



**PIKITUP JOHANNESBURG SOC LIMITED**

**BID DOCUMENT FOR THE APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED BASIS FOR 36 MONTHS**

**BID NO: PU 133 / 2023**

**CLOSING DATE: 3 SEPTEMBER 2024**

**CLOSING TIME: 11:00 AM**

**BIDDER NAME:** .....

**CIDB CRS NUMBER :** .....

**TENDER DOCUMENT FOR:**

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

**Contact person: Nomaswazi Lamola**

**E-mail: [nomaswazilamola@pikitup.co.za](mailto:nomaswazilamola@pikitup.co.za)**

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

**The bid document must be deposited at:**

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

**No briefing session**

## 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 specified in the invitation to tender as 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 favoured 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**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF PIKITUP SOC LTD</b>				
BID NUMBER:	PU133/2023	CLOSING DATE:	3 SEPTEMBER 2024	CLOSING TIME: 11:00 AM
DESCRIPTION	APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED BASIS FOR 36 MONTHS			
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>				
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				
<b>SUPPLIER INFORMATION</b>				
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:
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		TOTAL BID PRICE	R	
SIGNATURE OF BIDDER	.....	DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED				
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT	SUPPLY CHAIN UNIT	CONTACT PERSON	SAME	
CONTACT PERSON	NOMASWAZI LAMOLA	TELEPHONE NUMBER	SAME	
TELEPHONE NUMBER	087 357 1038	FACSIMILE NUMBER	SAME	
E-MAIL ADDRESS	<a href="mailto:nomaswazilamola@pikitup.co.za">nomaswazilamola@pikitup.co.za</a>	E-MAIL ADDRESS	SAME	

BID NUMBER PU133/2024 – BID FOR THE APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED BASIS FOR 36 MONTHS

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	<b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</b>
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.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
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 TCC CERTIFICATE TOGETHER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCC CERTIFICATE / PIN / CSD NUMBER.
2.7	WHERE NO TCC IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED, THAT WILL BE USED TO VERIFY THE CURRENT TAX COMPLIANCE STATUS.
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b> (THIS SECTION B3 IS ONLY APPLICABLE FOR FOREIGN BASED SUPPLIER FOR THE GOODS / SERVICES / WORKS)	
3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
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.	

**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**  
**(Complete the relevant form of the following options)**

**1. Sole Proprietor (Single Owner Business) and Natural Person**

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. Companies and Close Corporations**

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.

<b>Date Resolution was taken</b>			
<b>Resolution signed by (name and surname)</b>			
<b>Capacity</b>			
<b>Name and surname of delegated Authorised Signatory</b>			
<b>Capacity</b>			
<b>Specimen Signature</b>			
<b>Full name and surname of all Director(s) / Member (s)</b>			
1.		2.	
3.		4.	
5.		6.	
7.		8.	
9.		10.	
<b>Is a certified copy of the resolution attached?</b>			<b>YES</b>
<b>SIGNED ON BEHALF OF COMPANY / CC</b>			<b>NO</b>
<b>SIGNED ON BEHALF OF COMPANY / CC</b>		<b>DATE</b>	
<b>PRINT NAME</b>			
<b>WITNESS 1</b>		<b>WITNESS 2</b>	

**3. Partnership**

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. Consortium**

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.

<b>Full name of Consortium Member</b>	<b>Role of Consortium Member</b>	<b>% Participation</b>	<b>Signature</b>
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.

<b>LEAD PARTNER (Whom the Pikitup shall hold liable for the purpose of the tender)</b>			
NAME OF FIRM			
ADDRESS			
		TEL. NO.	
SIGNATURE		DESIGNATION	

<b>2<sup>nd</sup> PARTNER</b>			
NAME OF FIRM			
ADDRESS			
		TEL. NO.	
SIGNATURE		DESIGNATION	

<b>3<sup>rd</sup> PARTNER</b>			
NAME OF FIRM			
ADDRESS:			
		TEL. NO.	
SIGNATURE		DESIGNATION	

<b>4<sup>th</sup> PARTNER</b>			
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.

<b>PHYSICAL BUSINESS ADDRESS(ES) OF THE TENDERER</b>	<b>MUNICIPAL ACCOUNT NUMBER</b>

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

<b>Director / partner / member</b>	<b>Physical residential address of the director / partner / member</b>	<b>Municipal account number(s)</b>

**PLEASE NOTE:**

1. Copies of municipal account statements for the bidding organisation and all directors / shareholders / partners / members, etc. to be submitted with the bid. The municipal account statement must not be older than 3 months from date of tender closing and must not be in arrears for more than 90 days.
2. If the bidding entity or any of its directors/shareholders/partners/members, etc. is not the owner of the property but rents, leases or occupy the property, written confirmation is required from the landlord or the landlord’s property agent confirming that the resident’s account is not in arrears for more than 90 days and / or that the resident’s account is in good standing. The landlord or the landlord’s property agent correspondence must not be older than 3 months from date of tender closing.

<b>Signature</b>	<b>Position</b>	<b>Date</b>

# ANNEXURE 1.2

# CONDITIONS OF TENDER

## CONDITIONS OF TENDER

### 1. GENERAL

- 1.1. Pikitup Supply Chain Management Policy and Procedure Manual (latest) will apply.
- 1.2. All bids must be submitted in **handwriting and in non-erasable black or blue ink** on the official forms supplied by the municipality.
- 1.3. Under no circumstances, whatsoever may the bid forms be retyped or redrafted.
- 1.4. No alterations / corrections to the information in the document (including pricing) may be performed by pasting another page over it with glue.
- 1.5. The use of correction fluid or correction tape is prohibited.
- 1.6. Alterations and/or corrections may only be affected as follows:
  - 1.6.1. By striking a straight line in black or blue ink through the incorrect information in such a manner that the information that has been struck through remains legible; writing, the altered or corrected information as appropriate (under, above or next to the information to be corrected), and initialling in the margin next to each and every alteration or correction.
  - 1.6.2. All corrections/alterations to the Pricing Schedule / Bill of Quantities (BoQ) and / or any pricing not effected in accordance with the aforementioned, will be rejected.
- 1.7. Where ever the tender document refers to any particular trademark, name patent, design, type, specific origin, or producer, such reference shall be deemed to be accompanied by the words "or equivalent".

### 2. PRICING

- 2.1. Rates and prices offered by the bidder must be written onto the pricing schedule or form of offer of this document by hand, completed in full and originally signed by the duly authorised signatory.
- 2.2. All prices shall be quoted in South African currency, and must be inclusive of all related costs, taxes and Value Added Tax (VAT).
- 2.3. Bid prices must include all expenses, disbursements and costs (e.g. transport, insurance, packaging, delivery, accommodation, etc.) which may be required for the execution of the bidder's obligations in terms of the Contract. Bid prices shall cover the cost of all general risks, liabilities and obligations set forth or implied in the Contract, as well as overhead charges and profit (in the event that the bid is successful), unless otherwise specified.
- 2.4. All bid prices will be final and binding.
- 2.5. A bid will not be invalidated if the amount in words and the amount in figures do not correspond, in which case the amount in words shall be read out at the bid opening and shall be deemed to be the bid amount; therefore, where there is a discrepancy between the amount in figures and the amount in words, the amount in words shall apply
- 2.6. Where the value of an intended contract exceed R1,000,000.00 (R1 million) or exceed R1,000,000.00 (R1 million) per annum it is the bidder's responsibility to be registered with the South African Revenue Service (SARS) for VAT purposes in order to be able to issue tax invoices. Pikitup will deem the price to be VAT inclusive even if it is indicated that no VAT is charged. The bidder must ensure that provision is made for VAT in these instances, and that the bid price is an all-inclusive rate.
- 2.7. If a bidder becomes a registered VAT vendor during the contract period, the prices/rates as per the initial award will be considered to be inclusive of VAT and no price adjustment(s) will be allowed.
- 2.8. The amended Value-Added Tax Act requires that a Tax Invoice for supplies in excess of R3,000 should, in addition to the other required information, also disclose the VAT registration number of the recipient, with effect from 1 March 2005.

### 3. FORWARD EXCHANGE RATE COVER

- 3.1 Rates and prices offered by the bidder must be written onto the pricing schedule or form of offer of this document by hand, completed in full and originally signed by the duly authorised signatory. In the event of price(s) based on the exchange rate, the successful bidder(s) will be required to obtain exchange rate cover in order to protect the Municipality against exchange rate variations.
- 3.2. The bidder must provide proof of forward exchange rate cover within 14 days after an order was placed.
- 3.3. If proof that forward exchange rate cover was taken out within 14 days after the order was placed but is not submitted to the Municipality along with the invoice, the contract price adjustment will not be accepted and the contract may be cancelled.

### 4. SUBMITTING A BID

- 4.1 Bids may only be submitted on the tender documentation that has been issued. Printed Activity Schedules, in the same format (that is, layout, scheduled items and quantities) as those issued electronically by Pikitup upon request, may be submitted as stated in the tender document.

