



## TENDER DATA

1.	The Employer is: Nkangala District Municipality P.O Box 437 Middelburg 1050			
2.	Tender Documents			
	<p><b>Tendering Procedures</b> Tender notice and invitation to tender Tender data</p> <p><b>Returnable Documents</b> List of Returnable Documents</p> <p><b>The Contract</b> <b>Agreements and Contract data</b> Forms of Offer and Acceptance Contract Data</p> <p><b>Pricing Data</b> Pricing Instruction Bill of Quantities</p> <p><b>Terms of Reference</b> Terms of Reference</p> <p><b>Additional Relevant Documents</b> Supply Chain Management Policy</p>			
3.	<p><b>Interpretation</b></p> <p>The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these tender conditions.</p>			
4.	<p><b>Communication.</b></p> <p>The Employer's Representative is;</p> <table><tr><td><p><b><u>Accounting Officer:</u></b> ML Mahlangu P. O. Box 437 Middelburg 1050. Tel: 013 249 2000 / 2012</p></td><td><p><b><u>Procurement Enquiries.</u></b> Supply Chain Unit P.O. Box 437 Middelburg 1050 013 249 2104 / 5 / 6 / 2158</p></td><td><p><b><u>Technical Enquiries.</u></b> Ms. NT Maphanga / TP Mahlangu P.O. Box 437 Middelburg 1050 Tel : 013 249 2054/2075</p></td></tr></table>	<p><b><u>Accounting Officer:</u></b> ML Mahlangu P. O. Box 437 Middelburg 1050. Tel: 013 249 2000 / 2012</p>	<p><b><u>Procurement Enquiries.</u></b> Supply Chain Unit P.O. Box 437 Middelburg 1050 013 249 2104 / 5 / 6 / 2158</p>	<p><b><u>Technical Enquiries.</u></b> Ms. NT Maphanga / TP Mahlangu P.O. Box 437 Middelburg 1050 Tel : 013 249 2054/2075</p>
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4.1	<p>Attention is drawn to the fact that verbal communication given by the Employer's representative prior to the close of tenders will not be regarded as binding on the employer. Only information issued formally by the employer in writing to the tenders, under the signature of the Accounting Officer will be regarded as amending the tender documents.</p>			
5	<p><b>The Employer's right to accept or reject any tender offer</b></p> <p>The employer has the right not to accept the lowest tender and to accept the whole or part of any tender or not to consider any tender not suitably endorsed is fully reserved by the Nkangala District Municipality.</p>			



<b>6</b>	<b>Tenderer Obligations</b>
<b>6.1</b>	The Council retains the right to call for any additional information that it may deem necessary
<b>6.2</b>	<p>If tendering as a Joint Venture, Joint venture must be constituted by means of a comprehensive and fair, written agreement between the members, which sets out their obligations, rights, risks and rewards. Joint venture members should share at least the following aspects of the joint venture activities in a meaningful and equitable manner:</p> <ol style="list-style-type: none"><li>1. Control</li><li>2. Management</li><li>3. Operations</li><li>4. Risk</li><li>5. Profit and Loss</li></ol>
<b>6.3</b>	If a Tenderer , or any person employed by him is found to have either directly or indirectly, promised or given to any person in the employment of Council, any commission, gratuity, gift or other consideration, The Council shall have the right to summarily and without recourse to law and without prejudice to any other legal remedy which it may have in regard to any loss and/ or additional costs or expenses, to disqualify the Tender or cancel the Contract without paying any compensation to the aforesaid Tender or Contract.
<b>6.4</b>	At the request of the Municipal Manager or his authorised representative from furnishing him with additional information, or with a sample or specimen for testing purposes or otherwise, or from giving a demonstration so as to enable the recommendation to the Council's responsible Committee on the award of the contract be formulated,
<b>7.</b>	<b>Eligibility</b>  Only those bidders who satisfy the following criteria are eligible to submit tenders: <ul style="list-style-type: none"><li>• <b>Whose Firm and/or Lead Partner or Director is Registered with the Law Society of South Africa and/or the Legal Practice Council;</b></li><li>• <b>Letter of Good Standing issued in favour of the Firm and/or Lead Partner or Director issued by the relevant authority i.e. (Law Society and/or Legal Practice Council) within six (06) months from the date of closure of this tender advert;</b></li><li>• <b>Valid Fidelity Fund Certificate in favour of the Lead Partner with Indemnity Cover of not less than R1 500 000.00 per financial year.</b></li><li>• <b>Firm experience of a minimum of 3 years in similar projects.</b></li></ul>
<b>8</b>	<b>Compensation of tendering</b>  The employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the cost of any testing necessary to demonstrate that aspects of the offer satisfy requirements.
<b>9</b>	<b>Check documents</b>  The Tenderer should check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.  <b>Nkangala District Municipality reserves the right to request the bidder to submit original documents (as detailed in the proposed key personnel of the tender document and but not limited to, company registration document, qualifications of key personnel, for review and certification by its Commissioner of Oath.</b>



10.1	<p><b>Confidentiality and Copyright of Documents.</b></p> <p>Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation</p> <p><b>In submitting any information or documentation requested in this tender or any other information that may be requested pursuant to this Tender, you are consenting to the processing by NDM or its stakeholders of your personal information and all other personal information contained therein, as contemplated in the Protection of Personal Information Act, No.4 of 2013 and Regulations promulgated thereunder (“POPI Act”). Further, you declare that you have obtained all consents required by the POPI Act or any other law applicable. Thus, you hereby indemnify NDM against any civil or criminal action, administrative fine or other penalty or loss that may arise as a result of the processing of any personal information that you submit.</b></p>
10.2	<p><b>Clarification Meeting</b></p> <p>Compulsory clarification meeting will be held physically at <b>Nkangala District Municipality, on 15 September 2025 at 10:00am</b></p>
11	<p><b>Submitting tender offer:</b></p> <p>11.1 No Tender document will be considered unless submitted on Council’s Official Tender Document</p> <p>11.2 Return all the returnable documents to the employer after completing them.</p> <p>11.3 Tenders must be deposited in the tender box clearly marked: <b>APPOINTMENT OF THE PANEL OF PROFESSIONAL LEGAL SERVICE PROVIDERS FOR A PERIOD OF 36 (THIRTY – SIX) MONTHS FOR NKANGALA DISTRICT MUNICIPALITY</b></p> <p><b>Location of tender Box:</b> Main Entrance Ground floor Nkangala DM Building  <b>Physical Address:</b> Nkangala District Municipality, 2A Walter Sisulu Street, Middleburg 1050.</p> <p>Telephonic, telegraphic, telex, facsimile or emailed tenders will not be considered</p> <p>11.4 All tender received by the Nkangala District Municipality will remain in the Municipality’s possession until after the stipulated closing date and time.</p> <p>11.5 Accept that a tender submitted to the employer cannot be withdrawn or substituted. No substitute tenders will be considered</p>
12.	<p><b>Closing Time:</b></p> <p>12.1 The time and location for opening of the Tender offers are:</p> <p>Closing Time: <b>12:00</b>        Closing Date: <b>10 October 2025</b>        Location: <b>Nkangala District Municipality</b>  <b>2A Walter Sisulu Street</b>  <b>Middelburg</b>  <b>1050</b></p> <p>Tenders will be opened in public at the same time.</p> <p>12.2 After the opening of the tender proposals, no information relating to the clarification, determination of</p>



	responsiveness, evaluation and comparison of tender proposals and recommendations concerning the award of the tender shall be disclosed to any other tenderer or persons not concerned with such process until the award of the Tender has been announced by the NDM.								
<b>13.</b>	<b>Pricing the tender</b>  State the rates and prices in Rand								
<b>14.</b>	<b>Alterations to the Tender Documents.</b>  <b>No</b> alterations may be made to the tender document issued by the employer.  Proposals and any other supporting documents must be attached to the back of this tender document								
<b>15</b>	<b>Alternative tender offer.</b>  <b>No</b> alternative tender offers will be considered or accepted								
<b>16</b>	<b>Tender Offer Validity</b>  The Tender offer validity period is <b>90</b> days from the closing date.								
<b>17</b>	<b>Tender clarification after submission</b>  A tender may be regarded as non-responsive if the tenderer fails to provide clarification requested by the employer within the time for submission stated in the employer's written request.								
<b>18</b>	<b>Tender evaluation points</b>  <b>18.1</b> The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.  <b>18.2</b> Preference points for this bid shall be awarded for:  (a) Price; and (b) Specific Goals.  <b>18.3</b> The maximum points for this bid are allocated as follows: <table border="1" data-bbox="231 1608 1348 1814"> <thead> <tr> <th></th><th>POINTS</th></tr> </thead> <tbody> <tr> <td><b>PRICE</b></td><td><b>80</b></td></tr> <tr> <td><b>SPECIFIC GOALS</b></td><td><b>20</b></td></tr> <tr> <td><b>Total points for Price and Specific Goals</b></td><td><b>100</b></td></tr> </tbody> </table>		POINTS	<b>PRICE</b>	<b>80</b>	<b>SPECIFIC GOALS</b>	<b>20</b>	<b>Total points for Price and Specific Goals</b>	<b>100</b>
	POINTS								
<b>PRICE</b>	<b>80</b>								
<b>SPECIFIC GOALS</b>	<b>20</b>								
<b>Total points for Price and Specific Goals</b>	<b>100</b>								
<b>19.</b>	<b>Evaluation of Tenders</b>  The Tenderers notice is drawn to the fact that the evaluation, adjudication and awarding of this tender will be in terms of the Supply Chain Management Policy of the NDM.								
<b>19.1</b>	<b>The following steps will be followed in evaluation;</b>								



1. Determination of whether or not tender offers are complete.
2. Determination of whether or not tender offers are responsive.
3. Determination of the reasonableness of tender offers.
4. Confirmation of the eligibility of preferential points claimed by tenderers.
5. Awarding of points for financial offer.
6. Ranking of tenderers according to the total points
7. Performance of risk analysis by checking the credit record of the tenderers

## 19.2 Evaluation Criteria

The procedure for the evaluation of responsive Bids will be on the average of Three (03) in involvement in similar projects

- 20.** Tenders are adjudicated in terms of NDM Supply Chain Management Policy, and the following framework is provided as a guideline in this regard.

- 20.1** The company's tender responsiveness in relation to points is therefore summarized as follows:

Organising and Staffing 40

Infrastructure and resources 15

Experience of Firm 35

**TOTAL 90**

**A FIRM MUST OBTAIN A MINIMUM OF 65 POINTS OUT OF THE 90 POINTS ABOVE TO BE CONSIDERED FOR PRICE AND SPECIFIC GOALS EVALUATION.**

**Lead Partner / Director (Maximum points obtainable 15)**

**Name:** .....

Evaluation Criteria	Minimum Required	Elimination Factor	Maximum Points obtainable	Points Claimed
Academic Qualifications ( <b>Note 1</b> )	Masters in Law	No	1	
	Bachelor of Laws (LLB), or B URIS or B PROC degree	No	2	
Professional Registration	No Admission as an attorney (Registered with the Law Society/Legal Practice Council)	Yes	0	
	Admission as an attorney (Registered with the Law Society/Legal Practice Council)	No	2	
<b>Sub-total</b>			<b>5</b>	
Years of experience after admission				
	3 - 5	No	3	
	6 and above	No	5	
<b>Sub-Total</b>			<b>5</b>	
Involvement in comparable projects	2-5	No	2	
	6-9	No	3	



	10 and above	No	5	
<b>Sub-Total</b>			<b>5</b>	
Current Employment	Full time employed by the Legal Firm	Yes	0	
<b>Sub-total</b>			<b>0</b>	
<b>Total</b>			<b>15</b>	

**NOTE: SHOULD THE TEAM LEADER BE THE SAME AS THE PROFESSIONAL ASSISTANT ZERO POINTS WILL BE ALLOCATED.**

**PROFESSIONAL ASSISTANT:** *(Maximum Points obtainable 20)*

**Name of PA:** .....

Evaluation Criteria	Minimum Required	Elimination Factor	Maximum Points obtainable	Points Claimed
Academic Qualifications	Bachelor of laws (LLB), or B URIS or B Proc	No	2	
Professional Registration	No Admission as an Attorney	Yes	0	
	Admission as an Attorney	No	3	
<b>Sub-total</b>			<b>5</b>	
Years of experience after qualification (Admission)	1-2	yes	0	
	3-5	No	6	
	6 and above	No	10	
<b>Sub-Total</b>			<b>10</b>	
Current Employment (Note 5)	Full time employment by the Firm	No	5	
<b>Sub-Total</b>			<b>5</b>	
<b>Total</b>			<b>20</b>	

**NOTE: SHOULD THE PA BE THE SAME AS THE LEAD PARTNER ZERO POINTS WILL BE ALLOCATED.**

**CANDIDATE LEGAL PRACTITIONER** *(Maximum Points obtainable 5)*

**Name of CLP:** .....

Evaluation Criteria	Minimum Required	Elimination Factor	Maximum Points obtainable	Points Claimed
Academic Qualifications	Bachelor of laws or B Proc of NQF 8	No	3	
	Articles Not Registered with Legal Practice Council as a Candidate Legal Practitioner	Yes	0	



Professional Registration	Articles Registered with Legal Practice Council as a Candidate Legal Practitioner	No	2		
<b>Sub-total</b>			<b>5</b>		
<b>Total</b>			<b>5</b>		

**NOTE: SHOULD THE CANDIDATE ATTORNEYS BE THE SAME AS THE PROFESSIONAL ASSISTANT ZERO POINTS WILL BE ALLOCATED**

**Note 1: Academic Qualifications**

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

**Minimum requirements for Lead Partner**

- Must have Bachelor of Laws (LLB), or B URIS or B PROC degree
- At least Three or more years' work experience in Legal work after admission as an Attorney;
- Must be registered as an Attorney with the Legal Practice Council / Law Society of South Africa

**Minimum requirements for Professional Assistant**

- Bachelor of Laws (LLB), or B URIS or B PROC degree
- At least Three or more years' work experience in Legal work after admission as an Attorney;
- Must be registered as an Attorney with the Legal Practice Council / Law Society of South Africa.

**Minimum requirements for Candidate Attorney**

- must Bachelor of Laws (LLB), or B URIS or B PROC degree
- Articles must be registered with the Legal Practice Council.

**Note 2: Experience after qualification**

Attached CV for key personnel must clearly indicate experience and number of years in the field after admission.

**Note 3: Experience after qualification**

Attached CV for key personnel must clearly indicate experience and number of years in the field after admission.

**Note 4: Employment History (Involvement in comparable projects)**

Proof of employment history must be contained in the Curriculum Vitae (CV) and must include references and contact details. The CV must contain only necessary and relevant information for the purpose of this project (not marital status, hobbies, number of children, etc.).

**Note 5: Current Employment**

Attached CV must indicate current employment



## INFRASTRUCTURE OF FIRM

(Maximum Points obtainable 15)

### Note 6: Hardware and resources

It must be noted that a maximum of **15** points as indicated in the table below. Proof in the form of company's asset register must be attached and Failure to provide this shall warrant for scoring zero (0) in this category.

Evaluation criteria	Minimum required	Elimination Factor	Maximum Points obtainable	Points Claimed
Company's hardware and resources ( <b>Note 6</b> )	Computers/Laptops and printers	No	5	
	Website and landline	No	5	
	Internet and email access	No	5	
<b>Total</b>			<b>15</b>	

## COMPANY'S EXPERIENCE

(Maximum Points obtainable 35)

### Note 7: Company experience in similar projects

It must be noted that the experience of the company carries a maximum of **35 points** as indicated in the table below. Proof in the form of appointment letters **and** verifiable references with contact details and/or service level agreements must be attached. Failure to provide this shall warrant automatic disqualification.

Evaluation criteria	Minimum required	Elimination factor	Points obtainable	Points claimed
Company's years of experience in similar projects ( <b>Note 7</b> )	1 – 2	Yes	0	
	3 – 5	No	20	
	6 years and above	No	35	
<b>Total</b>			<b>35</b>	

**TOTAL SCORE:** \_\_\_\_\_/90

## 20.2 Technical adjudication and General Criteria

- Tenders will be adjudicated in terms of inter alia:
- Compliance with Tender conditions
- Technical specifications

If the Tenderer does not comply with the Tender Conditions, the Tenderer may be rejected. If technical specifications are not met, the Tender may also be rejected.

