



WESTERN TVET COLLEGE

Corporate Office Park
42 Johnson Street
Hectorton
Randfontein
011 692 4004 ext. 1013

TENDER DOCUMENT

**TENDER: APPOINTMENT OF A CONTRACTOR FOR THE
CONSTRUCTION OF WALKWAYS AND STORM-WATER
CONTROL SYSTEM AT WESTERN TVET COLLEGE
RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG**

BID NUMBER: TGPWRANDFC 2-3

CIDB GRADING 1 GB or CE only

NAME OF BIDDER:	
CIDB GRADING:	
TOTAL TENDER PRICE (INCL. VAT)	R
ISSUE DATE:	11 FEBRUARY 2022
COMPULSORY BRIEFING:	18 FEBRUARY 2022
CLOSING DATE:	04 MARCH 2022
CLOSING TIME:	11H00
TENDER BOX ADDRESS:	WESTCOL TVET COLLEGE CORPORATE OFFICE PARK 42 JOHNSON STREET HECTORTON RANDFONTEIN



TENDERING PROCEDURE



T1.1: TENDER NOTICE AND INVITATION TO TENDER



REQUESTS FOR TENDERS

BID No. TGPWRANDFC 2-3

Appointment of a contractor for the construction of walkways and stormwater control system at Westcol Randfontein Campus.

A non-refundable bid deposit of **R 200.00** that is payable by EFT or bank deposit and produce proof of payment on collection of BID DOCUMENTS. ONLY PRINTED COPIES COLLECTED FROM WESTCOL WILL BE SOLD AT A NON-REFUNDABLE AMOUNT OF **R 200.00**. Proof thereof must be submitted upon collection of the documents.

ELECTRONICALLY ISSUED BID DOCUMENTS ARE FREE OF CHARGE.

The address for collection of tender documents and the telephone number of the tender section is:

Westcol TVET College
Corporate Office Park
42 Johnstone Street
Hectorton
Randfontein

Tel: 011 692 4004 ext. 1013

Tender documents, including terms of reference, drawings, scope of works and bills of quantities, are available in tender advertised media, download from website (www.westcol.co.za), or collect it from Westcol Corporate by producing proof of payment. Payments may be made into the following account. We do not accept cash, only bank deposit proof and should read the bank account below:

Bank	:	ABSA
ABSA Branch code	:	632005
Account number	:	405 560 3421
Reference Number	:	TGPWRANDFC 2-3



Tender issued date : Friday, 11 February 2022

COMPULSORY BRIEFING WILL BE HELD UNDER STRICT COVID-19 REGULATIONS. THE COMPULSORY BRIEFING IS AS FOLLOW:

Date : Friday, 18 February 2022
Time : 11h00 am
Venue : 8 Kiewiet Street, Helikonpark, Randfontein

THE CLOSING DATE FOR BIDS IS AS FOLLOW:

Date : Friday, 04 March 2022
Time : 11h00 am
Venue : 42 Johnson Street, Hectorton, Randfontein

NO LATE SUBMISSIONS WILL BE ACCEPTED. ALL TENDERS WILL BE OPENED IMMEDIATELY AFTER 11h00.

Bids must be hand-delivered, containing one original. The original must be completed in black ink.

Enquiries should be directed in writing to:

Technical enquires: tnhlangothi@westcol.co.za

Supply Chain Management enquires: dauglas@westcol.co.za

IMPORTANT NOTICE

Please note that the college reserves the right to award any, part or no tender for any of the sites at its own discretion.

A physical due diligence will be conducted on the submitted information including current financial status and any other relevant information that may be required in relation to the specifications set in the bid document.

All documentation must be valid at the date of closure of the tender. It is the sole responsibility of the bidder to ensure that the status of the submitted documentation is maintained THROUGH ALL STAGES of the bid and / or award of a contract.



T1.2: TENDER DATA



TENDER DATA

Project title:	APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG		
Reference no:	TGPWRANDFC 2-3		

Tender no:	TGPWRANDFC 2-3	Closing date:	04 March 2022
Closing time:	11h00	Validity period:	120 days

I/We understand and accept that WESTCOL TVET COLLEGE does not bind itself to accept the lowest or any Tender.

The WESTCOL TVET COLLEGE serves the right to change bill rates including preliminaries if not market related and reasonable before the signing of the contract. Refusal by contractor to have his/her rates changed will result in the withdrawal of an offer.

Clause number:	
	The conditions of tender are the Standard Conditions of Tender as contained in Annex C of the CIDB Standard for Uniformity in Construction Procurement as per Government Notice No. 751 published in Government Gazette 2019 and as amended from time to time. (See 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. Each item of data given below is cross-referenced to the clause marked "F" in the above-mentioned Standard Conditions of Tender.
F.1.1	The employer is WESTCOL TVET COLLEGE .
F.1.2	For this contract the single volume approach is adopted. - Fill out the appropriate portions in black ink. - Bind the document together with schedules for submission. NB: ALL DOCUMENTS MUST BE VALID AT THE TIME OF BID CLOSURE The schedules and annexures must be clearly numbered in the following manner: Schedule 1: Original Tax Clearance Certificate and Tax Compliance Status letter (In case of joint venture / consortia partners, each partner must submit original tax clearance certificate and tax compliance status letter) Schedule 2: Copies of Company Registration Documents Schedule 3: Proof of CIDB registration (JV/consortia to produce a combined certificate) Schedule 4: Each individual party of a Consortia or JV member/Company must complete SBD forms 4, 8 and 9 Schedule 5: B-BBEE Verification Certificate (JV/consortia to produce a combined certificate)



