Consortium all parties are expected to submit individual documentation:

- 11.1** Joint Venture/Consortium Agreement (where applicable); and
- 11.2** Valid National Home Builders Registration Council (NHBRC) Certificate;

## **12. DURATION OF THE PROJECT**

The duration of the project (Implementation) is expected to be for period Eighteen (18) months.

### **13. RETURNABLE SCHEDULES**

The Contractor must ensure that the following documents are completed and returned with the bid proposal:

- 13.1**      SBD 1:      INVITATION TO TENDER.
- 13.2**      SBD 2:      TAX CLEARANCE CERTIFICATE.
- 13.3**      SBD 4:      DECLARATION OF INTEREST.
- 13.4**      SBD 6.1:      PREFERENCE POINTS CLAIM FORM.
- 13.5**      SBD 6.2:      DECLARATION CERTIFICATE FOR LOCAL  
PRODUCTION AND CONTENT FOR DESIGNATED  
SECTORS.
- 13.6**      FINAL SUMMARY & FORM OF OFFER.

### **14. COLLECTION OF BID DOCUMENTS**

Bid documents will be available from the **24 November 2023** on the on Departmental website ([www.ecdhs.gov.za](http://www.ecdhs.gov.za)).

### **15. SUBMISSION OF BID PROPOSALS**

**15.1** Bid proposals must be deposited in a Bid Box (that is accessible 24 hours) situated at the Ground Floor, Department of Human Settlements, Steve Tshwete Houses, 31–33 Phillip Frame Road, Waverley Park, Chiselhurst, East London.

**15.2** It is the responsibility of the bidder and that of the courier in case of couriered bids to ensure that the bid is deposited in the bid box and not submitted to officials. The Department will not take any responsibility for bids not deposited in the bid box.

**15.3** Bid proposals must be submitted in a sealed envelope clearly marked with bidders' details as follows:

**SCMU11-23/24-041 MASANGWANAVILLE 376 (131 UNITS) REMEDIAL WORK PROJECT: APPOINTMENT OF A CONTRACTOR TO UNDERTAKE REMEDIAL WORKS ON 131 HOUSING UNITS AT RED LOCATION TOWNSHIP IN NELESON MANDELA BAY MUNICIPALITY IN GQEBERHA**

**15.4** Faxed or emailed bid proposals will not be accepted. The Technical Proposal envelope may be opened in public on the closing day.

**16. BID VALIDITY**

This bid will be valid for one hundred and twenty (120) days after the closing date.

**17. COMPULSORY BRIEFING**

A compulsory briefing session will be held in New Brighton Township inside or in front of Red Location Lodge which is located in Singaphi street, at **11H00 on the 06 December 2023**. Thereafter proceed to site. Failure to attend the compulsory briefing session will lead to disqualification.

**18. CLOSING DATE**

All bid proposals in response to this bid should reach the Department not later than the **16 January 2024 at 11H00**. Bids received after 11H00 will not be accepted and considered.

**19. CONTACT DETAILS ON TERMS OF REFERENCE**

All **technical enquiries** regarding this bid may be directed to:

Mr S. Rala: Quantity Surveyor – Department of Human Settlements, Nelson Mandela Regional Office, **EAST LONDON**

Tel: (041) 363 0776

Email: [SizweR@ecdhs.gov.za](mailto:SizweR@ecdhs.gov.za)

All **Supply Chain Management** related enquiries regarding this bid may be directed to:

Mr. Xolile Mpupa: Acting Director – Demand Management; Department of Human Settlements, **EAST LONDON**

Tel: (043) 711 9641

E-mail: [xolilem@ecdhs.gov.za](mailto:xolilem@ecdhs.gov.za)

## 20.FINAL SUMMARY AND FORM OF OFFER

*Table 11 : Final Summary and Form of Offer*

<b>FINAL SUMMARY &amp; FORM OF OFFER</b>			
<b>SCMU11-23/24-041 MASANGWANAVILLE 376 (131 UNITS) REMEDIAL WORK</b>			
<b>PROJECT: APPOINTMENT OF A CONTRACTOR TO UNDERTAKE REMEDIAL WORKS ON 131 HOUSING UNITS AT RED LOCATION TOWNSHIP IN NELESON MANDELA BAY MUNICIPALITY IN GQEBERHA</b>			
NO.	ITEM	RATE	TOTAL
1.	CONSTRUCTION	N/A	N/A
<b>TOTAL = R</b>			
<b>TOTAL ABOVE IN WORDS</b>			

SIGNED BY/ON BEHALF OF THE BIDDER

NAME

SIGNATURE

DATE

COMPANY STAMP



## 21. ANNEXURE A

# PERFORMANCE REPORT

## CONFIDENTIAL

This performance report should be completed and submitted with the bid proposal. Submission of this report is essential to assist the Department to make procurement decisions based on the most objective information. This may influence matters such as the offering of tendering opportunities; award of contracts; assessment.

