



BID DESCRIPTION: APPOINTMENT OF AN ON RISK PROFESSIONAL SERVICE PROVIDER FOR ELECTRICAL CONTRACT AND PROJECT MANAGEMENT SERVICES FOR THE ELECTRIFICATION OF 3 000 HOUSEHOLDS IN MOOIDRAAI.

Bid Number: MLM 18/2023/24

SCM Unit contact number: (016) 973 8740/1/2/3/4

Department contact number: (016) 973- 8487

CLOSING DATE: 06 MARCH 2024

TIME: 11:00

DEPOSITED IN THE BID BOX SITUATED AT:
--

Metsimaholo Local Municipality, No 10 Fichardt Street, Finance Building, <u>Ground Floor</u>

Bid Amount (Vat Inclusive / Exclusive): _____

Name of Bidder: _____

CSD Supplier Number: _____

Contact Person: _____

Contact no: _____

Email Address: _____

Please Note:

1. No bid or tender will be awarded to a person in the service of the State.
2. No bid or tender will be awarded without submitting Municipal Accounts or lease agreement.
3. No bid or tender will be awarded to tender defaulters or restricted by National Treasury.
4. Bidder must be registered with **Central Supplier Database** from National Treasury and Supplier or Vendor number must be submitted.
5. Other conditions of the bid or tender must be adhered to by the Bidder.
6. Documents must be inserted in a **sealed envelope**; failure to do so will lead to disqualification.
7. **If you are late for the briefing session you will not be allowed to sign the attendance register**

TABLE OF CONTENTS

Contents	Page Number
Cover page	1
Table of contents	2
Disclaimer	3
MBD 1	4 – 6
MBD 3.1	7
Tender Returnable	8 – 9
Functionality	10 - 12
Metsimaholo reference forms	13 - 16
Detail Scope of work or Specifications	17 – 22
Pricing Schedule	23 – 26
MBD 4	27 – 30
MBD 6.1	31 – 35
MBD 8	36 – 38
MBD 9	39 – 41
NEC 3 ECC	42 – 44
TENDER ADVERT	45
Annexure A – E: Compulsory returnable documents	47 – 52
Annexure F - G: Functionality assessment	54 - 58

WARNING DISCLAIMER.**MISREPRESENTATION OF INFORMATION (FRAUD)**

NB: The Municipality reserves the right to blacklist the company & it's directors should it be found to have submitted false documentation. If contract already awarded, it will be terminated and the service provider will be reported to National Treasury for blacklisting.

I, _____,

the director of _____

hereby declare that all supporting documents (**compliance and functionality**) submitted with this bid are valid.

Signed at: _____

Signature: _____

Date : _____

MBD1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)

BID NUMBER:	MLM 18/2023/24	CLOSING DATE:	06 MARCH 2024	CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF AN ON RISK PROFESSIONAL SERVICE PROVIDER FOR ELECTRICAL CONTRACT AND PROJECT MANAGEMENT SERVICES FOR THE ELECTRIFICATION OF 3 000 HOUSEHOLDS IN MOOIDRAAI.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN
THE BID BOX SITUATED AT (STREET ADDRESS)

Metsimaholo Local Municipality					
No 10 Fichardt Street					
Finance Building					
Ground Floor					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	☐ Yes ☐ No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER		DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	FINANCE	CONTACT PERSON	MR S BILA
CONTACT PERSON	SCM	TELEPHONE NUMBER	016 973 8487
TELEPHONE NUMBER	0169738740/1/2/3/4	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	sibusiso.bila@metsimaholo.gov.za
E-MAIL ADDRESS	N/A		

MBD1

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3. 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

MBD 3.1

PRICING SCHEDULE – FIRM PRICES (PURCHASES)

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED
IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bid: APPOINTMENT OF AN ON RISK PROFESSIONAL SERVICE PROVIDER FOR ELECTRICAL CONTRACT AND PROJECT MANAGEMENT SERVICES FOR THE ELECTRIFICATION OF 3 000 HOUSEHOLDS IN MOOIDRAAI.

Bid Number: MLM 18/2023/24

Closing Time: 11:00

Closing date: 06 MARCH 2024

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

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
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- | | | | |
|---|--|-------|--------------------------|
| - | Required by: | | |
| - | At: | | |
| - | Brand and Model | | |
| - | Country of Origin | | |
| - | Does the offer comply with the specification(s)? | | *YES/NO |
| - | If not to specification, indicate deviation(s) | | |
| - | Period required for delivery | | |
| | | | *Delivery: Firm/Not firm |
| - | Delivery basis | | |

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

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

*Delete if not applicable.