- 4.2. Bid document in a sealed envelope and clearly marked with the “tender reference number, the title of the tender, and the bidding company name”, must be deposited in the Pikitup tender box as indicated in the notice of the bid, on or before the closing date and time of the bid.
- 4.3. Sealed bid documents must be deposited in the Pikitup Tender box situated at the Pikitup Head Office, Ground Floor, East Wing, Pikitup Tender Office, Jorissen Place, 66 Jorissen Street, Braamfontein, unless specified differently in the invitation to tender document.
- 4.4. Any bid received without the “Bid Number and / or Title” clearly endorsed on the envelope will not be opened and read out during the bid opening session and will not be considered
- 4.5. This bid closes strictly as per the details indicated on the cover page of this tender document.No late bids will be accepted or considered for evaluation after the closing date and time. Bid documents deposited into the tender box after the closing date and time will be recorded as late bids and the bidder will be contacted to collect the bid document.Bids responses send or delivered to any other address besides the address stated in the tender document will not be considered.Telegraphic, telephonic, telex, fNeither PIKITUP nor any of its employees shall be liable in any way whatsoever for Bids that are not placed in the tender/bid box before the closing date and time.The bidder is advised to check the number of pages, ensure pages are in the correct order, and to satisfy himself that none are missing or duplicated.
- 4.11. The bidder must ensure that his/her bid document are clearly marked with the relevant subsections, that the subsections and supporting documents of the bid submission are filed in a chronological order, and that the bid document is securely bound. Pikitup will not take any responsibility for pages or supporting documents that are incorrectly filed or misplaced.
- 4.12. All supporting documents must be submitted by either stapling it to the relevant form in the bid document, or by submitting a bound annexure containing all supporting documents.
- 4.13. Pikitup will not take any responsibility for missing or lost pages, in cases where the bidder submits loose pages, that are not securely attached to the bid document or annexure with supporting documents. No Bid shall be considered unless it is accompanied by sufficient information to show that the goods or services offered fully comply with the specification and bid requirements.Bid documents submitted in the tender box and recorded in the tender register at the closing date may not be returned to the bidder, given that all bid documents must be kept on record for audit purposes. Bid documents may only be made available to the respective bidders where the tender was cancelled or an erratum issued by Pikitup prior to the tender closing date.Bidding documents must be completed properly in permanent black or blue ink, and no correction fluid or correction tape may be used in the bid document. If the bidder wishes to make a change, the bidder must draw a neat line through the incorrect wording, write the correct wording next to the change, and initial next to the change.Bidders must state the country of origin, and the name of the manufacturer or brand of the goods offered. Documentary proof must be produced to verify the aforementioned, if required.**BID OPENING**Bids shall be opened in public at the Pikitup Tender Offices as soon as possible subsequent to the closing time for the receipt of bids. Where practical, prices will be read out at the time of opening bids. Pikitup will record in a tender register which is open to public inspection the details of bids received by the closing date and time. The electronic version of the tender register will subsequently be published on the Pikitup website.Any bid received after the appointed time for the closing of bids **shall not be considered** but shall be filed unopened and / or the bidding company will be contacted to collect the bid.**VALIDITY PERIOD**Your bid submission must remain valid for a period of **90 days** from the closing date of this bid, unless specified differently in the tender document. It will constitute an offer which remains open for acceptance during the validity period.**BRIEFING OR INFORMATION MEETING**
- 7.1. Where the bid document specifies that a compulsory site visit, briefing, or information 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 or omitting to sign the attendance register for the compulsory briefing meeting will result in your bid being disqualified for further evaluation.
- 7.2. Where the bid document specifies that the information meeting is not compulsory, attendance of the meeting would be optional to accommodate questions relating to the bid.
- 7.3. Where the bid document specifies that no briefing or information meeting will be held. Queries or questions relating the bid must be email to the contact person as indicated in the bid document.

## 8. EVALUATION OF BIDS

- 8.1. Bidders must fully comply with all the minimum 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) up to R50 000 000 (fifty million rand), and the 90/10 principle will apply for tender prices with a Rand value above R 50 000 000 (fifty million rand), unless stated differently in the tender document. Subsequent to the aforementioned, objective criteria may apply.

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## 9. **EVALUATION AND ADJUDICATION CRITERIA**

- 9.1. The tender will specify the applicable evaluation and adjudication criteria, which may include but not limited to the following:
  - 9.1.1. Relevant minimum administrative and legislative requirements
  - 9.1.2. Relevant specifications;
  - 9.1.3. Value for money;
  - 9.1.4. Capacity and capability of bidders to execute the contract;
  - 9.1.5. PPPFA and associated regulations (including price and preference); and
  - 9.1.6. Any other objective criteria specified in the tender.

## 10. **REQUIREMENTS OF A VALID BID**

- 10.1. The following duly completed documents and / or information must be submitted with the submission of the bid. Failure to comply with this requirement may invalidate the bid. The bid may not be considered and no further correspondence will be entered into with regard to the following matters:
  - 10.1.1. Non-submission of pre-compliance documentation,
  - 10.1.2. The tender has not been completed in non-erasable handwritten black or blue ink,
  - 10.1.3. Incomplete Pricing Schedule or Bill of Quantities,
  - 10.1.4. A Form of Offer not signed in non-erasable black or blue ink,
  - 10.1.5. Bid submissions with material alterations or corrections not in compliance with Clause 1.6 above will be rejected.
- 10.2. Pikitup may, after the closing date, request additional information or clarification of tenders in writing in compliance with the SCM Policy and SCM Procedure Manual, which may include but not limited the following:
  - 10.2.1. To obtain an updated National Treasury Central Supplier Database registration form if information is no longer compliant or outdated
  - 10.2.2. To obtain a valid Tax Clearance Certificate and / or PIN if the certificate has expired, no longer compliant, or become inactive after the closing date of the tender;
  - 10.2.3. To clarify or verify pricing where the prices are unclear or an obvious error or mistake has been detected, e.g. a total price was given instead of a unit price or vice versa; arithmetical error detected, etc. The bidder may however not be given an opportunity to increase the total bid price.
  - 10.2.4. To give the bidder the opportunity to pay overdue municipal accounts.
  - 10.2.5. To obtain income tax number(s) from the recommended bidder;
  - 10.2.6. Where an omission on a document is purely administrative in nature, example: MBD document not initialled, fully signed, or a section not fully completed, the bidder may be given an opportunity to correct the omission that is administrative in nature.
  - 10.2.7. No clarification or communication will be entered into with the bidder and / or the bidder will not be given a second opportunity to submit documentation that were a tender requirement, if the relevant documentation was not submitted in the first instance.

## 11. **TEST FOR RESPONSIVENESS**

- 11.1. A Bid will be considered non-responsive if:
  - 11.1.1. - the bid is not in compliance with the tender specifications;
  - 11.1.2. - the bidder has not fully submitted all the returnable documents as listed in the bid document; and/or
  - 11.1.3. - the bidder has failed to clarify or return any supporting documentation within 5 business days of being requested to do so in writing.
- 11.2. Pikitup reserves the right to accept or reject:
  - 11.2.1. - any variation, deviation, bid offer, or alternative bid offer; or may cancel the bidding process and reject all bid offers at any time before the formation of a contract. Pikitup shall not accept or incur any liability to a bidder for such cancellation and/or rejection, and will only provide written reasons for such action upon receipt of a written request to do so;
  - 11.2.2. - a bid offer which does not, in Pikitup's opinion, materially and/or substantially deviate from the terms, conditions and specifications of the bid document.
  - 11.2.3. - the whole bid or part of a bid or any item or part of any item, or to accept more than one bid (in the event of a number of items being offered), and the Municipality is not obliged to accept the lowest or any bid.
- 11.3. Pikitup has the right to summarily disqualify any bidder who, either at the date of submission of a bid or at the date of its award, is indebted to Pikitup or the City of Johannesburg Municipality in respect of any municipal rates and taxes or municipal service charges for more than three months. However, an agreement signed by the bidder whereby the bidder agrees that a percentage or fixed amount at the discretion of the municipality, be deducted from payments due to him/her for this bid, until the debt is paid in full, may be considered for acceptance by Pikitup.

12. **INCORRECT BID INFORMATION**

12.1. Where a contract has been awarded on the strength of the information furnished by the bidder which after the conclusion of the relevant agreement, is proven to have been incorrect, Pikitup may, in addition to any other legal remedy it has or may have, recover from the contractor all costs, losses or damages incurred or sustained by Pikitup as a result of the award of the contract.

13. **WITHDRAWAL OF BID DURING AND / OR AFTER THE SCM PROCESS**

13.1. When a bidder withdraws his/her bid during the SCM bidding process, it must be in writing, prior to the award of the bid, of which Pikitup holds the right to accept or reject with or without a claim for any damages.

13.2. When a bidder withdraws or cancels the contract after award of the bid to the particular successful bidder, the awarded bidder will be held responsible for any damages or administrative expenses incurred prior to the award of the bid.

14. **NEGOTIATIONS**

14.1. The award of the tender may be subject to negotiations of the final terms and conditions of the anticipated contract with the preferred bidders.

14.2. The negotiations may include but not limited to price negotiations and / or negotiations on any other terms and conditions of the anticipated contract(s) with the preferred bidders prior to final award.

15. **ADJUDICATION OF BIDS**

15.1. 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 via email to PIKITUP's General Manager: Supply Chain Management, Mihloti Maluleke at [mihlotim@pikitup.co.za](mailto:mihlotim@pikitup.co.za).

16. **CONTRACT**

16.1. 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.

17. **ADMINISTRATIVE JUSTICE**

17.1. 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.

18. **INTERNAL APPEAL PROCESS**

18.1. 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.

18.2. 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.

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

19. **PROVISO**

19.1. 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, **BID NUMBER PU133/2024 – BID FOR THE APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED BASIS FOR 36 MONTHS**

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).

- 19.2. 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),
  - not bind itself to accept the lowest bid or any other bid in whole or in part,
  - 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.

- 19.3. 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;
  - apply objective criteria.

- 19.4. 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). Objective criteria may include but are not limited to the following objectives or goals:
- The spread of business amongst suppliers and / or rotation of contracts amongst suppliers,
  - The protection of the environment or sustainability considerations,
  - Geographical localisation of the bidder i.e. within City of Johannesburg, within Gauteng Province, within South Africa, etc.
  - 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.

**20. DECLARATION BY BIDDER**

20.1. 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.

20.2. 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.

