



KING CETSHWAYO DISTRICT MUNICIPALITY

TENDER DOCUMENT

TENDER REFERENCE: KCDM/WSIG/06/2022

TENDER FOR THE NKANDLA WEIR REFURBISHMENT: THE CONSTRUCTION RELATED ACTIVITIES ASSOCIATED WITH THE PROPOSED REFURBISHMENT OF THE NKANDLA WEIR

SITE/BRIEFING MEETING:

TUESDAY, 29 NOVEMBER 2022 @ 10h00

TENDER CLOSING:

MONDAY, 23 JANUARY 2023 @ 12h00

The Tender Document (which includes the Form of Offer and Acceptance) completed in all respects, plus any additional supporting documentation required, must be addressed to the Municipal Manager and submitted in a sealed envelope with the legal name and address of the Tenderer, the Tender No. and tender title as well as the closing date indicated on the envelope. The sealed envelope must be inserted into the Tender Box situated in the foyer of King Cetshwayo House, Corner of Kruger Rand & Barbados Bay Road, CBD, Richards Bay before closing time. If the tender offer is too large to fit into the abovementioned Tender Box or the Box is full, please enquire at the reception counter as to where the SCM (Tender Office) is for alternative instructions. The onus remains with the Tenderer to ensure that the tender is placed in either the Tender Box or as alternatively instructed.

SERVICE PROVIDER'S DETAILS

Name of Service Provider:	
CSD Supplier Number	
Contact Person:	
E-mail Address:	
Telephone Number:	()Code
Fax Number:	()Code
Physical Address:	
Postal Address:	

NOTE:

The Service Provider shall be deemed to have satisfied himself/herself/themselves as to all the conditions and circumstances affecting this tender, including the physical aspects of working areas, and by the submission of a tender, will confirm acceptance of the conditions and circumstances applicable to any subsequent contract.

Enquiries relating to this tender must be directed as indicated below:

Tender Queries:	Technical Queries:
Contact Name: Mr. Z Mkhwanazi	Contact Name: Mr. N Mdamba
Telephone: 035-799 2529	Telephone: 035 – 799 2513

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T1.1 Tender Notice and Invitation to Tender



KING CETSHWAYO DISTRICT MUNICIPALITY TENDER REFERENCE: KCDM/WSIG/06/2022

TENDER FOR NKANDLA WEIR REFURBISHMENT: THE CONSTRUCTION RELATED ACTIVITIES ASSOCIATED WITH THE PROPOSED REFURBISHMENT OF THE NKANDLA WEIR

Interested parties must collect tender documents from the SCM Unit at King Cetshwayo House, Suite No. 8, Corner of Krugerrand & Barbados Bay Road, CBD, Richards Bay (035 799 2500), after a payment of **R6.621.15** (Incl. VAT) non-refundable, cash or EFT ((First National Bank, King Cetshwayo District Municipality, Acc. 62943444109, Bank code 210554, Ref. Your company name and Tender ref. no.), tender deposit should be paid at the rates hall at of the King Cetshwayo District Municipality or alternatively download & print the bid document from www.etenders.gov.za or www.kingcetshwayo.gov.za

The King Cetshwayo District Municipality will strive to achieve targeted procurement in accordance with Preferential Procurement Policy Framework Act Regulation 2017 in the manner that only tenderers with Level 1 BBBEE are targeted for this tender. The tenderer must also have a CIDB grading of 6CE or Higher. The tender that fails to meet the stipulated criteria will be regarded as non-responsive.

Any tender submitted by a person(s) who is in the service of the state or if that person(s) is not a natural person, of which any director, manager, principal shareholder, or stakeholder is a person in the service of the state or who is an advisor or consultant contracted with the Municipality shall not be considered in terms of regulation 44 of the Municipal Supply Chain Regulations. National Treasury has introduced the Central Supplier Data Base (CSD), where all suppliers are required to register. For more information, please contact Mr. Z Mkhwanazi on (035) 799 2529 or visit the CSD website at www.csd.gov.za. Only tenderers who are registered with CSD and King Cetshwayo District Municipality Supplier Data base will be considered for this tender.

A compulsory tender briefing meeting will be held on **Tuesday, 29 November 2022** at 10h00 at the Nkandla Weir, Water Treatment Works. The GPS coordinates are 28° 32' 59"S; 31° 09' 29"E.

Completed tenders in sealed envelopes bearing the tender number must be deposited in the Municipality's tender box in the foyer of King Cetshwayo House, Corner of Krugerrand & Barbados Bay Road, CBD, Richards Bay on or before 12h00 on **Monday, 23 January 2023**. Tender documents will be opened in public, however the opening register will be published on KCDM's website.

Tenders received after the due date and time will not be considered. Only locally produced goods or locally manufactured goods, meeting the stipulated minimum threshold for local production and content will be considered. The exchange rate to be used for the calculation of local content (local content and local production are used interchangeably) must be the exchange rate published by the SARB at 12h00 on the date, one week (7 calendar days) prior to the closing date of the bid

Tenders are required to employ Targeted Enterprises on this contract, failure to do so may lead to the tenderer being completely disqualified. The Targeted Enterprises to be utilized should meet the requirements of Preferential Procurement Regulations, 2017 and registered with CIDB with grading of 6 CE, EME or QSE which are at least 51% black owned. At least 30% of contract value (with stipulated exceptions) must be subcontracted to the Targeted Enterprises. The targeted enterprises to be utilized should meet the requirements of Preferential Regulations, 2017 and registered with CIDB with minimum grading of 2CE to 4CE , EME or QSE that is at least 51% Black owned The objective is to bring about meaningful transformation in the Construction Industry through meaningful economic participation, transfer of technical, management and entrepreneurial skills and creation of sustainable Black Enterprises.

Please note that this tender will be evaluated on compliance (returnable and completeness) and functionality. The following criteria in "Functional Evaluation Criteria", will be applicable for the functionality and compliance and maximum weight of each criterion is indicated in the table below and any tenderer who scores less than 70 percent, in respect of "functionality" will be regarded as submitting a non-responsive tender and will be disqualified. Note that only tenderers who administratively comply (returnable and completeness of document) shall move to functionality stage.

Prospective service providers are required to ensure full completion and correctness of information when responding to MBD 4 and all other required declarations in the document. The municipality reserves the right to validate the correctness of the declarations through various databases inclusive of the Central Supplier Database (CSD). Failure to fully complete and/or provision of incorrect information in the declaration will be regarded by the employer as a non-responsive tender.

Functional Evaluation Criteria:

#	Criteria Description	Weight
1	Service providers must comply with the following pre-requisites:	
a.	Tenderer's experience in similar nature and value (No project will lead to disqualification)	25
b.	Key Personnel: Site Agent / Contracts Manager (No experience or less than 1 year will lead to disqualification)	20
c.	Key Personnel: Foreman (No experience or less than 1 year will lead to disqualification)	20
d.	Construction Programme	15
e.	Quality Assurance / Quality Management System	15
f.	Geographic location of Tenderer	5
	TOTAL	100

It will be the tenderer's responsibility to check the document on receipt for completeness and to notify the employer of any discrepancies or omissions. It is the tenderer's responsibility to provide all the data and information requested in the form required, failure to do so may be regarded by the employer as a non-responsive tender. Submissions may only be done on documentation supplied by the Municipality.

All communication between the employer and the tenderer shall be in a form that can be read, copied, and recorded. All writing shall be in the English Language. The employer shall not take any responsibility for non-receipt of communications from a tenderer.

All tender enquiries which are non-technical must be directed to Mr Z Mkhwanazi at Tel. 035-799 2715, Technical queries must be directed to Mr. Nkanyiso Mdamba at Tel. 035 799 2513.

Tenderers who do not hear from the King Cetshwayo Municipality within 90 days of the closing date of the tender should consider their tender unsuccessful. Please note that no tender will be accepted by fax or e-mail.

Mr P. Sibiya
Municipal Manager
King Cetshwayo District Municipality
Private Bag X1025
RICHARDS BAY
3900

T1.2 Tender Data

The Conditions of Tender are the Standard Conditions of Tender as contained in Annex C of the CIDB Standard for Uniformity in Construction Procurement (2019) (See www.cidb.org.za) which are reproduced without amendment or alteration and are, for the convenience of Tenderers attached as an Annex to this Tender Data.

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 in the Standard Conditions of Tender to which it mainly applies.

Variations and additions to the Standard Conditions of Tender are indicated at the end of the Tender Data.

Clause Number Tender Data

C.1 The Employer is the King Cetshwayo District Municipality.

