

**MANDELA BAY DEVELOPMENT AGENCY**

**TENDER NO. MBDA TSP 07/22**

**TENDER NUMBER: MBDA TSP 07/22**

**CONSTRUCTION OF HELENVALE PLAY PARK**

**TENDER**  
**PART 1 (OF 2) : TENDERING PROCEDURES**

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# MANDELA BAY DEVELOPMENT AGENCY

## CONSTRUCTION TENDER

**TENDER NUMBER: MBDA TSP 07/22**

### CONSTRUCTION OF HELENVALE PLAY PARK

<b>T1.1 : TENDER NOTICE AND INVITATION TO TENDER</b>
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The **Mandela Bay Development Agency** (MBDA), a municipal entity of the Nelson Mandela Bay Municipality (NMBM) and acting as its development agent, hereby invites contractors to submit tenders for the **CONSTRUCTION OF HELENVALE PLAY PARK**. The project forms part of the Safety and Peace through Urban Upgrading (SPUU) Program.

Contractors must have a minimum **CIDB grading of 3 CE or higher**.

The electronic RFP document, outlining the requirements is available for download by prospective bidders from the MBDA website. Alternatively, the electronic RFP document, outlining the requirements will be provided to interested bidders upon an emailed request to [publictenders@mbda.co.za](mailto:publictenders@mbda.co.za) quoting (MBDA TSP 07/22) in the subject line as well as company contact details, from Monday 26 September 2022. The last date for queries on this tender shall be Friday 07 October 2022. No further queries shall be responded to after this date.

A compulsory briefing session will be held at the Mandela Bay Development Agency offices, Corner Lower Valley Road & South Union Street, Gqeberha on **Monday 03 October 2022 at 10:00**. Due to Covid-19, only one representative will be allowed to attend the briefing session. Bidders are urged to arrive timeously. The onus is on bidders to ensure that they arrive on time. **No attendee(s) joining after 10:15 will be allowed to tender.**

In addition, a compulsory site visit will follow after the briefing session on **Monday 03 October 2022**, Corners of Renecke to Lanique and Anita Drive, Helenvale. **Failure to attend both the briefing session and visit site will deem the bid non-responsive.**

The closing date and time is Friday 14 October 2022 at 12h00; where after tenders will be publicly opened at the MBDA offices and via Microsoft Teams. Proposals **MUST** be submitted on one (1) original hard copy placed in a sealed envelope and clearly marked with "CONSTRUCTION OF HELENVALE PLAY PARK (MBDA TSP 07/22)". One (1) electronic copy must be uploaded onto the MBDA Vendor Portal by Friday 14 October 2022 at 12h00.

**FAILURE TO SUBMIT AN ORIGINAL HARD COPY AND UPLOAD THE ELECTRONIC COPY ON THE MBDA VENDOR PORTAL WILL DEEM THE BID NON-RESPONSIVE.** All responses must be placed in the MBDA tender box marked MBDA TSP 07/22 on the 1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Central, Port Elizabeth. Bids may only be submitted on bid documentation provided by the MBDA.

MBDA Office hours are Monday to Friday 08h00 to 16h30.

**For further information contact Pamela Govender during office hours at tel. 041 811 8200 or email [publictenders@mbda.co.za](mailto:publictenders@mbda.co.za) (please quote reference number MBDA TSP 07/22 on subject line).**

Telegraphic, telephonic, telex, facsimile, e-mail and late tenders will not be accepted.

Tenders may only be submitted on the tender documentation that is issued. Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated under Tender Data in the tender document.

Late and incomplete tenders will not be accepted. The only or lowest tender will not necessarily be accepted and the MBDA reserves the right to accept the whole or any portion of a tender, or not to make an appointment.