	Schedule 6: JV / Consortia Agreement (Lead entity to be clearly stated) Schedule 7: Written testimonial and / or Completion certificates Schedule 8: Sub-Contractors agreement with PDI sub-contractors The tenderer must submit the tender offer by completing the Returnable Documents including the fully priced Activity Schedule / Bills of Quantities, signing the “Offer” section in the “Form of Offer and Acceptance” and delivering the single volume procurement document back to the College bound up. The single volume procurement document issued by the employer comprises the following: TENDER PART 1: TENDERING PROCEDURES PART 2: RETURNABLE DOCUMENTS

F.1.4	The Employer’s representative is:	
	Name:	Technical enquires: Thobile Nhlangothi Supply Chain Management enquires: Dauglas Martin
	Address:	42 Johnstone Street, Hectorton, Randfontein
	Tel:	011 692 4004 ext 1052 (technical) 011 692 4004 ext. 1013 (administrative)
	E-mail:	tnhlangothi@westcol.co.za dauglas@westcol.co.za
F1.5.2	Insert the following: “.....tender offers, <u>save for all tenders being non-responsive</u> , re-issue a tender covering”	
F.2.1 F.2.11	For eligibility refer to Notice and Invitation to Tender (advert) and page 9 hereafter	
	A contract will only be entered into with a tenderer who has in his employ management and supervisory staff satisfying the requirements of the scope of work for labour intensive competencies for supervisory and management staff. - Not applicable	



	<u>ELIGIBILITY IN RESPECT OF CIDB REGISTRATION</u> The following tenderers who are registered with the CIDB, or are *capable of being so registered prior to the evaluation of submissions, are eligible to have their tenders evaluated (* tenderers who are capable of being so registered, or who have applied for registration but have not yet received confirmation of such registration, must provide, <u>with this tender</u>, acceptable documentary proof thereof): a) contractors who have a contractor grading designation equal to 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 1 GB/CE only class of construction work; and b) contractors registered as potentially emerging enterprises with the CIDB who are registered on one contractor grading designation lower than that required in terms of a) above Joint ventures are eligible to submit tenders provided that: 1. every member of the joint venture is registered with the CIDB; 2. the lead partner has a contractor grading designation 1 GB/CE only class of construction work; and 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, or a value determined in accordance with Regulation 25 (1B) or 25 (7A) of the Construction Industry Development Regulations for a 1 GB/CE only class of construction work SCORING OF FUNCTIONALITY CRITERIA
F.2.12	For particulars regarding a pre-tender site inspection meeting, see Notice and Invitation to Tender (advert)



Item No.	Criteria Description	Weighting
	FUNCTIONALITY	
Tender bids scoring less than a minimum of 70% in respect of the total evaluation points for quality criteria will NOT be considered for further evaluation.		
1.	Experience, Skills and Ability of Service Provider to fulfil Westcol's requirements, experience in work of this construction engineering and building environment. The valid reference letter must be on a client letterhead, indicating Site Name, the scope of work conducted, and duration of the project and duly signed by the client with contact details including email and telephone numbers. • Four (4) valid reference letters of similar projects completed. • Having successfully implemented the projects within the past five (05) years. • Contractor is required to have experience working on stormwater and paving projects • Westcol TVET College shall conduct in0loco inspection for the shortlisted bidders.	15 10
2.	Project Execution Plan (Methodology and Programme of Works) Provide a detailed project execution plan including summary of major milestone deliverables - detailed programme plan including: • Tasks = 5 Points • Duration = 5 Points • Milestones = 5 Points • Responsibilities = 5 Points • Non-compliance with the above = 0 points	30
3.	Employment of Local Subcontractors • Attached proof of residence. (Municipality monthly service / account or landlord affidavit)	5
4.	Technical capability Bidder to provide the CVs and qualifications for the number of skilled labourers that will be deployed for the duration of the project. • Construction Supervisor: Must have Civil and building work experience at least 3 years' experience or more, with a minimum of NQF level (Level 6) National Diploma in Civil Engineering or Built Environment or higher qualification. • Safety Officer: Must have Civil and building work experience at least 3 years' experience or more, with a minimum NQF level 6 National Diploma in Safety Management.	10



Item No.	Criteria Description	Weighting
5.	Occupational Health and Safety • Letter of good standing • Legal Liability insurance Detailed safety plan with compliance to Occupational Health and Safety requirement specific to the college environment.	10
6.	Availability of relevant plant and equipment • Provide a list of equipment and plant with proof of ownership or rental agreement with service providers.	20
	TOTAL	100

NB: The Safety file will be submitted by the successfully service provider.



42.2	CONTRACT DETAILS
42.2.6 [15.3]	Period for the commencement of the works after the contractor takes possession of the site : Seven (7) working days.

TEST FOR RESPONSIVENESS

C3.8.1. Determine after opening and before detailed evaluation, whether each tender offer properly received:

Complies with the requirements of these Conditions of Tender (scope of work, pricing, specifications, proposed amendments and qualifications, cover letters must be considered

Has been properly and fully completed and signed, and

Is responsive to the other requirements of the tender documents.