COMPLAINT REQUIREMENTS

NO	RETURNABLES	NOTES
1	A copy of a CSD summary report OR CSD number.	• CSD full report or summary report OR CSD number. • Municipality may not make any award to a person whose tax matters are not complaint with SARS, please note that tax compliance will be verified before any award.
2	Proof of company registration documents with the Director's details must be attached.	• The company registration documents must indicate the company and Director's details. • In a case where the Director has changed names, proof of name change must be attached.
3	Fully completed and signed MBD forms	• Fully Completed and signed in handwriting and in black ink pen.
4	Completed pricing schedule in black ink pen	• Fully Completed pricing schedule in handwriting and in black ink pen.
5	Joint Venture Agreement	• If applicable submit a complete and signed JV agreement
NB! The following documents will not be accepted: for number 6, 7 and 8 • Affidavits; Address confirmation letter; invoices from the body corporates or agents, rates and taxes of the lessor (without a lease agreement) and municipal tender / rates clearance letter.		
6	Latest Municipal rates and taxes account for the COMPANY AND DIRECTORS/TRUSTEES/ MEMBERS/SHAREHOLDERS.	• Submit strictly JAN 2024 or FEB 2024 municipal rates & taxes statement must be attached. • The submitted account must not be in arrears for more than 3 months. • In a case of Rates & Taxes Account being in a family member's name, ONLY MUNICIPAL Account where the address of the Account matches the address on the company registration documents will be accepted) if not in arrears for more than 3 months.

7	In the event of a tenant renting a lease agreement MUST be attached for the COMPANY AND DIRECTORS/TRUSTEES/ MEMBERS/SHAREHOLDERS.	The lease agreement must include the following: • A valid copy of the lease agreement must be signed by (both Lessor and lessee). • The lease agreement must indicate dates of commencement and expiry or duration. • In a case where the lease agreement has expired and there is a clause indicating an automatic renewal the original lease agreement and a confirmation letter signed by Lessor must be attached. • In the occasion where the lease agreement has expired the original lease agreement AND extension must be attached with commencement and expiry dates or duration. • In a case of lease agreement being in a family member's name, the lease agreement will be accepted if the address on the lease matches the address on the company registration documents, AND ONLY if the lease agreement is valid.
	<i>Note: If the company registration document's physical address on lease agreement or the municipal rates and taxes statement is the same as the Director's physical address, we will accept for both Company & Director.</i>	
8	Municipal rates and taxes for bidders who are from the rural areas for the COMPANY AND DIRECTORS/TRUSTEES/MEMBERS/SHAREHOLDERS.	• In the event that the bidder is from the rural area a letter from the municipality that the area is not liable to pay municipal rates and taxes OR a signed letter from the chief indicating that the bidder is from that particular rural/tribal area.
9	Professional Indemnity Cover	• Professional indemnity cover up to R 20 million (Indemnity provider to be FSP registered with FSP number included on cover)
<u>NB: Failure to comply with the above-mentioned terms and conditions will deem your bid to be disqualified.</u>		

1	Specific Goals (Locality) • Refer to MBD 6.1	The following must be submitted for proof of locality: • Municipal account in the name of the bidder not older than 90 days, • Lease agreement where the bidder is the lessee, or • An official letter from the bank confirming the registered business address of the bidder.
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NB: Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

PROPOSED ALLOCATION OF POINTS IN TERMS OF FUNCTIONALITY

a) EXPERIENCE ON SIMILAR PROJECTS		
Client Signed Letters of appointment WITH fully completed Signed & Stamped Metsimaholo reference form which must indicate project Value and scope of work completed.	4 x Signed Appointment letters & MLM reference forms. Total 40 Points	Max. 40 points
	3 x Signed Appointment letters & MLM reference forms. Total 30 Points	
	2 x Signed Appointment letters & MLM reference forms. Total 20 Points	
	1 x Signed Appointment letters & MLM reference forms. Total 10 Points	
1) SIGNED LETTERS OF APPOINTMENT & SIGNED MLM REFERENCE FORM WHICH MUST INDICATE THE FOLLOWING: 1.1) Electrical reticulation project 2) MINIMUM PROJECT VALUE PER LETTER MUST BE AS FOLLOWS TO BE CONSIDERED FOR POINTS: 2.1) Min appointment value of R 3M+ or Project Value of R 30m+ for Electrical Reticulation 3) CONDITIONS 3.1) A minimum of one project with the South African Government/ South African State Owned Enterprise (SOE)/ South African Parastatal must be attached or no points will be issued further for the remaining project letters 3.2) Non-attachment of Appointment and signed MLM reference form of the same project will result in zero points		