**No verbal and / or telephonic queries and clarifications will be entertained by the Agency and must instead be made in writing and will be responded to accordingly. The Agency reserves the right to circulate the questions and answers to all registered parties in the form of a tender bulletin. All queries and clarifications are to be addressed to [publictenders@mbda.co.za](mailto:publictenders@mbda.co.za) the tender reference number MBDA TSP 07/22 must clearly be stated on the subject line. The cut-off date for such queries and clarifications will be close of business on Friday 07 October 2022.**

#### **PLEASE NOTE**

1. NO BIDS WILL BE CONSIDERED FROM:
2. PERSONS IN THE SERVICE OF THE STATE (AS DEFINED IN REGULATION 1 OF THE LOCAL GOVERNMENT: MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS)
3. BIDDER IS OR WAS INVOLVED AS A CONSULTANT IN THE PREPARATION OR IMPLEMENTATION OF THE PROJECT. THE SAME APPLIES TO AN ENTERPRISE OR AN INDIVIDUAL THAT IS CLOSELY CONNECTED TO THE BIDDER UNDER A COMPANY OR GROUP OR SIMILAR BUSINESS LINK, OR TO SEVERAL ENTERPRISES OR INDIVIDUALS OR ASSOCIATED CORRESPONDINGLY

## T1.2 : TENDER DATA

The conditions of tender are the Standard Conditions of Tender as contained in Annexure F of the CIDB Standard for Uniformity in Construction Procurement (July 2015) as published in Government Gazette No 38960, Board Notice 136 of 2015 of 10 July 2015. (See [www.cidb.org.za](http://www.cidb.org.za)).

The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

Bid should read tender and visa versa throughout the document – implying both words have the same meaning.

Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.

No	Clause	Wording
1	F.1.1	The employer is MANDELA BAY DEVELOPMENT AGENCY.
2	F.1.2	<p><u>Volume 1: Tender Document</u>  <u>Volume 2: Tender Drawings</u></p> <p>This document in which are bound the Tendering Procedures, Returnable Documents, Agreements and Contract Data, Pricing Data, Scope of Work, Site Information and Additional Documents.</p>
3	F.1.4	<p>The Employer's Representative is:  Name: Ms Debbie Hendricks  Address: MBDA, 1st Floor, Tramways Building, Corner Lower Valley Road &amp; South Union Street, Port Elizabeth, 6000  Tel: 041 811 8200</p> <p>Contact Person: Pamela Govender  E-mail: <a href="mailto:publictenders@mbda.co.za">publictenders@mbda.co.za</a></p>
4	F.2.1	<p>Only those tenderers who have in their employ management and supervisory staff satisfying the requirements of the Scope of Work for labour intensive competencies for supervisory and management staff are eligible to submit tenders. NQF Level 5 will be a minimum requirement for supervisors.</p> <p>Only those tenderers who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a <b>3CE</b> class of construction work, are eligible to have their tenders evaluated.</p> <p>Joint ventures are eligible to submit tenders provided that:</p> <ol style="list-style-type: none"> <li>every member of the joint venture is registered with the CIDB;</li> <li>the lead partner has a contractor grading designation in the <b>3CE</b> class of</li> </ol>

No	Clause	Wording
		<p>construction work;</p> <p>3. the combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a <b>3CE</b> class of construction work or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations; and</p> <p>4. the Joint venture is registered on the Nelson Mandela Bay Municipality's suppliers database or proof of application.</p> <p>Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders :</p> <p>a) Availability of resources.</p> <p>b) Capacity to mobilize own and subcontracting resources.</p> <p>c) Availability of skills to manage and perform the contract (assigned personnel)</p> <p>d) Quality achievements on previous contracts of a similar nature.</p>
5	F.2.2	<p>Add the following to the Clause:</p> <p>"Accept that the Employer will not compensate the tenderer for any costs incurred in attending tender interviews in the office of the Employer or the Employer's Agent."</p>
6	F.2.3	<p>Amend the Clause to read:</p> <p>".....and notify the Employer's Agent of any discrepancy....."</p> <p>Bidders must examine the bid documents upon receipt to ensure that all pages and drawings (if applicable) are included and are to report any missing pages or drawings. <b>Drawings which are illegible or indistinct, and errors or ambiguities in the Specifications, Schedule of Quantities and Drawings or any contradictions between the specifications, Schedule of Quantities and Drawings must be reported to the Contact Person as listed on the cover of this document in order to obtain rulings on such errors, ambiguities or discrepancies.</b> No claim for extras based on such errors, ambiguities or discrepancies will be considered after the opening of bids. Bidders having any queries relating to discrepancies in, or omissions from the bid document shall contact the Employer or Employer's Agent immediately.</p>
7	F.2.7	<p>The arrangements for a compulsory site visit and clarification meeting are stated where applicable in the Tender Notice and Invitation to Tender.</p> <p><b><u>Briefing session address: 1<sup>st</sup> Floor, Tramways Building, Corner Lower Valley Road and South Union Street</u></b></p> <p><b><u>Site visit address: Corners of Renecke to Lanique and Anita Drive, Helenvale</u></b></p> <p>Tenderers must sign the attendance registers at both the briefing session and site visit in the name of the tendering entity. Addenda may be issued to and <b>tenders will be received only from those tendering entities appearing on the attendance lists.</b></p> <p>Tender documents will not be made available at the site visit and/or clarification meeting.</p>

No	Clause	Wording
8	F.2.8	<p>Modify the Clause to read:</p> <p>Request clarification of the tender documents, if necessary, by notifying the Employer's Official or Agent <b>by close of business on Friday 07 October 2022</b> stated in the tender data. Furthermore, the tendering entity must ensure that all discrepancies and ambiguities be it to the tender document or BoQ is not queried the MBDA holds the right to the final interpretation of such ambiguity or discrepancies raised.</p>
9	F.2.11	<p>Add the following to the Clause:</p> <p>"In the event of a mistake having been made on the price schedule, it shall be crossed out in non-erasable ink and be accompanied by an initial of each signatory to the Tender at each and every price alteration."</p> <p>"If correction fluid has been used on any specific item price, such item will not be considered. Corrections in terms of price may not be made by means of correction fluid such as Tippex or similar product.</p> <p>No correction fluid may be used in a Price Schedule where prices are calculated to arrive at a total amount. If correction fluid has been used, the tender as a whole will be classified non-responsive and not be considered.</p> <p><b>The Employer will reject and classify the tender non-responsive if corrections are not made in accordance with the above."</b></p>
10	F.2.13.2 and F.2.13.3	<p>Each Tenderer is required to return the original completed tender documents, with all the required information supplied, duly completed in non-erasable ink in all respects <b>together with one copy of Parts T2, C1 and C2.</b></p> <p><b>The original Bill of Quantities and Form of Offer and Acceptance (Form C1.1), duly completed and signed by the tenderer, must be returned in respect of the project for which a tender is submitted.</b></p>
11	F.2.13.4	<p><b>Add the following</b> to the clause:</p> <p>"Only authorised signatories may sign the original and all copies of the tender offer where required in terms of F.2.13.3</p> <p>In the case of a <b>ONE-PERSON CONCERN</b> submitting a tender, this shall be clearly stated.</p> <p>In case of a <b>COMPANY</b> submitting a tender, include a copy of a <b><u>resolution by its board of directors</u></b> authorising a director or other official of the company to sign the documents on behalf of the company.</p> <p>In the case of a <b>CLOSE CORPORATION</b> submitting a tender, include a copy of a <b><u>resolution by its members</u></b> authorising a member or other official of the corporation to sign the documents on each member's behalf.</p> <p>In the case of a <b>PARTNERSHIP</b> submitting a tender, <b><u>all the partners</u></b> shall sign the documents, unless one partner or a group of partners has been authorised to sign on behalf of each partner, in which case <b><u>proof of such authorisation</u></b> shall be included in the Tender.</p>

No	Clause	Wording
		<p>In the case of a <b>JOINT VENTURE/CONSORTIUM</b> submitting a tender, include <b><u>a resolution</u></b> of each company of the Joint Venture together with a resolution by its members authorising a member of the Joint Venture to sign the documents on behalf of the Joint Venture.</p> <p><b><u>Accept that failure to submit proof of authorisation to sign the tender, shall result in a Tender Offer being regarded as non-responsive."</u></b></p>
12	F.2.13.5	<p>The identification details are:</p> <ul style="list-style-type: none"> <li>• <b>MBDA TSP 07/2022</b></li> <li>• <b>Construction of Helenvale Play Park</b></li> <li>• <b>Friday 14 October 2022</b></li> <li>• <b>12:00 am</b></li> </ul> <p>The closing date and time is <b>Friday 14 October 2022 at 12h00</b>; where after tenders will be publicly opened at the MBDA offices and via Microsoft Teams. Proposals <b>MUST</b> be submitted on one (1) original hard copy placed in a sealed envelope and clearly marked with "CONSTRUCTION OF HELENVALE PLAY PARK (MBDA TSP 07/22)". <b>One (1) electronic copy must be uploaded onto the MBDA Vendor Portal by Friday 14 October 2022 at 12h00.</b></p>
13	F.2.13.6 / F.3.5	A two-envelope procedure will not be followed.
14	F.2.13.9	Telephonic, telegraphic, telex, facsimile, e-mailed or posted tender offers will not be accepted
15	F.2.14	<p><b><u>Add the following</u></b> to the clause:</p> <p>"Accept that the Employer shall in the evaluation of tenders take due account of the Tenderer's past performance in executing similar building works of comparable magnitude, and the degree to which he possesses the necessary technical, financial and other resources to enable him to complete the Works successfully within the contract period. Satisfy the Employer and Engineer as to his ability to perform and complete the Works timeously, safely and with satisfactory quality, by furnishing details in Part T2 – Returnable Documents.</p> <p>Accept that the Employer is restricted in accordance with clause 4.(4) of the Constructions Regulations, 2014, to only appoint a contractor who he is satisfied has the necessary competencies and resources to carry out the work safely. Accept that submitting inferior and inadequate information relating to health and safety (as required in clause F2.23) shall be regarded as justifiable and compelling reasons not to award a contract to a Tenderer."</p>
16	F.2.15.1	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.
17	F.2.16	The tender offer validity period is <b>ninety (90) days</b> . If the expiry coincides with a public holiday, the validity will expire at close of business on the first working day following on the <b>ninety (90) days</b> .

No	Clause	Wording
18	F.2.18	The tenderer shall, when requested by the Employer to do so, submit the names of all management and supervisory staff that will be employed to supervise the Exempted Micro Enterprises (EME's) and/or Labour-Intensive portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirements as required in Part C3 Section C3.3: Procurement.
19	F.2.19	Access shall be provided by the Tenderer to his premises during working hours for inspections, tests and analysis.
20	F.2.20	The successful Tenderer will be required to submit a <b>Fixed Performance Guarantee of 10%</b> in the prescribed format from an approved insurer or financial institution prior to the commencement of work on this contract <b>with the deduction of retention of 5% on the payment certificate.</b>
21	F.2.23	<p><u>The tenderer is required to submit with his tender:</u></p> <ol style="list-style-type: none"> <li>1) A <b>valid</b> Tax Clearance Certificate or active PIN issued by the South African Revenue Services or as alternatively stipulated on schedule T2.1.3: Tax Clearance Certificate or a valid pin number</li> <li>2) Refer to part T2: Returnable Schedules for a list of documents that are to be returned with the tender.</li> </ol> <p>Failure to comply with any of the above within seven (7) working days, will result in the tender being considered non responsive.</p>
22	F.2.24	<p>Add the following new clause:</p> <p>In the case of a Joint Venture/Consortium the tax clearance certificate must be for the Joint Venture/Consortium or individual valid tax clearance certificates for all the members of the Joint Venture/Consortium."</p>
23	F.2.25	<p>Add the following new clause:</p> <p>Accept that no Tenderer shall make any attempt either directly or indirectly to canvass any of the Employer's officials or the Employer's agent in respect of his tender, after the opening of the tenders but prior to the Employer arriving at a decision thereon.</p> <p>"No Tenderer shall make any attempt to obtain particulars of any relevant information, other than that disclosed at the opening of tenders."</p>
24	F.2.26	<p>Add the following new clause:</p> <p>Accept that the Employer is prohibited to award a tender to a person -</p> <ol style="list-style-type: none"> <li>a) who is in the service of the state; or</li> <li>b) if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; or</li> <li>c) a person who is an advisor or consultant contracted with the municipality <u>or</u> municipal entity.</li> </ol> <p><b>"In the service of the state"</b> means to be -</p> <ol style="list-style-type: none"> <li>a) a member of:- <ul style="list-style-type: none"> <li>• any municipal council;</li> <li>• any provincial legislature; or</li> <li>• the National Assembly or the National Council of Provinces;</li> </ul> </li> <li>b) a member of the board of directors of any municipal entity;</li> </ol>



No	Clause	Wording
		<p>c) an official of any municipality or municipal entity;</p> <p>d) an employee of any national or provincial department;</p> <p>e) provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);</p> <p>f) a member of the accounting authority of any national or provincial public entity; or</p> <p>g) an employee of Parliament or a provincial legislature.”</p> <p>In order to give effect to the above, the questionnaire for the declaration of interests in the tender of persons in service of state in part T2 – Returnable Documents must be completed.”</p>
25	F.2.27	<p>Add the following new clause:</p> <p>Accept that the notes to the Employer’s annual financial statements must disclose particulars of any award of more than R2000 to a person who is a spouse, child or parent of a person in the service of the state (defined in clause F2.25), or has been in the service of the state in the previous twelve months, including –</p> <p>a) the name of that person;</p> <p>b) the capacity in which that person is in the service of the state; and</p> <p>c) the amount of the award.</p> <p>In order to give effect to the above, the questionnaire for the declaration of interests in the tender of persons in service of state in part T2 – Returnable Documents must be completed in full and signed.”</p>
26		<p>Add the following clause:</p> <p><b>“Scope of Mandatory Subcontract Works</b></p> <p>It is an express condition of this Contract, that the Mandela Bay Development Agency enforce that a minimum 30% of the contract value excluding contingencies and P&amp;G’s, must be subcontracted to Micro Enterprises (SMME’s) from Helenvale. Further, this work to be subcontracted to Micro Enterprises (SMME’s) registered in the correct CE grading’s must be negotiated upon award, for the appropriate value of the subcontracted works. In the subcontract agreement, the Tenderer is to clearly state the scope of the work to be subcontracted in each specific package, as well as the agreed rates for which the subcontractor will be paid.</p> <p>The Tendering entity must submit the list of the SMMEs from Helenvale with whom the Tendering entity has reached agreements on subcontracting, and the corresponding work packages at award stage.</p>
27	F.2.28	<p>Add the following new clause:</p> <p><b>““Employment Contracts”</b></p> <p>Accept that successful tenderers shall be obliged to conclude employment contracts with their employees failing which the Agency reserves the right to terminate the awarded contracts.</p>
28	F.2.29	<p>Add the following new clause:</p>