C3.8.2 A responsive tender is one that conforms to all the terms, conditions and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which in the Employer's opinion would:

Detrimentially affect the scope, quality or performance of the works, services or supply identified in the scope of work

Significantly change the Employer's or the tenderer's risks and responsibilities under the contract

Affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified

Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation

Stage 1 Test for Responsiveness (as per clause C3.8)

Stage 2 Pre-Qualification Criteria

- Valid Tax Clearance Certificate and Tax Compliance Status letter (TCS)
- Tenderer will be required to have a CIDB Grade **1 GB/CE only**.
- Valid original or certified copy of its B-BBEE Status Level Verification Certificate. Please note that in the event of a joint venture (JV) a valid consolidated BBBEE verification in the name of the JV shall be submitted. Please refer to returnable document form T2.1

Stage 3 Mandatory Admission Criteria

- a) Completed in full and signed form of offer C1.1
- b) Only tenderers who are a CIDB contractor grading **1 GB/CE only**.
- c) Bidders must complete and acknowledge declaration of interest form SBD4, returnable document
- d) Submission of a letter of good standing with the Workers Compensation Fund



- e) Submission of Legal Liability Insurance equivalent to the value of the project.
 - f) Submission of a proof of registration on Centralised Supplier Database (CSD)
 - g) Submission of a proposal addressing the evaluation criteria as per page 10 Divider labelled “PROPOSAL” to be used with evaluation criteria as headings. Company profile will not be accepted as proposal.
 - h) Valid Tax Clearance Certificate (TCC) and Tax Compliance Status letter (TCS)
- NOTE: Submissions not meeting the above criteria will be regarded as Non-Responsive and will be disqualified for further evaluation.

Stage 4 Functionality Evaluation Criteria

Functionality is the terminology used to define the technical ability of the Tenderer, based on experience to deliver the required product in accordance with the specified quality, reliability, and functionality.

The procedure for the evaluation of responsive tenders is:

Method 2: Price and Preference.

Calculate total tender evaluation points:

a)
$$P_s = 80(1 - P_t - P_{\min}) / P_{\min}$$

Where:

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

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

Stage 5 Determine acceptability of preferred tenderer

Perform a risk analysis on the preferred tenderer to ascertain if any of the following might present an unacceptable commercial risk to the employer:

- Unduly high or unduly low tendered rates or amounts in the tender offer
- Contract data provided by the tendered or
- The contents of the tender returnable documents which are to be included in the contract

Stage 6 Price and BBEE

Scoring for preferences:

Up to 20 evaluation points (80/20 preference point system) will be awarded to the tenderer who submits a valid original or certified copy of its B-BBEE Status Level Verification Certificate which is in compliance with the requirements of instructions and guidelines issued by the National Treasury and is in accordance with notices published by the Department of Trade and Industry in the Government Gazette.



Only a B-BBEE Status Level Verification Certificate issued by a registered auditor, accounting officer as contemplated in S60 (4) of the Close Corporation Act, 60 of 1984, or an accredited verification agent will be accepted.

A consortium or joint venture will qualify for points for its B-BBEE status level only if such consortium or joint venture submits a consolidated B-BBEE status certificate that covers the consortium or joint venture as a combined unit as if it were a single enterprise. Tenderers anticipating tendering in consortium or joint venture must allow sufficient time for obtaining such status level verification.



RETURNABLE DOCUMENTS



T2.1 LIST OF RETURNABLE DOCUMENTS

LIST OF RETURNABLE DOCUMENTS

Project title:	APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG		
Tender No:	TGPWRANDFC 2-3	Reference no:	TGPWRANDFC 2-3

1. RETURNABLE DOCUMENTS REQUIRED FOR TENDER EVALUATION PURPOSES

Note: Items marked with an asterisk (*) are mandatory. Failure to submit the asterisked documents will result in the tender offer being disqualified from further consideration.

Tender document name	Number of pages issued	Returnable document
*Submission of a completed and signed Form of Offer and Acceptance	5 Pages	Yes



*SBD 4 - Submission of a completed and signed Declaration of Interest and Tenderer's Past Supply Chain Management Practices (PA-11.1) (In case of Consortia and JV arrangements all members/companies must submit their individual forms)	3 Pages	Yes
* SBD 6.1 – BBBEE Preference point claim (In case of Consortia and JV arrangements, a consolidated BBBEE verification in the name of the Consortia or JV shall be submitted)	6 Pages	Yes
* SBD 6.2 – Declaration Certificate for Local Production and Content (In case of Consortia and JV arrangements all members/companies must submit their individual forms)	1 Page	Yes
*SBD 8 - Submission of a completed and signed certificate of Declaration of Bidder's Past Supply Chain Management Practices (In case of Consortia and JV arrangements all members/companies must submit their individual forms)	2 Pages	Yes
*SBD 9 - Submission of a completed and signed Certificate of Independent Bid Determination (PA-29) (In case of Consortia and JV arrangements all members/companies must submit their individual forms)	3 Pages	Yes
*Submission of a completed and signed Resolution of Board of Directors (PA-15.1) (<i>Not applicable for Consortia and JV arrangements</i>)	1 Page	Yes
*Submission of completed and signed Resolution of Board of Directors to enter into Consortia or JV's (PA-15.2) (<i>Only applicable for Consortia or JV arrangements</i>)	2 Pages	Yes
*Submission of completed and signed Special Resolution of Consortia or JV's (PA-15.3) (<i>Only applicable for Consortia or JV arrangements</i>)	2 Pages	Yes
*Submission of particulars of tender's projects	2 Pages	Yes
*Submission of skills development plan	1 page	Yes
*Submission of record of addenda to tender documents	1 page	Yes
Submission of completed and signed Schedule of proposed local sub-contractors	1 page	Yes
Submission of completed and signed Sub-contract Agreement with PDI local sub-contractors	2 pages	Yes
*CIDB Registration certificate	1 page	Yes
*Original Valid Tax Clearance Certificate and Tax Compliance Status letter	1 page	Yes
*BEE Certificate or affidavit	1 page	Yes
*Central Supplier Database (CSD) registration	1 page	Yes
*Letter of Good Standing	1 page	Yes
*Management and CVs of Key Persons	1 page	Yes
*Proposed Methodology	1 page	Yes
*Proposed Programme of Works	1 page	Yes
*Proof of Residence	1 page	Yes

2. OTHER DOCUMENTS THAT WILL BE INCORPORATED INTO THE CONTRACT

(Insert a tick in the "Returnable document" column to indicate which documents must be returned with the tender)



Note: Items marked with an asterisk (*) are mandatory. Failure to submit the asterisked documents will result in the tender offer being disqualified from further consideration.