### Contract Details

Contract No:

Contract Title			
Original Contract Price			
Date of Contract		Original Date for Completion	

### Contractor Details

Total extensions of time approved		Extended Contractual Completion Date	
Predicted Date for Completion		Actual Date of Completion	

### Reference's Details

Name of Organisation			
Organisation's Representative	Name		
	Position		
	Tel		Mobile
	Email		

## Performance Report

Evaluation Criteria	N/A	Minor	Moderate	Major	Severe
Time Management	<input type="checkbox"/>				
Standard of Work/Quality of workmanship	<input type="checkbox"/>				
Personnel	<input type="checkbox"/>				
Subcontractor Mgmt	<input type="checkbox"/>				
Plans and Designs	<input type="checkbox"/>				

Definition and Relative Weighting of Grading

Grading	Definition	Rating*
Minor	Risk has little or no impact on achieving outcome objectives	1
Moderate	Risk that will have moderate impact on achieving desired results, to the extent that one or more stated outcomes objectives will fall below goals but above minimum acceptable levels	2
Major	Risk that will have a significant impact on achieving desired outcomes, to the extent that one or more stated outcome objectives will fall below acceptable levels.	3
Severe	Risk that will have a severe impact on achieving desired outcomes, to the extent that one or more of the critical outcome objectives will not be achieved	4

### Overall Comments on Performance

*Reference's opinion*

I have attached further information

SIGNED BY/ON BEHALF OF THE CLIENT

NAME

SIGNATURE

DATE

COMPANY STAMP

**22. ANNEXURE B:**

**INTENT TO FORM JOINT VENTURE/ CONSORTIUM**

**PREAMBLE**

**This agreement is made and entered into by and between**

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

**of the first part and**

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

**of the second part.**

**Whereas the foregoing parties have resolved to form a Joint Venture under the title of**

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

**for the exclusive purposes of securing and/or executing the Contract to be awarded  
by**

**Eastern Cape Department of Human Settlements**

**for (brief description of Contract)**

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

**Shareholdings for each JV/Consortium Members**

<b>Members</b>	<b>Shareholding</b>	<b>Signature of representative</b>

**PART A**  
**INVITATION TO BID**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE DEPARTMENT OF HUMAN SETTLEMENTS**

BID NUMBER:	SCMU11-23/24-041	CLOSING DATE:	16 JANUARY 2024	CLOSING TIME:	11H00
DESCRIPTION	MASANGWANAVILLE 376 (131 UNITS ) REMEDIAL WORK PROJECT: APPOINTMENT OF A CONTRACTOR TO UNDERTAKE REMADIALWORKS ON 131 HOUSING UNITS AT RED LOCATION TOWNSHIP IN NELSON MANDELA BAY MUNICIPALITY IN GQEGERHA .				

**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX  
SITUATED AT

**DEPARTMENT OF HUMAN SETTLEMENTS**

31-33 PHILLIP FRAME ROAD, STEVE TSHWETE BUILDING, GROUND FLOOR

WAVERLY PARK

EAST LONDON

**SUPPLIER INFORMATION**

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			

TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	

IF YES, WHO WAS THE CERTIFICATE  
ISSUED BY?

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)
	<input type="checkbox"/>	A REGISTERED AUDITOR NAME:

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN  
ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes [IF YES ENCLOSURE PROOF]	<input type="checkbox"/> No	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes [IF YES ANSWER PART B:3 BELOW ]
--	--	-----------------------------	---	--

SIGNATURE OF BIDDER	.....	DATE	
---------------------	-------	------	--

CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
--	--	--	--

TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
-------------------------------	--	------------------------------------	--

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT OF HUMAN SETTLEMENTS		CONTACT PERSON	MR S RALA
CONTACT PERSON	MR X MPUPA	TELEPHONE NUMBER	041 363 0776
TELEPHONE NUMBER	043 711 9641	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	SizweR@ecdhs.gov.za
E-MAIL ADDRESS	xoliliem@ecdhs.gov.za		

## PART B

### TERMS AND CONDITIONS FOR BIDDING

#### **1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—(NOT TO BE RE-TYPED) OR ONLINE
- 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
- 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

#### **2. TAX COMPLIANCE REQUIREMENTS**

- 2.1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2. BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6. WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

#### **3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?  YES  NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO

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

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

## TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

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



TAX CLEARANCE

TCC 001

**Application for a Tax Clearance Certificate****Purpose**Select the applicable option .....  Tenders  Good standing If "Good standing", please state the purpose of this application  
**Particulars of applicant**Name/Legal name  
(Initials & Surname  
or registered name)Trading name  
(if applicable)

ID/Passport no

Company/Close Corp.  
registered no

Income Tax ref no

PAYE ref no

7

VAT registration no

SDL ref no

L

Customs code

UIF ref no

U

Telephone no

Fax  
no

E-mail address

Physical address

Postal address

**Particulars of representative (Public Officer/Trustee/Partner)**

Surname

First names

ID/Passport no

Income Tax ref no

Telephone no

Fax  
no

E-mail address

Physical address

**Particulars of tender (If applicable)**

Tender number

Estimated Tender amount

Expected duration of the tender

**Particulars of the 3 largest contracts previously awarded**

Date started	Date finalised	Principal	Contact person	Telephone number	Amount
--------------	----------------	-----------	----------------	------------------	--------

**Audit**

Are you currently aware of any Audit investigation against you/the company? ..... YES ..... NO  
 If "YES" provide details

**Appointment of representative/agent (Power of Attorney)**

I the undersigned confirm that I require a Tax Clearance Certificate in respect of  Tenders  or  Goodstanding.