No	Clause	Wording
		<p><b>“Remuneration</b></p> <p>Accept that successful tenderers shall pay their workers a remuneration equal to or more than the minimum recommended and regulated by the Department of Labour and not less than the SAFCEC rates.”</p>
29	F.2.31	<p>Add the following new clause:</p> <p><b>“Municipal Clearance Billing Certificate:</b></p> <p>Accept that no contract will be awarded to a tenderer who is in arrears for more than three months (or who fails to make suitable arrangements to settle the arrears) in respect of municipal rates and other charges due any municipality.” If the tender amount is expected to be more than R10m the period for arrears reduce to one month.</p>
30	F.2.32	<p>Add the following new clause:</p> <p><b>“Additional conditions of bid:”</b></p> <ol style="list-style-type: none"> <li>1. The Employer/Engineer may also request that the Tenderers provide written evidence that his financial, labour and other resources are adequate for carrying out the contract.</li> <li>2. The Employer reserves the right to appoint a firm of chartered accountants and auditors and/or execute any other financial investigations on the financial resources of any bidder. The bidder shall provide all reasonable assistance in such investigations.</li> </ol>
31	F.3.1.1	<p>Change “five working days” to “seven working days”.</p> <p>Working days shall be as per a normal working week, Monday to Friday between the hours of 08h00 and 17h00 and shall exclude all gazetted public holidays as well as the year-end break as defined by SAFCEC.</p>
32	F.3.2	Change “three days” to “five working days”.
33	F.3.4	The time and location for the opening of tender submissions are stated in the Tender Notice and Invitation to Tender.
34	F.3.5	A two-envelope procedure will not be followed.
35	F.3.9.1	<p>Add a new bullet:</p> <p>“In the event of there being any rate or rates which are declared to be an unacceptable commercial risk by the Employer, the Tenderer will be requested –</p> <p style="padding-left: 40px;">to justify any specific rate or rates, i.e. to give a financial breakdown of how such rate or rates were obtained,</p> <p style="padding-left: 40px;">and subsequently to consider amending and adjusting such rate or rates while retaining the Tender Total derived under sub-clause F.3.9.2 (c) unchanged and fixed. It must be understood that in the event of the tenderer refusing to adjust any rate or rates to the satisfaction of the Employer, such refusal may prejudice his Tender.”</p>
36	F.3.11.1	<p>Tenders will be evaluated in terms of the Mandela Bay Development Agency Supply Chain Management Policy as adopted by the Board on May 2017. Any parts of the Supply Chain Management Policy that are outdated will be replaced by the applicable portions of the current Preferential Procurement Policy Framework Act and associated Regulations 2017.</p> <p>The method for the evaluation of responsive tenders shall be Method 2: Financial</p>

No	Clause	Wording																				
		<p>Offer and Preference as described under Clause F.3.11.</p> <p>The <b>80/20</b> Preference Point system will be applied where a maximum of <b>EIGHTY (80)</b> tender adjudication points will be awarded for price and a maximum of <b>TWENTY (20) points</b> for B-BBEE Status Level of Contribution. Refer to Part T2 - Returnable Schedules.</p>																				
37	F.3.11.7	<p>The financial offer will be scored using Formula 2 (option 1) in Table F.1 of the Standard Conditions of Tender (Section T1.3 of this document) where the value of <math>W_1</math> is:</p> <p>1) 90 where the financial values inclusive of VAT of all responsive tenders received are in excess of R50 000 000, or</p> <p>2) 80 where the financial value inclusive of VAT of one or more responsive tender offers is equal to or less than R50 000 000.</p>																				
38	F.3.11.8	<p>Up to 100 minus <math>W_1</math> tender evaluation points will be awarded to tenderers on the basis of the data supplied in Part 2: Returnable Schedules of the Tender Portion.</p> <p>Up to 100 minus <math>W_1</math> tender evaluation points will be awarded to tenderers that complete the referencing claim form (T2.1.10) in terms of the Preferential Procurement Regulations 2017 and are found to be eligible for the preference claimed.</p> <p>Preference points shall be scored in accordance with Regulation 5 (2) or 6 (2) of the Preferential Procurement Regulations, 2017. Preference points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below.</p> <p>In applying the 80/20 BEE points system for acquisition of services, works or goods with a Rand value below R50 000 000 (all applicable taxes included):</p> <table><tr><th>B-BBEE Status Level of Contributor</th><th>Number of Points</th></tr><tr><td>1</td><td>20</td></tr><tr><td>2</td><td>18</td></tr><tr><td>3</td><td>14</td></tr><tr><td>4</td><td>12</td></tr><tr><td>5</td><td>8</td></tr><tr><td>6</td><td>6</td></tr><tr><td>7</td><td>4</td></tr><tr><td>8</td><td>2</td></tr><tr><td>Non-Compliant Contributor</td><td>0</td></tr></table> <p>A trust, consortium or joint venture will qualify for points for their B-BBEE status</p>	B-BBEE Status Level of Contributor	Number of Points	1	20	2	18	3	14	4	12	5	8	6	6	7	4	8	2	Non-Compliant Contributor	0
B-BBEE Status Level of Contributor	Number of Points																					
1	20																					
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5	8																					
6	6																					
7	4																					
8	2																					
Non-Compliant Contributor	0																					