# SPECIFICATION OF REQUIREMENTS

**TERMS OF REFERENCE FOR  
APPOINTMENT OF A MAXIMUM OF 20  
PANEL MEMBERS OF CONTRACTORS  
ON CIDB 5GB OR HIGHER FOR THE  
CONSTRUCTION OF NEW,  
ALTERATIONS, AND REFURBISHMENT  
OF VARIOUS NEW AND EXISTING  
PIKITUP INFRASTRUCTURE OF  
VARIOUS NEW AND EXISTING PIKITUP  
INFRASTRUCTURE ON AN AS AND  
WHEN REQUIRED BASIS  
OVER A PERIOD OF 36 MONTHS**

**TENDER REFERENCE NUMBER**

**PU133/2023**

## 1. INTRODUCTION

### 1.1. Background of PIKITUP Johannesburg SOC Limited

Pikitup Johannesburg (SOC) Ltd (Pikitup) is 100% owned by the City of Johannesburg (CoJ), and established in terms of the Companies Act, No. 61 of 1973 on 1 November 2000 and is mandated to provide integrated waste management services to the residents of Johannesburg. In line with the establishment of Pikitup, the CoJ 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 to 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).

## 2. DESCRIPTION OF THE WORKS

### 2.1. Overview of the works

The purpose of this contract is to appoint a maximum of 20 contractors with capacity from 5GB or higher to the panel for construction, alterations, and refurbishment of various Pikitup Johannesburg (SOC) limited facilities (depots, garden sites, buyback center and landfill site) on an as and when required basis for the period of 36 months from the date of appointment.

### 2.2. Extent of the works

Construction, alterations and refurbishment of various PIKITUP JOHANNESBURG (SOC) LIMITED (Depots, Garden sites, Buyback Centre and Landfill sites) on an as and when required basis.

### 2.3. Location of the works

#### Garden sites

Garden Site	Name	Physical address	Longitude	Latitude
1	East Road Garden Site	Circle Crescent, Eldorado Park Ext.5	28.07251	-26.252092
2	Mayfield Park Garden Site	Cnr Swartkoppies and Impala rd	28.020422	-26.324945
3	Meredale Garden Site	David street Meredale	27.984761	-26.279302
4	Mondeor Garden Site	Cnr Royal Park and Colombin rd	28.007111	-26.275877
5	Robertsham Garden Site	Cr Rifle Randge road and Harry str, Winchester Ridge	28.015606	-26.257877

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<b>Garden Site</b>	<b>Name</b>	<b>Physical address</b>	<b>Longitude</b>	<b>Latitude</b>
6	Ballyclare Garden Site	18 Hobart oad, Sandton	28.026867	-26.076362
7	Linbro Park Garden Site	Third street, Linbro Park	28.117534	-26.08344
8	Woodmead Garden Site	Cr Woodmead Dr and Woodlands DR, Khyber Rock	28.089553	-26.056221
9	Cedar Road Garden Site	Cedar Road, Midrand	28.066231	-25.985436
10	Dale Road Garden Site (Closed)	Dale Road, Glen Austin, Midrand	28.152342	-25.988467
11	Falcon Street Garden Site	Falcon Street, Rabie Ridge	28.173194	-26.017433
12	Spreeu Street Garden Site	Spreeu st, Rabie Ridge	28.178136	-26.021842
13	Strandloper Road Garden Site	Strandlooper Rd, Rabie Ridge	28.173622	-26.02365
14	Tuinfluister Garden Site	Tuinfluister Cres, Rabie Ridge	28.176444	-26.018611
15	Bezuidenhout Garden Site	Corner 5th str and 4th street, Bezuidenhout Valey, Johannesburg	28.085078	-26.187797
16	Club Street Garden Site	Circle Crescent, Eldorado Park Ext.5	28.119453	-26.141715
17	Melrose Garden Site	Cnr. Melrose Street & Atholl Oaklands Melrose	28.061286	-26.14135
18	Norwood Garden Site	Cnr. Short & Pine Streets Orchards	28.083397	-26.157956
19	Randburg Garden Site	Meredale Garden Site, Byvanger Street and David St	27.980556	-26.092778
20	Ashanti Garden Site	Ashanti Street, Johannesburg	27.979519	-26.195217
21	Ashburton Garden Site	Ashburton street, Johannesburg	27.982678	-26.212214
22	Babiana Garden Site	Babiana Road, Riverlea, Johannesburg	27.960594	-26.203431
23	Bellona Garden Site	Bellona str, Mayfair West, Johannesburg	28.003072	-26.196925
24	Disa Garden Site	Disa street, Riverlea	27.96093	-26.207292
25	Fairland Garden Site	Smit street, Fairlands	27.94376	-26.130988
26	Victory Park Garden Site	Victory raod, Victory Park	28.011838	-26.142624

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<b>Garden Site</b>	<b>Name</b>	<b>Physical address</b>	<b>Longitude</b>	<b>Latitude</b>
27	Allie Street Garden Site	Allie str, Aldorado Park	27.885747	-26.299961
28	Bangalore Street Garden Site	Bangalore street, Lenasia	27.846608	-26.328653
29	Circle Street Garden Site	Circle Crescent, Eldorado Park Ext.5	27.908659	-26.290127
30	Flamingo Street Garden Site	Flamingo Street, Lenasia Ext 6 -	27.833743	-26.334751
31	Hospital Hills Garden site	Hani Street, Lenasia South Ext.3	27.855718	-26.382581
32	Leo Street Garden Site	Leo Street, Ennerdale Ext 1	27.839433	-26.401527
33	Main Street Garden Site	Main Street, Klipspruit West Ext. 2	27.879712	-26.293898
34	Migson Manor Garden Site	Migson Manor, Lenasia South Ext 7	27.877736	-26.415728
35	Nirvana Drive Garden Site	Nirvana Drive, Lenasia Ext.1	27.831294	-26.30705
36	Phillipi Road Garden Site	Phillipi rd, Eldoradopark	27.916644	-26.292358
37	Zakariyya Park Garden Site	Tumeric Drive, Zakariyya Park	27.896733	-26.36707
38	Orlando East Garden Site	Sofasonke Street, Orlando East	27.927222	-26.23797
39	Orange Farm Garden Site	Near Orange farm Fire station	27.866944	-26.481667
40	Panorama Garden Site	Pranticole Avenue, Panorama AH	27.915602	-26.129082
41	Penny Road Garden Site	Penny Road, Roodepoort	27.846181	-26.162672
42	Mapetla Garden Site	Khama Road, Mapetla, Soweto	27.852253	-26.260653
43	Protea North Garden Site	Makhaya Str, Protea Glen	27.835886	-26.278736
44	Diepsloot Buyback Centre		27.997002	-25.932633,

### Depots

Depot	Name	Physical address	Longitude	Latitude
1	Selby Depot	Cnr Village & Usher street ,Selby	28.03585	-26.210939
2	Southdale Depot	Cnr Short & Pine Street Orchards	28.024236	-26.244953
3	Marlboro Depot	9th Street Marlboro	28.088669	-26.093211
4	Midrand Depot	Cnr Stilt Avenue & Falcon Street, Rabie Ridge Midrand	28.16871	-26.01784
5	Norwood Depot	Cnr Short & Pine Street Orchards	28.082164	-26.157544
6	Randburg Depot	Cnr Malibongwe & Hans Schoeman Street Randburg	27.981478	-26.090694
7	Waterval Depot	No 3 Albert Street ,Albertsville	27.978244	-26.168947
8	Avalon Depot	Calendula Road, Klipspruit West	27.877553	-26.289331
9	Central Camp Depot	Nicolas road, Diepkloof	27.932953	-26.256375
10	Orange Farm Depot	15748 EXT 6B, Orange Farm	27.866944	-26.481667
11	Roodepoort Depot	10 Granville Road ,Lea Glen ,Roodepoort	27.866406	-26.182833
12	Zondi Depot	666 Koma Road Zondi	27.873317	-26.233481
13	Head Office	66 Jorrisen Sr, Braamfontein	28.0318544	-26.1931015

### Landfill sites

Site	Name	Physical address	Longitude	Latitude
1	Robinson Deep Landfill Site	Corner Turffontein rd and Marlborough, Robinson Deep	28.042517	-26.231476
2	Linbro Park Landfill Site	Third street, Linbro Park	28.117534	-26.08344
3	Kya Sands Landfill Site	Cnr Epsom Avenue ,Riverband Road	27.958458	-26.028946
4	Ennerdale Landfill Site	Walter Road ,Lawley	27.834064	-26.369689
5	Goudkoppies Landfill Site	156 Houthammer Road, Devland, Johannesburg	27.927157	-26.281181
6	Marie Lousie Landfill Site	Cnr Main Road & Elias Motsoaledi Street, Dobsonville, Soweto	27.883479	-26.190634
7	Robinson Deep MRF	Corner Turffontein rd and Marlborough, Robinson Deep	28.041513	-26.230715

## Buyback Centre

Site	Name	Physical address	Longitude	Latitude
1	Orange Farm Buyback	4362 Drizek1 Orange farm	27,860447	-26,459383
2	Diepsloot Buyback	Stand no. 388 Farm Potion, Diepsloot	25.93267	27,99634
3	Alexandra Buyback	Erf 898 3rd Street Marlboro	27°55'56"	-26°15'24"
4	Alexandra Buyback	Erf 899 3rd Street Marlboro	27°55'56"	-26°15'24"
5	Zondi Buyback	Nkoma road (next to Zondi depot)	27.8728	-26.2333
6	Naledi Buyback	Erf 7118, Naledi Ext 2, 7118 Isigedla Street	27,817076	-26,260233
7	Main Reef Road buyback	89 Main Reef Road Westgate	28,027391	-26,215614

### 3. REPLACEMENT OF ITEMS

Where it is necessary to replace any existing item with a new item under this Contract, the new item shall be of at least the same quality as the existing item. The Project Manager shall have the right to reject the item if it is of inferior quality.

### 4. SITE TO BE KEPT CLEAN

During the progress of the works and upon completion thereof, the Site of the Works shall be kept and left in a clean and orderly condition. The Contractor shall store materials and equipment for which he is responsible for in an orderly and safe manner and shall keep the site free from debris and obstructions inter alia in compliance with Construction Regulations in the OHS Act.

All redundant materials, rubbish, and waste arising from the work must be regularly removed from the Site at the Contractor's cost and the Site and buildings left clean and tidy.