b) COMPANY ACCREDITATION AND COMPLIANCE			Max. 10 Points
CESA/ SABTACO membership	Attach either CESA / SABTACO member registration Registration with recognized Professional Body. (Proof to be provided by means of CESA / SABTACO registration).		Max. 05 Points
Quality Control (ISO 9001 Certificate or Quality manual)	Quality Manual = 03 points ISO 9001 Certificate = 05 points		Max. 05 Points
c) RESOURCES			Max. 10 Points
Design Software	Attach Valid Design software licence from service provider confirming your company name.		Max. 05 points
Company Equipment	Attach list under company letterhead confirming company equipment as follows: 1) 5 laptops 2) Medium size Printing Machine 3) 3 vehicles		Max. 05 points
d) COMPANY KEY PERSONNEL Bidders must complete key personnel table below. Failure to complete the below table will result in no points being allocated for the proposed team.			Max 30 Points
Electrical / Engineer Technologist	Personnel 1- Relevant Qualifications: B. Tech, BSc. (Electrical Engineering) Registration with ECSA as Pr Eng or Pr Tech with experience in electrical construction projects of not less than eight (8) years. NB: Submit CV and Copies of Qualifications	8-10 Years	7 points
		10+ Years	10 points
Project Manager / Resident Engineer	Personnel 1- Relevant Qualifications: B. Tech, BSc. (Electrical Engineering) Registration as Pr Eng/ Pr Tech/ Pr CPM/ Pr CM/ PMI with experience in electrical construction projects of not less than six (6) years. NB: Submit CV and Copies of Qualifications	6-8 Years	7 points
		8+ Years	10 points
Qualified Draughts Person /CAD Operator	Personnel 1- Relevant Tertiary Qualifications: Draughtsman certificate with experience in electrical design projects of not less than three (3) years. NB: Submit CV and Copies of Qualifications	3-5 Years	3 points
		5+ Years	5 points

Health and Safety Officer	Personnel 1- Relevant Qualifications: Accredited Health & Safety Compliance Certificate with experience in construction projects of not less than four (4) years. NB: Submit CV and Copies of Qualifications	4-6 Years	3 points
		6+ Years	5 points
e) FINANCIAL VIABILITY- BANK RATING LETTER Points required for this sub-category are 10 points			
Bank Rating Letter	Submit bank rating letter not older than 3 months of rating of A,B or C with a dated stamp / date of issue	10 Points	Max 10

NB: The Municipality reserves the right to verify the above submitted compliance documents, misrepresentation of information submitted can lead to the bidder being blacklisted and contract be terminated with immediate effect.

KEY PERSONNEL TABLE

<u>KEY PERSONNEL</u>	<u>NAME AND SURNAME</u>
Electrical Engineer/Technologist	
Project Manager / Resident Engineer	
Qualified Draughts Person /CAD Operator	
Health and Safety Officer	

Bidders must ensure that the same personnel are made available during site handover. If listed personnel are not available, they must be replaced by personnel with the same or higher qualification and experience.

SATISFACTORY LETTER – A**TO: METSIMAHOLO LOCAL MUNICIPALITY**

I, the undersigned being duly authorized to do so, hereby furnish a reference to Metsimaholo Local Municipality relative to bid **MLM 18/2023/24** for the:
APPOINTMENT OF AN ON RISK PROFESSIONAL SERVICE PROVIDER FOR ELECTRICAL CONTRACT AND PROJECT MANAGEMENT SERVICES FOR THE ELECTRIFICATION OF 3 000 HOUSEHOLDS IN MOOIDRAAI.