C.1.2 The tender documents issued by the employer comprise:

- a) Book 1 (This document)
- b) Book 2 (The drawings)

C.1.4 The employer's agent, for the purposes of any communication between the employer and tenderer, is:

Queries Type	Tender Matters	Technical Matters
Name:	Mr Z Mkhwanazi	Mr. Nkanyiso Mdamba
Postal Address:	Private Bag X1025 Richards Bay 3900	Private Bag X1025 Richards Bay 3900
Physical Address	King Cetshwayo House, Corner Kruger Rand & Barbados Bay Road, Richards Bay CBD	King Cetshwayo House, Corner Kruger Rand & Barbados Bay Road, Richards Bay CBD
Tel /Fax No.:	035 799 2529	035 799 2513
E-mail:	mkhwanaziz@kingcetshwayo.gov.za	mdamban@kingcetshwayo.gov.za

C1.6.2 A competitive negotiation process will not be used.

C1.6.3 A two-envelope procedure will not be used.

C.2.1.1 Eligibility to Tender

Only those tenderers meeting the following criteria are eligible to tender.

- a) Tenderers who have a BBBEE rating of Level 1;
- b) Tenderers who are registered with the CIDB, in an equal or higher than 6 Civil Engineering works (6CE or higher) class of construction work and are registered with the CIDB as having a track record;
- c) Tenderers who meet the minimum score for functionality;
- d) Tenderers who are registered on the National Treasury Central Supplier Database and the KCDM supplier database;
- e) Tenderers who's name and signature appear on the attendance register of the tender briefing meeting;
- f) Tenderers who have not failed to perform on any previous contract and were issued a written notice to this effect;
- g) Tenderers who when completing the Compulsory Enterprise Questionnaire can show that 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.

- h) 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.

C2.2.1 The employer will provide R0.00 compensation.

C.2.7 The arrangements for a clarification meeting are as stated in the Tender Notice and Invitation to Tender.

C.2.11 No correction fluid/ tape should be used on this tender document.

C.2.12.2 If a Tenderer wishes to submit an alternative Tender offer, the only criteria permitted for such alternative Tender offer is that it demonstrably satisfies the Employer's standards and requirements, the details of which may be obtained from the Employer's Agent.

Calculations, drawings and all other pertinent technical information and characteristics as well as modified or proposed Pricing Data must be submitted with the alternative Tender offer to enable the Employer to evaluate the efficacy of the alternative and its principal elements so as to take a view on the degree to which the alternative complies with the Employer's standards and requirements and to evaluate the acceptability of the pricing proposals. Calculations must be set out in a clear and logical sequence and must clearly reflect all design assumptions. Pricing Data must reflect all assumptions in the development of the pricing proposal.

Acceptance of an alternative Tender offer will mean acceptance in principle of the offer. It will be an obligation of the contract for the Tenderer, in the event that the alternative is accepted, to accept full responsibility and liability that the alternative offer complies in all respects to the Employer's standards and requirements.

The modified Pricing Data must include an amount equal to 5% of the amount Tendered for the alternative offer to cover the Employer's costs of confirming the acceptability of the detailed design before it is constructed.

C.2.13.3 Each Tender offer communicated on paper shall be submitted as an original only with zero copies.

C.2.13.4 All forms where a requirement for a signature is indicated are to be signed.

C.2.13.5 & 2.13.7 The employer's address and identification details to be shown on each Tender offer package are:

Identification details:	Reference No. KCDM/WSIG/06/2022
Title of Tender	Tender for NKANDLA WEIR REFURBISHMENT: THE CONSTRUCTION RELATED ACTIVITIES ASSOCIATED WITH THE PROPOSED REFURBISHMENT OF THE NKANDLA WEIR
Closing Date	As per Tender Notice
Time	As per Tender Notice
Employers Address:	Private Bag X1025, Richards Bay, 3900

C.2.13.9 Telephonic, telegraphic, telex, facsimile or e-mailed Tender offers will not be accepted.

C2.15.1 The closing time is as stated in the Tender Notice and Invitation to Tender.

C2.15.1 The address for receipt of the tender document is:

The tender box in the foyer of the offices of the King Cetshwayo District Municipality, Corner of Krugerrand & Barbados Bay Road, CBD, Richards Bay

C.2.16 The Tender offer validity period is 90 days.

C.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 labour-intensive portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirements.

C.2.19 Should it be necessary in the course of an inspection, test or analysis for whatever reason that an official of the Employer or the Employers Agent should need to proceed to other centres for inspection, test or analysis purposes, such costs shall be for the account of the Tenderer.

C.2.23 The tenderer must submit to the Employer the details as requested in the various returnable schedules.

C.3.4 Tenders will be opened immediately after the closing time for Tenders at a venue to be announced at the tender box immediately after the closing time for Tenders.

C.3.11.1 The procedure for the evaluation of responsive Tenders is as per the Preferential Procurement Regulations, 2017.

With reference to the clauses in the regulation:

5.(1) the tender will be evaluated on functionality.

5.(3)(a)&(b) The evaluation criteria for measuring functionality and the points for each criteria is given the Functionality Criteria Table.

5.(3)(c) the minimum qualifying score for functionality for a tender to be considered further is 70%

The information provided by the tenderer in the returnable documents will be used in the evaluation process.

Table 1 Functionality Criteria Table

NO.	CRITERIA	POINTS	RETURN- ABLE SCHEDULE	WEIGHT
1.	Tenderer's Experience: Successful completion of similar projects (in nature and value) in the last ten (10) years	<ul style="list-style-type: none"> No Project (0) 1 project (5) 2 projects (10) 3 projects (15) 4 projects (20) 5 projects and above (25) 	RS011	25
2.	Key Personnel: Site Agent/ Contracts Manager qualifications and experience.	Qualification required is 3yr Degree / N. Diploma in Civil Engineering and LIC NQF 5 <ul style="list-style-type: none"> No qualification and LIC NQF 5 or less than 1-year experience (0) Qualified with less 1- 2 years' relevant experience in the position (7) Qualified with more than 2-5 years' relevant experience in the position (14) Qualified with more than 5 years' relevant experience in the position (20) 	RS012	20
3.	Key Personnel: Foreman qualification and experience	Qualification required is LIC NQF 4 and Matric/N3 <ul style="list-style-type: none"> No qualification and LIC NQF 4 or less than 1-year experience (0) 1-2 years' relevant experience in the position (4) More than 2 - 4 years of relevant experience in the position (8) More than 4 years - 6 years' relevant experience in the position (12) More than 6 years - 8 years' relevant experience in the position (16) More than 8 years' relevant experience in the position (20) 	RS012	20
4.	Preliminary Construction Programme: Detail to which works items are planned.	<ul style="list-style-type: none"> No programme (0) Poor (only major work items shown) (5) Adequate (all necessary work items shown) (10) Excellent (all necessary work items shown including links between tasks) (15) 	RS017	15

5.	Quality Management System	<ul style="list-style-type: none"> • Nothing submitted • Poor Quality Management system (4) • Detailed company quality management program attached (8) • ISO 9001: 2015 certified (15) 	RS019	15
6.	Geographic Location: Locality of the Tenderer	<ul style="list-style-type: none"> • Outside KZN (1) • Inside KZN (3) • Inside the King Cetshwayo District Municipality (5) 	RS007	5

C.3.17 The number of paper copies of the signed contract to be provided by the employer is: One.

Variations and Additions to the Standard Conditions of Tender

1 Variation of Clause C.2.14

Replace Clause C2.14 with the following

“C.2.14 Information and data to be completed in all respects

Accept that tender offers, which do not provide all the data or information requested completely and in the form required, shall be regarded by the employer as non-responsive. This would include, but not be limited to, aspects such as letters not signed or certification not provided where certification is requested.”

2 Add New Clause C.2.24

“C.2.24 Verification of Information

Accept and agree that the Employer may verify the validity and correctness of any data provided by the tenderer through direct contact with the source of such data. Which would include, but not be limited to banking institutions, SARS, the Central Supplier Database, CIPRO, references, key personnel, etc.”

T1.3 Standard Conditions of Tender

The CIDB Standard for Uniformity 2019: Annex C Standard Conditions of Tender is reproduced here for convenience. The original can be accessed as published in Board Notice 423 of 2019 in Government Gazette 42622 of 8 August 2019.

Annex C Standard Conditions of Tender

C.1 General

C.1.1 Actions

C.1.1.1 The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in C.2 and C.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.

C.1.1.2 The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

Note:1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.

2) *Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.*

C.1.1.3 The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract.

C.1.2 Tender Documents

The documents issued by the employer for the purpose of a tender offer are listed in the tender data.

C.1.3 Interpretation

C.1.3.1 The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender.

C.1.3.2 These conditions of tender, the tender data and tender schedules which are required for tender evaluation purposes, shall form part of any contract arising from the invitation to tender.

C.1.3.3 For the purposes of these conditions of tender, the following definitions apply:

- a) **conflict of interest** means any situation in which:
 - i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfil his or her duties impartially;
 - ii) an individual or tenderer is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
 - iii) incompatibility or contradictory interests exist between an employee and the tenderer who employs that employee.
- b) **comparative offer** means the price after the factors of a non-firm price and all unconditional discounts it can be utilised to have been taken into consideration;
- c) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process;
- d) **fraudulent practice** means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels;

C.1.4 Communication and employer's agent

Each communication between the employer and a tenderer shall be to or from the employer's agent only, and in a form that can be readily read, copied and recorded. Communications shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data.

C.1.5 Cancellation and Re-Invitation of Tenders

C.1.5.1 An employer may, prior to the award of the tender, cancel a tender if

- a) due to changed circumstances, there is no longer a need for the engineering and construction works specified in the invitation;
- b) funds are no longer available to cover the total envisaged expenditure; or
- c) no acceptable tenders are received.
- d) there is a material irregularity in the tender process.

C.1.5.2 The decision to cancel a tender invitation must be published in the same manner in which the original tender invitation was advertised

C.1.5.3 An employer may only with the prior approval of the relevant treasury cancel a tender invitation for the second time.

C.1.6 Procurement procedures**C.1.6.1 General**

Unless otherwise stated in the tender data, a contract will, subject to C.3.13, be concluded with the tenderer who in terms of C.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.

C.1.6.2 Competitive negotiation procedure

C.1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of C.3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of C.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.

C.1.6.2.2 All responsive tenderers or at least a minimum of not less than three responsive tenderers that are highest ranked in terms of the evaluation criteria stated in the tender data shall be invited to enter into competitive negotiations based on the principle of equal treatment, keeping confidential the proposed solutions and associated information.

Notwithstanding the provisions of C.2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

C.1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to revise their tender offer based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer.

C.1.6.2.4 The contract shall be awarded in accordance with the provisions of C.3.11 and C.3.13 after tenderers have been requested to submit their best and final offer.

C.1.6.3 Proposal procedure using the two stage-system**C.1.6.3.1 Option 1**

Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender.

C.1.6.3.2 Option 2

C.1.6.3.2.1 Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents.

C.1.6.3.2.2 The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data, and award the contract in terms of these conditions of tender.

C.2 Tenderer's obligations**C.2.1 Eligibility**

C.2.1.1 Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer.

C.2.1.2 Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders.

C.2.2 Cost of tendering

C.2.2.1 Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer complies with requirements.

C.2.2.2 The cost of the tender documents charged by the employer shall be limited to the actual cost incurred by the employer for printing the documents. Employers must attempt to make available the tender documents on its website so as not to incur any costs pertaining to the printing of the tender documents.

C.2.3 Check documents

Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.

C.2.4 Confidentiality and copyright of documents

Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.

C.2.5 Reference documents

Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.

C.2.6 Acknowledge addenda

Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.

C.2.7 Clarification meeting

Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.

C.2.8 Seek clarification

Request clarification of the tender documents, if necessary, by notifying the employer at least five (5) working days before the closing time stated in the tender data.

C.2.9 Insurance

Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

C.2.10 Pricing the tender offer

C.2.10.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable fourteen (14) days before the closing time stated in the tender data.

C.2.10.2 Show VAT payable by the employer separately as an addition to the tendered total of the prices.

C.2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.

C.2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

C.2.11 Alterations to documents

Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations.

C.2.12 Alternative tender offers

C.2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.

C.2.12.2 Accept that an alternative tender offer must be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.

C.2.12.3 An alternative tender offer must only be considered if the main tender offer is the winning tender.

C.2.13 Submitting a tender offer

C.2.13.1 Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.

C.2.13.2 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.

C.2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.

C.2.13.4 Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.

- C.2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.
- C.2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.
- C.2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.
- C.2.13.8 Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.
- C.2.13.9 Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.

C.2.14 Information and data to be completed in all respects

Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

C.2.15 Closing time

- C.2.15.1 Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery.
- C.2.15.2 Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.

C.2.16 Tender offer validity

- C.2.16.1 Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.
- C.2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.
- C.2.16.3 Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted. If the validity period stated in C.2.16 lapses before the employer evaluating tender, the contractor reserves the right to review the price based on Consumer Price Index (CPI).
- C.2.16.4 Where a tender submission is to be substituted, a tenderer must submit a substitute tender in accordance with the requirements of C.2.13 with the packages clearly marked as "SUBSTITUTE".

C.2.17 Clarification of tender offer after submission

Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.

Note: Sub-clause C.2.17 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Employer elect to do so.

C.2.18 Provide other material

- C.2.18.1 Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment.

Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.

C.2.18.2 Dispose of samples of materials provided for evaluation by the employer, where required.

C.2.19 Inspections, tests and analysis

Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.

C.2.20 Submit securities, bonds and policies

If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

C.2.21 Check final draft

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

C.2.22 Return of other tender documents

If so instructed by the employer, return all retained tender documents within twenty-eight (28) days after the expiry of the validity period stated in the tender data.

C.2.23 Certificates

Include in the tender submission or provide the employer with any certificates as stated in the tender data.

C.3 The employer's undertakings

C.3.1 Respond to requests from the tenderer

C.3.1.1 Unless otherwise stated in the tender Data, respond to a request for clarification received up to five (5) working days before the tender closing time stated in the Tender Data and notify all tenderers who collected tender documents.

C.3.1.2 Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

- a) an individual firm, or a joint venture as a whole, or any individual member of the joint venture fails to meet any of the collective or individual qualifying requirements;
- b) the new partners to a joint venture were not prequalified in the first instance, either as individual firms or as another joint venture; or
- c) in the opinion of the Employer, acceptance of the material change would compromise the outcome of the prequalification process.

C.3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three (3) working days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify all tenderers who collected tender documents.

C.3.3 Return late tender offers

Return tender offers received after the closing time stated in the Tender Data, unopened, (unless it is necessary to open a tender submission to obtain a forwarding address), to the tenderer concerned.

C.3.4 Opening of tender submissions

- C.3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.
- C.3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, number of points claimed for its BBEE status level and time for completion for the main tender offer only.
- C.3.4.3 Make available the record outlined in C.3.4.2 to all interested persons upon request.

C.3.5 Two-envelope system

- C.3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.
- C.3.5.2 Evaluate functionality of the technical proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the functionality evaluation more than the minimum number of points for functionality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any points claimed on BBEE status level. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for functionality.

C.3.6 Non-disclosure

Not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer.

C.3.7 Grounds for rejection and disqualification

Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.

C.3.8 Test for responsiveness

- C.3.8.1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:
- a) complies with the requirements of these Conditions of Tender,
 - b) has been properly and fully completed and signed, and
 - c) is responsive to the other requirements of the tender documents.
- C.3.8.2 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:
- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
 - b) significantly change the Employer's or the tenderer's risks and responsibilities under the contract, or
 - c) 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.

C.3.9 Arithmetical errors, omissions and discrepancies

- C.3.9.1 Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.
- C.3.9.2 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with C.3.11 for:
- a) the gross misplacement of the decimal point in any unit rate;
 - b) omissions made in completing the pricing schedule or bills of quantities; or
 - c) arithmetic errors in:
 - i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
 - ii) the summation of the prices.
- C.3.9.3 Notify the tenderer of all errors or omissions that are identified in the tender offer and either confirm the tender offer as tendered or accept the corrected total of prices.
- C.3.9.4 Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows:
- a) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.
 - b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

C.3.10 Clarification of a tender offer

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.

C.3.11 Evaluation of tender offers

The Standard Conditions of Tender standardize the procurement processes, methods and procedures from the time that tenders are invited to the time that a contract is awarded. They are generic in nature and are made project specific through choices that are made in developing the Tender Data associated with a specific project. Conditions of tender are by definition the document that establishes a tenderer's obligations in submitting a tender and the employer's undertakings in soliciting and evaluating tender offers. Such conditions establish the rules from the time a tender is advertised to the time that a contract is awarded and require employers to conduct the process of offer and acceptance in terms of a set of standard procedures.

The CIDB Standard Conditions of Tender are based on a procurement system that satisfies the following system requirements:	
Requirement	Qualitative interpretation of goal
Fair	The process of offer and acceptance is conducted impartially without bias, providing simultaneous and timely access to participating parties to the same information.
Equitable	Terms and conditions for performing the work do not unfairly prejudice the interests of the parties.
Transparent	The only grounds for not awarding a contract to a tenderer who satisfies all requirements are restrictions from doing business with the employer, lack of capability or capacity, legal impediments and conflicts of interest.
Competitive	The system provides for appropriate levels of competition to ensure cost effective and best value outcomes.

Cost effective	The processes, procedures and methods are standardized with sufficient flexibility to attain best value outcomes in respect of quality, timing and price, and least resources to effectively manage and control procurement processes.
----------------	--

The activities associated with evaluating tender offers are as follows:

- a) Open and record tender offers received
- b) Determine whether or not tender offers are complete
- c) Determine whether or not tender offers are responsive
- d) Evaluate tender offers
- e) Determine if there are any grounds for disqualification
- f) Determine acceptability of preferred tenderer
- g) Prepare a tender evaluation report
- h) Confirm the recommendation contained in the tender evaluation report

C.3.11.1 General

The employer must appoint an evaluation panel of not less than three persons conversant with the proposed scope of works to evaluate each responsive tender offer using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

C.3.12 Insurance provided by the employer

If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide.