Tender document name	Number of pages issued	Returnable document
*Priced Bills of Quantities / Lump Sum Document (complete document inclusive of all parts)	Pages	☒ Yes ☐ No
Copy of Construction Safety, Health and Environment Plans	Pages	☐ Yes ☒ No
Copy of Procurement Plan inclusive of Materials and Labour	Pages	☐ Yes ☒ No
Proof of Works, Liability and Support Insurance will be applicable to suppliers that have been awarded tenders	Pages	☐ Yes ☒ No
Copy of previous two years Financial Audited Statements	Pages	☐ Yes ☒ No

3. ADDITIONAL INFORMATION THAT MAY BE REQUIRED FOR TENDER EVALUATION PURPOSES

Legal Status of Tendering Entity: If the Tendering Entity is:	Documentation to be submitted with the tender, or which may be required during the tender evaluation:
a) A Close Corporation, incorporated under the Close Corporation Act, 1984, Act 69 of 1984	Certified copies of the Founding Statement – CK1
b) A <u>private</u> Company having share capital, incorporated under the Companies Act, 1973, Act 61 of 1973 [including Companies incorporated under Art 53(b)]	Certified copies of: i.) Certificate of Incorporation – CM1, and ii.) Shareholders Certificates of all Members of the Company, plus a signed statement of the Company's Auditor, certifying each Member's ownership/shareholding percentage relative to the total.
c) A <u>private</u> Company having share capital, incorporated under the Companies Act, 1973, Act 61 of 1973, in which any, or all, shares are held by another Close Corporation or Company with, or without, share capital	Certified copies of documents referred to in a. and/or b. above in respect of all such Close Corporation(s) and/or Company (ies).
d) A <u>public</u> Company having share capital, incorporated under the Companies Act, 1973, Act 61 of 1973 [including Companies incorporated under Art 21]	A signed statement of the Company's Secretary confirming that the Company is a public Company.
e) A natural person or a Partnership	Certified copy of the Identity Document of: i.) such natural person, or ii.) each of the Partners to the Partnership



**higher education
& training**

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA





C1.1 FORM OF OFFER AND ACCEPTANCE

FORM OF OFFER AND ACCEPTANCE

OFFER

The Employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the procurement of: **APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG.**

The Tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.



By the representative of the Tenderer, deemed to be duly authorised, signing this part of this form of offer and acceptance, the Tenderer offers to perform all of the obligations and liabilities of the Contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:

Rand (in words):	
Rand in figures:	R

This offer may be accepted by the Employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the Tenderer before the end of the period of validity stated in the tender data, whereupon the Tenderer becomes the party named as the Contractor in the conditions of contract identified in the contract data.

THIS OFFER IS MADE BY THE FOLLOWING LEGAL ENTITY: (cross out block which is not applicable)

Company or Close Corporation: And: Whose Registration Number is: And: Whose Income Tax Reference Number is: 	OR	Natural Person or Partnership: Whose Identity Number(s) is/are: Whose Income Tax Reference Number is/are:
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AND WHO IS (if applicable):

Trading under the name and style of:
--

AND WHO IS:

Represented herein, and who is duly authorised to do so, by: Mr/Mrs/Ms: In his/her capacity as: 	Note: A Resolution / Power of Attorney, signed by all the Directors / Members / Partners of the Legal Entity must accompany this Offer, authorising the Representative to make this offer.
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SIGNED FOR THE TENDERER:

Name of representative	Signature	Date

WITNESSED BY:



Name of witness	Signature	Date

This Offer is in respect of: (Please indicate with an "X" in the appropriate block)

The official documents ☐

The official alternative ☐

Own alternative (only if documentation makes provision therefore) .. ☐

(N.B.: Separate Offer and Acceptance forms are to be completed for the main and for each alternative offer)

SECURITY OFFERED:

(a) the Tenderer accepts that in respect of contracts up to R1 million, a payment reduction** of 5% of the contact value (excluding VAT) will be applicable and will be deducted by the Employer in terms of the applicable conditions of contract

(b) in respect of contracts above R1 million, the Tenderer offers to provide security as indicated below:

(1) cash deposit of 10 % of the Contract Sum (excluding VAT) Yes ☐ No ☐

(2) variable construction guarantee of 10 % of the Contract Sum (excluding VAT) Yes ☐ No ☐

(3) payment reduction of 10% of the value certified in the payment certificate (excluding VAT)
Yes ☐ No ☐

(4) cash deposit of 5% of the Contract Sum (excluding VAT) and a payment reduction of 5% of the value certified in the payment certificate (excluding VAT) Yes ☐ No ☐

(5) fixed construction guarantee of 5% of the Contract Sum (excluding VAT) and a payment reduction of 5% of the value certified in the payment certificate (excluding VAT) Yes ☐ No ☐

NB. Guarantees submitted must be issued by either an insurance company duly registered in terms of the Short-Term Insurance Act, 1998 (Act 35 of 1998) or by a bank duly registered in terms of the Banks Act, 1990 (Act 94 of 1990) on the pro-forma referred to above. No alterations or amendments of the wording of the pro-forma will be accepted.

The Tenderer elects as its *domicilium citandi et executandi* in the Republic of South Africa, where any and all legal notices may be served, as (physical address):

.....

Other Contact Details of the Tenderer are:

Telephone No	Cellular Phone No.
-----------------------	-----------------------------



Fax No	Other contact No.
Postal address:	
Banker Branch.....	
Registration No of Tenderer at College of Labour	
CIDB Registration Number: (Attached copy of certificate)	

ACCEPTANCE

By signing this part of this form of offer and acceptance, the Employer identified below accepts the Tenderer's offer. In consideration thereof, the Employer shall pay the Contractor the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the Tenderer's offer shall form an agreement between the Employer and the Tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

- Part 1 Agreement and contract data, (which includes this agreement)
- Part 2 Pricing data
- Part 3 Scope of work

and drawings and documents or parts thereof, which may be incorporated by reference into Parts 1 to 3 above.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender schedules as well as any changes to the terms of the offer agreed by the Tenderer and the Employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule.

The Tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Employer's agent (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect, if delivered by hand on the day of delivery, or if delivered by courier within two working days after submission by the Employer to the courier services for a door-to-door delivery to the Tenderer, provided that the Employer notifies the Tenderer of the tracking number within 24 hours of such submission. Unless the Tenderer (now Contractor) within seven working days of the date of such submission notifies the Employer in writing of any reason why he cannot



accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

For the Employer:

Name of signatory	Signature	Date

Name of Organisation:	WESTCOL TVET COLLEGE
Address of Organisation:	42 Johnstone Street, Randfontein

WITNESSED BY:

Name of witness	Signature	Date

Schedule of Deviations

3.1.1. Subject:
Detail:
3.1.2. Subject:
Detail:
3.1.3. Subject:
Detail:
3.1.4. Subject:
Detail:
3.1.5. Subject:



Detail:

3.1.6. Subject:

Detail:

By the duly authorised representatives signing this agreement, the Employer and the Tenderer agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the tender data and addenda thereto as listed in the tender schedules, as well as any confirmation, clarification or changes to the terms of the offer agreed by the Tenderer and the Employer during this process of offer and acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the Tenderer of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this agreement.



T2.2 RETURNABLE DOCUMENTS

SBD 4

DECLARATION OF INTEREST AND BIDDER'S PAST SUPPLY MANAGEMENT PRACTICES

**PROJECT TITLE: APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF
WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE
RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG**



1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

.....

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder², member

.....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust

.....

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial College, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

2.7 Are you or any person connected with the bidder presently employed by the state?

YES / NO

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

Name of state institution at which you or the person connected to the bidder is employed:



.....

Position occupied in the state institution:

Any other particulars:

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

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies **YES/NO**



whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

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

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

Full Name	Identity Number	Personal Income Tax Reference Number	State Employee Number / Persal Number

3 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

SBD 6.1

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE
PREFERENTIAL PROCUREMENT REGULATIONS 2011**

**PROJECT TITLE: APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF
WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE
RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG**



This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the **80/20** system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

POINTS

1.3.1.1 **PRICE**

.....

1.3.1.2 **B-BBEE STATUS LEVEL OF CONTRIBUTION**

.....

Total points for Price and B-BBEE must not exceed

100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

2.1 “**all applicable taxes**” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 “**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained 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;



- 2.4 “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**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;
- 2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less .
- 2.10 “**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;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**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;
- 2.16 “**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 9 February 2007;
- 2.17 “**trust**” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.



- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

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

5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20



2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status 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.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract

6. BID DECLARATION

- 6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

- 7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)



(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?
- (ii) the name of the sub-contractor?
- (iii) the B-BBEE status level of the sub-contractor?
- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm

9.2 VAT registration number :

9.3 Company registration number

9.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....

9.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

1.7 Total number of years the company/firm has been in business?

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
- (a) disqualify the person from the bidding 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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

WITNESSES:

1.

.....
SIGNATURE(S) OF BIDDER(S)

2.

DATE:.....

ADDRESS:.....

.....

SBD 6.2

**DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND
CONTENT**

**PROJECT TITLE: APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF
WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE
RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG**



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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201x.

1. General Conditions

1.1. Preferential Procurement Regulations, 2011 (Regulation 9. (1) and 9. (3) make provision for the promotion of local production and content.

1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

1.3. Regulation 9.(3) prescribes that where there is no designated sector, a specific bidding condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.

2. The proposed minimum threshold(s) for local production and content for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
<u>Cement</u>	<u>100%</u>
<u>Fabricated Structural Steel</u>	<u>100%</u>
<u>Steel Construction Materials</u>	<u>100%</u>
<u>Plastic Pipes</u>	<u>100%</u>

SIGNATURE: _____

DATE: _____

SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

PROJECT TITLE: APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG



- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions 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 disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
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 outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐



4.4.1	If so, furnish particulars:
-------	-----------------------------

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS 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

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

PROJECT TITLE: APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG



- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD 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 (SBD 9) must be completed and submitted with the bid:

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

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

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 Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

2. I have read and I understand the contents of this Certificate;
3. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
4. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
5. Each person whose signature appears on the accompanying bid has been authorised by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
6. 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
7. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
8. 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.
9. 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.



10. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ 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.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



T2.3 RETURNABLE DOCUMENTS



RESOLUTION OF BOARD OF DIRECTORS

PROJECT TITLE: APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG

RESOLUTION of a meeting of the Board of *Directors / Members / Partners of:

(legally correct full name and registration number, if applicable, of the Enterprise)

Held at _____ *(place)*

On _____ *(date)*

RESOLVED that:

1. The Enterprise submits a Bid / Tender to the WESTCOL TVET COLLEGE in respect of the following project:

(project description as per Bid / Tender Document)

Bid / Tender Number: _____ *(Bid / Tender Number as per Bid / Tender Document)*

2. *Mr/Mrs/Ms: _____

in *his/her Capacity as: : _____ *(Position in the Enterprise)*

and who will sign as follows: : _____

be, and is hereby, authorised to sign the Bid / Tender, and any and all other documents and/or correspondence in connection with and relating to the Bid / Tender, as well as to sign any Contract, and any and all documentation, resulting from the award of the Bid / Tender to the Enterprise mentioned above.



RESOLUTION OF BOARD OF DIRECTORS TO ENTER INTO CONSORTIA OR JOINT VENTURES

**PROJECT TITLE: APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF
WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE
RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG**

RESOLUTION of a meeting of the Board of *Directors / Members / Partners of:

(Legally correct full name and registration number, if applicable, of the Enterprise)

Held at _____ (place)

On _____ (date)

RESOLVED that:

3. The Enterprise submits a Bid /Tender, in consortium/Joint Venture with the following Enterprises:

(List all the legally correct full names and registration numbers, if applicable, of the Enterprises forming the Consortium/Joint Venture)

to the WESTCOL TVET COLLEGE in respect of the following project:

(Project description as per Bid /Tender Document)

Bid / Tender Number: _____ (Bid / Tender Number as per Bid /Tender Document)

4. *Mr/Mrs/Ms: _____

in *his/her Capacity as: _____ (Position in the Enterprise)

and who will sign as follows: _____

be, and is hereby, authorised to sign a consortium/joint venture agreement with the parties listed under item 1 above, and any and all other documents and/or correspondence in connection with and relating to the consortium/joint venture, in respect of the project described under item 1 above.

5. The Enterprise accepts joint and several liability with the parties listed under item 1 above for the due fulfilment of the obligations of the joint venture deriving from, and in any way connected with, the Contract to be entered into with the College in respect of the project described under item 1 above.
6. The Enterprise chooses as its *domicilium citandi et executandi* for all purposes arising from this joint venture agreement and the Contract with the College in respect of the project under item 1 above:



Physical address: _____

_____ (code)

Postal Address: _____

_____ (code)

Telephone number: _____ (code)

Fax number: _____ (code)



SPECIAL RESOLUTION OF CONSORTIA OR JOINT VENTURES

PROJECT TITLE: APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG

RESOLUTION of a meeting of the duly authorised representatives of the following legal entities who have entered into a consortium/joint venture to jointly bid for the project mentioned below: *(legally correct full names and registration numbers, if applicable, of the Enterprises forming a Consortium/Joint Venture)*

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

Held at _____ (place)

On _____ (date)

RESOLVED that:

RESOLVED that:

- A.** The above-mentioned Enterprises submit a Bid in Consortium/Joint Venture to the WESTCOL TVET COLLEGE in respect of the following project:

(Project description as per Bid /Tender Document)

Bid / Tender Number: _____ *(Bid / Tender Number as per Bid /Tender Document)*



B. Mr/Mrs/Ms: _____

in *his/her Capacity as: _____ (*Position in the Enterprise*)

and who will sign as follows: _____

be, and is hereby, authorised to sign the Bid, and any and all other documents and/or correspondence in connection with and relating to the Bid, as well as to sign any Contract, and any and all documentation, resulting from the award of the Bid to the Enterprises in Consortium/Joint Venture mentioned above.

C. The Enterprises constituting the Consortium/Joint Venture, notwithstanding its composition, shall conduct all business under the name and style of: _____

D. The Enterprises to the Consortium/Joint Venture accept joint and several liabilities for the due fulfilment of the obligations of the Consortium/Joint Venture deriving from, and in any way connected with, the Contract entered into with the College in respect of the project described under item A above.

E. Any of the Enterprises to the Consortium/Joint Venture intending to terminate the consortium/joint venture agreement, for whatever reason, shall give the College 30 days written notice of such intention. Notwithstanding such decision to terminate, the Enterprises shall remain jointly and severally liable to the College for the due fulfilment of the obligations of the Consortium/Joint Venture as mentioned under item D above.

F. No Enterprise to the Consortium/Joint Venture shall, without the prior written consent of the other Enterprises to the Consortium/Joint Venture and of the College, cede any of its rights or assign any of its obligations under the consortium/joint venture agreement in relation to the Contract with the College referred to herein.

G. The Enterprises choose as the *domicilium citandi et executandi* of the Consortium/Joint Venture for all purposes arising from the consortium/joint venture agreement and the Contract with the College in respect of the project under item A above:

Physical address: _____

_____ (code)

Postal Address: _____

_____ (code)

Telephone number: _____ (code)



PARTICULARS OF TENDERER'S PROJECTS

Project title:	APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG		
Tender no:	TGPWRANDFC 2-3	Closing date:	Friday, 04 March 2022
Advertising date:	Friday, 11 February 2022	Validity period:	120 days

Note: The Tenderer is required to furnish the following particulars and to attach additional pages if more space is required. Failure to furnish the particulars will result in the tender offer being disqualified from further consideration.