### 5. SANS SPECIFICATIONS AND CODES OF PRACTICE

All reference in this document to the South African Bureau of Standards specifications and codes of practice, or any other standard specifications or codes of practice, including National Building Regulations, shall be deemed to be references to the latest issues of such specifications and codes.

## **6. MATERIALS**

Should the work require additional materials that are not specified on the schedule of quantity the Contractor must obtain approval from the project manager before carrying out the work. The Contractor shall attach to his accounts the original supplier's tax invoices for new parts, components, and materials to be used or that were used for repair work requiring non-scheduled items. The full description similar to that required to order an item from a supplier, i.e. Make: model, serial number, size, capacity, etc. shall be listed on the account.

The Project Manager reserves the right to:

- (a) Supply to the Contractor new parts, components, and materials required to undertake repairs, or
- (b) If the price submitted by the Contractor is considered to be unacceptably high, obtain quotations for such new parts, components, and materials from other independent sources, and after making reasonable allowance for Contractor's mark-up, adjust the Contractor's price accordingly.
- (c) Where no rate is tendered in the Schedule of Quantities for new items the prices for new items given by the Contractor shall be in line with prices of similar items in the Schedule of Quantities or reasonable prices in the industry.
- (d) Unless stated otherwise in writing by the Project Manager, all proprietary materials are to be used, mixed, applied, fixed, etc., strictly by the manufacturer's recommendations.

## **7. PROTECTION OF FURNITURE AND EQUIPMENT**

Most of the work to be done inside buildings and residential accommodation will be carried out where there is furniture and other equipment. The Contractor shall be responsible for moving the furniture and equipment in order to provide working space for their personnel. The movement of furniture and equipment shall be kept to the very minimum and the Contractor shall be solely responsible for any damage to furniture or equipment arising from its removal and/or replacement.

## **8. QUALITY CONTROL**

The Contractor shall at all times ensure that his work complies with Specifications. The onus to produce work that conforms in quality and accuracy of detail to the requirements of the Specifications and Drawings rests with the Contractor, and the Contractor shall, at their own expense, institute a quality-control system and provide experienced Contract Managers, foremen, materials technicians, other technicians and technical staff, together with all transport, instruments and equipment to ensure adequate supervision and positive control of the Works at all times. The cost of supervision and process control, including testing carried out by the Contractor, will be deemed to be included in the rates tendered for the related items of work.

The Contractor's attention is drawn to the provisions of the various Specifications regarding the implementation of a quality assurance system and the minimum frequency of checking required. The Contractor shall, at his discretion, increase this frequency where necessary to ensure adequate control.

## **9. CERTIFICATES OF PAYMENT**

The statement to be submitted to Pikitup as described in the clause of General Conditions of Contract (GCC 3<sup>rd</sup> EDITION 2015) shall be prepared by the standard payment certificate prescribed by the Project Manager and shall comprise at least two sets of A4-size paper copies. All costs for the preparation and submission of the statements shall be borne by the Contractor.

## **10. AVAILABILITY OF VENUES**

The buildings wherein, work is to be carried out under this Contract are not necessarily always available for such work and availability thereof depends on what they are used for.

Should changes in availability occur during the Contract Period, the Project Manager will notify the Contractor thereof in good time and The Contractor shall make allowance for such possible changes in his tendered rates as no additional compensation therefore will be made.

## **11. EVALUATION CRITERIA AND PROCESS**

The evaluation of bids received will be conducted in accordance with the prescripts of the Preferential Procurement Policy Framework Act 2000 (Act no.5 of 2000), its Regulations of 2022, PIKITUP SCM Policy and the evaluation criteria as stipulated in the specification/terms of reference and special conditions of contract.

- 11.1. The bid will be evaluated using a 2-stage evaluation process as follows: Stage 1 - Pre-compliance returnable documents and requirements (document completion and submission of compulsory returnable documents), Functionality evaluation (minimum qualifying score 70 out of 100) and stage 2 will be followed using the Supply Chain Management Policy regarding the usage of panels.
- 11.2. Pikitup will establish a Bid Evaluation Committee (BEC) whose responsibility will be to make recommendations to the Bid Adjudication Committee (BAC). The BEC will evaluate the bids in accordance with the criteria below and make recommendations to the BAC, who will recommend to the Accounting Officer.
- 11.3. At the first stage, bidders will be evaluated on the pre-compliance evaluation criteria. Bidders that meet all the pre-compliance evaluation criteria will further qualify for functionality evaluation. Bidders are required to meet the minimum functionality threshold. Only bidders who meet the minimum required threshold for functionality will be considered to be included in the panel to a maximum of 20 bidders.
- 11.4. At the second stage of the procurement process, only pre-approved service providers that were included on the panel will be invited to submit quotations for specific work packages on an as and when required basis.

11.5. The evaluation of specific work packages will be based on price and preference evaluation (i.e. 80/20 or 90/10 principal) and/or other objective criteria that might be applicable for the particular project in terms of the Pikitup Supply Chain Management Policy and Procedure Manual.

**12. PRE-COMPLIANCE EVALUATION CRITERIA:**

12.1. Compulsory returnable documents required:

Bidders may be eliminated for not submitting compulsory returnable documents as stated below in line with the Pikitup SCM Policies and Procedure Manual.

**Table 1: Pre-compliance evaluation criteria and compulsory returnable**

<b>Compulsory Returnable Documentation is required for pre-compliance evaluation purposes (Submission of these is compulsory)</b>	<b>Submitted (YES or NO)</b>	<b>Checklist (Guide for Bidder and the Bid Evaluation Committee)</b>
<p>a) To enable Pikitup to verify the bidder’s CSD registration and tax compliance status, the bidder must provide;</p> <ul style="list-style-type: none"> <li>• Copy of the Central Supplier Database (CSD) registration, where the CSD is fully tax compliant (The CSD submitted must not be older than 3 months, and Pikitup will verify the status during the evaluation process);</li> <li>• or indicate their Master Registration Number / CSD Number; where the CSD is fully tax compliant;</li> <li>• or a copy of their Tax Clearance Certificate (TCS);</li> </ul> <p>(Note: Refer to MDB 1)</p>		<p>CSD must be in the same business name as the bidding company? CSD must be valid? The Tax status on CSD must be fully compliant? Bidders must ensure that their tax compliant status are continuously updated on CSD. Tax status must be compliant?</p>
<p>b1) Confirmation that the <b>BIDDING COMPANY’S</b> rates and taxes are up to date:</p> <ul style="list-style-type: none"> <li>• Where the property is owned by the <u>bidding company</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. The municipal account statement must reflect the bidding company name as the account holder, and the statement may not be older than 3 months from the tender closing date; or</li> <li>• Where the property is leased or the <u>bidding company</u> is a tenant on the property; - a letter of good standing or a tenant account statement or sworn affidavit from the landlord or the landlord’s appointed property agent is required, confirming that the bidding company</li> </ul>		<p>Was a Municipal Account Statement or landlord letter provided for the <b>bidding company</b>?</p> <p>Are correspondence recent (not older than 3 months)?</p> <p>Are all payment(s) up to date (i.e. not in arrears for more than 90 days)?</p>

Compulsory Returnable Documentation is required for pre-compliance evaluation purposes (Submission of these is compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
<p>has no disputed account and/or that the account is not in arrears for more than ninety (90) days. The landlord letter of good standing, landlord account statement, or landlord sworn affidavit must reflect the bidding company name and must be accompanied with a signed lease agreement, or</p> <ul style="list-style-type: none"> <li>Where the property is not owned or leased by the <u>bidding company</u> and special arrangements are in place for the bidding company to operate from the landlord's premises (for example: business operating from the residence of the director, working from home, operating from premises free of charge, etc.);- a sworn affidavit from the landlord is required, stating the nature of the arrangement with the bidding company and must confirm that the bidding company has no disputed account and/or that the account is not in arrears for more than ninety (90) days</li> </ul>		
<p>b2) In addition to the above, confirmation is required that rates and taxes are up to date for all the bidding company's <b><u>Owners / Members / Directors / Major Shareholders:</u></b></p> <ul style="list-style-type: none"> <li>Where an <u>owner / member / director / major shareholder</u> is not residing within South Africa; - a sworn affidavit is required from the <u>owner / member / director / major shareholder</u> confirming the aforesaid, or</li> <li>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 <u>owner/member/director / major shareholder</u> is required confirming that the account is not in arrears for more than ninety (90) days, or</li> <li>Where the property is leased by the <u>owner/member/director / major shareholder</u>;- a letter of good standing or tenant account statement or sworn affidavit from the landlord or the landlord's appointed property agent is</li> </ul>		<p>Was a Municipal Account Statement(s) or landlord letter(s) provided for ALL the bidding company's (SA-based) directors?</p> <p>Do the names and/or addresses of all directors on the statement correspond with the CIPC document?</p> <p>Are correspondence recent (not older than 3 months)?</p> <p>Are all payments up to date (i.e. not in arrears for more than 90 days)?</p>

Compulsory Returnable Documentation is required for pre-compliance evaluation purposes (Submission of these is compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
<p>required, confirming that the <u>owner/member/director / major shareholder</u> has no disputed account and/or that the account is not in arrears for more than ninety (90) days. The landlord letter of good standing or landlord account statement or landlord affidavit must reflect the relevant <u>owner/member/director / major shareholder</u> name and must be accompanied by a signed lease agreement, or</p> <ul style="list-style-type: none"> <li>Where the property is not owned or leased, and special arrangements are in place for the <u>owner/member/director / major shareholder</u> to reside at the landlord's premises (for example: residing with wife, husband, partner, family member, etc.);- a sworn affidavit from landlord is required, stating the nature of the residence arrangement for the bidding company's <u>owner/member/director / major shareholder</u> and must confirm that the bidding company's <u>owner/member / director / major shareholder</u> has no disputed account and / or that the account is not in arrears for more than ninety (90) days and / or the account is in good standing.</li> </ul> <p>Note that the above correspondence may not be older than 3 months from the date of tender closing. The landlord statement (i.e. tenant account statement) must be on the landlord's or the landlord agent's letterhead and dated, the landlord letter must be dated and signed by the landlord, and/or the affidavit from the landlord must be signed by the landlord and must also be stamped, signed and dated by a commissioner of oath</p>		
<p>c) Duly Signed and completed MBD forms (MBD 1, MBD 4, MBD 5, MBD 8 and MBD 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 <b>Director / Member / Owner / Shareholder</b> of the company, an official letter of authorization or delegation of authority should be submitted with the bid document.</p>		<p>Are all documents fully completed (i.e. no blank spaces)?</p> <p>Are all documents fully signed?</p> <p>Signature authorised (any director/member/trustee as indicated on the CIPC document, alternatively a delegation of authority</p>

Compulsory Returnable Documentation is required for pre-compliance evaluation purposes (Submission of these is compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
		<p>would be required? Documents completed in black ink (i.e. no "Tippex" corrections, no pencil, no other colour ink, will be considered)?</p>
<p>d) Annual Financial Statements (AFS) for the most recent past three (3) years or annual financial statements from date of existence for companies less than three years.</p> <p>The bidder must submit signed audited annual financial statements for the most recent past 3 years, or if established for a shorter period, submit audited annual financial statements from date of establishment.</p> <p>Suppose the bidder is not obliged by law to prepare signed annual financial statements for auditing purposes. In that case, the bidder must submit their most recent annual financial statements for the past 3 years in accordance with any applicable law, or if established for a shorter period, submit their most recent annual financial statements from the date of establishment. Where a bidder is established or operational for less than 3 years, documented proof must be provided. The proof must be the company registration document (i.e. copy of the CIPC registration document) confirming the date of establishment or if operational commencement started on a later date an original sworn affidavit from the company representative must be submitted to confirm the date of operational commencement.</p> <p>If the bidder is not obliged by law to prepare annual financial statements for auditing purposes they must submit their Public Interest Score (PIS) declaration to confirm that Audited Annual Financial Statements are not a requirement, together with their Annual Financial Statements for the most recent consecutive previous three financial years or since establishment.</p> <p>The PIS requirements are as follows:</p> <ul style="list-style-type: none"> <li>- Public Interest Score (PIS) of 350 and above, the Annual Financial Statement must be audited. All sets of the AFS must be signed by</li> </ul>	<p><i>(Applicable for tenders above R10m in conjunction with MBD 5)</i></p>	<p><u>Approved Audited</u> financials provided (Audited financials must be signed by the auditor)?</p> <p>If not, did the bidder provide proof by means of the PIS score that financials must be either independently reviewed or no review required?</p> <p>If the PIS score was provided, were the relevant financial statements provided (i.e. independently reviewed or where no review is required)?</p> <p>Where a supplier has been in existence for less than 3 years, the financial statements for the most recent operational years must be provided, and proof of what date the company was registered must be provided, or proof of operational commencement.</p> <p>Where the company was registered but dormant for a period of time, a certified affidavit is required from the managing director or principal member/trustee.</p>

Compulsory Returnable Documentation is required for pre-compliance evaluation purposes (Submission of these is compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
<p>an authorised director of the bidding company, and the accompanied audit reports for the respective AFS must be signed by the auditor.</p> <ul style="list-style-type: none"> <li>- Public Interest Score (PIS) of 100 to 349, the Annual Financial Statement must be independently reviewed. All sets of the AFS must be signed by an authorised director of the bidding company, and the accompanied independent review reports for the respective AFS must be signed by the independent reviewer.</li> <li>- Public Interest Score (PIS) of less than 100, all sets of the Annual Financial Statement must be signed by an authorised director of the bidding company (i.e. Managing Director, Chief Executive Officer, etc.). However, they do not have to be audited or independently reviewed.</li> </ul> <p><b>Note:</b> The average of the 3-year annual financial statements, or if established for a shorter period the most recent annual financial statements from the date of establishment will be used to calculate financial capability.</p> <p>An authorised director of the bidding company must sign all sets of the AFS, and the independent review or audit reports for the audited AFS must be signed by the auditor.</p>		
<p>e) Bidder must have an active CIDB registration certificate. The bidder must have a CIDB grade of 5GB or higher. The submitted CIDB certificate will be verified on the active CIDB website to confirm validity.</p>		<p>The CIDB registration should be active</p>
<p>f) The Bidder must submit a valid COID registration certificate. The certificate must be valid at the time of bidding.</p>		<p>Valid COIDA</p>
<p>g) Joint Ventures (JV) – (Only applicable when the bidder tender as a joint venture)</p> <ul style="list-style-type: none"> <li>• Where the bidder bid as a JV, the required or relevant documents as per (a) to (f) above must be provided for all JV parties.</li> </ul>		<p>If applicable.</p> <p>JV agreement provided?</p> <p>JV agreement complete and relevant?</p>

Compulsory Returnable Documentation is required for pre-compliance evaluation purposes (Submission of these is compulsory)	Submitted (YES or NO)	Checklist (Guide for Bidder and the Bid Evaluation Committee)
<ul style="list-style-type: none"> <li>In addition to the above the bidder must submit a JV agreement signed by the relevant parties.</li> </ul> <p>Note: It is a condition of this bid that the successful bidder will continue with the same JV for the duration of the contract unless prior approval is obtained from Pikitup.</p>		<p>Agreement signed by all parties?</p> <p>All required documents as per ( a to h) must be provided for all partners of the JV.</p>

**Table 2: Other returnable documents required:**

Other Returnable Documentation	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) Proof of registration with the Central Supplier Database established by National Treasury	
c) Copy of ID Documents of all owners/members/shareholders/directors	
d) Original or certified copy of BBBEE scorecard or Affidavit	
e) Company Profile	
f) Attach all supporting documents as required in the Functionality Evaluation criteria included herein	
g) Completed and signed MBD 6.1	

### 13. FUNCTIONALITY EVALUATION CRITERIA

13.1 As a risk-mitigating factor a service provider scoring a functionality, score of less than 70 out of 100 points will be considered to be posing a quality risk to the company and will therefore be disqualified. Only bidders who meet the minimum required threshold of 70% out of 100 for functionality will be considered to be included in the panel to a maximum of 20 bidders.

13.2 The following criteria and the maximum weights of each criterion as indicated will be applicable:

**Table 3: Functionality Evaluation Criteria**

#	Criterion	Weighted Points
1.	<p>Bidder's relevant experience</p> <p><b>Relevant Projects successfully completed: Weighted 35 points</b></p> <p>Bidder /Company with at least five successfully completed Civil Engineering / Built Environment projects (construction, alteration, and refurbishment)</p> <ul style="list-style-type: none"> <li>• 5 successfully completed projects and more = 5</li> <li>• 4 successfully completed projects = 4</li> <li>• 3 successfully completed projects = 3</li> <li>• 2 successfully completed projects = 2</li> <li>• 1 successfully completed project = 1</li> <li>• No submission of relevant required experience/submission without required supporting documents = 0</li> </ul> <p>A verifiable list of similar projects with start, completion dates, and value of contracts must be submitted with supporting documentation <b>in the form of a signed and stamped copy of the appointment letter and a copy of the completion certificate issued by the client.</b></p> <p>NB: Letters that are unsigned and / or not stamped will not be considered to score points.</p> <p><b>Reference letters from clients for the successfully completed projects: Weighted 20 points</b></p> <ul style="list-style-type: none"> <li>• 5 relevant reference letters or more = 5</li> <li>• 4 relevant reference letters = 4</li> <li>• 3 relevant reference letters = 3</li> <li>• 2 relevant reference letters = 2</li> </ul>	55

#	Criterion	Weighted Points
	<ul style="list-style-type: none"> <li>• 1 relevant reference letter = 1</li> <li>• No reference letter provided = 0</li> </ul> <p>The Company must provide relevant reference letters (per project) on a client's letterhead not dated older than 5 years from the clients with contactable details (i.e. name of the contact person, e-mail, and telephone number)</p>	
2	<p>Contracts / Project Manager's qualifications, experience and professional registration with ECSA (<b>Engineering Council of South Africa</b>) or ASAQS (<b>Association of South African Quantity Surveyors</b>)</p> <p><b>2.1 Contracts / Project Manager's qualifications and experience: Weighted 10 points</b></p> <p>Contracts Manager must have a SAQA-accredited Degree or Diploma in Civil Engineering / Built Environment and experience as a Contract/ Project Manager.:</p> <ul style="list-style-type: none"> <li>• Degree or Diploma and 5 years' experience and above = 5</li> <li>• Degree or Diploma and 4 years' experience = 4</li> <li>• Degree or Diploma and 3 years' experience = 3</li> <li>• Degree or Diploma and 2 years' experience = 2</li> <li>• Degree or Diploma and 1 years' experience = 1</li> <li>• None submission, no relevant degree or diploma and / or less than 1 years' experience = 0</li> </ul> <p><b>2.2 Contracts / Project Manager's professional registration with ECSA or ASAQS and experience: Weighted 25 points</b></p> <ul style="list-style-type: none"> <li>• Registered and 5 years' experience and above= 5</li> <li>• Registered and 4 years' experience = 4</li> <li>• Registered and 3 years' experience = 3</li> <li>• Registered and 2 years' experience = 2</li> <li>• Registered and 1 years' experience = 1</li> <li>• None submission, no relevant professional registration, and / or less than 1 years' experience = 0</li> </ul> <p><b>N.B Validity of the registration may be verified on the ECSA or ASAQS websites during evaluation or prior to award.</b></p>	35

#	Criterion	Weighted Points
	<p>CV clearly indicating relevant experience in Civil Engineering / Built Environment and originally certified copies (not older than six months) of Professional registration certificate, qualifications for the Contract / Project Manager must be submitted.</p> <p><b>N.B Copies of certified copies and uncertified copies will not be considered and points will not be allocated.</b></p>	
3	<p><b>Financial standing / capability of the Company</b></p> <p>Provide the last 3 years' financial statements, refer to item (d) in Table 1 of the pre-compliance schedule. The ratio will be calculated as an average ratio calculation based on the information in the most recent 3-year financial statements (Audited if required by law), or if applicable from the date of establishment.</p> <p><b>3.1 Liquidity Ratios: Weighted 5 points</b></p> <p>Current Assets divided by Current Liability If assets are greater than liabilities by</p> <ul style="list-style-type: none"> <li>• Above 2 = 5</li> <li>• Above 1.5 but less than/equal to 2 = 4</li> <li>• Equal to 1 but less than/equal to 1.5 = 3</li> <li>• Below 1 / Non submission of most financial statements (Audited if required by law) = 0</li> </ul> <p><b>3.2 Return on Assets Ratio: Weighted 5 points</b></p> <p>The ratio will be calculated as an average ratio calculation based on the information in the most recent 3-year financial statements, or if applicable from the date of establishment. Net Income divided by Ave Total Assets</p> <ul style="list-style-type: none"> <li>• Above 100% = 5</li> <li>• Above 75% but less than/equal to 100% = 4</li> <li>• Above 50% but less than/equal to 75% = 3</li> <li>• Above 25% but less than/equal to 50 = 2</li> <li>• Above 0% but less than/equal to 25% = 1</li> <li>• Less than 0 / Non submission of financial statements (Audited if required by law) = 0</li> </ul>	10
	<b>Total</b>	<b>100</b>
<p>The minimum threshold of 70% for functionality points is calculated out of 100 points. Any bidder scoring less than the threshold of 70 out of 100 points will not be considered for approval. A maximum of 20 bidders with the highest scores will be included in the panel.</p>		

### **13.3 PANEL OF PRE-APPROVED SERVICE PROVIDERS SELECTION AND RECOMMENDATION CRITERIA**

- 13.3.1 Only bidders who meet the minimum functionality threshold score of 70 points will be considered for inclusion in the pre-approved panel of a maximum of 20.
- 13.3.2 Where more than 20 bidders qualify on functionality evaluation, the qualifying bidders will be ranked in descending order from the highest scoring to the lowest scoring bidder based on the functionality evaluation scoring and the 20 highest-scoring bidders based on functionality evaluation scores will be recommended to be included on the panel of pre-approved service providers.
- 13.3.3 The following criteria for breaking the deadlock in scoring will be used:
- (i) If two or more bidders score an equal total number of functionality points, preference for approval in the panel must be given to the bidder(s) that are locally based (firstly within the City of Johannesburg area and then Gauteng-based bidders).
  - (ii) If two or more bidders score equal total points in locality, the bidder(s) with the highest percentage of women ownership will get preference for approval in the panel.
  - (iii) If two or more bidders still score equal total points in the highest percentage of women ownership, the bidder(s) with the highest percentage of black ownership will get preference for approval in the panel
  - (iv) If two or more bidders score equal total points in all respects, the approval in the panel must be decided by the drawing of lots.
- 13.3.4 If the recommendation is approved by the Accounting Officer or delegate, a maximum of up to 20 qualifying service providers will be included on the panel of pre-approved service providers and framework agreements will be concluded with such service providers for a duration of 36 months” on as when required basis”
- 13.3.5 The inclusion on the panel of pre-approved service providers does not guarantee that all service providers included on the panel will be appointed for specific projects during the validity of the panel. The bidders included on the panel will be invited to provide quotations as and when projects arise, and work packages will be evaluated as per the criteria specified in the particular invitation for quotation.

**IMPORTANT NOTE: THE BELOW PROCESS AND EVALUATION CRITERIA WILL NOT APPLY AT THIS STAGE OF THE PROCUREMENT PROCESS, BUT WILL BE APPLIED DURING THE SECOND STAGE (PREFERENCE POINTS SYSTEM) OF THE PROCUREMENT PROCESS.**

**14. PREFERENCE POINTS SYSTEM EVALUATION CRITERIA**

- 14.1. This section will only be applicable to the bidders who are pre-approved to the panel.
- 14.2. Tender/Quotations received from pre-approved service providers on the panel will be evaluated based on the 90/10 or 80/20 preference point system depending on the value of the project in terms of the Preferential Procurement Regulations of 2022 and the Pikitup SCM Policy.
- 14.3. The following preference point systems are applicable to invitations to the tender/quotations:
  - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 14.4. Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.
- 14.5. The maximum points for this tender are allocated as follows:

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

**15. POINTS AWARDED FOR PRICE**

**15.1. THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

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

Where;

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

**16. PREFERENCE POINTS AWARDED FOR SPECIFIC GOALS**

- 16.1. Preference points will be awarded for specific goals. Points will be allocated points based on the goals stated and must be supported by documented proof as stated in this request for quotation document.
- 16.2. The 90/10 or 80/20 preference point system applies, the lowest acceptable bidder’s total bid price will be used to determine the applicable preference point system.
- 16.3. The following specific goals will be determined according to the nature of goods/services/ construction works in each bid. Such goals will be distilled into quantifiable and certain criteria, aligned with section 2(1) (d) (i) and (ii) of the PPPFA in order to ensure that the allocation of points for the specific goals is fairly done.
- 16.4. Tenders / RFQ will be published with a specific tendering condition clearly stipulating the specific goals which may include amongst others, one or more of the following:

<b>The specific goals points allocated by Pikitup for this tender</b>	<b>Means of verification</b>
Companies that are at least 51% owned by black people	Particulars relating to the means of verification will be specified in the invitation for quotation document. The means of verification may include, but are not limited to the following documents: <ul style="list-style-type: none"> <li>• CSD report/ supplier number, Valid BBBEE certificate, Affidavit sworn under oath, copy of owner's ID, or shareholders certificate or bidding company municipal account statement, letter or statement from the landlord confirming company address.</li> <li>• Commitment letter confirming subcontracting the designated groups, draft subcontracting agreement to the designated groups and Valid BBBEE certificate or Affidavit sworn under oath of the subcontracted business</li> </ul>
Companies that are at least 51% owned by youth	
Companies that are at least 51% owned by women	
Companies that are at least 51% owned by people with disabilities	
Companies that are at least 51% owned by people living in rural or underdeveloped areas or townships	
Geographical local companies	
SMME, which includes EME and/or QSE	
Co-operatives	
Non-profit organisations	
Products or resources that are sourced, manufactured, or produced locally	
Innovation and continuous improvement	
Recyclable and/or sustainable and/or environmentally friendly and/or green procurement and/or another specific goal that might be relevant for a particular commodity.	

<p>Subcontracting will be done as a specific goal in order to meet Pikitup business objective in line with the business plan. The intention to subcontract must be authorised in writing by Pikitup prior to contract sign-off.</p>	
<p>Note to bidders: The total number of points claimed may not exceed the maximum of 20 points where the 80/20 preference point system applies, or the total number of points claimed may not exceed the maximum of 10 points where the 90/10 preference points system applies.</p>	

**17. PROCESS OF APPOINTMENT / PROJECT AWARD FROM THE PANEL OF PRE-APPROVED SERVICE PROVIDERS FOR SPECIFIC WORK PACKAGES AND OBJECTIVE CRITERIA TO BE CONSIDERED**

- 17.1. During the second stage of the procurement process, pre-approved service providers that were included on the panel will be invited to submit quotations for specific work packages on an as and when required basis.
- 17.2. The evaluation of specific work packages will be based on 80/20 or 90/10 preference points system and/or other objective criteria that might be applicable for the particular project in terms of the Pikitup Supply Chain Management Policy and Procedure Manual.
- 17.3. The pre-approved service provider/s will be appointed on a rotational basis and where the service provider is awarded a project at a particular time the relevant contractor will not be invited to submit quotations for further projects until such time the contractor has completed.
- 17.4. In an event where a request for quotation is sent out on a rotation basis to the remaining contractors and no response is received. The contractors with active contracts will be requested to submit a quotation. However, once a contractor is awarded two active projects at the same time, that contractor will not be invited to submit quotations for further projects until one of the two active projects is completed.
- 17.5. If an awarded project was cancelled or put on hold by Pikitup due to circumstances that are outside the control of the contractor, such a project will not be considered an active project.
- 17.6. The completed project will be confirmed by Pikitup by issuing a completion certificate as per the 2015 GCC 3rd Edition (or latest), certifying that the particular project was completed.

# ANNEXURE 3

## MBD 4

# DECLARATION OF INTEREST

**MBD 4**

**DECLARATION OF INTEREST**

- 1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
- 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, shareholder<sup>2</sup>): .....

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. ....  
.....

<sup>1</sup>MSCM 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.

<sup>2</sup> 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

**BID NUMBER PU133/2024 – BID FOR THE APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED BASIS FOR 36 MONTHS**

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:

.....  
.....



# ANNEXURE 4.1

## MBD 5

**ONLY APPLICABLE  
FOR TENDERS  
ABOVE R10M**

**MBD 5**

**DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)**

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

- 1 Are you by law required to prepare annual financial statements for auditing?  
**YES / NO \***  
(\* Delete if not applicable)
- 1.1 If yes, submit audited annual financial statements (signed and / or stamped by the relevant auditor) for the past three years or since the date of establishment if established during the past three years.
- 1.2 If no, please complete the public interest scores (PIS) for each of the financial years for which you provided financial statements, to determine if the statements required to be independently reviewed or not.
- 2 Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?  
**YES / NO \***  
(\* Delete if not applicable)
- 2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.
- 2.2 If yes, provide particulars.  
.....  
.....
- 3 Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?  
**YES / NO \***  
(\* Delete if not applicable)
- 3.1 If yes, furnish particulars

4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?

**\*YES / NO**  
(\* Delete if not

applicable)

4.1 If yes, furnish particulars

.....  
.....

**CERTIFICATION**

I, **THE** **UNDERSIGNED** **(NAME)**  
..... **CERTIFY THAT THE**  
**INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.**

**I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS**  
**DECLARATION PROVE TO BE FALSE.**

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

# ANNEXURE 4.2

## PIS SCORE

ONLY APPLICABLE  
FOR TENDERS  
ABOVE R10M

**DECLARATION OF PUBLIC INTEREST SCORE (PIS) SCORE**

Further to MBD 5 Question 1; where it was declared that your company is not required by law to prepare annual financial statements for auditing, please declare your company's PIS score below:

**PIS SCORE FOR EACH SET OF FINANCIAL STATEMENTS (AS REQUIRED BY THE COMPANIES ACT OF 2008)**

**PIS SCORE (1<sup>st</sup> set of financials): .....**

**PIS SCORE (2<sup>nd</sup> set of financials): .....**

**PIS SCORE (3<sup>rd</sup> set of financials): .....**

Indicate which Financial Statement classification apply to your company	PIS Score	First set of financial statements  Tick relevant box below with an "X"	Second set of financial statements  Tick relevant box below with an "X"	Third set of financial statements  Tick relevant box below with an "X"
- Annual Financial Statement provided <u>must be audited</u> (Where the bidder did not provide a PIS score or if the PIS score provided is 350 points and above; audited financial statements must be provided)	Above 350			
- Annual Financial Statement provided <u>must have an independent review</u> (Where the bidder's PIS score is between 100 and 350; financial statements that are independent reviewed by a registered auditor or a chartered accountant must be provided)	Between 100 and 350			
- Annual Financial Statement provided <u>do not require to be audited neither independent reviewed</u> (Where the bidder's PIS score is below 100, financial statements must be provided but don't have to be audited or independently reviewed)	Below 100			

**IMPORTANT NOTE:  
BIDDERS WHO DO NOT PROVIDE AUDITED FINANCIAL STATEMENTS MUST PROVIDE A PIS SCORE TO CONFIRM IF THE BIDDER SHOULD PROVIDE INDEPENDENTLY REVIEWED FINANCIAL STATEMENTS OR NOT. NON-COMPLIANCE TO THE AFOREMENTIONED WILL RESULT INTO DISQUALIFICATION FOR FURTHER EVALUATION.**

**CERTIFICATION**

**I, THE UNDERSIGNED (NAME) .....  
CERTIFY THAT THE PIS SCORE ABOVE IS CORRECT.**

**PIKITUP MAY REQUEST FOR SUPPORTING DOCUMENTS TO CONFIRM THE ABOVE SCORE.**

**I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

**THE FOLLOWING INFORMATION IS PROVIDED BY PIKITUP FOR THE BIDDER'S INFORMATION ONLY AND THE INFORMATION MIGHT ASSIST THE BIDDERS RELATING TO THE COMPANIES AND INTELLECTUAL PROPERTY COMMISSION REQUIREMENTS IN TERMS OF THE FINANCIAL STATEMENT REQUIREMENTS OF THE COMPANIES ACT (2008) AND THE CLOSED CORPORATIONS ACT (1984).**

**Financial Statements and Independent Reviews**

Private or personal liability companies that are required to be audited by the Companies Act, 2008 or regulation 28, must file a copy of the latest approved Audited Financial Statements on the date that they file their annual return with the CIPC.

The following private companies are required to have their annual financial statements audited:

- Any private or personal liability company if, in the ordinary course of its primary activities, it holds assets in a fiduciary capacity for persons who are not related to the company, and the aggregate value of such assets held at any time during the financial year exceeds R5 million;
- Any private or personal liability company that compiles its financial statements internally (for example, by its financial director or one of the owners) and that has a Public Interest Score (PIS) of 100 or more;
- Any private or personal liability company that has its financial statements compiled by an independent party (such as an external accountant) and that has a Public Interest Score (PIS) of 350 or more;

Unless the company has opted to have its annual financial statements audited or is required by its Memorandum of Incorporation (MOI) to do so, a private or personal liability company that is not managed by its owners may be subject to independent review if:

- It compiles its financial statements internally and its Public Interest Score is less than 100;
- It has its financial statements compiled independently at its Public Interest Score is between 100 and 349;

Private or personal liability companies that are not required to have their financial statements audited, may elect to voluntarily file their audited or reviewed statements with their annual returns. If such companies choose not to file a full set of financial statements, they must file a financial accountability supplement with their annual return.

How to calculate the Public Interest Score (PIS) of a company or close corporation

- a number of points equal to the average number of employees of the company during the financial year;
- one point for every R1 million (or portion thereof) in third party liability of the company, at the financial year end;
- one point for every R1 million (or portion thereof) in turnover during the financial year; and
- one point for every individual who, at the end of the financial year, is known by the company-
- in the case of a profit company, to directly or indirectly have a beneficial interest in any of the company's issued securities; or
- in the case of a non-profit company, to be a member of the company, or a member of an association that is a member of the company.

Source Companies and Intellectual Property Commission website: <http://www.cipc.co.za>

### **Does your CC follow the CC Act or the Companies Act?**

If you're not 100% compliant with legislation for accounting officer duties, you'll face penalties. When the Companies Act (2008) came into effect, the Closed Corporations Act (1984) didn't fall away. The Companies Act didn't replace it either, thus both Acts apply.

According to the Close Corporations Act, you don't need an audit. You can use general accounting principles. For companies, you have to follow IFRS and the Companies Act. But if your CC grows the Companies Act kicks in and a full audit and IFRS or IFRS for SMEs is required.

Source: FSP Business Website: <http://fspbusiness.co.za/articles/accounting/do-you-know-when-and-why-you-need-to-create-financial-statements-7151.html>

### **Do you know when and why you need to create financial statements?**

#### **Here's what to do to calculate your PIS score:**

The company gets 1 point for every:

- Number of shareholders and / or partners; and
  - Average number of staff members over the entire year (You need to look at the average of all the staff members for the entire year. So, if you have a high staff turnover, don't worry about having a high PIS score!)
  - Every R1 million rand of turnover or part thereof;
- and
- Every R1 million of outside debt / liabilities or part thereof, as at the end of the year.

Source: <http://practicalaccountancylooseleaf.co.za/content/aadppc2013b-does-your-cc-follow-cc-act-or-companies-act>

The following links might assist the bidder to calculate the Public Interest Score (PIS)

<http://statucor.co.za/public-interest-score>

<https://www.casewareafrica.co.za/interesting-reads/articles/calculate-your-business-s-public-interest-score/>

<http://www.ithembaonline.co.za/wp-content/uploads/2016/10/Public-Interest-Score-Calculator.xlsx>

[https://www.exceedinc.co.za/assets/dynamic/70/files/79/6/6\\_public-interest-score-1--nuutste-weergawe.xlsx](https://www.exceedinc.co.za/assets/dynamic/70/files/79/6/6_public-interest-score-1--nuutste-weergawe.xlsx)

The following links might assist the bidder to get a better understanding of legislative requirements and the Public Interest Score (PIS)

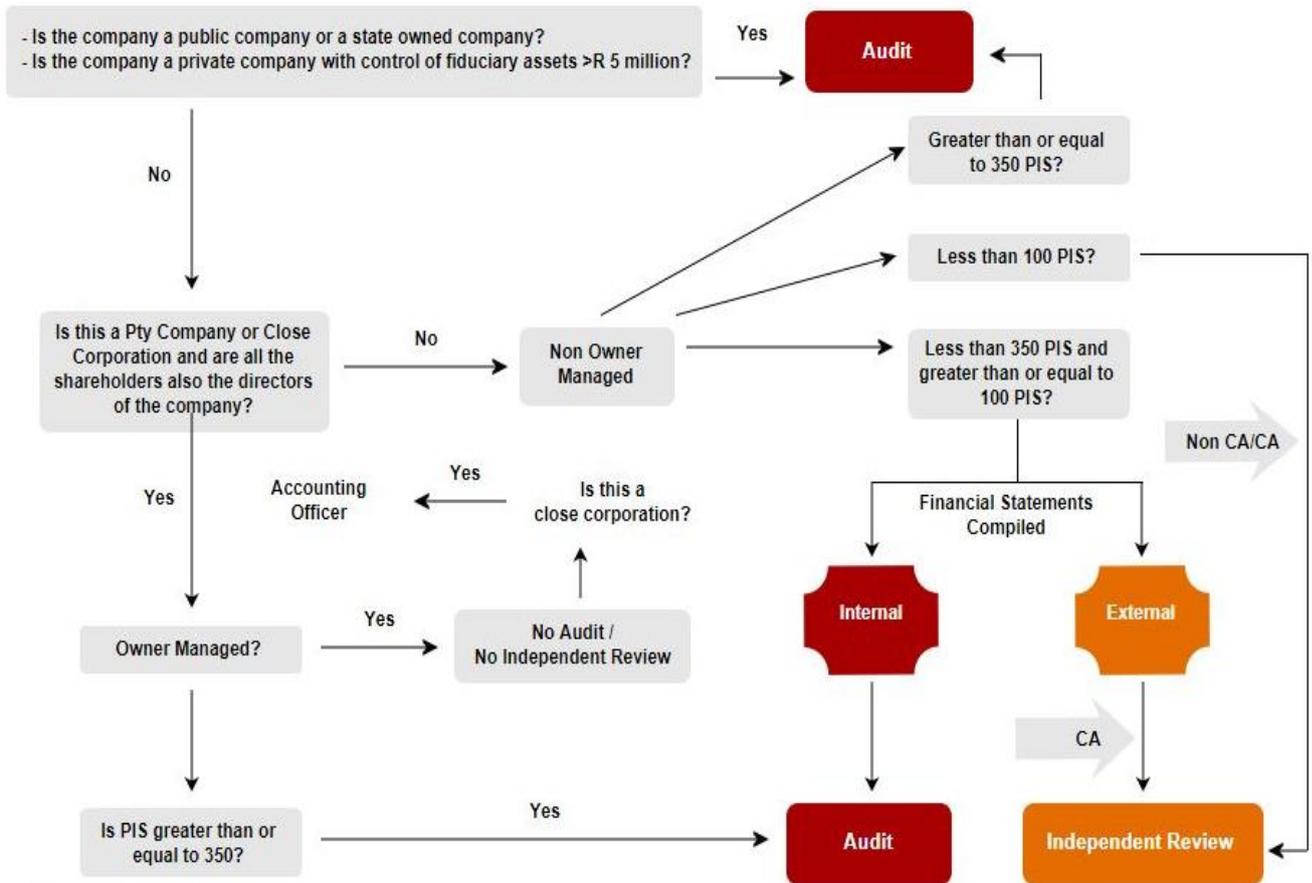
<http://www.cipc.co.za/index.php/manage-your-business/manage-your-company/private-company/compliance-obligations/financial-statements/>

<http://www.cipc.co.za/index.php/manage-your-business/compliance-and-recourse>

[https://www2.deloitte.com/content/dam/Deloitte/za/Documents/governance-risk-compliance/ZA\\_AuditRequirementsAndOtherMattersRelatedToTheAudit\\_24032014.pdf](https://www2.deloitte.com/content/dam/Deloitte/za/Documents/governance-risk-compliance/ZA_AuditRequirementsAndOtherMattersRelatedToTheAudit_24032014.pdf)

<http://www.mdacc.co.za/index.php/companies-act-and-annual-financial-statement-requirements/>

**Example of PIS flow chart:**



**Example of PIS calculation (i.e. during a particular financial year):**

Category	Points	Example company	Example score
Annual average Number of employees	1 pt per employee	45	45
Third party liabilities	1 pt per R 1m	R 2,500,000	3
Revenue Sales	1 pt per R 1m	R 5,600,000	6
Shareholders	1 pt per shareholder	3	3
<b>Public interest score:</b>			<b>57</b>

# ANNEXURE 5.1

## **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**

**IMPORTANT NOTE:**  
PRICE AND PREFERENCE WILL NOT BE EVALUATED AT THIS STAGE OF THE PROCESS. IT WILL BE EVALUATED IN THE NEXT STAGE OF THE PROCESS. PREFERENCE CLAIMS (I.E. MBD 6.1) WILL BE REQUESTED FOR EVALUATION PURPOSES WHEN QUOTATIONS ARE REQUESTED FROM THE PANEL OF PRE-APPROVED SERVICE PROVIDERS ON AN AS AND WHEN BASIS FOR SPECIFIC WORK PACKAGES.

**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); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 The applicable preference point system for this tender is the 80/20 or 90/10 preference point system.

1.3 Points for this tender (*even in the case of a tender for income-generating contracts*) shall be awarded for:

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

1.4 The maximum points for this tender are allocated as follows

<b>POINTS</b>	<b>Tenders R50m and below in value</b>	<b>Tenders above R50m in value</b>
<b>PRICE</b>	80	90
<b>SPECIFIC GOALS</b>	20	10
<b>Total points for Price and Specific Goals</b>	<b>100</b>	<b>100</b>

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

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

## 2. DEFINITIONS

- (a) “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;

**BID NUMBER PU133/2024 – BID FOR THE APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED BASIS FOR 36 MONTHS**

- (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 OR 90/10 PREFERENCE POINT SYSTEMS

#### 3.1. POINTS AWARDED FOR PRICE

##### 3.1.1. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

##### 3.1.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest 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.

<b>80/20 preference point system</b>				
<b>Specific goals</b>	<b>The specific goals points allocated by Pikitup for this tender</b>	<b>Means of verification</b>	<b>Points allocated for each goal (80/20 system) (Maximum # of points for each goal to be specified by Pikitup)</b>	<b>Number of points claimed (80/20 system) (To be completed by the tenderer)</b>
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	
	Enterprise owned by youth with at least 51% shareholding	CSD, Valid BBBEE certificate, Affidavit sworn under oath, copy of owners ID, or shareholders certificate	0	
	Enterprise owned by people with disabilities with at least with 51% shareholding	CSD, Valid BBBEE certificate, Affidavit sworn under oath, or shareholders certificate	0	
	Co-operatives or Non-Profit Organisations which is at least 51% owned by black people	CSD, Valid BBBEE certificate, Affidavit sworn under oath, copy of owners ID, or CIPC registration document	0	
	Enterprise with B-BBEE status level 1 to 4	Valid BBBEE certificate, Affidavit sworn under oath	0	
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	
	Enterprises located within a specific region within the CoJ for work to be done or services to be rendered in that region.	CSD, proof of municipal account, letter or statement from the landlord, letter from the Ward Council confirming the business address	0	
	Enterprises located in Townships	CSD, proof of municipal account, letter or statement from the landlord, letter from the Ward Council confirming the business address	0	
	Subcontracting to business owned by designated groups (up to 30%)	Commitment letter confirming subcontracting the designated groups, draft subcontracting agreement to the designated groups and Valid BBBEE certificate or Affidavit sworn under oath of the subcontracted business	0	
Total (Maximum number of preference points)			20	

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90/10 preference point system				
Specific goals	The specific goals points allocated by Pikitup for this tender	Means of verification	Points allocated for each goal (90/10 system) (Maximum # of points for each goal to be specified by Pikitup)	Number of points claimed (90/10 system) (To be completed by the tenderer)
Goal 1	Enterprises owned by black people with at least 51% shareholding	CSD, Valid BBEE certificate, Affidavit sworn under oath, copy of owners ID, or shareholders certificate	2.5	
	Enterprise owned by women with at least 51% shareholding	CSD, Valid BBEE certificate, Affidavit sworn under oath, copy of owners ID, or shareholders certificate	2.5	
	Enterprise owned by youth with at least 51% shareholding	CSD, Valid BBEE certificate, Affidavit sworn under oath, copy of owners ID, or shareholders certificate	0	
	Enterprise owned by people with disabilities with at least with 51% shareholding	CSD, Valid BBEE certificate, Affidavit sworn under oath, or shareholders certificate	0	
	Co-operatives or Non-Profit Organisations which is at least 51% owned by black people	CSD, Valid BBEE certificate, Affidavit sworn under oath, copy of owners ID, or CIPC registration document	0	
	Enterprise with B-BBEE status level 1 to 4	Valid BBEE certificate, Affidavit sworn under oath	0	
Goal 2	SMME's (An EME or QSE)	CSD, Valid BBEE certificate, Affidavit sworn under oath	2.5	
	Enterprises located within the City of Johannesburg Metropolitan Municipality	CSD, proof of municipal account, letter or statement from the landlord	2.5	
	Enterprises located within a specific region within the CoJ for work to be done or services to be rendered in that region.	CSD, proof of municipal account, letter or statement from the landlord, letter from the Ward Council confirming the business address	0	
	Enterprises located in Townships	CSD, proof of municipal account, letter or statement from the landlord, letter from the Ward Council confirming the business address	0	
	Subcontracting to business owned by designated groups (up to 30%)	Commitment letter confirming subcontracting the designated groups, draft subcontracting agreement to the designated groups and Valid BBEE certificate or Affidavit sworn under oath of the subcontracted business	0	
Total (Maximum number of preference points)			10	

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

***Where either the 80/20 or 90/10 preference point system is applicable, corresponding points will be indicated.***

**BID NUMBER PU133/2024 – BID FOR THE APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED BASIS FOR 36 MONTHS**

***Note to tenderers: The tenderer must indicate in the table the points claimed against each goal where provisions are made for preference points to be claimed. Points claimed will be verified with supporting documents submitted. Where preference points are not claimed by the bidder, or in the case where the points claimed differ from the evidence as per the supporting documents submitted, the bidder will not be allocated points for the goal.***

**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.

<b>SIGNATURE OF TENDERER:</b> .....	<b>DATE:</b> .....
<b>NAME AND SURNAME:</b> .....	
<b>ADDRESS:</b> .....	

**BID NUMBER P0139/2024 – BID FOR THE APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED BASIS FOR 36 MONTHS**

# ANNEXURE 6

# CONTRACT FORM

## MBD 7.2 – RENDERING OF SERVICES

**IMPORTANT NOTE:**  
PRICE AND PREFERENCE WILL NOT BE EVALUATED AT THIS STAGE OF THE PROCESS. IT WILL BE EVALUATED IN THE NEXT STAGE OF THE PROCESS WHERE QUOTATIONS WILL BE INVITED FROM THE PANEL OF PRE-APPROVED SERVICE PROVIDERS ON AN AS AND WHEN BASIS FOR SPECIFIC WORK PACKAGES.

**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 **PU133/2023** 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	.....

**BID NUMBER PU133/2024 – BID FOR THE APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED BASIS FOR 36 MONTHS**

**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 **PU133/2023** 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	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)
	Not applicable for this stage of the process		

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

SIGNED AT: .....

NAME (PRINT): .....

SIGNATURE: .....

DATE: .....

Witness: 1. ....

Witness: 2. ....

# ANNEXURE 7

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

BID NUMBER PU133/2024 – BID FOR THE APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED BASIS FOR 36 MONTHS

## 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	<p>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).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	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:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
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**

**BID NUMBER PU133/2024 – BID FOR THE APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF  
CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND  
REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED  
BASIS FOR 36 MONTHS**

# ANNEXURE 8

**BID NUMBER PU133/2024 – BID FOR THE APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED BASIS FOR 36 MONTHS**

## MBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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 and Description)

in response to the invitation for the bid made by:

---

(Name of Municipality / Municipal Entity)

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 consortium<sup>3</sup> will not be construed as collusive bidding.

**BID NUMBER PU133/2024 – BID FOR THE APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED BASIS FOR 36 MONTHS**

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (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

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

# ANNEXURE 9

## CORPORATE GOVERNANCE BREACH CLAUSE

**BID NUMBER PU133/2024 – BID FOR THE APPOINTMENT OF A MAXIMUM OF 20 PANEL MEMBERS OF CONTRACTORS ON CIDB 5GB OR HIGHER FOR THE CONSTRUCTION OF NEW, ALTERATION, AND REFURBISHMENT OF VARIOUS NEW AND EXISTING PIKITUP INFRASTRUCTURE ON AN AS AND WHEN REQUIRED BASIS FOR 36 MONTHS**

## **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 10

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](http://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 11

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