C.3.13 Acceptance of tender offer

Accept the tender offer; if in the opinion of the employer, it does not present any risk and only if the tenderer:

- a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement;
- b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract;
- c) has the legal capacity to enter into the contract;
- d) is not; insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act No. 2008, bankrupt or being wound up, has his/her affairs administered by a court or a judicial officer, has suspended his/her business activities or is subject to legal proceedings in respect of any of the foregoing;
- e) complies with the legal requirements, if any, stated in the tender data; and
- f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

C.3.14 Prepare contract documents

C.3.14.1 If necessary, revise documents that shall form part of the contract and that were issued by the employer as part of the tender documents to take account of:

- a) addenda issued during the tender period,
- b) inclusion of some of the returnable documents and
- c) other revisions agreed between the employer and the successful tenderer.

C.3.14.2 Complete the schedule of deviations attached to the form of offer and acceptance, if any.

C.3.15 Complete adjudicator's contract

Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.

C.3.16 Registration of the award

An employer must, within twenty-one (21) working days from the date on which a contractor's offer to perform a construction works contract is accepted in writing by the employer, register and publish the award on the cidb Register of Projects.

C.3.17 Provide copies of the contracts

Provide to the successful tenderer the number of copies stated in the Tender Data of the signed copy of the contract as soon as possible after completion and signing of the form of offer and acceptance.

C.3.18 Provide written reasons for actions taken

Provide upon request written reasons to tenderers for any action that is taken in applying these conditions of tender but withhold information which is not in the public interest to be divulged, which is considered to prejudice the legitimate commercial interests of tenderers or might prejudice fair competition between tenderers.

T2.1 List of Returnable Documents

The Tenderer must complete and /or sign the following Returnable Documents:

		Completed
1	Returnable Schedules –Evaluation Documents	
RS001	Record of Addenda to Tender Documents	
RS002	Compulsory Enterprise Questionnaire	
RS003	Site Inspection Certificate	
RS004	Contractor Registration with Construction Industry Development Board	
RS005	Workmen's Compensation Letter of Good Standing	
RS006	Performance Security	
RS007	Municipal Account Statement	
RS008	Preferential Procurement	
RS009	Certificate of Authority for Signatory	
RS010	Schedule of Plant and Equipment	
RS011	Tenderer's Experience	
RS012	Key Personnel	
RS013	Proposed Amendments and Qualifications	
RS014	Declaration of Tenderer's Past Supply Chain Management Practices	
RS015	Declaration of Interest	
RS016	Certificate of Independent Tender Determination	
RS017	Preliminary Programme	
RS018	Declaration of competency on Health and Safety Requirements	
RS019	Quality Assurance and Environmental Management	
RS020	Declaration certificate for Local Production and Content for Designated Sectors (MBD 6.2)	
RS021	Annual Financial Statement	
RS022	Proposed Targeted Enterprises	
RS023	Tenderer's Participation in Job Creation Using Local Labour	
2	The Offer of the C1.1 Offer and Acceptance	
3	C1.2 Contract Data (Part 2)	
4	C2.2 Bill of Quantities	

.....
Signature

.....
Date

T2.2 Returnable Schedules to be completed by Tenderer

Record of Addenda to Tender Documents

RS001

We confirm that the following communications received from the Employer before the submission of this Tender offer, amending the Tender documents, have been taken into account in this Tender offer:

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

Attach additional pages if more space is required.

Compulsory Enterprise Questionnaire**RS002**

As Per Annex G of CIDB Standard for Uniformity 2019

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.

Section 1: Name of enterprise:**Section 2: VAT registration number, if any:****Section 3: CIDB registration number, if any:****Section 4: CSD number:****Section 5: Particulars of sole proprietors and partners in partnerships:**

Name*	Identity number*	Personal income tax number*

* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners

Section 6: Particulars of companies and close corporations

Company registration number:

Close corporation number:

Tax reference number:

Section 7: MBD4 issued by National Treasury must be completed for each tender and be attached as a tender requirement.

Section 8: MBD6-1 and 6-2 issued by National Treasury must be completed for each tender and be attached as a tender requirement.

Section 9: MBD8 issued by National Treasury must be completed for each tender and be attached as a tender requirement.

Section 10: MBD9 issued by National Treasury must be completed for each tender and be attached as a tender requirement.

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise:

- authorizes the employer to verify the tenderers tax clearance status from the South African Revenue Services that it is in order;
- confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

Signed		Date	
Name		Position	
Enterprise name			

Site Inspection Certificate**RS003**

Site Inspection Certificates are signed and handed out by the Engineer at the Tender Site Inspection.

ATTACH YOUR SIGNED ORIGINAL SITE INSPECTION CERTIFICATE TO THIS PAGE

Failure to do so may lead to your Tender being disqualified.

Contractor Registration with Construction Industry Development Board**RS004**

The CIDB registration details are as follows:

Name of entity registered with CIDB: _____

Registration CRS number: _____

Registration category and class: _____

Failure to do so may lead to disqualification.

Workmen's Compensation Letter of Good Standing**RS005**

PAGE TO WHICH A VALID NUMBERED CERTIFICATE OF THE WORKMEN'S COMPENSATION COMMISSIONER LETTER OF GOOD STANDING MUST BE ATTACHED.

Please provide a valid certificate number of the Workmen's Compensation if registered with the department of labour, or attach valid original (or valid certified copy) of the Workmen's Compensation commissioner letter of good standing from applicable agencies e.g, FEM, RAM etc, if not registered with the department of labour.

Workmen's Compensation registration number: _____

Workmen's Compensation certificate number: _____

OR

In the case where it is not possible for an applicant to obtain the above letter of good standing from the Workmen's Compensation Commissioner, an affidavit is to be submitted advising that the business has registered with the Workmen's Compensation Commissioner.

OR

In the case where a business does not employ any employees an affidavit together with a letter from the Workmen's Compensation Commissioner addressed to the business, confirming that registration is not required, must be submitted.

Failure to do so may lead to your tender being disqualified.

Performance Security**RS006**

The tenderer is to issue a performance guarantee equal in value to 10 (ten)% of the tendered amount excluding VAT, such performance guarantee must be one of the options indicated on the table below. For the purposes of GCC2015 Clause 6.2 the selection below will be Contract Data provided by the Contractor.

Type of Security	Contractor's choice (Indicate "Yes" or "No")
<u>Cash deposit of 10% of the Contract Sum</u> Attach a letter from the bank confirming availability of funds equivalent to 10 (ten) % of the tendered amount exclusive of VAT.	
<u>Fixed Performance Guarantee of 10% of the Contract Sum</u> Attach a letter of undertaking from a recognized financial institution, confirming the issuing of a performance guarantee equal to in value to 10 (ten) % of the tendered amount exclusive of VAT. The letter of undertaking will not oblige the financial institution to issue a performance guarantee, but merely serves as an indication of the tenderer's ability to obtain a performance guarantee The performance guarantee is to be issued by a Bank registered in terms of the Banking Act (94 of 1990).	
<u>Retention of 10% of the Works</u> Attach to this document a letter from the director/s giving the Employer consent to deduct 10 (ten) % retention from each progress payment due to the contractor until a limit of 10 (ten) % is reached.	
<u>Cash deposit of 5% of the Contract Sum plus retention of 5% of the value of the Works</u> <ul style="list-style-type: none"> • Attach a letter from the bank confirming availability of funds equivalent to 5 (five) % of the tendered amount exclusive of VAT. • Attach a letter from the director/s giving the Employer consent to deduct 10 (ten) % retention from each progress payment due to the contractor until a limit of 5 (five) % is reached. 	
<u>Fixed Performance Guarantee of 5% of the Contract Sum plus retention of 5% of the value of the Works</u> <ul style="list-style-type: none"> • Attach a letter of undertaking from a recognized financial institution, confirming the issuing of a performance guarantee equal to in value to 5 (five) % of the tendered amount exclusive of VAT. The letter of undertaking will not oblige the financial institution to issue a performance guarantee, but merely serves as an indication of the tenderer's ability to obtain a performance guarantee The performance guarantee is to be issued by a Bank registered in terms of the Banking Act (94 of 1990) • Attach a letter from the directors giving the Employer consent to deduct 10 (ten) % retention from each progress payment due to the contractor until a limit of 5 (five) % is reached. 	

Failure to do so may lead to your Tender being disqualified.

RS006-2 – Bank Rating

TENDERER'S FINANCIAL STANDING AND STABILITY

- a In terms of the Standard Conditions of Tender, the Tenderer shall provide information about its commercial position, which includes information necessary for the Employer to evaluate the Tenderer's financial standing.
- b A third party credit bureau check will be used to determine the credit worthiness of the Tenderer.
- c The financial standing of the Tenderer will be assessed by third party credit checks on the main contractor
- d An analysis of the Tenderer financial standing will be conducted by third party for the purposes of establishing the Tenderers financial viability and ability to meet all of its contractual obligations for the duration of the contract, should the Tenderer be awarded the contract.
- e Tenders that do not meet King Cetshwayo District Municipality's financial requirements as per third party assessment, will be disqualified from further assessment.