Municipal / Client's Name	
Project Name	
Contract Number/Tender number/Order number	
Project value/Order amount completed	
Description of scope of work	
Duration / time when the above was provided	
Was their performance satisfactory? ☐ Yes / ☐ No	<i>If No, please furnish details:</i>
Was the product offered complying with the specifications? ☐ Yes / ☐ No	<i>If No, please furnish details:</i>
Will you recommend this supplier to anyone without reservations? ☐ Yes / ☐ No	<i>If No, please furnish details:</i>

Name of authorized person: Position

Signature:

Telephone:

E-mail:

Date:

Completed on behalf of (Name of Institution)

.....

NB: This document must be completed in full by the referee and it to be included in the bid submission. Failure to adhere to this requirement will result in the bidder not being allocated points.

OFFICIAL INSTITUTION STAMP

SATISFACTORY LETTER – B**TO: METSIMAHOLO LOCAL MUNICIPALITY**

I, the undersigned being duly authorized to do so, hereby furnish a reference to Metsimaholo Local Municipality relative to bid **MLM 18/2023/24** for the: APPOINTMENT OF AN ON RISK PROFESSIONAL SERVICE PROVIDER FOR ELECTRICAL CONTRACT AND PROJECT MANAGEMENT SERVICES FOR THE ELECTRIFICATION OF 3 000 HOUSEHOLDS IN MOOIDRAAI.

Municipal / Client's Name	
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Contract Number/Tender number/Order number	
Project value/Order amount completed	
Description of scope of work	
Duration / time when the above was provided	
Was their performance satisfactory? ☐ Yes ☐ No	<i>If No, please furnish details:</i>
Was the product offered complying with the specifications? ☐ Yes ☐ No	<i>If No, please furnish details:</i>
Will you recommend this supplier to anyone without reservations?	<i>If No, please furnish details:</i>
☐ Yes ☐ No	

Name of authorized person: Position

Signature:

Telephone:

E-mail:

Date:

Completed on behalf of (Name of Institution)

NB: This document must be completed in full by the referee and it to be included in the bid submission. Failure to adhere to this requirement will result in the bidder not being allocated points.

OFFICIAL INSTITUTION STAMP

SATISFACTORY LETTER – C

TO: METSIMAHOLO LOCAL MUNICIPALITY

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Municipal / Client's Name	
Project Name	
Contract number/Tender number/Order number	
Project value/Order amount completed	
Description of scope of work	
Duration / time when the above was provided	
Was their performance satisfactory? ☐ Yes / ☐ No	<i>If No, please furnish details:</i>
Was the product offered complying with the specifications? ☐ Yes / ☐ No	<i>If No, please furnish details:</i>
Will you recommend this supplier to anyone without reservations? ☐ Yes / ☐ No	<i>If No, please furnish details:</i>

Name of authorized person: Position

Signature:

Telephone:

E-mail:

Date:

Completed on behalf of (Name of Institution)

NB: This document must be completed in full by the referee and it to be included in the bid submission. Failure to adhere to this requirement will result in the bidder not being allocated points.

OFFICIAL INSTITUTION STAMP

SATISFACTORY LETTER – D**TO: METSIMAHOLO LOCAL MUNICIPALITY**

I, the undersigned being duly authorized to do so, hereby furnish a reference to Metsimaholo Local Municipality relative to bid **MLM 18/2023/24** for the: APPOINTMENT OF AN ON RISK PROFESSIONAL SERVICE PROVIDER FOR ELECTRICAL CONTRACT AND PROJECT MANAGEMENT SERVICES FOR THE ELECTRIFICATION OF 3 000 HOUSEHOLDS IN MOOIDRAAI.

Municipal / Client's Name	
Project Name	
Contract Number/Tender number/Order number	
Project value/Order amount completed	
Description of scope of work	
Duration / time when the above was provided	
Was their performance satisfactory? ☐ Yes / ☐ No	<i>If No, please furnish details:</i>
Was the product offered complying with the specifications? ☐ Yes / ☐ No	<i>If No, please furnish details:</i>
Will you recommend this supplier to anyone without reservations? ☐ Yes / ☐ No	<i>If No, please furnish details:</i>

Name of authorized person: Position

Signature:

Telephone:

E-mail:

Date:

Completed on behalf of (Name of Institution)

NB: This document must be completed in full by the referee and it to be included in the bid submission. Failure to adhere to this requirement will result in the bidder not being allocated points.