NB: See evidence requirement quality criteria and sub criteria. Appointment letters should be attached for projects listed under 4.1 below. Appointment letters and completion letters should be attached for projects listed under 4.2 below.

4. PARTICULARS OF THE TENDERER'S CURRENT AND PREVIOUS COMMITMENTS

4.1. Current projects

Projects currently engaged in	Name of Employer or Representative of Employer	Contact tel. no.	Contract sum	Contractual commencement date	Contractual completion date	Current percentage progress
1						
2						
3						
4						



4.2. Completed projects.

Projects completed in the previous 5 (five) years		Name of Employer or Representative of Employer	Contact tel. no.	Contract sum	Contractual commencement date	Contractual completion date	Date of Certificate of Practical Completion
1							
2							
3							
4							

Name of Tenderer	Signature	Date

OCCUPATIONAL HEALTH AND SAFETY SPECIFICATION

The work will be strictly executed in accordance with OHS ACT requirements, OHS regulations applicable to the Construction Industry and the Westcol College OHS requirements and specification.

The contractor will, inter alia be required to:

Appoint an independent Professional Health and Safety Consultant to oversee the Westcol College OHS matters on the contract. Provide proof of Letter of Good Standing with the Workman's Compensation requirements. This to be included in the quotation submission.

Provide proof of All Risk insurance as required by the JBCC contract document. Supplementary insurance for surrounding areas to the value of R 500 000.00 (Five Hundred Thousand Rand) maximum will be provided by the contractor before signing of the contract. Submit a safety plan to the Westcol College in accordance with the Westcol College safety representative minimum requirements. A safety file will be submitted compiled by the independent safety consultant to be appointed by the contractor. The Westcol College OHS College prior to handing over of the site will approve a safety file. Appoint a safety officer on site for the monitoring and supervision of safety and health matters on site. A certified First Aider must be represented on site. Sign the Westcol College OHS Indemnity form and all workers to attend the Westcol College OHS induction course of 2 (two) hours prior to handing over of site.

Obtain Hot Work permit or similar permits from the Westcol College safety representatives when executing risk work on site. Proper risk assessments including Covid 19 to be executed by the consulting Safety Specialist that must be appointed by the Contractor. The cost thereof to be clearly reflected in the rates column by the bidder. Liaise with the Westcol College Health and Safety representatives such as welding; plumbing disconnections, etc. are executed.

The tender amount must allow all the OHS requirements to be fulfilled by the contractor. Where the Contractor does not comply with the Westcol College OHS standards, the work will be stopped on site at the cost of the defaulting Contractor. All sub-contractors, working on the site will have to comply with the Principal Contractor's OHS standards. It will be the Principal Contractor's responsibility to ensure that sub-contractors comply. Allow all the cost to comply with the OHS requirements in the tender amount.



SKILLS DEVELOPMENT REQUIREMENTS

The contractor shall achieve in the performance of the contract the contract skills development goal (CSDG) established in the *CIDB Standard for developing skills through infrastructure contracts (Gazette Vol 578 No. 36760: August 2013)*. The allowance for skills development is 2% of construction value (see Final Summary page of the bills of quantities). Note that failure to achieve the CSDG will trigger formal warning and thereafter withholding of payment to the quantum of the CSDG.

SKILLS DEVELOPMENT PLAN

This project is part of the country's Strategic Integrated Projects (SIPs) –specifically SIP 14 which focuses on higher education infrastructure. SIPs related projects must include skills development. Accordingly, the successful bidder will have to provide skills development training inclusive of all trades in the represented site.

1. Skills Courses*

Trade/ Occupation	No. of Learners	Duration in Weeks/Months	Stipend Per Learners	Total Amount
TOTAL A				

2. Learnerships Courses*

Trade/ Occupation	No. of Learners	Duration in Weeks/Months	Stipend Per Learners	Total Amount
TOTAL B				

3. Internships (WIL and/or SWL)

Trade/ Occupation	No. of students/candidates	Duration in Weeks/Months	Stipend Per Students/candidates	Total Amount
TOTAL C				

Proposed Total Spend on Skills Development (Total A + B + C)

Total D _____

Total D as a percentage of Tender Amount

_____ %

***All courses must be offered within the prescripts of accreditation by the relevant SETA**



RECORD OF ADDENDA TO TENDER DOCUMENTS

Project title:	APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG		
Tender no:	TGPWRANDFC 2-3	Reference no:	TGPWRANDFC 2-3

5. I / We confirm that the following communications received from the WESTCOL TVET COLLEGE, before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer: *(Attach additional pages if more space is required)*

	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		

Name of Tenderer	Signature	Date

6. I / We confirm that no communications were received from the WESTCOL TVET COLLEGE, before the submission of this tender offer, amending the tender documents.

Name of Tenderer	Signature	Date



SCHEDULE OF PROPOSED LOCAL SUBCONTRACTORS

Project title:	APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG		
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We notify you that it is our intention to employ the following Subcontractors for work in this contract.

	Name of proposed local subcontractor	Address of proposed local subcontractor	Nature and extent of work to be subcontracted	Percentage (%) of the total contract amount to be subcontracted	B-BBEE level of the subcontractor
1					
2					
TOTAL PERCENTAGE TO BE SUBCONTRACTED **					

**

Name of representative	Signature	Capacity	Date

Name of organisation:	
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PROJECT TITLE: APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF WALKWAYS AND STORM-WATER CONTROL SYSTEM AT WESTERN TVET COLLEGE RANDFONTEIN CAMPUS IN RANDFONTEIN, GAUTENG

SUB-CONTRACT AGREEMENT WITH PDI SUB-CONTRACTORS

[To be signed in Triplicate]
[Original To be submitted with Tender]
[Copy to be provided to both signing parties]

NOTE: Sub-Contractors listed on Form attached should sign this agreement with Main Contractor in order for the Bidder to gain points indicated.