No	Clause	Wording
		level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
39	F.3.13.1	<p><u>Add the following to the Clause:</u></p> <ul style="list-style-type: none"> <li>g) The tenderer submits a valid Tax Clearance Certificate issued by the South African Revenue Services or as alternatively stipulated on schedule T2.1.3: Tax Clearance Certificate or a valid pin number, or has made arrangements to meet outstanding tax obligations and can provide proof thereof;</li> <li>h) The successful tenderer will be required to submit a Fixed Performance Guarantee in the prescribed format from an approved insurer prior to the commencement of each assignment awarded in terms of this tender;</li> <li>i) The tenderer is registered with the Construction Industry Development Board (CIDB) in an appropriate contractor grading designation;</li> <li>j) The tenderer or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector;</li> <li>k) The tenderer has not: <ul style="list-style-type: none"> <li>i) abused the Employer's Supply Chain Management System, or</li> <li>ii) failed to perform on any previous contract and has been given a written notice to this effect;</li> </ul> </li> <li>l) The tenderer has completed the Compulsory Enterprise Questionnaire and <ul style="list-style-type: none"> <li>i) there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer or potentially compromise the tender process, and</li> <li>ii) no person or persons in the employ of the state have been found to be involved in or associated with the submission of the tender or will participate in the contract in any manner whatsoever;</li> </ul> </li> <li>m) The tenderer is registered and in good standing with the compensation fund or with a licensed compensation insurer;</li> <li>n) The Employer is reasonably satisfied that, in terms of the Construction Regulations, 2014 (issued in terms of the Occupational Health and Safety Act, 1993), the tenderer has the necessary competencies and resources to carry out the work safely;</li> <li>o) Neither the tenderer nor any of its directors, partners or principals is in arrears for more than 3 months with municipal rates and taxes and municipal service charges. If the tender amount is expected to be more than R10 million, the period for arrears reduces to one month;</li> <li>p) The Form of Offer and Acceptance is correctly completed and signed;</li> <li>q) Submission of valid proof of registration, or application for registration, with the Nelson Mandela Bay Municipality's supplier's database;</li> <li>r) Tenders containing any one or more errors or omissions, or tenders not having complied with any one of the pre-emptory tender conditions as detailed in this tender document, shall not be considered and shall automatically be rejected.</li> <li>s) Completion of schedule T2.2.8: Contract Organogram and T2.2.9: Key Personnel Returnable and attaching the CV's and certified qualifications</li> <li>t) Copies of section T2, C1 and C2</li> <li>u) Completion of the technical data sheets and submission of any supplier</li> </ul>

No	Clause	Wording
		<p>brochures required (if applicable, delete if not applicable)</p> <p>v) Completion of the quality scoring schedules and submit all relevant documentation required (if applicable, delete if not applicable)</p> <p>e) It is an express condition of this Contract, that the Mandela Bay Development Agency enforce that a minimum of 30% of the contract value (excluding VAT, contingency and Main Contractors P&amp;G's), must be subcontracted to Micro Enterprises (SMME's) as set out in C3.3. In the subcontract agreement, the Tenderer is to clearly state the scope of the work to be subcontracted in each specific package, as well as the agreed rates for which the subcontractor will be paid.</p> <p>The Tendering entity must submit the signed subcontract agreements with each of the Micro Enterprises (SMME's), at award stage.</p>
43	F.3.17	The number of paper copies of the signed contract to be provided by the employer is one.