With regard to the above, certain actions or errors are unacceptable and warrants **REJECTION OF THE**





**TENDER**, for example

- A Tax Compliance letter with a unique PIN in terms of the electronic Tax Compliance Status (TCS) system from SARS must have been submitted.
- Pages to be completed, removed from the Tender document, and have therefore not been submitted.
- If tender document is not fully completed as required and as stipulated in the tender data.
- If any tender document is tampered with or it is unbundled or unsealed.
- Failure to complete the schedule of quantities as required – only lump sums provided.
- Scratching out without initialling next to the amended rates or information.
- Writing over / painting out rates / the use of tippex or any erasable ink, e.g. pencil.
- The Tender has not been properly signed by a party having the authority to do so, according to the **Form F – “Authority for Signatory”**
- A Resolution by a Board of Directors of the Company authorizing the Tenderer to sign the Tender document on behalf of the Company. No authority for signatory submitted.
- Particulars required in respect of the Tender have not been provided – non-compliance of Tender requirements and/or specifications.
- The Tenderer’s attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.
- The Tender has been submitted after the relevant closing date and time
- Failure to complete and sign Form C1.1 Form of Offer and Acceptance
- If any municipal rates and taxes or municipal service charges owed by that Tenderer or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months.
- If any Tenderer who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that Tenderer that performance was unsatisfactory.

**20.3 Size of enterprise and current workload**

- Evaluation of the Tenderer’s position in terms of:
- Previous and expected current annual turnover
- Current contractual obligations
- Capacity to execute the contract

**20.4 Proposed Key Personnel**

In this part of the tender, the Tenderer shall also supply Curriculum Vitae (CV’s) for the Staff available named and working for the Tenderer. The CV should follow the normal Professional Format as used by Professional Service Providers.

Each CV should give at least the following:

- Position in the firm and within the organisation of this assignment
- PDI status (describing population group, gender and disabilities)
- Educational qualifications
- Relevant experience (actual duties performed, involvement and responsibility), including locations,



dates and durations of assignments, starting with the latest.

- Language proficiency and
- References (company name, individual name, position held, contact details)

Much importance will be placed on the experience of the staff proposed. The Tender must ensure that, if selected, the nominated staff will be assigned as proposed. Failure to do so may result in the annulment of any acceptance of the Tenders' proposal and/ or Agreement entered into by the Client for the execution of the services

#### 20.5 Previous experience

The tenderer shall list in the appropriate Forms the appropriate related projects undertaken by the member firms of the tenderer within the last three (3) years.

Evaluation of the Tenderer's position in terms of his/her previous experience. Emphasis will be placed on the following:

- Experience of contracts of similar size
- Service Provider to attach appointment letters and verifiable references with contact details and/ **OR** service level agreements.

#### 20.6 Financial ability to execute the contract:

Evaluation of the Tenderer's financial ability to execute the contract will not be considered. Emphasis will be placed on the following:

- Professional Indemnity / fidelity fund **for not less than R1 500 000 per claim.**

#### 20.7 Good standing with SA Revenue Services

- The Tenderer **must affix A Tax Compliance letter with a unique PIN in terms of the electronic Tax Compliance Status (TCS) system from SARS must been submitted.**

**20.8** If the Tender does **not** meet the requirements contained in the NDM Procurement Policy, and the mentioned framework, it will be rejected by the Council, and may not subsequently be made acceptable by correction or withdrawal of the non-conforming deviation or reservation

#### 20.9 Penalties

The Nkangala District Municipality will if upon investigation it is found that a preference in terms of the Act and these regulations has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract, on discretion of the Municipal Manager, one or more of the following penalties will be imposed:

- Cancel the contract and recover all losses or damages incurred or sustained from the Tenderer.
- Impose a financial penalty at the discretion of Council
- Restrict the Law Firm, its shareholders and directors on obtaining any business from the Nkangala District Municipality for a period of 5 years and
- Report the Law Firm, and its directors to the Legal Practice Council the regulator body of legal practitioners



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**The additional conditions of Tender are:**

1. Service providers who has scored the highest points for Price and Specific Goals in terms of the Preferential Procurement Regulations 2022 will be appointed.
2. Nkangala District Municipality may also request that the Tenderer provide written evidence that his financial, labour and resources are adequate for carrying out the project.
- 2 The Nkangala District Municipality reserves the right to appoint a firm of chartered accountants and auditors and / or execute any other financial investigations on the financial resources of any Tenderer. The Tenderer shall provide all reasonable assistance in such investigations.