MAIN CONTRACTOR : _____
SUB-CONTRACTOR : _____
PROPOSED WORKS : _____

1. I/We the undersigned (name of authorised signatory)

Name of Sub-Contractor:

....., hereby offer to the
Main Contractor:, herein
represented by (name of authorised signatory) to
execute and complete the above-mentioned Works in accordance with the agreed program, drawings
and specifications as and when required.

2. I/We the Main Contractor agree to:

- Award the Proposed Works to the Sub-Contractor as and when required in accordance with the approved program and agree to inform the Sub-Contractor at least 7 Calendar days before the planned program start date of such works to be executed.
- Provide the require support, training, and enablement to the Sub-Contractor to ensure quality of work and skills transfer.
- Ensure that the Sub-Contractor is re-evaluated by the CIDB to increase the official rating at least one level.
- Ensure that effective and sufficient record keeping is done during execution of the works to enable a detailed skills audit and assessment of the Sub-Contractors' performance.
- Secure an alternative Sub-Contractor, within 7 calendar days, to execute the works should a written notice of unavailability are received from the undersigned Sub-Contractor.



- f. The payment for certified work will be cession to the College to enable direct payment to the Sub-Contractor.
- g. Take note that failure to comply with the engagement of the Sub-Contractor will result in a once-off **penalty of 10%** deduction of the full value of the proposed subcontract work not located to subcontractor and paid to the subcontractor.

3. I/We the Sub-Contractor agree to:

- a. Execute the works to my best of my/our ability and to adhere to the program, guidance, rules, specifications, and procedures as set by the Main Contractor.
- b. Relieve the Main Contractor, in the event of not being able to perform the work at the time of request by the Main Contractor, from any obligation or commitment to allocate any or all of the work to me/us, by written notice at least within 7 days of receiving the request to execute the works.

NAME OF REPRESENTATIVE

NAME OF REPRESENTATIVE

MAIN CONTRACTOR

SUB-CONTRACTOR

SIGNATURE OF MAIN CONTRACTOR

SIGNATURE OF SUB-CONTRACTOR

DATE

DATE



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CIDB REGISTRATION

- 1 In terms of the Government initiatives and current tender regulations of the Construction Works all tenderers are required to submit with their respective tender documents, their proof of registration with the “Construction Industry Development Board”.
- 2 For purposes of this tender only tenders submitted by tenderers with a registration category as per advert will be considered in the adjudication process.
- 3 Tenderers are to attach and submit a certified copy of their CIDB Certificate to this document.
- 4 Tenderers are to attach and submit a certified copy of their CIDB certificates of their specialised sub-contractors to this document.



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TAX CLEARANCE CERTIFICATE & TAX COMPLIANCE STATUS LETTER

1. In terms of tender regulations all tenders submitted to the Employer are to include in the submission an original "Tax Clearance Certificate" and "Tax Compliance Status letter".
2. Tenderers are to attach and submit the original Tax Clearance Certificate and Tax Compliance Status letter to this document.



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B-BBEE CERTIFICATION (CERTIFIED)

1. Certified copies of B-BBEEE Certificate issued by SANAS Accredited Verification Agency Or
2. Sworn Affidavit in cases of EMEs and only those QSEs which are at least 51% Black-owned as prescribed in terms of B-BBEE Codes of Good Practice and in a format provided by the
3. Department of Trade & Industry.

NB: Certificates issued by IRBA and Accounting Officers, have been discontinued.



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CENTRAL SUPPLIER DATABASE

The Service Provider must be registered as a service provider on the Central Supplier Database (CSD). If you are not registered proceed to complete the registration of your company prior to submitting your proposal. Visit <https://secure.csd.gov.za/> to obtain your vendor number. Submit proof of registration. NB:CSD to be printed during advert period



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LETTER OF GOODSTANDING

1. In terms of tender regulations all tenders submitted to the Employer are to include in the submission an original "Letter of Good standing" together with Legal Liability Insurance.
2. Tenderers are to attach and submit the original Letter of Good standing and Legal Liability Insurance to this document.



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MANAGEMENT AND CVs of KEY PERSONS

1. In terms of tender regulations all tenders submitted to the Employer are to include in the submission of CVs of Management and Key Personnel.
2. Tenderers are to attach and submit the CVs to this document.



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PROPOSED METHODOLOGY

1. In terms of tender regulations all tenders submitted to the Employer are to include in the submission a methodology or proposal for the works.
2. Tenderers are to attach and submit a methodology/proposal for the works. One methodology/proposal covering both the projects, shall be attached to this document.



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PROPOSED PROGRAMME OF WORKS

1. In terms of tender regulations all tenders submitted to the Employer are to include in the submission a proposed programme of works.
2. Tenderers are to attach and submit the proposed programme of works to this document. The programme of works should cover both projects.



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PROOF OF RESIDENCE

1. Municipality account
2. Landlord affidavit



LIST OF ANNEXURES

ANNEXURE A: Scope of works

ANNEXURE B: Bill of Quantities for Walkways

ANNEXURE C: Bill of Quantities for Stormwater Control System

ANNEXURE D: Site Plan

END OF TENDER DOCUMENT