I hereby authorise and instruct  to apply to and receive from SARS the applicable Tax Clearance Certificate on my/our behalf.

Signature of representative/agent

Date

Name of representative/agent

**Declaration**

I declare that the information furnished in this application as well as any supporting documents is true and correct in every respect.

Signature of applicant/Public Officer

Date

Name of applicant/  
Public Officer**Notes:**

1. It is a serious offence to make a false declaration.
2. Section 75 of the Income Tax Act, 1962, states: Any person who
  - (a) fails or neglects to furnish, file or submit any return or document as and when required by or under this Act; or
  - (b) without just cause shown by him, refuses or neglects to-
    - (i) furnish, produce or make available any information, documents or things;
    - (ii) reply to or answer truly and fully, any questions put to him ...

As and when required in terms of this Act ... shall be guilty of an offence ...
3. **SARS will, under no circumstances, issue a Tax Clearance Certificate unless this form is completed in full.**
4. Your Tax Clearance Certificate will only be issued on presentation of your South African Identity Document or Passport (Foreigners only) as applicable.

## 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 interest<sup>1</sup> 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

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<sup>1</sup> 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.

with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....  
.....

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 consortium<sup>2</sup> 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.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

---

<sup>2</sup> 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.

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.

3.6 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.

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

**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) The applicable preference point system for this tender is the 90/10 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:

	<b>POINTS</b>	
<b>PRICE</b>	80	90
<b>SPECIFIC GOALS</b>	20	10
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>	<b>100</b>

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:

$$\begin{array}{ccc} 80/20 & \text{or} & 90/10 \\ Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right) \text{ or} & & Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right) \end{array}$$

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

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

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 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.)**

<b>The specific goals allocated points in terms of this tender</b>	<b>Number of points allocated (80/20 system) (To be completed by the organ of state)</b>	<b>Number of points allocated (90/10 system) (To be completed by the organ of state)</b>	<b>Number of points claimed (80/20 system) (To be completed by the tenderer)</b>	<b>Number of points claimed (90/10 system) (To be completed by the tenderer)</b>
Women owned organizations	8	3		
Youth	4	2		
People with Disability	2	2		
Locality: Eastern Cape	5	2		
Military Veterans	1	1		
<b>TOTAL POINTS</b>	<b>20</b>	<b>10</b>		

#### **· 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 proprietor

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:** .....

.....

.....

## **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### **1. General Conditions**

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x        is the imported content in Rand  
y        is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on <http://www.thedti.gov.za/industrial development/ip.jsp> at no cost.**

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

**2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

Commodity	Components	Local Content Threshold
Steel and plastic pipes and fittings	Reinforcing Bars (100%) Door and Window Frames (100%) Roof Trusses (100%) Joining Connection Components (100%) and Plastic pipes and fittings (100%);	100%

3. Does any portion of the goods or services offered have any imported content?

*(Tick applicable box)*

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

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za)

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Institution):  
.....

**NB**

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thdti.gov.za/industrial\\_development/ip.jsp](http://www.thdti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, .....(full names), do hereby declare, in my capacity as ..... of .....(name of bidder entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5

of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## Annex C

## Local Content Declaration - Summary Schedule

(C1) Tender No.  
 (C2) Tender description:  
 (C3) Designated product(s)  
 (C4) Tender Authority:  
 (C5) Tendering Entity name:  
 (C6) Tender Exchange Rate:  
 (C7) Specified local content %

STEEL PRODUCTS AND STRUCTURES  
 DEPARTMENT OF HUMAN SETTLEMENTS

Pula   
 EU

GBP

Note: VAT to be excluded from all calculations

Tender item no's	List of items	Calculation of local content					Tender summary				
		Tender price - each (excl VAT)	Exempted imported value	Tender value net of exempted imported content	Imported value	Local value	Local content % (per item)	Tender Qty	Total tender value	Total exempted imported content	Total Imported content
(C8)	(C9)	(C10)	(C11)	(C12)	(C13)	(C14)	(C15)	(C16)	(C17)	(C18)	(C19)
1	Reinforcing bars										
2	joining/ Connecting components										
		(C20) Total tender value		R 0				R 0			
		(C21) Total Exempt imported content		R 0				R 0			
		(C22) Total Tender value net of exempt imported content		R 0				R 0			
		(C23) Total Imported content		R 0				R 0			
		(C24) Total local content % of tender		R 0				R 0			
		(C25) Average local content % of tender		R 0				R 0			

Signature of tenderer from Annex B

Date: