

PIKITUP JOHANNESBURG SOC LIMITED

BID DOCUMENT FOR THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE TOPOGRAPHICAL SURVEYS AND RELATED SERVICES AT VARIOUS PIKITUP LANDFILL SITES OVER A PERIOD OF 36 MONTHS

BID NO: PU131 / 2023

CLOSING DATE: 23 NOVEMBER 2023

CLOSING TIME: 11:00AM

BIDDER NAME:

BID AMOUNT:

TENDER DOCUMENT FOR:

**PIKITUP JOHANNESBURG SOC LTD
JORISSEN PLACE
66 JORISSEN STREET
BRAAMFONTEIN, JHB**

Contact person: Morne Koortzen

E-mail: mornekoortzen@pikutup.co.za

Enquiries relating to this bid may be e-mailed to the mentioned above contact person.

Bid document must be deposited at:

Pikutup Head Office, Tender Office, Ground Floor, East Wing, Jorissen Place, 66 Jorissen Street, Braamfontein, JHB before the closing date and time.

A Compulsory Briefing Session will be held on 10 November 2023 at 11:00am until 12:00am at Pikitup's Robinson Deep Landfill Site Offices, 105 Turffontein Road, Johannesburg, South Africa. GPS co-ordinates: Latitude -26°23'16.07"S and Longitude 28°04'25.04"E

SCAM ALERT

With an endeavor to promote transparent tender processes and to comply with the relevant legislation, bidding company names and bid values are called out at tender opening and such details are also published on the Pikitup website. Fraudsters however abuse the information available from various sources on the internet with fraudulent intentions.

It came to our attention that fraudsters are posing as municipal employees claiming that they are members of either the Bid Evaluation or Adjudication Committee, and soliciting bribes from bidders for being favored during the tender evaluation or being awarded the tender.

Bidders are requested to be vigilant pertaining to the following:

- Pikitup tender documents are available free of charge from the National Treasury e-tender portal, thus do not pay for tender documents.
- Pikitup is using the National Treasury Central Supplier Database (CSD), hence Pikitup will not request bidders to pay for supplier registration forms.
- All Pikitup tenders are published on the National Treasury e-tender portal and / or the Pikitup website. Only respond to tenders that are published on these websites.
- Bid responses must be deposited in the Pikitup tender box as indicated in the respective tender documents.
- Only correspond in writing with the Pikitup contact person as indicated in the tender document. The Pikitup official and contact details are also advertised on the National Treasury e-tender portal and / or Pikitup website.
- Do not entertain any request for a bribe, and never pay money for being favored or being awarded a tender.

REPORT FRAUD AND CORRUPTION

Please report fraud and corruption at the City of Johannesburg Anti-Fraud Hotline: 0800 002 587 or the National Treasury Anti-Corruption Hotline: 0800 701 701

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ANNEXURE 1.1

MBD 1

INVITATION TO BID

PART A INVITATION TO BID

| | | | | | |
|--|--|----------------------|--|----------------------|--|
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY) | | | | | |
| BID NUMBER: | PU131/2023 | CLOSING DATE: | 23 NOVEMBER 2023 | CLOSING TIME: | 11:00 AM |
| DESCRIPTION | THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE TOPOGRAPHICAL SURVEYS AND RELATED SERVICES AT VARIOUS PIKITUP LANDFILL SITES OVER A PERIOD OF 36 MONTHS | | | | |
| THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7). | | | | | |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS) | | | | | |
| PIKITUP TENDER BOX, SITUATED AT PIKITUP JOHANNESBURG (SOC) LIMITED, JORISSEN PLACE, TENDER OFFICE, EAST WING, GROUND FLOOR, 66 JORISSEN STREET, BRAAMFONTEIN, JOHANNESBURG, 2000 | | | | | |
| 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 | | | | | |
| TAX COMPLIANCE STATUS | 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 | | |
| [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 <input type="checkbox"/> No [IF YES ENCLOSE PROOF] | | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | | <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3] |
| TOTAL NUMBER OF ITEMS OFFERED | As per pricing schedule | | TOTAL BID PRICE | | R |
| SIGNATURE OF BIDDER | | | DATE | | |
| CAPACITY UNDER WHICH THIS BID IS SIGNED | | | | | |
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: | | | TECHNICAL INFORMATION MAY BE DIRECTED TO: | | |
| DEPARTMENT | SUPPLY CHAIN MANAGEMENT UNIT | | CONTACT PERSON | SAME | |
| CONTACT PERSON | MORNE KOORTZEN | | TELEPHONE NUMBER | SAME | |
| TELEPHONE NUMBER | 0873571196 | | FACSIMILE NUMBER | SAME | |
| FACSIMILE NUMBER | NOT APPLICABLE | | E-MAIL ADDRESS | SAME | |
| E-MAIL ADDRESS | MORNEKOORTZEN@PIKITUP.CO.ZA | | | | |

BID NUMBER PU131/2023 FOR THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE TOPOGRAPHICAL SURVEYS AND RELATED SERVICES AT VARIOUS PIKITUP LANDFILL SITES OVER A PERIOD OF 36 MONTHS

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. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT AS INDICATED IN THIS INVITATION. | | | | | | | | | | |
| 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 THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE 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 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3. 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 2.7 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 BIDDERS | | | | | | | | | | |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="width: 30%; text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p> | 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO | 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO | 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO | 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO | 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | | | |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | | | |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | | | |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | | | |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | | | |

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

DATE:

.....

AUTHORITY TO SIGN A BID

Bidders may complete the relevant form of one of the following options, or may provide a separate delegation of authority resolution on the bidding organisation's letter head.

| | | | |
|---|--|-----------|--|
| 1. <u>Sole Proprietor (Single Owner Business) and Natural Person</u> | | | |
| 1.1 I, , the undersigned, hereby confirm that I am the sole owner of the business trading as | | | |
| OR | | | |
| 1.2 I, , the undersigned, hereby confirm that I am submitting this tender in my capacity as natural person. | | | |
| SIGNATURE | | DATE | |
| PRINT NAME | | | |
| WITNESS 1 | | WITNESS 2 | |

| | | | |
|---|--|------------------|------------|
| 2. <u>Companies and Close Corporations</u> | | | |
| 2.1 If a Bidder is a Company, a certified copy of the resolution by the board of directors, duly signed, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company must be submitted with this bid, that is, before the closing time and date of the bid. | | | |
| 2.2 In the case of a Close Corporation (CC) submitting a bid, a resolution by its members authorising a member or other official of the corporation to sign the documents on their behalf, shall be included with the bid. | | | |
| Date Resolution was taken | | | |
| Resolution signed by (name and surname) | | | |
| Capacity | | | |
| Name and surname of delegated Authorised Signatory | | | |
| Capacity | | | |
| Specimen Signature | | | |
| Full name and surname of all Director(s) / Member (s) | | | |
| 1. | | 2. | |
| 3. | | 4. | |
| 5. | | 6. | |
| 7. | | 8. | |
| 9. | | 10. | |
| Is a certified copy of the resolution attached? | | | YES |
| SIGNED ON BEHALF OF COMPANY / CC | | | NO |
| | | DATE | |
| PRINT NAME | | | |
| WITNESS 1 | | WITNESS 2 | |

| | | | |
|--|--|-----------|--|
| 3. <u>Partnership</u> | | | |
| We the undersigned partners in the business trading as hereby authorise Mr/Mrs to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid and/or contract for and on behalf of the above mentioned partnership. The following particulars in respect of every partner must be furnished and signed by every partner: | | | |
| Full name of partner | | Signature | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| SIGNED ON BEHALF OF PARTNERSHIP | | DATE | |
| PRINT NAME | | | |
| WITNESS 1 | | WITNESS 2 | |

| | | | |
|---|----------------------------------|------------------------|------------------|
| 4. <u>Consortium</u> | | | |
| We the undersigned consortium partners, hereby authorise _____ (Name of entity) to act as lead consortium partner and further authorise Mr/Ms _____ to sign this offer as well as any contract resulting from this tender and any other documents and correspondence in connection with this tender and / or contract for and on behalf of the consortium. The following particulars in respect of each consortium member must be provided and signed by each member. | | | |
| Full name of Consortium Member | Role of Consortium Member | % Participation | Signature |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| SIGNED ON BEHALF OF CONSORTIUM | | DATE | |
| PRINT NAME | | | |
| WITNESS 1 | | WITNESS 2 | |

5. JOINT VENTURE

We, the undersigned, are submitting this bid offer in joint venture and hereby authorize Mr / Ms

.....
.....

Authorized signatory of the Company / Close Corporation / Partnership (name)

.....
.....

Acting in the capacity of lead partner, to sign all documents in connection with the bid offer and any contract resulting from it on our behalf.

| | | | |
|--|--|-------------|--|
| LEAD PARTNER (Whom the Pikitup shall hold liable for the purpose of the tender) | | | |
| NAME OF FIRM | | | |
| ADDRESS | | | |
| | | TEL. NO. | |
| SIGNATURE | | DESIGNATION | |

| | | | |
|-------------------------------|--|-------------|--|
| 2nd PARTNER | | | |
| NAME OF FIRM | | | |
| ADDRESS | | | |
| | | TEL. NO. | |
| SIGNATURE | | DESIGNATION | |

| | | | |
|-------------------------------|--|-------------|--|
| 3rd PARTNER | | | |
| NAME OF FIRM | | | |
| ADDRESS: | | | |
| | | TEL. NO. | |
| SIGNATURE | | DESIGNATION | |

| | | | |
|-------------------------------|--|-------------|--|
| 4th PARTNER | | | |
| NAME OF FIRM | | | |
| ADDRESS: | | | |
| | | TEL. NO. | |
| SIGNATURE | | DESIGNATION | |

NOTE: A copy of the Joint Venture Agreement indicating clearly the percentage contribution of each partner to the Joint Venture, is to be submitted with the bid.

A board resolution, authorising each signatory who signed above to do so, is to be submitted with the bid.

CERTIFICATE FOR PAYMENT OF MUNICIPAL SERVICES

DECLARATION IN TERMS OF MUNICIPAL SCM REGULATIONS 21(d) (ii)

I, (full name) and (ID no.), hereby acknowledge that the Pikitup may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors/members/partners to the City of Johannesburg, or to any other municipality or municipal entity, are in arrears for more than 3 (three) months.

I declare that I am duly authorised to act on behalf of (name of the firm) and hereby declare, that to the best of my personal knowledge, neither the firm nor any director/member/partner of said firm is in arrears on any of its municipal accounts with any municipality in the Republic of South Africa, for a period longer than 3 (three) months.

I further hereby certify that the information set out in this schedule and/or attachment(s) hereto is true and correct. The bidder acknowledges that failure to properly and truthfully complete this schedule may result in the tender being disqualified, and/or in the event that the tenderer is successful, the cancellation of the contract.

| PHYSICAL BUSINESS ADDRESS(ES) OF THE TENDERER | MUNICIPAL ACCOUNT NUMBER |
|---|--------------------------|
| | |

Further details of the bidder's director(s) / shareholder(s) / partner(s) / member(s), etc.:

| Director / partner / member | Physical residential address of the director / partner / member | Municipal account number(s) |
|-----------------------------|---|-----------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

PLEASE NOTE:

1. Copies of all municipal accounts, not older than 3 months, to be submitted with the bid.
2. If the entity or any of its directors/shareholders/partners/members, etc. rents/leases premises a copy of the rental/lease agreement is to be submitted with this bid.

| | | |
|-----------|----------|------|
| | | |
| Signature | Position | Date |

ANNEXURE 1.2

CONDITIONS OF TENDER

CONDITIONS OF TENDER

RETURN OF BIDS

This BID closes as indicated on the cover page of this tender document. Late bids will not be accepted or considered and bids delivered to any other address besides the address stated above will not be considered.

Neither PIKITUP nor any of its employees shall be liable in any way whatsoever for BIDS that are not placed in the bid box by the closing date and time.

No BID shall be considered unless it is accompanied by sufficient information to show that the goods offered comply with the specification.

Bidders must state the country of origin and the name of the manufacturer of the goods offered. Documentary proof must be produced, if required.

Bidding documents must be completed properly in permanent black ink, and no correction fluid (Tippex) may be used on the bid document. If the bidder wishes to make a change, the bidder must draw a line through the incorrect wording, write the correct wording next to the change, and also initial next to the change.

VALIDITY PERIOD

Your bid submission must remain valid for a period of **90 days** from the closing date of this bid. It will constitute an offer which remains open for acceptance during the validity period.

BRIEFING OR INFORMATION MEETING

Where the bid document indicates that a compulsory briefing meeting will be held as per the details provided on the cover page of the bid document, it is a requirement of the bid that the bidder's representative must attend the briefing session as important information pertaining to the bid will be discussed at the meeting. Bidders must attend the compulsory briefing session and ensure to sign the attendance register. Non-attendance to the compulsory briefing meeting will result in your bid being disqualified for further evaluation.

EVALUATION OF BIDS

Bidders must fully comply with all the pre-compliance evaluation criteria and must meet the minimum functionality evaluation criteria threshold (if applicable) to be considered for further evaluation. The tenders will be evaluated on the basis of the point system as stipulated in the PPPFA. The 80/20 principle will apply for tender prices between the threshold of R30 000 (thirty thousand) to R50 000 000 (fifty million), and the 90/10 principle will apply for tender prices with a Rand value above R 50 000 000 (fifty million), unless stated differently in the tender document. In the case where it is uncertain if the 80/20 or 90/10 principle will apply at tender initiation stage, the lowest acceptable bid price received will determine the applicable preference point system to be used.

ADJUDICATION OF BIDS

Bids submitted in response to this invitation will be adjudicated by PIKITUP in terms of the Supply Chain Management Policy and Procedure Manual developed in accordance with the requirements of the Municipal Finance Management Act 56 of 2003, the Preferential Procurement Policy Framework Act # 5 of 2000, and the Preferential Procurement Regulations of 2022, and related legislative requirements. Enquiries in respect of the policy should be addressed to PIKITUP's Acting General Manager: Supply Chain Management – salomemalebye@pikitup.co.za

CONTRACT

The terms of the proposed contract with PIKITUP are contained in the General Conditions of Contract, the Special Conditions of Contract and any of the sections of these bidding documents in which the bidder makes an undertaking as to its performance. You must read and understand the terms before you submit your BID as you will be bound by the Contract (as described) if your BID is successful.

ADMINISTRATIVE JUSTICE

In adjudicating bids, PIKITUP shall comply with the requirements of the Promotion of Administrative Justice Act 3 of 2000 and the Promotion of Access to Information Act 2 of 2000, to the extent that these Acts apply to the adjudication by a municipal entity of bids in response to a bid invitation.

INTERNAL APPEAL PROCESS

Following the evaluation of tender and selection of a preferred bidder, and provided that a procurement contract has not already entered into force, any bidder may submit a complaint in writing to the chairperson of the PIKITUP Board of Directors ("the Board") or the Managing Director that PIKITUP has not complied with the requirements of the PIKITUP Supply Chain Management Policy or the PIKITUP Code of Ethics, or has in any respect acted in a way that is irregular. The Chairperson of the Board or Managing Director shall not entertain a complaint unless it was submitted within 20 calendar days of when the supplier or contractor submitting it became aware of the circumstances giving rise to the complaint or of when that supplier or contractor should have become aware of those circumstances, whichever is earlier; or entertain a complaint after the procurement contract has entered into force.

Unless the complaint is resolved by mutual agreement of the bidder and the Chairperson of the Board or Managing Director, the Chairperson of the Board shall, within 30 calendar days after the submission of the complaint, issue a written decision. The decision shall state the reasons for the decision; and if the complaint is upheld in whole or in part, indicate the corrective measures that are to be taken.

The decision of the Chair of the Board shall, subject to the review powers of any competent court, be final.

PROVISO

In evaluating bids received and adjudicating the award of this tender, Pikitup Johannesburg (SOC) Limited will, in addition to the pre-compliance and functionality criteria included in the specifications and irrespective of the capital, pricing and black economic empowerment structures of the bidder, take into account as objective criteria (1) the desirability of rotating the work amongst service providers, (2) the past bidding practices of any bidder in relation to evidence and/or reports of combative practices including conduct reported, amongst others, in terms of the Prevention and Combatting of Corrupt Activities Act, 2004, (3) the past contractual performance of any bidder and (4) the nature and extent of disputes involving the bidder in relation to past and/or current contracts. Note that as a result of the application of these objective criteria, the highest scoring bidder(s) will not necessarily be selected as a preferred bidder(s).

In line with the provisions of Supply Chain Management Policy, Pikitup reserves the right to:

- request for a validity extension if necessary,
- apply pre-qualification criteria to advance designated groups in terms of the PPPFA of 2000, Preferential Procurement Regulations of 2022, and the Pikitup SCM Policy,
- award the bid in whole, or award the bid in parts, or not to award the bid at all,
- award the bid to one or more than one bidder(s)
- negotiate the bid price offered, and / or any other terms and conditions of this requirement with the preferred bidder(s), before the final award of the bid.

Pikitup further retain the right to:

- veto or conduct a due diligence on any bidder, and / or any of their sub-contractors or sub-service providers;
- request for samples, demonstrations, site visits or further information relating to the offered goods, services or works
- evaluate, review, test, inspect any of the products and / or staff offered for the tender, at Pikitup's sole discretion accept or reject such.

As per section 2(1)(f) of the PPPFA, one or more of the following "objective criteria" may be considered for final selection of bid(s):

- The spread of business amongst suppliers and / or rotation of contracts amongst suppliers,
- The protection of the environment or sustainability considerations,
- The geographical origin of resources utilised as inputs for the execution of the proposed contract,
- The development and / or impact on the local community,
- Considerations of after purchase costs, such as maintenance cost, operational costs, licence costs, or life cycle cost,
- Variants from the original scope of requirements,
- Financial stability and commercial status of the bidder(s),
- The receipt of an abnormally low bid amount, provided that the bidder in question is allowed an opportunity to justify its bid.

DECLARATION BY BIDDER:

I the undersigned, (Name and Surname),
being the duly authorised undersigned representative of the Bidder and its associates hereby grant Pikitup Johannesburg (SOC) Limited the required consent in terms of the Protection of Personal Information (POPI) Act, 2013 for the use of the personal information relating to the Bidder (i.e. the company, its owner(s), employees and/or any associated persons' BEE credentials, demographic / ownership profile, location etc.) for the legitimate purposes relating to this bid submission, its evaluation and adjudication.

I FURTHER DECLARE THAT I/WE HAVE READ THE CLAUSES SET OUT ABOVE IN THIS OF THE TENDER DOCUMENTS AND ACCEPT THEIR CONTENTS, SUBJECT TO ANY DECLARATION, WE HEREBY OFFER TO CONTRACT WITH PIKITUP ON THE TERMS SET OUT IN THE BID DOCUMENTS SHOULD WE BE APPOINTED AS THE SUCCESSFUL BIDDER.

AUTHORISED SIGNATURE :

CAPACITY OF SIGNATORY :

DATE :

ADDRESS :

WITNESSES: 1 WITNESSES: 2

ANNEXURE 2.

TERMS OF REFERENCE / SPECIFICATION OF REQUIREMENTS

**TERMS OF REFERENCE FOR
THE APPOINTMENT OF A SERVICE
PROVIDER TO UNDERTAKE
TOPOGRAPHICAL SURVEYS AND
RELATED SERVICES AT VARIOUS
PIKITUP LANDFILL SITES OVER A
PERIOD OF 36 MONTHS**

**TENDER REFERENCE NUMBER
PU131/2023**

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE TOPOGRAPHICAL SURVEYS AND RELATED SERVICES AT VARIOUS PIKITUP LANDFILL SITES OVER A PERIOD OF 36 MONTHS

1. TERMS AND DEFINITIONS

The tender document shall be governed and constructed in accordance with the laws of the Republic of South Africa. For purposes of this tender, the following terms shall have the meaning and definitions assigned hereunder, unless the context requires otherwise.

Table 1: Terms and Definitions

| DEFINED TERMS/ACRONYM | MEANING |
|---------------------------------|--|
| ACTIVE EQUITY | In relation to any of the Black Equity, any issued shares in the share capital of any share capital of any Subcontractor held by Black People and/ or Black Enterprises who will participate directly in the day to day management and operations of the Project |
| BLACK PEOPLE | a generic term which means Africans, Coloureds, Indians as well as Chinese: in terms of the B- BEE Act. It includes only natural persons who are citizens of the Republic of South Africa (RSA) by birth or descent; or are citizens of the RSA by naturalisation: a) occurring before the commencement date of the Constitution of the RSA Act No. 108 of 1996; or b) occurring after the commencement date of the Constitution of the RSA Act No. 108 of 1996 but who, without the Apartheid policy would have qualified for naturalisation before then. |
| BID EVALUATION COMMITTEE | A team appointed by Pikitup's accounting officer to evaluate the different streams of the bid (e.g. technical, Financial and Preference) |
| BIDDER(S) | Each party that submitted a response to this RFP/Tender |
| BRIEFING NOTES | Written Documentation issued by Pikitup to disseminate further instructions, programme changes and information updates to the Bidder in relation to the Project, each to be consecutively numbered and referenced to the Project |
| BUSINESS DAY | Any day of the week that is not a Saturday, Sunday, or public holiday in the Republic of South Africa. |
| CLOSING DATE | The date specified for the submission of this RFP/bid as contained herein |
| COJ | City of Johannesburg Metropolitan Municipality |
| CONSTITUTION | Constitution of the Republic of South Africa Act, 1996 |
| CONTRACTOR | Service Provider. |
| ENTERPRISE | A company, close corporation, juristic person, trust, partnership, joint venture, association, or sole proprietor, whether or not having separate legal personality. |
| ENTERPRISE CONTROL | In relation to any Enterprise the ability directly or indirectly to direct or cause the direction of the votes attaching to the majority of its issued shares or interests carrying voting rights, or to appoint or remove or cause the appointment or removal of any directors (or equivalent officials) holding the majority of the voting rights on its Board of Directors (or equivalent body) |
| EQUITY | The entire issued and paid-up share capital of the Service Provider |
| GOOD INDUSTRY PRACTICE | The standards, practices, methods and procedures conforming to applicable law, and exercising that degree of skill, care, diligence, |

BID NUMBER PU131/2023 FOR THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE TOPOGRAPHICAL SURVEYS AND RELATED SERVICES AT VARIOUS PIKITUP LANDFILL SITES OVER A PERIOD OF 36 MONTHS

| DEFINED TERMS/ACRONYM | MEANING |
|---|---|
| | prudence, and foresight that would reasonable and ordinarily be expected from a skilled and experienced person engaged in similar type of undertaking under similar circumstances. Applying, in relation to the manner in which similar Project Deliverables are rendered. |
| LEAD MEMBER | That equity member of the Service Provider, which is authorized by the Persons constituting the Service Provider to sign the Proposal and bind the members of the Service Provider. |
| MFMA | The Municipal Finance Management Act, Act 56 of 2003 |
| PREFERRED BIDDER(S) | The recommended bidder/s, if any, selected through a transparent and open tender process to enter into negotiations for delivering the project. |
| RFP/BID | Request for Proposals or Bid/Tender, which is this document together with its attachments/ annexures (if any) |
| PRICE | An amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts |
| PREFERENCE POINTS | The 80/20 or 90/10 preference point system for either acquisition of goods or services, or for tenders to generate income or to dispose of or to lease assets. Depending on the estimated value of the tender, 20 or 10 points will be allocated for preference points and 80 or 90 points will be allocated for bid price. Preference points should be allocated to specific goals. |
| SERVICE PROVIDER | The Preferred Bidder after the Service Contract is awarded and signed by the relevant parties thereto |
| SMALL MEDIUM AND MICRO ENTERPRISES | A separate and distinct business entity, including cooperative enterprises and non-governmental organisations, managed by one owner or more which, including its branches or subsidiaries, if any, is predominantly carried on in any sector or sub-sector of the economy and which can be classified as a micro-, a very small, a small or a medium enterprise by satisfying the criteria opposite the smallest relevant size or class. |
| SPECIFIC GOALS | Specific goals as contemplated in section 2(1)(d) of the Act by contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in Government Gazette No. 16085 dated 23 November 1994 to achieve specific goals, targeted-procurement, and / or business objectives. |
| SUBMISSION | The response by bidders to this Tender / RFP / BID |
| VAT | Value Added Tax as contemplated under the Value Added Tax Act, 1991. |
| PIKITUP 'SOC' LIMITED | Pikitup Johannesburg 'SOC' Limited, a company established in terms of the MSA, MFMA and Companies Act of 1973 as amended, wholly owned by the City of Johannesburg and responsible for Waste Management services for CoJ. |

2. INTRODUCTION TO PIKITUP

2.1. Background of PIKITUP Johannesburg SOC Limited

Pikitup Johannesburg (SOC) Ltd (Pikitup), 100% owned by the City of Johannesburg, and established on 1 November 2000 in terms of the Companies Act, No. 71 of 2008 and is mandated to provide integrated waste management services to the residents of Johannesburg. In line with the establishment of Pikitup, the Council utilises the Environment, Infrastructure and Services Department (EISD) as well as the appointed Board of Directors, and Group Governance Department to oversee the governance of the company, as well as to regulate it.

In order for Pikitup to successfully make a meaningful impact with regard to the guiding principles for waste management and ensuring resource security, environmental sustainability and good governance in the CoJ, the resources of the organisation must be directed towards the activities envisaged by the City's Growth and Development Strategy (GDS 2040).

The business plan for Pikitup responds to the Jo-burg 2040 ideals of resilience, liveability and sustainability. It reflects and attempts to strengthen the strategic framework based on cross-sectorial planning processes that have defined four outcome driven programmes for the new 5-year Integrated Development Plan (IDP). These programmes relate to the preservation of resources for future use as well as an improved service delivery culture. The business plan gives effect to these strategic objectives and responds to the need to develop a resilient, liveable, sustainable urban environment underpinned by infrastructure which is supportive of a low carbon economy. There is thus a need to focus on excellence in service delivery whilst ensuring that diversion of waste from landfills is optimised.

Pikitup is currently in a process to address and respond to these objectives and thus require the implementation of new projects and approaches, innovative solutions and changes within the organisation that will support the change in focus. There are therefore programmes included to shift the focus to waste minimisation whilst addressing service delivery failures and legacy issues. The approach is also to create opportunities community and stakeholder participation in the way services are delivered as well as the methodologies for projects implemented. It is believed that this

will contribute towards the alleviation of poverty, inequality and unemployment. There is a particular focus in the business plan to address organisational transformation in order to build an effective and efficient organisation that delivers world class services.

Pikitup has identified five goals to be achieved as an institution. Within these goals the objectives and the programmes of the City can be addressed. These are five identified focus areas and various projects and initiatives have been identified in the business plan. These are:

Goal 1: Shift towards Integrated Waste Management, Waste Prevention and Waste Minimisation These activities relate to ensuring that the necessary projects are implemented to ensure waste is diverted from landfills and that re-use and recycle activities are encouraged. In addition, the necessary infrastructure to support these initiatives has to be addressed. The projects included are separation at source roll out and extension to additional areas, building buy back centres and garden refuse sites, developing a business case for dealing with green waste and composting as well as addressing the operations and viability of the incinerator. The programme also recognises the role of waste reclaimers in the process and relevant interventions are included to formalise and structure this community.

Goal 2: The City of Johannesburg has high levels of unemployment, poverty and inequality. Waste minimisation provides opportunities to use waste as a resource and these should assist communities to address poverty. Consideration is given to the implementation of coproduction to address these challenges. Co-operatives / SMEs to be appointed through the community improvement programmes to take responsibility for cleaning in areas.

Goal 3: Provide Effective and Efficient Waste Services whilst investigating and implementing projects to enhance waste minimisation. It is necessary to ensure that current services are provided in an efficient manner and that service levels are improved. A clean city builds investor confidence and improves the health and quality of life of its citizens. Various initiatives are aimed at improved cleanliness levels in the inner city, outer city, hostels and informal settlements. Specified attention is also paid to measures to address illegal dumping in the City. In order for the operation to improve and become more efficient, particular attention will be given to the management of the fleet as it contributes to poor service delivery as well as high costs. Education and awareness creation in the community is critical to

address matters of illegal dumping, as well as more effective law enforcement. It is acknowledged that Pikitup cannot achieve these goals by itself and therefore requires partnerships and participation from various stakeholders.

Goal 4: Key to the successful achievement of waste prevention and minimisation is the change of citizen behaviour. The intention is to mobilise communities in partnership with labour, business and civil society to enable changed behaviour. This will result in a cleaner city with less littering and illegal dumping, as well as increased volumes of waste diverted from landfills.

Goal 5: Build an Effective waste management company. Various enabling services and processes are required to drive a highly efficient and effective organisation. In order to achieve this goal various supporting processes, systems and structures should be in place. These relate to:

- ☐ Review and implementation of appropriate policies
- ☐ Effective Management of risks
- ☐ Financial management
- ☐ Achieve a clean audit
- ☐ Building a skilled workforce aligned to the needs of the organisation
- ☐ Performance Management
- ☐ Communication and Stakeholder management initiatives to increase education and awareness.
- ☐ Improved productivity measures
- ☐ Customer Centric Approach

Pikitup is committed to continually improving its performance and the company is confident that it will exceed the expectations of all stakeholders thus attaining the vision of being “the leading integrated waste management company in Africa and be considered amongst the best in the World.”

2.2. Major Products and Services

Pikitup in terms of the service delivery agreement is contracted to the City of Johannesburg to provide a wide range of waste management services to its citizens. Pikitup provides two categories of services, viz. Council services and commercial services, which Pikitup provides in competition with other private waste management companies. The table below categorizes PIKITUP's main product/service offerings:

Table2: Council Services / Commercial Services

| Council Services | Commercial Services |
|---|----------------------|
| Domestic and Business round collected refuse | Dailies (food waste) |
| Litter Bin management | Bulk services |
| Garden Site operations | Recycling activities |
| Street cleaning | Special events |
| Lane flushing | Landfill services |
| Area cleaning | |
| Collection of illegally dumped waste | |
| The facilitation of Waste Management and Recycling activities | |

For more information on Pikitup business, please visit our website www.pikitup.co.za.

2.3. Area of Operations

Pikitup executes its mandate to the City of Johannesburg and its residents through 12 Depots, 4 Landfills, 42 Garden sites and 4 Buy Back Centers.

Figure 1: Pikitup COJ Areas



3. PURPOSE OF THE TENDER

3.1. OBJECTIVE

The purpose of this tender is to appoint a qualified experienced service provider to quantify the volumes of waste in Pikitup's four (4) landfill sites by undertaking **quarterly topographical surveys** at four of Pikitup's operating and closed landfills. The service provider would also be required to report on **quarterly airspace consumption and depletion** as well as conducting **compaction density** at all operating landfills and determine the existing slopes for slope monitoring purpose and corrective measure on as and when required basis over a 36-month period. The following are the sites to be surveyed:

- Robinson Deep, 124 ha;
- Marie Louise, 57 ha;
- Goudkoppies, 41.2 ha; and
- Ennerdale, 21 ha.

It is also expected that the service provider would on an annual basis conduct area topographical surveys at the four operating landfills, including the following closed landfills to determine the remaining areas for rehabilitation in order to facilitate rehabilitation designs:

- Linbro Park, 100 ha; and
- Kya Sands, 30 ha.

3.2. PROJECT SCOPE

The scope of services for the tender / contract include the following;

- 3.2.1. Detail Volumetric Surveys for Ennerdale landfill site, Marie Louise landfill site, Goudkoppies landfill site, Robinson Deep landfill site, Linbro Park Landfill site and Kya Sands landfill site.
- 3.2.2. Computations of the total volumes of landfill sites, Compaction/ Density (tons/m³), Growth rates (%), Remaining air space (m³), and computations of Remaining Lifespan (Years).
- 3.2.3. Determine the existing slopes of all landfill sites for slope monitoring purposes and corrective measure.
- 3.2.4. All survey equipment that will be utilized for this contract must be frequently calibrated to ensure accuracy, Pikitup will require calibration certificate as and when required.

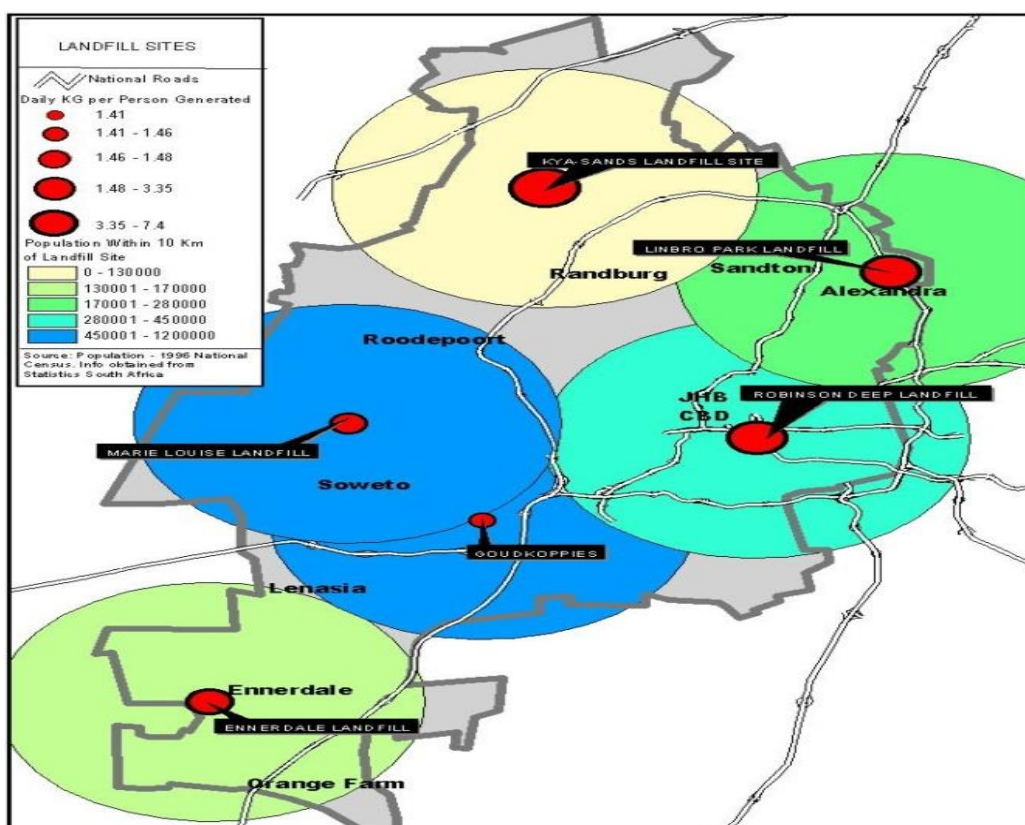
3.3. LANDFILL SITE LOCATION

Landfill provision for rehabilitation has a significant impact on the company's financial statements and therefore topographical surveys are monthly required to scientifically determine landfill airspace depletion, as well as determine completed areas requiring rehabilitation. The accuracy of the results of these surveys is critical and must be undertaken by a professionally competent and highly experienced volumetric topographical surveyor. It is vital to substantiate landfill rehabilitation requirements to the Auditor General.

The service provider would be required on a monthly basis to set out disposal cells at each operating landfill site, provide final levels (slopes and terrain) to give effect to the desired end use plan and in addition make provision for the setting out and monitoring of wet weather cells.

Figure 2 below depicts the position of the landfill sites in question within the Greater Johannesburg Area.

Figure 2: Pikitup Landfill Sites



3.4. PRICING SCHEDULE INSTRUCTIONS

- 3.4.1. The pricing schedule comprises items covering the service provider's profit and costs. unless otherwise stated, items are measured net and no allowance will be made for additional cost.
- 3.4.2. The prices and rates to be inserted in the Schedule of Quantities are to be the full inclusive Prices to the Employer for the work described under the several items.
- 3.4.3. The unit rates in the pricing schedule shall be exclusive of Value Added Tax, however the total bid amount should include all related costs and applicable taxes.
- 3.4.4. Such rates shall cover all costs and expenses that may be required in and for the work described and shall cover the cost of all general risks, liabilities, and obligations set forth or implied in the documents on which the tender is based.
- 3.4.5. All landfill sites are within an approximate radius of 40km from each other.
- 3.4.6. Quarterly electronic airspace consumption and depletion, Bi-monthly compaction density ratio reports and slope determination reports must be furnished to Pikitup.
- 3.4.7. The fourth quarter report must be submitted to Pikitup by no later than 30 June of each financial year end (i.e. financial year 1 July to 30 June).
- 3.4.8. All reports must include A3 topographical drawings and data terrain models (DTM) of all surveyed sites.

The pricing schedule below must be completed by the service provider to demonstrate all costs for executing landfill surveys over a period of three years. Service providers are to factor in all costs relating to provision of the service.

The pricing schedule is considered final and no further costs will be accepted.

Pricing Schedule - Year 1

| Landfill Site | Description | Unit | Quantity per annum | Rate Per Unit excluding VAT (Rand) | Total Amount excluding VAT (Rand) |
|---------------|--|------------|--------------------|------------------------------------|-----------------------------------|
| Robinson Deep | Quarterly topographical surveys. | Quarterly | 4 | R | R |
| Marie Louise | | Quarterly | 4 | R | R |
| Goudkoppies | | Quarterly | 4 | R | R |
| Ennerdale | | Quarterly | 4 | R | R |
| Kaya Sands | | Annually | 1 | R | R |
| Linbro Park | | Annually | 1 | R | R |
| Robinson Deep | Determine the existing slopes and density compaction ratio for slope monitoring purpose and corrective measure | Bi-Monthly | 6 | R | R |
| Marie Louise | | Bi-Monthly | 6 | R | R |
| Goudkoppies | | Bi-Monthly | 6 | R | R |
| Ennerdale | | Bi-Monthly | 6 | R | R |
| | | | | Total | R |

Pricing Schedule - Year 2

BID NUMBER PU131/2023 FOR THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE TOPOGRAPHICAL SURVEYS AND RELATED SERVICES AT VARIOUS PIKITUP LANDFILL SITES OVER A PERIOD OF 36 MONTHS

| Landfill Site | Description | Unit | Quantity per annum | Rate Per Unit excluding VAT (Rand) | Total Amount excluding VAT (Rand) |
|---------------|--|------------|--------------------|------------------------------------|-----------------------------------|
| Robinson Deep | Quarterly topographical surveys. | Quarterly | 4 | R | R |
| Marie Louise | | Quarterly | 4 | R | R |
| Goudkoppies | | Quarterly | 4 | R | R |
| Ennerdale | | Quarterly | 4 | R | R |
| Kaya Sands | | Annually | 1 | R | R |
| Linbro Park | | Annually | 1 | R | R |
| Robinson Deep | Determine the existing slopes and density compaction ratio for slope monitoring purpose and corrective measure | Bi-Monthly | 6 | R | R |
| Marie Louise | | Bi-Monthly | 6 | R | R |
| Goudkoppies | | Bi-Monthly | 6 | R | R |
| Ennerdale | | Bi-Monthly | 6 | R | R |
| | | | | Total | R |

Pricing Schedule - Year 3

| Phasing Schedule - Year 6 | | | | | |
|---------------------------|--|------------|--------------------|------------------------------------|-----------------------------------|
| Landfill Site | Description | Unit | Quantity per annum | Rate Per Unit excluding VAT (Rand) | Total Amount excluding VAT (Rand) |
| Robinson Deep | Quarterly topographical surveys. | Quarterly | 4 | R | R |
| Marie Louise | | Quarterly | 4 | R | R |
| Goudkoppies | | Quarterly | 4 | R | R |
| Ennerdale | | Quarterly | 4 | R | R |
| Kaya Sands | | Annually | 1 | R | R |
| Linbro Park | | Annually | 1 | R | R |
| Robinson Deep | Determine the existing slopes and density compaction ratio for slope monitoring purpose and corrective measure | Bi-Monthly | 6 | R | R |
| Marie Louise | | Bi-Monthly | 6 | R | R |
| Goudkoppies | | Bi-Monthly | 6 | R | R |
| Ennerdale | | Bi-Monthly | 6 | R | R |
| | | | | Total | R |

| Summary | Sub Total Amounts (Rand) |
|---|---------------------------------|
| Sub-total Year 1 | R |
| Sub-total Year 2 | R |
| Sub-total Year 3 | R |
| Total Excluding VAT | R |
| VAT (15% VAT) | R |
| Grand Total Bid Amount Including VAT | R |

4. BID EVALUATION PROCESS

- 4.1. Bids will be evaluated based on the pre-compliance evaluation criteria, functionality evaluation criteria, and lastly price and preference (80/20) evaluation.
- 4.2. The evaluation criteria set out in this document shall be applicable and may not be altered during the evaluation process.
- 4.3. Pikitup will establish a Bid Evaluation Committee (BEC) whose responsibility is to evaluate bids and make recommendations to the Bid Adjudication Committee (BAC). The Bid Evaluation Committee will evaluate the bids in accordance with the predetermined evaluation criteria and make recommendations to the Bid Adjudication Committee.
- 4.4. The Bid Adjudication Committee will review the recommendation made, and depending on the value of the award, either make a resolution or further recommend to the Managing Director for his/her consideration and final approval.

5. EVALUATION CRITERIA

5.1. PRE- COMPLIANCE CRITERIA

5.1.1. Compulsory briefing session

- a. Service providers will be required to attend a Compulsory Briefing and Information session that will be held as follows:

Venue: Robinson Deep Landfill Site Offices, 105 Turffontein Road, Johannesburg, South Africa

GPS co-ordinates: Latitude -26°23`16.07"S and Longitude 28°04`25.04"E

Date: Friday 10 November 2023

Time: 11:00am

- b. Failure to attend the Compulsory Briefing session or failure to sign the briefing session attendance register will lead to the bidder being disqualified for further evaluation.

5.1.2. Pre-compliance evaluation criteria and compulsory returnable documents

- a. Service providers will initially be evaluated on pre-compliance criteria, bidders that do not submit compulsory returnable documents or do not qualify on all pre-compliance criteria will not qualify for further functionality evaluation.

Table 3: Pre-compliance evaluation criteria and compulsory returnable document schedule

| Compulsory Returnable Documentation are required for pre-compliance evaluation purposes (Submission of these are compulsory) | Submitted (YES or NO) | Checklist (Guide for Bidder and the Bid Evaluation Committee) |
|---|-----------------------|---|
| <p>a) To enable Pikitup to verify the bidder's tax compliance status, the bidder must provide;</p> <ul style="list-style-type: none"> • A copy of their Tax Clearance Certificate (TCS); • or a copy of their Central Supplier Database (CSD) registration; • or indicate their Master Registration Number / CSD Number; <p>(Note: Refer to MDB 1)</p> | | <p>TCS / CSD must be in the same business name as the bidding company? TCS / CSD must be valid? Tax status must be compliant?</p> |
| <p>b1) Confirmation that the bidding company's rates and taxes are up to date:</p> <ul style="list-style-type: none"> • Where the property is owned by the bidding company, an original or copy of the Municipal Account Statement of the bidding company confirming that the account is not in arrears for more than ninety (90) days. The correspondence may not be older than 3 months from date of tender closing; or • Where the property is leased or arrangements are in place for the bidding company to operate from the landlord's premises, a letter or statement or affidavit from landlord or the landlord's appointed property agent are required, confirming that the bidding company has no disputed account and / or that the account is not in arrears for more than ninety (90) days. Where possible, the landlord | | <p>Was at least one Municipal Account Statement or landlord letter provided for the bidding company? Does name on the bidder's municipal account statement or landlord correspondence must correspond with that of the bidding company on the CIPC document? Are correspondence recent i.e. not older than 3 months from tender closing date? Are payment(s) up to date i.e. not in arrears for</p> |

| Compulsory Returnable Documentation are required for pre-compliance evaluation purposes (Submission of these are compulsory) | Submitted (YES or NO) | Checklist (Guide for Bidder and the Bid Evaluation Committee) |
|--|-----------------------|---|
| letter, landlord statement or landlord affidavit should be accompanied with a signed lease agreement. | | more than 90 days? |
| <p>b2) In addition to the above, confirmation is required that rates and taxes are up to date for all the bidding company's <u>owners / members / directors / major shareholders</u>:</p> <ul style="list-style-type: none"> • Where an <u>owner / member / director / major shareholder</u> is not residing within South Africa, an affidavit is required from the <u>owner / member / director / major shareholder</u> confirming the aforesaid • Where the property is owned by the <u>owner / member / director / major shareholder</u> an original or copy of the Municipal Account Statement of the bidding company confirming that the account is not in arrears for more than ninety (90) days. or • Where the property is leased or arrangements are in place for the <u>owner / member / director / major shareholder</u> to reside at the landlord's premises, a letter or statement or affidavit from landlord or the landlord's appointed property agent are required, confirming that the bidding company has no disputed account and / or that the account is not in arrears for more than ninety (90) days. Where possible, the landlord letter, landlord statement or landlord affidavit should be accompanied with a signed lease agreement. <p>The above correspondence may not be older than 3 months from date of tender closing. Statements must be on a letter head and dated, and letters or affidavit must be dated and signed.</p> | | <p>Was at least one Municipal Account Statement or landlord letter provided for each of the bidding company's (SA based) directors? In the case where a director is not SA based, relevant proof must be submitted.</p> <p>The names of each directors on the CIPC document must correspond with the respective municipal account statements or the respective letters from the landlord/s? Are correspondence recent i.e. not older than 3 months from tender closing date? Are account payment(s) up to date i.e. not in arrears for more than 90 days?</p> |
| <p>c) Duly Signed and completed MBD forms (MBD 1, 4, 8 and 9)</p> <p>The person signing the bid documentation must be authorised to sign on behalf of the bidder. Where the signatory is not a Director / Member / Owner /</p> | | <p>Are documents submitted fully completed and signed? Signature authorised i.e. any director / member / trustee as indicated on</p> |

| Compulsory Returnable Documentation are required for pre-compliance evaluation purposes (Submission of these are compulsory) | Submitted (YES or NO) | Checklist (Guide for Bidder and the Bid Evaluation Committee) |
|--|------------------------------|--|
| Shareholder of the company, an official letter of authorization or delegation of authority should be submitted with the bid document. | | the CIPC document, alternatively a delegation of authority would be required? Documents completed in black ink (i.e. no "Tippex" corrections, no pencil, no other colour ink, will be considered)? |
| <p>d) Joint Ventures (JV) – <u>(Only applicable when the bidder tender as a joint venture)</u></p> <ul style="list-style-type: none"> Where the bidder bid as a Joint Ventures (JV), the required or relevant documents as per (a) to (c) above must be provided for all JV parties. In addition to the above the bidder must submit a Joint Venture (JV) agreement signed by the relevant parties. Note: It is a condition of this bid that the successful bidder will continue with same Joint Venture (JV) for the duration of the contract, unless prior approval is obtained from Pikitup. | | <p>If applicable. JV agreement provided? JV agreement complete and relevant? Agreement signed by all parties? All required documents as per (i.e. a to c) must be provided for all partners of the JV.</p> |

5.1.3. Other returnable documents

Service providers who qualify on all pre-compliance evaluation criteria will qualify for functionality evaluation. The following other returnable documents would be required.

Table 4: Other Returnable Documents Schedule

| Other Returnable Documentation required for functionality and / or preference evaluation purposes | Submitted (YES or NO) |
|---|------------------------------|
| a) Proof of Company Registration (Latest version of company registration showing the company's physical address, all the current registered owners / members / directors / shareholders, and all the owners / members / directors / shareholders' physical addresses. | |

| | |
|--|--|
| b) Copy of ID Documents of owners/members/directors/shareholders | |
| c) Company Profile | |
| d) Original or copy of BBBEE Scorecard or affidavit where applicable | |
| e) Completion and sign schedules A, B and C | |
| f) Appointment letters from the previous clients (as per schedule A) | |
| g) Signed and client's stamped reference letters for projects of similar nature (as per schedule B) | |
| h) Original or certified copy of a valid South African Geomatics Council certificate of registration as a professional Land surveyor for the Project manager or leader (as per schedule C) | |
| i) Certified copy of Degree or National Diploma in Surveying and Mapping, Land Surveying or Geomatics for Project manager / leader (as per schedule C) | |

5.2. TECHNICAL AND / OR FUNCTIONALITY EVALUATION CRITERIA

Table 5: Functionality Evaluation Criteria

| Item | Description | Weighting | Rating |
|------|---|-----------|--------|
| 1 | <p>Relevant company experience with regards to topographic surveys and volumetric calculations on landfills. Complete schedule A and provide supporting <u>appointment letters</u> from previous clients to confirm company experience:</p> <p>5 years and above = 5 points 4 years but less than 5 years = 4 points 3 years but less than 4 years = 3 points 2 years but less than 3 years = 2 points 1 year but less than 2 years = 1 points Less than 1 year = 0 points</p> | 15 | 0 to 5 |
| 2 | <p>Number of completed projects of a similar nature.</p> <p>Complete schedule B with a list of projects of similar nature supported by signed and client's stamped <u>reference letters</u>.</p> | 20 | 0 to 5 |

| | | | |
|---|---|------------|---------------|
| | 5 relevant projects and above = 5 points 4 relevant projects = 4 points 3 relevant projects = 3 points 2 relevant projects = 2 points 1 relevant project = 1 points No or not relevant projects = 0 points | | |
| 3 | Project leader / manager must be registered with South African Geomatics Council as a professional Land surveyor. The bidder must complete schedule C and supported by an original or certified copy of a valid membership registration certificate. Note: The certificate must be valid at tender closing date. Professional Registration = 5 points No valid or expired Registration = 0 Points | 35 | 0 to 5 |
| 4 | Project Leader / Manager Qualification Project Leader / Manager must have either a Degree or National Diploma in Surveying and Mapping, or Land Surveying, or Geomatics. The bidder must complete schedule C and submit a certified copy of the relevant qualification. Degree = 5 points National Diploma = 3 points Insufficient documentation or other Qualification = 0 Points | 30 | 0 to 5 |
| | Total | 100 | 0 to 5 |

NB! The minimum cut off points for functionality is 70 points out of 100 points and any bidder scoring less than 70 points will not be considered for further evaluation.

Service Providers that qualified in terms of the functionality cut-off points of 70 points, will then be evaluated in terms of price and preference.

5.3. PRICE AND PREFERENCE EVALUATION CRITERIA

The bidder shall give the total all-inclusive prices in South African Rand, inclusive of all taxes and discounts in the pricing schedule. The total bid price will be recorded in the Tender Register. Where conflicts exist between the price quoted in the pricing schedule and the other prices quoted by the bidder elsewhere, the price quoted in the pricing schedule shall prevail. Where applicable, the bidder must provide a price breakdown.

Final Proposal will be evaluated on the basis of the Preferential Procurement Regulations of 2022 and the Pikitup SCM Policy on the 80/20 preference point system. The 80/20 preference point system will be as follows:

| | |
|------------------------------------|------------|
| Price | 80 |
| Preference (Specific Goals) | 20 |
| TOTAL | 100 |

A maximum of 80 points will be allocated for price on the following basis:

80/20 formula

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

Therefore

| | |
|--|------------|
| Price Points | 80 |
| Preference Points (<i>Points scored by the bidder in terms of Specific Goals</i>) | 20 |
| Total points for Price and Preference | 100 |

5.3.1. PREFERENCE POINTS AWARDED FOR SPECIFIC GOALS

- 5.3.1.1. Preference points will be awarded for specific goals as stated in this tender. For the purposes of this tender the bidder will be allocated points based on the goals stated in the table below as may be supported by documented proof as stated in this tender.
- 5.3.1.2. The 80/20 preference point system will apply for this tender. In the case where it is unclear whether the 80/20 or 90/10 preference point system applies the lowest acceptable bidder's total bid amount will be used to determine the applicable preference point system.
- 5.3.1.3. The following specific goals are determined by Pikitup for this tender with the intent to promote HDI and the local economy.

Table 6: Specific goals for preference points

| Specific goals | The specific goals points allocated by Pikitup for this tender | Means of verification | Points allocated for each goal (80/20 preference point system) |
|---|---|--|--|
| Goal 1 | Enterprises owned by black people with at least 51% shareholding | CSD, Valid BBBEE certificate, Affidavit sworn under oath, copy of owners ID, or shareholders certificate | 5 |
| | Enterprise owned by women with at least 51% shareholding | CSD, Valid BBBEE certificate, Affidavit sworn under oath, copy of owners ID, or shareholders certificate | 5 |
| Goal 2 | SMME's (An EME or QSE) | CSD, Valid BBBEE certificate, Affidavit sworn under oath | 5 |
| | Enterprises located within the City of Johannesburg Metropolitan Municipality | CSD certificate, bidding company municipal account statement, letter or statement from the landlord confirming company address | 5 |
| Total (Maximum number of preference points) | | | 20 |

Note to bidders:

- The bidder must complete and indicate in MBD 6.1 the points claimed against each specific goal according to provisions made for preference points to be claimed as indicated in Table 6 above.
- The maximum number of points that may be claimed for each goal are indicated above in the last column.
- Where the points allocated for a specific goal is "0" or indicated "N/A", that specific goal is not applicable for this tender and no points may be claimed for that goal.
- The total number of points claimed may not exceed the maximum of 20 points where the 80/20 preference point system applies.

6. GENERAL CONDITIONS OF CONTRACT

The National Treasury General Conditions of Contract 2010 as well as specific conditions of contract for this bid. This is available on www.nationaltreasury.gov.za. Any additional terms and conditions will form part of special conditions of contract to be agreed and signed upon award of the bid. This will have to be signed by the successful bidder before the project begins. Further a service level agreement must be entered into by the awarded bidder and PIKITUP within 60 days of award of contract.

SCHEDULE A

SCHEDULE OF BIDDING COMPANY'S TOPOGRAPHIC SURVEY EXPERIENCE

The bidder / service provider must indicate in the spaces provided below the relevant company experience with regards to topographic surveys and volumetric calculations on landfills. Please provide supporting appointment letters from previous clients to confirm company experience. The appointment letters provided must be aligned to the relevant company experience with regards to topographic surveys and volumetric calculations on landfills.

| CLIENT NAME | PROJECT DESCRIPTION | SHORT | START DATE | END DATE | DURATION |
|-------------|---------------------|-------|------------|----------|----------|
| | | | | | |
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SIGNATURE OF PERSON AUTHORISED TO SIGN THE BID

DATE

SCHEDULE B

SCHEDULE OF CLIENT REFERENCES

The bidder / service provider must complete schedule B with a list of projects of similar nature supported by signed and client's stamped reference letters. The reference letters must be aligned to the relevant list of projects of similar nature supported by reference letters that are signed and stamped by the respective clients.

| CLIENT NAME | PROJECT SHORT DESCRIPTION | VALUE OF WORK | YEAR COMPLETED |
|--------------------|----------------------------------|----------------------|-----------------------|
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SIGNATURE OF PERSON AUTHORISED TO SIGN THE BID

DATE

SCHEDULE C

PROJECT MANAGER / LEADER DETAILS

Complete schedule C with the project manager / leader details supported by an original or certified copy of a valid certificate to confirm registration with South African Geomatics Council as a professional Land surveyor, and certified copy of the relevant Degree or National Diploma in Surveying and Mapping, or Land Surveying, or Geomatics.

| PROJECT MANAGER / LEADER DETAILS | |
|---|--|
| Name/s | |
| Surname | |
| ID number | |
| South African Geomatics Council Member / Registration # | |
| South African Geomatics Council Member / Registration expiry date | |
| Qualification Description | |
| Qualification Date | |

Note: Annexure C may be completed in duplicate if more than one Project Leader / Manager is relevant for this project.

SIGNATURE OF PERSON AUTHORISED TO SIGN THE BID

DATE

ANNEXURE 3.1

MBD 3.1

PRICING SCHEDULE

PRICING SCHEDULE – FIRM PRICES**(PURCHASES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

| | |
|-----------------|------------------|
| Name of Bidder: | |
| Bid Number: | PU131/2023 |
| Closing Time: | 11:00 |
| Closing Date: | 23 November 2023 |

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID

| ITEM NO. INCLUDED) | QUANTITY | DESCRIPTION | BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES |
|--------------------------|----------|-------------|---|
|--------------------------|----------|-------------|---|

Details to be completed on the attached pricing schedule

- Required by Pikitup Johannesburg SOC Limited
- At various sites in and around the City of Johannesburg area as specified in the
- Brand and Model To be completed in a separate schedule
- Country of Origin To be completed in a separate schedule
- Does the offer comply with the specification(s)? *YES/NO
- If not to specification, indicate deviation(s)
- Period required for delivery As specified in the TOR
*Delivery: Firm/Not firm
- Delivery basis As specified in the TOR

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

** "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

*Delete if not applicable

Except if indicated differently in the pricing schedule, the bid price will remain fixed for the proposed contract period.

BID NUMBER PU131/2023 FOR THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE TOPOGRAPHICAL SURVEYS AND RELATED SERVICES AT VARIOUS PIKITUP LANDFILL SITES OVER A PERIOD OF 36 MONTHS

ANNEXURE 4

MBD 4

DECLARATION OF INTEREST

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
 - 3.1 Full Name of bidder or his or her representative:.....
 - 3.2 Identity Number:
 - 3.3 Position occupied in the Company (director, trustee, shareholder²):.....
 - 3.4 Company Registration Number:
 - 3.5 Tax Reference Number:.....
 - 3.6 VAT Registration Number:
 - 3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.
 - 3.8 Are you presently in the service of the state?
(Circle the applicable answer) YES / NO
 - 3.8.1 If yes, furnish particulars.
.....

¹MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

² Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

- 3.9 Have you been in the service of the state for the past twelve months?
(Circle the applicable answer)...YES / NO
- 3.9.1 If yes, furnish particulars.....
.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?
(Circle the applicable answer) YES / NO

3.10.1 If yes, furnish particulars.

.....
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?
(Circle the applicable answer)...YES / NO

3.11.1 If yes, furnish particulars

.....
.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?
(Circle the applicable answer)...YES / NO

3.12.1 If yes, furnish particulars.

.....
.....

3.13 Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state?
(Circle the applicable answer)...YES / NO

3.13.1 If yes, furnish particulars.

.....
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract?
(Circle the applicable answer)...YES / NO

3.14.1 If yes, furnish particulars:

.....
.....

4. Full details of directors / trustees / members / shareholders.

| Full Name | Identity Number | State Employee Number |
|------------------|------------------------|------------------------------|
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.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

ANNEXURE 5

**MBD 5 - NOT
APPLICABLE FOR
THIS TENDER**

ANNEXURE 6.1

**MBD 6.1 - PREFERENCE POINTS CLAIM FORM AMENDED IN
TERMS OF THE PREFERENTIAL PROCUREMENT
REGULATIONS OF 2022, AND SPECIFIC GOALS AS PER THE
PIKITUP SCM POLICY**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2022, AND THE PIKITUP SCM POLICY**

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);

1.2 The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 The maximum points for this tender are allocated as follows:

| POINTS | Tenders R50m and below in value |
|--|--|
| PRICE | 80 |
| SPECIFIC GOALS | 20 |
| Total points for Price and Specific Goals | 100 |

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) “acceptable tender” means any tender which, in all respects, complies with the specifications and conditions of tender as set out in the tender document.
- (b) “affidavit” is a type of verified statement or showing, or in other words, it contains a verification, meaning it is under oath or penalty of perjury, and this serves as evidence to its veracity and is required for court proceedings.
- (c) “all applicable taxes” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (d) “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (e) “B-BBEE status level of contributor” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (f) “bid” means a written offer on the official bid documents or invitation of price quotations and “tender” is the act of bidding /tendering;
- (g) “Code of Good Practice” means the generic codes or the sector codes as the case may be;
- (h) “consortium or joint venture” 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; “contract” means the agreement that results from the acceptance of a bid by an organ of state;
- (i) “Disability” means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being;
- (j) “Exempted Micro Enterprise” (EME) with an annual total revenue of R10 million or less.
- (k) “Firm price” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- (l) “Historically Disadvantaged Individual (HDI)” means a South African citizen – (1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993) (“the Interim Constitution”); and / or (2) who is a female; and / or (3) who has a disability: Provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be an HDI;
- (m) “Integrated Development Plan” (IDP) means a five-year strategic plan required in terms of the Municipal Systems Act, 2000 (Act no 32 of 2000), guiding the City in executing its constitutional mandate.
- (n) “Large Enterprise” is any enterprise with an annual total revenue above R50 million;
- (o) “Locality” means that tenderer or bidder must have business enterprise located within the boundaries of City of Johannesburg (CoJ) Municipal Metropolitan Municipality or Gauteng Province to score points for locality.
- (p) “Lowest acceptable tender” means the tender that complies with all specifications and conditions of the tender and that has the lowest price compared to other tenders
- (q) “non-firm prices” means all prices other than “firm” prices;
- (r) “People with disabilities” has the meaning assigned to it in section 1 of the

Employment Equity Act, 1998 (Act no 55 of 1998)

- (s) “person” includes a juristic person;
- (t) “price” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (u) “Qualifying Small Enterprise” (QSE) with an annual total revenue between R10 million and R50 million;
- (v) “rand value” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (w) “Small, Medium and Micro Enterprises” SMME that bears the same meaning assigned to this expression in the National Small Business Act 1996 (Act 102 of 1996)
- (x) “Specific goals” means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender, and disability including the implementation of programmes of the Reconstruction and Development Programme as published in Government Gazette No 16085 dated 23 November 1994.
- (y) “sub-contract” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract.
- (z) “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;
- (aa) “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
- (bb) “the Act” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000);
- (cc) “the Regulations” means the Preferential Procurement Regulations, 2022 (as amended)
- (dd) “total revenue” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the Government Gazette on 11 October 2013;

3. THE 80/20 PREFERENCE POINT SYSTEMS

3.1. POINTS AWARDED FOR PRICE

3.1.1 FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

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

80/20

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

4. PREFERENCE 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 or 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,
 - (c) then the organ of state must indicate the points allocated for specific goals for both the 80/20 and 90/10 preference point system.
- 4.3. The following specific goals are determined by Pikitup for this tender with the intent to promote HDI and the local economy.

| | | 80/20 preference point system | | | |
|---|---|---|---|--|---|
| Specific goals | The specific goals points allocated by Pikitup for this tender | Means of verification | Points allocated for each goal (80/20 system) (Maximum # of points that may be claimed for each goal) | Bidder must complete the number of points claimed (80/20 system) | Bidder to complete information in the section below to support the point claimed |
| Goal 1 | Enterprises owned by black people with at least 51% shareholding | Valid BBBEE certificate or Affidavit sworn under oath to be verified against the CSD, copy of owners ID, or shareholders certificate | 5 | points | % black ownership |
| | Enterprise owned by women with at least 51% shareholding | Valid BBBEE certificate or Affidavit sworn under oath to be verified against the CSD, copy of owners ID, or shareholders certificate | 5 | points | % woman ownership |
| Goal 2 | SMME's (turnover less than R50m) | Valid disability certificate or Affidavit sworn under oath, to be validated against the CSD, copy of owners ID, or shareholders certificate | 5 | points | <input type="checkbox"/> R0 – R10m <input type="checkbox"/> R10m – R50m <input type="checkbox"/> More than R50m Indicate your company's latest annual turnover by selecting one of the options above |
| | Enterprises located within the City of Johannesburg Metropolitan Municipality | CSD certificate, bidding company municipal account statement, letter or statement from the landlord confirming company address | 5 | points | Indicate above the suburb of your company's nearest office to or within CoJ area |
| Total (Maximum number of preference points) | | | 20 | total points | |

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

Note to tenderers: The bidder must indicate in the table the points claimed against each goal where provisions are made for preference points to be claimed.

5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1. Name of company/firm:

5.2. Company registration number:

5.3. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

5.4. 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 OF TENDERER: **DATE:**

NAME AND SURNAME:

ADDRESS:

ANNEXURE 7

CONTRACT FORM

MBD 7.2 – RENDERING OF SERVICES

CONTRACT FORM - RENDERING OF SERVICES

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

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

1. I hereby undertake to render services described in the attached bidding documents to **PIKITUP JOHANNESBURG SOC LTD** in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number **PU131/2023** at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2

DATE:

CONTRACT FORM - RENDERING OF SERVICES**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I in my capacity as accept your bid under reference number PU131/2023 dated for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

| DESCRIPTION OF SERVICE | PRICE (ALL APPLICABLE TAXES INCLUDED) | COMPLETION DATE | B-BBEE STATUS LEVEL OF CONTRIBUTION | MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable) |
|---|---------------------------------------|-----------------|-------------------------------------|--|
| UNDERTAKE TOPOGRAPHICAL SURVEYS AND RELATED SERVICES AT VARIOUS PIKITUP LANDFILL SITES OVER A PERIOD OF | | 36 MONTHS | | N/A |

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

SIGNED AT:

NAME (PRINT):

SIGNATURE:

DATE:

Witness: 1.

Witness: 2.

ANNEXURE 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

MBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

| Item | Question | Yes | No |
|-------|--|---------------------------------|--------------------------------|
| 4.1 | Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars: | | |
| 4.2 | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars: | | |

| | | | |
|-------------|--|---------------------------------|--------------------------------|
| 4.3 | Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.3.1 | If so, furnish particulars: | | |
| Item | Question | Yes | No |
| 4.4 | Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.4.1 | If so, furnish particulars: | | |
| 4.5 | Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.7.1 | If so, furnish particulars: | | |

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM ARE
 TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY
 BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

ANNEXURE 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

MBD 9
CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid: **BID NUMBER PU131/2023 FOR THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE TOPOGRAPHICAL SURVEYS AND RELATED SERVICES AT VARIOUS PIKITUP LANDFILL SITES OVER A PERIOD OF 36 MONTHS** in response to the invitation for the bid made by **PIKITUP JOHANNESBURG SOC LTD** do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of _____ (Name of Bidder)
that:

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

BID NUMBER PU131/2023 FOR THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE TOPOGRAPHICAL SURVEYS AND RELATED SERVICES AT VARIOUS PIKITUP LANDFILL SITES OVER A PERIOD OF 36 MONTHS

- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. 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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract

ANNEXURE 10

CORPORATE GOVERNANCE BREACH CLAUSE

CORPORATE GOVERNANCE BREACH CLAUSE

1. PIKITUP Johannesburg (SOC) LTD (“PIKITUP”) requires (“the Company”) to comply, *mutatis mutandis* with the Code contained in the King II Report and Code of Good Corporate Governance (below “the Code”) for the term of this Agreement and any extension thereof.
2. The Company irrevocably undertakes and agrees that it will, *mutatis mutandis*, comply with the Code for the term of this Agreement and any extensions thereof.
3. The Company acknowledges and agrees that:
 - 3.1 It is essential that the Company complies with the Code, in order to discharge all of its obligations under and in terms of the Agreement in a proper, efficient and professional manner, and
 - 3.2 PIKITUP will be prejudiced and may suffer damages in the event of the Company failing to comply with the Code.
4. The Company shall be required, within seven (7) days of the end of each calendar month during the term of this Agreement (and any extensions thereof), to furnish PIKITUP with a written certificate, signed by the directors of the Company **[alternatively members of the Close Corporation]**, certifying that the Company has complied with the provisions of the Code during the preceding months.
5. PIKITUP shall have the right, without assigning any reason therefore and at any time, to appoint either the Institute of Directors of South Africa or a firm of chartered accountants or attorneys, to conduct an audit of the business and affairs of the Company in order to ascertain whether the Company is indeed complying with the terms of the Code. To this end, the Company irrevocably undertakes and agrees to co-operate fully with the party conducting such investigation for and on behalf of PIKITUP and to make available to such party all such documentation and all such information as the investigation party may require to fully discharge its obligations under and in terms hereof and to report fully to PIKITUP.

In the event of it being found that the Company is not complying with the Code, then PIKITUP shall be entitled to (a) regard this as a breach of the agreement and (b) recover the costs of the investigation, on an attorney and client basis, from the Company. In the event of it being found that the Company is, in fact, discharging its obligations under and in terms of the Code, then PIKITUP shall bear the costs incurred in such investigation. In either of the foregoing events, the Company shall be entitled to receive a copy of the written report once same has been concluded by the investigating party.

6. In the event of the Code being replaced with another Code (or similar document), then such replacement document shall replace the Code and a reference to the Code shall be deemed to be a reference to such replacement document. The reference to the Code shall be deemed to include any statutory codification of directors' obligations and duties which may be enacted in the Republic of South Africa at any time in the future.
7. In entering into this Agreement, the Company represents and warrants to PIKITUP that it is familiar with the Code, that it fully understands and appreciates the rights, obligations and recommendations therein contained and agrees to be bound thereby as herein recorded.

ANNEXURE 11

The National Treasury General Conditions of Contract 2010 as well as specific conditions of contract for this bid will apply. The GCC is available on www.nationaltreasury.gov.za. Any additional terms and conditions will form part of special conditions of contract to be agreed and signed upon award of the bid. The contract will have to be signed by the successful bidder before the project commence. A service level agreement must be entered into by the awarded bidder and PIKITUP within 30 days of award of contract.

The following agreement is a draft agreement (indicating the specific conditions of contract) and will be concluded at bid award with the successful bidder/s.

ANNEXURE 12

**ALL COMPULSORY RETURNABLE DOCUMENTS
AND OTHER RETURNABLE DOCUMENTS TO BE
ATTACHED**