The financial standing of the Tenderer will be assessed by evaluating the bank rating codes in order to carry out the financial risk analysis on the Tenderer. This is done as to establish the Tenderers financial viability and ability to meet all of its contractual obligation for the duration of the contract should the tenderer be awarded the contract.

Attach bank Rating with bank code A-C

	BANK CODE	DESCRIPTION OF BANK CODE
1.	A	Undoubted for the amount of enquiry
2.	B	Good for the amount of enquiry
3.	C	Good for the amount quoted if strictly in the way of business
4.	D	Fair Trade risk for amount of enquiry
5.	E	Figures considered too high
6.	F	Financial position unknown
7.	G	Occasional dishonours
8.	H	Frequent dishonours

Failure to do so may lead to your Tender being disqualified.

Municipal Account Statement**RS007****Confirmation of Good Standing with Regard to Municipal Accounts**

PAGE TO WHICH ANY OF THE FOLLOWING MUST BE ATTACHED

IN THE CASE WHERE:Please select
the relevant
option by
ticking below**A. TENDERER AS LANDOWNER FOR PURPOSE OF CONDUCTING BUSINESS FROM PREMISES**

- A.1 In the case where the tenderer owns the property from which the tenderer's business operates from, an original or certified copy of the tenderer's business municipal account (not older than 3 months) indicating the status of payment of all municipal rates and taxes i.e. property rates, electricity, water, refuse & sewer from the Municipality in which jurisdiction the said property is situated, must be submitted..

☐

OR

- A.2 In the instance where the tender occupies Tribal land an original/certified affidavit from commissioner of oaths, confirming that the tenderer is residing in the area where no municipal accounts are billed. If the property rates, electricity, water, refuse is charged by the municipality, the original or certified copy of the statement not older than three (3) months in the name of the service provider or any of its directors must be attached.

☐

NB: Should there be separate tax invoices from the municipality for property rates and services (taxes), you are required to submit the most recent of each of these invoices.

OR**B. TENDERER IS THE TENANT FOR PURPOSE OF CONDUCTING ITS BUSINESS FROM PREMISES**

- B.1 In the case where the tenderer does not own property and is a tenant for the purpose of its business establishment, the tenderer to provide an original or certified copy of a certificate from its landlord certifying that all the tenants payments in respect of all municipal rates and taxes i.e. property rates, electricity, water, refuse & sewer are paid up to date, or
- B.2 In the case where the tenderer as tenant is responsible for its own municipal accounts with the municipality then tenderer must attach the letter from the landlord certifying the above together with original or certified copies of all most recent relevant municipal invoices i.e. property rates, electricity, water refuse & sewer..
- B.3 In the case where the tenderer operates in the property owned by relative and does not pay rent or rates, an affidavit from the relative confirming such must be attached. Also the up to date original or certified copy municipal rates statement of the relative must be attached or letter from the councillor in case of the Traditional Authority
- B.4 In case where the potential service provider is under incubation programme an original or certified copy of the letter from the incubator confirming that the service provider is using their facilities (property). The incubator is to provide their original or certified copy of rates account or letter from the landlord.

☐☐☐☐**Failure to do so may lead to your tender being disqualified.**

Preferential Procurement**RS008**

(MBD 6.1)

THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

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

1.2 The 80/20 preference point system will apply, and the lowest acceptable tender will be used to determine the applicable preference point system on this tender.

1.3 Preference points for this bid shall be awarded for:

Price; and

B-BBEE Status Level of Contribution.

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

	POINTS	
	80/20 system	90/10 system
PRICE	80	90
B-BBEE STATUS LEVEL OF CONTRIBUTION	20	10
Total points for Price and B-BBEE must not exceed	100	100

1.5 Failure on the part of a bidder to 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 a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 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

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

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

“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;

“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;

“Broad-Based Black Economic Empowerment Act” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) as amended by Act No 46 of 2013;

“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;

“consortium or joint venture” means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;

“contract” means the agreement that results from the acceptance of a bid by an organ of state;

“EME” means an Exempted Micro Enterprise as defines by Codes of Good Practice issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

“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;

“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;

“non-firm prices” means all prices other than “firm” prices;

“person” includes a juristic person;

“QSE” means a Qualifying Small Enterprise as defines by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

“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;

“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;

“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;

“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

“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 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 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

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 (80/20 system)	Number of points (90/10 system)
1	20	10
2	18	9
3	16	8
4	12	5
5	8	4
6	6	3
7	4	2
8	2	1
Non-compliant contributor	0	0

- 5.2 A bidder who qualifies as an EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.

A Bidder other than EME or QSE 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.

- 5.3 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.
- 5.4 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.
- 5.5 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.

5.6 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 30% 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.

5.7 A person awarded a contract may not sub-contract more than 30% 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 1.4 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 a sworn affidavit.

8. SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If yes, indicate:

What percentage of the contract will be subcontracted? %

The name of the sub-contractor

The B-BBEE status level of the sub-contractor

Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

Tick applicable EME or QSE classification of the party named in (ii)

- 0 an EME or QSE;
- 0 an EME or QSE which is at least 51% owned by black people;
- 0 an EME or QSE which is at least 51% owned by black people who are youth;
- 0 an EME or QSE which is at least 51% owned by black people who are women
- 0 an EME or QSE which is at least 51% owned by black people with disabilities;
- 0 an EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
- 0 a cooperative which is at least 51% owned by black people;
- 0 an EME or QSE which is at least 51% owned by black people who are military veterans;

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]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:

9.8 Total number of years the company/firm has been in business:

9.9 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:

The information furnished is true and correct;

The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

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;

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 BIDDERS(S) DATE:
2. ADDRESS:

Please attach, to this page, an original or certified copy of the valid B-BBEE status level verification certificate, issued by either:

A Verification Agency that was accredited by the South African National Accreditation System (SANAS).

Sworn Affidavit from DTI website in case of EME or QSE.

FAILURE TO COMPLETE AND ATTACH THE CERTIFICATE MAY LEAD TO DISQUALIFICATION

Certificate of Authority for Signatory**RS009**

This Returnable Schedule is to be completed by companies and close corporations.

Indicate the status of the Tenderer by ticking the appropriate box hereunder. The Tenderer must complete the certificate set out below for the relevant category or may attach the original or certified board resolution stating the nominated member. **Failure to do so may lead to your Tender being disqualified.**

A Company	B Joint Venture	C Close Corporation

A. CERTIFICATE FOR COMPANY

I,, managing director of the board of directors of

....., hereby confirm that by resolution of the board

taken on 20....., Mr/Ms....., has been duly authorized to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

As witnesses:-

1. Managing director

2. Date

B. CERTIFICATE FOR JOINT VENTURE

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorize

Mr/Ms, authorized signatory of the company

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

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME & CAPACITY
Lead partner		

C. CERTIFICATE FOR CLOSE CORPORATION

We, the undersigned, being the key members in the business trading as

..... hereby authorize Mr/Ms
to sign all documents in connection with the tender and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

NOTE: This certificate is to be completed and signed by all of the key members upon whom rests the direction of the affairs of the Close Corporation as a whole.

Schedule of Plant and Equipment**RS010**

Tenderers to furnish with their tenders a complete list of the major items of construction equipment which they propose to use in the work. After his tender has been accepted, the Contractor must satisfy the Project Manager at all times that such plant and equipment, or its equivalent, is available for use.

TYPE OF construction Equipment	MAKE & DESCRIPTION / CAPACITY	NUMBER	
CATEGORY 1 – Heavy Equipment		Owned	Hired
EXCAVATOR			
COMPACTOR			
TLB			
TIPPER TRUCK			
CATEGORY 2 – Smalls		Owned	Hired
Walk behind roller 600			
Wacker type impact compactor			
18kg electrical breakers			

Failure to complete this form properly and correctly, may lead to the conclusion that the Tenderer does not have the necessary plant and equipment resources at its disposal, which will prejudice its tender.

Tenderer's Experience**RS011****LIST OF SIMILAR PROJECTS SUCCESSFULLY COMPLETED OVER THE PAST 10 YEARS**

1. Tenderers must take care to provide accurate information in this return. Incorrect contact details of references listed may have a negative impact on scoring.
2. Table RS011.1.1 is a statement of similar work successfully executed by the Tenderer. If the space provided is insufficient, add more projects on a separate sheet by photocopying this template.
3. The Tenderer must indicate the numerical list number out of a given total number of lists submitted on the right top corner of each list.
4. The Tenderer should also indicate duration of each project in weeks as this will be used to calculate the number of years of relevant experience.
5. Tenderers are to also attach completion certificates or reference letter from the client/clients agent for the completed projects.

Table RS011.1.1: List of similar Projects carried out over the past 10 years

Sheet ... of ...

Employer:	Contact person (Employer's Agent)	Description of contract (name of project)	Project Value (incl. VAT)	Completion Date	Duration (weeks)
1. Employer's name:	Consultant's name:				
Contact:	Contact:				
Tel:	Tel:				
Cell:	Cell:				
Fax:	Fax:				
2. Employer's name:	Consultant's name:				
Contact:	Contact:				
Tel:	Tel:				
Cell:	Cell:				
Fax:	Fax:				
3. Employer's name:	Consultant's name:				
Contact:	Contact:				
Tel:	Tel:				
Cell:	Cell:				
Fax:	Fax:				
4. Employer's name:	Consultant's name:				
Contact:	Contact:				
Tel:	Tel:				
Cell:	Cell:				
Fax:	Fax:				
5. Employer's name:	Consultant's name:				
Contact:	Contact:				
Tel:	Tel:				
Cell:	Cell:				
Fax:	Fax:				
Total duration in number of weeks (for official use only)					

.....
Signature

.....
Date

Key Personnel**RS012****RS012-1 – List of Key Personnel Assigned to the Contract**

- 1) Provide relevant information as prescribed below for the following Key Persons proposed in the tender to fulfil the following positions:
- 2) Attach a proposed organogram to this page.
- 3) Should at the time of award alternate key personnel be appointed to this contract they are to have similar or better qualifications and experience.

Table RS012.1.1: List of personnel to be assigned to this project

Name	ID No.	Current Position	No. of Years Employed	Qualifications / Experience
CATEGORY 1 – CONTRACTS MANAGER / SITE AGENT (LIC NQF 5)				
CATEGORY 2 – FOREMAN (LIC NQF 4)				
CATEGORY 3 – HEALTH AND SAFETY STAFF (SAMTRAC NQF 5)				
CATEGORY 4 – ANY OTHER LIC NQF 5 SUPERVISORS				

.....
Signature.....
Date

RS012-2 – Curriculum Vitae of Key Personnel

Contractors shall employ in labour-intensive works only those supervisory and management staff that have completed the required Skills Programme in terms of Appendix C of the “Guidelines for the implementation of labour intensive infrastructure projects under the Expanded Public Works Programme (EPWP) Third Edition 2015”:

The following levels of qualification is particularly required:

- Foremen / Supervisors: N3/Metric and "Manage Labour-Intensive Construction Processes" at NQF level 4;
- Site Agent / Construction Manager: National Diploma or 3-year Degree in Civil Engineering and NQF level 5 "Manage Labour-Intensive Construction Processes" or equivalent Quality Council for Trades and Occupations (QCTO) qualifications at NQF level 5 or 7.
- Health and Safety staff at NQF level 5 “Samtrac”

CURRICULUM VITAE OF KEY PERSONNEL

Curriculum Vitae of key personnel to be attached to this page for whom functionality points are sought:

- Contracts Manager
- Site Agent
- Foreman

and

QUALIFICATIONS OF KEY PERSONNEL – LABOUR INTENSIVE ACTIVITIES

Relevant qualification certificates to be attached to this page for each person possessing the required qualifications in the supervision or management of LIC projects:

- Site Agent
- Foreman

Proposed Amendments and Qualifications**RS013**

The Tenderer should record any deviations or qualifications he may wish to make to the tender documents in this Returnable Schedule. Alternatively, a Tenderer may state such deviations and qualifications in a covering letter to his tender and reference such letter in this schedule.

The Tenderer's attention is drawn to Clause C.3.3 of the Standard Conditions of Tender referenced in the Tender Data regarding the Employer's handling of material deviations and qualifications.

These amendments and qualifications, if accepted by the Employer, will be incorporated in the Acceptance Form as Deviations.

Page	Clause or item	Proposal

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the Tenderer, confirms that the contents of this schedule are within his / her personal knowledge and are to the best of his / her belief both true and correct.

.....
Signature

.....
Date

Declaration of Tenderer's Past Supply Chain Management Practices RS014

(MBD8)

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

Item	Question	Yes	No
4.1	Is the Tenderer or any of its directors listed on the National Treasury's database as a company or person 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 National Treasury after the <i>audi alteram partem</i> rule was applied).		
4.1.1	If so, furnish particulars:		
4.2	Is the Tenderer 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)? (To access this Register, enter the National Treasury's website, www.treasury.gov.za , click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).		
4.2.1	If so, furnish particulars:		
4.3	Was the Tenderer or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?		
4.3.1	If so, furnish particulars:		
4.4	Does the Tenderer or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?		
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the Tenderer and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?		
4.5.1	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 Tenderer

Declaration of Interest**RS015**

MDB4

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

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

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

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

- 3.9 Have you been in the service of the state for the past twelve months? YES / NO
- 3.9.1 If yes, furnish particulars
- 3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? YES / NO
- 3.10.1 If yes, furnish particulars
- 3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? YES / NO
- 3.11.1 If yes, furnish particulars
- 3.12 Are any of the company's directors, trustees, managers, Principle shareholders or stakeholders in service of the state? YES / NO
- 3.12.1 If yes, furnish particulars
- 3.13 Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state? YES / NO

3.13.1 If yes, furnish particulars

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract?

YES / NO

3.14.1 If yes, furnish particulars

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Position

.....
Name of Tenderer

Certificate of Independent Tender Determination**RS016**

I, the undersigned, in submitting the accompanying tender:

KCDM/WSIG/06/2022 NKANDLA WEIR REFURBISHMENT: THE CONSTRUCTION RELATED ACTIVITIES
ASSOCIATED WITH THE PROPOSED REFURBISHMENT OF THE NKANDLA WEIR

(Tender number and description)

In response to the invitation for the tender made by:

King Cetshwayo District Municipality

(Name of Municipality/ Municipal Entity)

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

I certify, on behalf of:

that:

(Name of Tenderer)

1. I have read and I understand the contents of the certificate;
2. I understand that the accompanying tender will be disqualified if this certificate is found not to be true and complete in every respect;
3. I am authorized by the tenderer to sign this certificate, and to submit the accompanying tender, on behalf of the tenderer;
4. each person whose signature appears on the accompanying tender has been authorized by the tenderer to determine the terms of and to sign the tender. On behalf of the tenderer;
5. for the purposes of this certificate and the accompanying tender, I understand that the word "competitor" shall include any individual or organization, other than the tenderer, whether or not affiliated with the tenderer, who:
 - (a) Has been requested to submit a tender in response to this tender invitation;
 - (b) Could potentially submit a tender in response to this tender invitation, based on their qualifications, abilities or experience; and
 - (c) Provides the same goods and services as the tenderer and/or is in the same line of business as the tenderer.
6. The tenderer has arrived at the accompanying tender independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium¹ will not be construed as collusive tendering.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement 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 tender;
 - (e) The submission of a tender which does not meet the specifications and conditions of the tender;
or
 - (f) Tendering with the intention not to win the tender.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this tender invitation relates.
9. The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tendre opening or of the awarding of the contract.
10. 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.
11. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to tenders and contracts, tenders 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.

¹ 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.

.....
Signature

.....
Date

.....
Position

.....
Name of Tenderer

The successful Tenderer shall use the programme submitted below or attached as the basis for the detailed programme required in terms of the conditions of contract.

[illegible]

[Note: The programme must be based on the completion time as specified in the Contract Data. No other completion time that may be indicated on this programme will be regarded as an alternative offer, unless it is indicated as such as per C2.12 of the Conditions of Tender]

Declaration of Competency on Health and Safety Requirements	RS018
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Tenderer to provide a declaration on his competencies in establishing and maintaining a Health and Safety plan as required in terms of the Construction Regulations of 2014.

In order to demonstrate these competencies, the Tenderer is to provide with his tender (and attached to this page as a separate document) brief statements as to a safety plan and how the safety management systems will work and what control procedures they plan on using to ensure safety on the construction site.

The following generic aspects should be covered in the safety plan:

- What administrative procedures the Contractor envisage using in the implementation and maintenance of the safety plan with reference to the construction site.
- How continuous assessment of the safety plan will be assessed and implemented with respect to construction site.
- What control systems the Contractor envisage to implement on site to support his safety program.
- How the Contractor will ensure that he adheres to the construction regulations in respect of competent persons for appointments.
- What external resources the Contractor envisage on using to ensure successful implementation and sustainability of the safety plan.
- What training to employees the Contractor envisages and how he would go about to execute it.
- How Covid 19 is going to be handled on site.
- The Contractor should indicate which competent (as described in the OHS Act) persons he currently has in his employ or he plans on employing and **attach** abbreviated Curriculum Vitaes of these persons.

DECLARATION BY TENDERER:

It is confirmed that an outline of the Health and Safety plan is attached hereto. We further declare that we have the competence and necessary resources to carry out work safely in compliance with the Construction Regulations 2014 and that an approved Health and Safety Plan will be submitted prior to commencing with this contract.

.....
Signature

.....
Date

Quality Assurance and Environmental Management**RS019**

1. Quality assurance systems employed by the Tenderer in his office in order to ensure compliance with stated employer's requirements ISO 9001 Certification: Tenderers who are certified as being compliant to the International Organisation for Standardisation's ISO 9001 quality management standard, will score higher in the functionality. Proof of certification or application with evidence of previously started process must be attached in order to qualify for functionality points. The extent of the use of this system must be attached in order to qualify for higher scores.
2. Tenderers who are following a quality management standard as set out by CESA/SABTACO will be deemed to be adequate if they indicate the extent of the use of this system which must be attached in order to qualify for satisfactory score.
3. Proof of certification of the tendering entity and its sub-contractor(s) or JV partner(s) must be submitted with the tender.
4. Note: Where the entity Tendering is a joint venture, provided one of these parties is ISO 9001 certified, and it has been indicated on the work plan submitted that the party will take responsibility for quality management.
5. Does the Tenderer have a Quality Management system which is certified in terms of ISO 9001
6. If "yes", Tenderer to supply brief summary of structure of system

YES	NO
-----	----

.....

.....

.....

.....

.....

7. If "no", does the Tenderer intend to apply for certification?

YES	NO
-----	----

By when? (Date),or

8. If "no", does the Tenderer have its own systems

YES	NO
-----	----

9. If "yes", please supply details of the system

.....

.....

.....

.....

.....

10. Does the Tenderer have an Environmental Management system which is certified in terms of ISO 14 000

YES	NO
-----	----

11. Tenderer to supply brief summary of structure of system:

.....

.....

.....

12. If "no", does the Tenderer intend to apply for certification?

YES	NO
-----	----

By when? (Date),or

13. If "no", does the Tenderer have its own systems

YES	NO
-----	----

14. If "yes", please supply details of the system

.....

.....

.....

15. If the Tenderer does not intend to apply for certification it shall submit details of the quality / environmental management system presently in place.

16. The Tenderer shall insert here a copy of the company's quality assurance plan, control procedures and the relevant documentation supporting its commitment to environmental management. In the event of these documents being too extensive to be included in the procurement document, an abbreviated version of the master document will be included, referring to the master document.

.....
Signature

.....
Date

.....
Position

.....
Name of Tenderer

Declaration Certificate for Local Production and Content for Designated Sectors

RS020

(MBD6.2)

This Municipal Bidding Document (MBD) must form part of all tenders 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, 2017 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 9) makes 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 tenders 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. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage tendering process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the tender price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows: $LC = [1 - x / y] * 100$
Where x is the imported content in Rand
 y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as required in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

- 1.6. A tender may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. Definitions

- 2.1. "Tender" includes written price quotations, advertised competitive bids or proposals;
- 2.2. "Tender price" price offered by the tenderer, excluding value added tax (VAT);
- 2.3. "Contract" means the agreement that results from the acceptance of a tender by an organ of state;
- 2.4. "Designated sector" means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. "Duly sign" means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. "Imported content" means that portion of the tender price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour and intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. "Local content" means that portion of the tender price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. "Stipulated minimum threshold" means that portion of local production and content as determined by the Department of Trade and Industry; and

- 2.9. "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.

3. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this tender is/are as follows:

Description of services, works or goods

Dowels	100%
Reinforcement	100%
Gate Valves	100%
Steel Pipe	100%
Steel Ladders	100%

4. Does any portion of the services, works or goods offered have any imported content?

(Tick applicable box)

YES	NO
-----	----

- 4.1 If yes, the rate(s) of exchange to be used in this tender to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date of advertisement of the tender.

The relevant rates of exchange information is accessible on www.reservebank.co.za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Tenderers must submit proof of the SARB rate (s) of exchange used.

6. Where, after the award of a tender, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the Accounting Officer / Accounting Authority provide directives in this regard.

LOCAL CONTENT DECLARATION

(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF TENDER NO. KCDM/WSIG/06/2022

ISSUED BY: King Cetshwayo District Municipality

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the tenderer.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thedti.gov.za/industrialdevelopment/ip.jsp>. Tenderers should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below. Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names), do hereby declare, in my capacity as

..... of (name of bidder entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that the goods/services/works to be delivered in terms of the above-specified tender comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011;
- (c) The local content percentages (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C;

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the tender is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

.....
Signature

.....
Date

.....
Witness 1

.....
Date

.....
Witness 2

.....
Date

See Annexure C

Annexure C(a)

SATS 1286: 2011

LOCAL CONTENT DECLARATION - SUMMARY SCHEDULE

(C1)	Tender No.	KCDM/WSIG/06/2022									
(C2)	Tender Description:	NKANDLA WEIR REFURBISHMENT: THE CONSTRUCTION RELATED ACTIVITIES ASSOCIATED WITH THE PROPOSED REFURBISHMENT OF THE NKANDLA WEIR									
(C3)	Designated Product(s)	Steel reinforcing, pipes and Ladders									
(C4)	Tender Authority	King Cetshwayo District Municipality									
(C6)	Tender Exchange Rate	USD		EURO		GBP		Other			
(C7)	Special Local Content %										<u>Note:</u> VAT to be excluded from all calculations

Tender Item No's	List of Items	Calculation of local content						Tender summary			
		Tender price - each	Exempted imported value	Tender value net of exempted imported content	Imported Value	Local Value (Per Item)	Local Content % (per item)	Tender Qty	Total tender value	Total exempted imported content	Total imported content
(C8)	(C9)	(C10)	(C11)	(C12)	(C13)	(C14)	(C15)	(C16)	(C17)	(C18)	(C19)
	Grouting										
4.5.2	(a) Y25 Bars; 3,3 m lengths; Lockset S40 Grout										
4.5.3	(b) Y25 Bars; 1,3 m lengths; Lockset S40 Grout										
	Reinforcement										
6.2.4	14 mm and under										
6..2.5	16mm and over										
	Steel Valves										
7.2.1	(a) 900mm diameter waterworks gate valve with handwheel										

Tender Item No's	List of Items	Calculation of local content						Tender summary			
		Tender price - each	Exempted imported value	Tender value net of exempted imported content	Imported Value	Local Value (Per Item)	Local Content % (per item)	Tender Qty	Total tender value	Total exempted imported content	Total imported content
(C8)	(C9)	(C10)	(C11)	(C12)	(C13)	(C14)	(C15)	(C16)	(C17)	(C18)	(C19)
7.2.2	(b) 1200mm diameter waterworks gate valve with handwheel										
7.2.3	(c) 2000mm diameter waterworks gate valve with handwheel refurbishment										
7.2.4	(d) 300mm dia x 18000mm long FL/PE steel pipe protection from erosion										
	Ladders										
7.3.1	a) 2000mm dia sluice										
7.3.2	b) Wing Wall access										

Tenderer to add more items should they wish to claim more local content. Attach any additional sheets to this page.

(C20) Total Tender Value	
--------------------------	--

(C21) Total Exempt imported content	
-------------------------------------	--

(C22) Total Tender value net of exempt imported content	
---	--

(C23) Total imported content	
------------------------------	--

(C24) Total local content	
---------------------------	--

(C25) Average local content % of tender	
---	--

T56

NOTE: Editable Excel versions of this annex is available on the DTI Website with guidance on how to complete the form.

This form does not have to be submitted with the tender.

SATS 1286.2011

Annex E

Local Content Declaration - Supporting Schedule to Annex C

(E1)	Tender No.	
(E2)	Tender description:	
(E3)	Designated products:	
(E4)	Tender Authority:	
(E5)	Tendering Entity name:	

Note: VAT to be excluded from all calculations

Local Products (Goods, Services and Works)	Description of items purchased	Local suppliers	Value
	(E6)	(E7)	(E8)
(E9) Total local products (Goods, Services and Works)			R 0

(E10) **Manpower costs** (Tenderer's manpower cost) R 0

(E11) **Factory overheads** (Rental, depreciation & amortisation, utility costs, consumables etc.) R 0

(E12) **Administration overheads and mark-up** (Marketing, insurance, financing, interest etc.) R 0

(E13) **Total local content** R 0

This total must correspond with Annex C - C24

Signature of tenderer from Annex B

Date: _____

Annual Financial Statement**RS021**

PAGE TO WHICH AN ANNUAL FINANCIAL STATEMENT MUST BE ATTACHED (FOR A PERIOD OF 3YEARS)

The AFS must be in accordance to the nature of the business, whether they must be audited or not audited statement.
(E.g. Pty companies: Need to be audited and Close Cooperation: do not need to be audited).

FAILURE TO DO SO MAY LEAD TO DISQUALIFICATION

Proposed Targeted Enterprises**RS022**

RS022 must be completed in full, failure to do so may lead to disqualification

RS022.1 PROPOSED TARGETED ENTERPRISES

Tenders are required to employ Targeted Enterprises on this contract; failure to do so shall lead to tenderer being completely disqualified. The Targeted Enterprises to be utilized should meet the requirements of Preferential Procurement Regulations, 2017 and registered with CIDB with minimum grading of 2 CE to 4 CE, EME or QSE that is at least 51% Black owned. At least 30% of contract value less items listed in RS022.3 must be subcontracted to the Targeted Enterprises. The objective is to bring about meaningful transformation in the Construction Industry through the following:

- Meaningful economic participation
- Transfer of technical, management and entrepreneurial skills
- Creation of sustainable Black Enterprises

	Proposed extent of works to be allocated to subcontractor	Include value of works allocated to sub- contractor	CIDB Grading
1.			
2.			
3.			
4.			
5.			
	SUB TOTAL		
	ADD P&G		
	TOTAL SUB-CONTRACTING VALUE		

The Targeted Enterprise ratio will be calculated based on the tendered sum of the works less the VAT, Contingencies, Deductible Materials and CPA.

King Cetshwayo District Municipality will make available the list of all contractors registered on CSD database comprising of contractors from King Cetshwayo District Municipality jurisdiction, to provide the required goods and services of the applicable designated groups. Each supplier shall be expected to be eligible or qualify to upgrade to the next CIDB grading at the completion of the identified scope of works.

.....
Signature

.....
Date

RS022.2 ADEQUACY AND QUALITY OF MENTORSHIP AND SKILLS TRANSFER PROGRAMME

1. Tenderers are required to employ designated Subcontractors on this contract with the targeted enterprise(s). The designated sub-contractors to be utilized should be black owned business and registered with CIDB with minimum grading of 2CE to 4CE.
2. A contract Participation Goal of at least 30% for subcontracting to these designated subcontractors has to be achieved by the Tenderer. The objective is to bring about meaningful transformation in the construction industry through the following:
 - Meaningful economic participation
 - Transfer of technical, management and entrepreneurial skills
 - Creation of sustainable Black Enterprises
3. In pursuance of the above objectives, the Tenderer has to develop a mentoring and skills transfer programme which is a practical training programme for targeted black owned SMME construction companies preferably located in King Cetshwayo District Municipality.
4. The mentorship programme must clearly specify the role of the targeted enterprise(s) showing the areas of development in relation to the work packages assigned to the targeted enterprise(s)
5. The on-job training is to be organized and managed by the Developed Enterprise; in contracts awarded and managed by KCDM, but works are executed with the guidance and assistance of experienced Main Contractors at the tendering, mobilization, construction and completion phases.
6. Depending on the nature of contract, the training programme should among other things cover areas such as: understanding Technical Specifications; Standard Specifications; Interpretation of Technical Drawings; Tendering Procedures; Pricing and Unit Rates Build-up; Construction of Civil Works in the Water Industry: Reinforcement, Formwork and False-work; Clearing and Site Establishment; Site Organization and Administration; Surveying and Setting Out; Project Planning and Work Programming/ Scheduling; Contract Supervision and Administration; Environmental Issues; Financial Planning; Project Cost Control; Cash Flow Management; Measurement of Works and Pricing; Preparation of Payment Certificates; Preparation of Claims and Claims Management; Procurement of Equipment and Materials; Personnel Management; Accident and Safety Precaution; Communication. This is just a guide for the design of the mentorship programme.
7. The mentoring and skills transfer programme must indicate what evidence will be produced to show that training did take place. This could for instance be in the form of SAQA accredited modules by relevant SITAs.
8. The Main Contractor (Developed Enterprise) is strongly encouraged to choose relevant SITA accredited modules for training of targeted SMMEs in which case the SITA's NQF level certificates indicating the credits attained could be produced as evidence of the training of the targeted SMMEs. Examples could be NQF2, 3 or 5 in labour intensive construction (LIC) methods
9. The mentorship and skills transfer programme will be assessed based on the submitted methodology or plan. It must be robust, well thought out and should meet most elements of the description given above depending on the nature of work:
10. A capacity building evaluation/ assessment form is to be designed by the main contractor in agreement with the targeted enterprise(s). This must be included in the tender document. The evaluation/ assessment form has to be filled in by all the contractors every month and after completion of the project. The form is to be used for assessing progress made with the training as well as identifying additional training (or gaps) requiring more training.
11. **The mentorship and skills transfer programme (refer to item no. 5 above) as well as the capacity building evaluation form (refer to item no. 10 above) must be attached below.**

.....
Signature

.....
Date

RS022.3 DETERMINATION OF TARGETED PROCUREMENT

1. The targeted procurement ratio will be calculated based on the tendered sum of the works less the following:
 - 1.1 Preliminary & General
 - 1.2 Value of the deductible materials as listed in Table RS022.30 below:
2. Tenderers must provide the rates for quantities and value of items earmarked for exclusion from the targeted procurement calculation.

Failure to do so will lead to the assumption that all quantities contained in the BoQ are eligible for application of the targeted procurement.

Table RS022.30 Schedule of items excluded in the calculation of the Targeted Procurement

Section	Description	Amount
	Sub Total	

RS022.4 CONTRACT PARTICIPATION FOR TARGETED ENTERPRISES

Sub Total 1 value of Contract (excluding VAT, Contingencies and CPA),

Specialists Items (Deductible Materials):

Total value of contract participation by targeted enterprise:

Percentage (%) contract participation by targeted enterprise:

Broad description of work to be performed by the targeted enterprise:

Failure to complete the entire RS023 in full and may lead to disqualification.

Should percentage of sub-contracting not equal or exceed the specified minimum percentage of 30%, the tender will be considered non-responsive in terms of subclause C.3.8 of the Conditions of Tender and such a tender shall be rejected

Tenderer's Participation in Job Creation Using Local Labour**RS023**

The Contractor shall be required to participate in job creation (employment of local labour) by executing various portions of the Works using local labour (unskilled or semi-skilled), recruited from the local community, who are South African Citizens or foreigners in possession of a work visa issued by the Department of Home Affairs (only one such foreigner may be employed on any project). Proof of citizenship or work visa may be audited during the contract period.

The creation of one job shall mean the temporary employment, for any period of time, of one such unskilled or semi-skilled labourer from the local community.

The Tenderer shall note the requirements for Job Creation Reporting for EPWP as set out in the Requirements of the Expanded Public Works Programme (EPWP) of the project specifications.

The number of jobs to be created using such local labour is inclusive of the local labour employed to execute various portions of the Works by both the main Contractor and any subcontractors, including the small development subcontractors.

The number of jobs to be created using such local labour shall include for a minimum percentage allocation to the following individual targeted groups:

55% Women;
55% Youth; and
2% Disabled.

The minimum required content of such local labour for this project shall be calculated as follows:

$$\text{Minimum required content of such local labour (\%)} = \frac{(100 \times \text{amount spent on wages for such local labour (excluding VAT)})}{\text{total value of the project (excluding VAT)}}$$

The minimum required content of such local labour for this project is stated in the Conditions of Contract Clause 4.10.4.

(Compiler to insert the target minimum percentage based on detailed calculations of the local labour component anticipated for each scheduled pay item, including the pay items contributing to the provisional sum associated with the construction Works carried out by Targeted Enterprise subcontractors appointed).

For purposes of completing the table on the next page containing the Tenderer's declaration with respect to participation in job creation using local labour, the total value of the project shall be the amount of the Tender Offer.

TENDERER'S DECLARATION WITH RESPECT TO PARTICIPATION IN JOB CREATION USING LOCAL LABOUR:

The Tenderer shall complete the table below reflecting the anticipated local labour force to be employed on this contract, including such local labour employed by subcontractors.

I/We hereby tender to participate in job creation through the employment of local labour by creating the following number of jobs using unskilled or semi-skilled labourers, recruited from the local community, who are South African Citizens or foreigners in possession of a work visa issued by the Department of Home Affairs (only one such foreigner may be employed on any project), including for a minimum allocation of 55% Women, 55% Youth and 2% Disabled:

Local labour comprising unskilled or semi-skilled labourers recruited from the local community	Anticipated number of jobs to be created	Total number of person-days anticipated	Wage rate per person-day (excluding VAT) (Rand)	Total wage cost (excluding VAT) (Rand)
Contractor's local labour content				
Subcontractors' local labour content				
Total anticipated wage cost of local labour content (excluding VAT)				R
Tender Offer (excluding VAT)				R
Hence anticipated local labour content expressed as a percentage of the Tender Offer (excluding VAT)				
Note: Should this percentage not equal or exceed the specified minimum percentage, the tender will be considered non-responsive in terms of subclause C.3.8 of the Conditions of Tender and such a tender shall be rejected.				%
Specified minimum local labour content				5%

A penalty shall be applied to any shortfall in the local labour content achieved, as set out in the Requirements of the Expanded Public Works Programme (EPWP) of the project specifications. The penalty shall not apply to shortfalls in the allocations to the individual target groups (i.e., Women/Youth/Disabled), only to shortfalls in the total local labour content achieved.

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the Tenderer, confirms that he/she understands the conditions for such participation and confirms that the tender satisfies the conditions for participation in job creation through the employment of local labour.

Name:

Duly authorized to sign on behalf of:

.....
Signature
(Of person authorised to sign on behalf of the Tenderer)

.....
Date

Failure to complete, sign and date this form shall result in the tender being considered non-responsive in terms of subclause C.2.14 of the Conditions of Tender and such a tender shall be rejected.