OFFICIAL INSTITUTION STAMP

Detail Scope of work or Terms of reference

BACKGROUND AND DISCUSSION

The legislative mandate of Metsimaholo Municipality seeks to ensure that the infrastructure resources are protected, managed, used, developed, conserved, and controlled through regulating and supporting the provision of quality electrical infrastructure and restore the dignity of people. The Municipality is responsible for the development, operations, maintenance, and rehabilitation of infrastructure resources as credible assets for the Municipality. The Municipality's responsibility is to design, develop, construct, and maintain infrastructure assets comprising of Sub Stations, Overhead Lines, Reticulation electrical and associated infrastructure that is positioned across Metsimaholo.

The Township of Mooidraai was developed in 2008 and approved with a total household output of 3075 households. The township however has no services to date apart from a planned project by Department of Human Settlement (DHS) to install water and sewer services in 2024. The township was occupied in 2018 whereby an estimated 7000 households occupied both formal and informal stands. This project however aims to provide electrical services to the formally registered stands of 3075 households.

The PMU seeks to appoint a professional electrical services provider to design the electrical infrastructure required for installing an electrical network for all 3075 households. The electrical consultant will be required to detail the technical specifications as well as ensure compliance with the Municipality in carrying out the project till completion.

DURATION OF CONTRACT

The project is envisaged to subsist for an estimated period of two (2) years from the date of confirmation of appointment of the Service Provider.

PAYMENTS

- The method and conditions of payment to be made to the supplier under this contract shall be specified at tender document.
- All payments will be made to the Service Provider within thirty (30) days of verification of an invoice. All invoices should be submitted by the 10th of each month.
- Payment will be made in Rand unless otherwise stipulated.
- Service provider will render services on risk and will only be paid upon availability of funds from DMRE.

PENALTIES

In the event of non-compliance with the agreed time frames, Penalty fees in the amount of R3,000.00 (Three Thousand Rand) per day will be deducted in lieu of each day the successful bidder fails to render its service in respect of the project. Penalties will be applied for failure to comply with the conditions attached to this bid. These penalties are more fully described in the Service Level agreement.

SCOPE OF WORKS

Upon appointment of the professional engineering consultant, the scope of work will include but not limited to the following:

- Scoping,
- Preliminary design,
- Detail design,
- Preparation of procurement documents,
- Contract administration,
- Implementation of Occupational Health and Safety requirements,
- Implementation of the project through Labour Intensive Construction requirements where possible,
- Quality control,
- EPWP reporting, and
- General project management

The full scope of service is in accordance with the Engineering Council of South Africa Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Profession Act, 2000, (Act No.46 of 2000) as follows:

1. Inception

- Assist in developing a clear project brief
- Attend project initiation meetings
- Advise on procurement policy for the project
- Advise on the rights, constraints, consents, and approvals
- Define the scope of services and scope of work required
- Conclude the terms of the agreement with the client
- Inspect the site and advise on the necessary surveys, analysis, tests and site or other investigations where such information will be required for Stage 2 including the availability and location of infrastructure and services.
- Determine the availability of data, drawings and plans relating to the project
- Advise on criteria that could influence the project life cycle cost significantly
- Provide necessary information within the agreed scope of the project to other consultants
- Agreed scope of services and scope of work
- Signed Agreement
- Report on project, site, and functional requirements.
- Schedule of required surveys, tests, analysis, and other investigation.

2. Concept and Viability (Preliminary Design Stage)

- Agree documentation programme with principal consultant and other consultants involved (*where applicable*).
- Attend design and consultants meeting
- Prepare initial concept design and related documentation
- Establish the concept design criteria
- Advise the client regarding further surveys, analysis, tests, and investigations which may be required.
- Establish regulatory authorities' requirements and incorporate into the design.
- Refine and access the concept design to ensure conformance with all regulatory requirements and consents.

3. Design Development (Detailed Design Stage)

- Review documentation programme with principal consultant and other consultants involved.
- Attend Consultants design meetings
- Incorporate clients and authorities detailed requirements into the design
- Incorporate the other consultants design and requirements into the design
- Prepare design development drawings including draft technical details and specifications.
- Review and evaluate design and outline specification and exercise cost control.
- Prepare detailed estimates of construction costs.
- Liaise, co-operate, and provide necessary information to the principal consultant and other consultants involved.
- Submit the necessary design documentation to local and other authorities for approval.

4. Documentation

- Attend design and consultants' meetings.
- Prepare specifications and preambles for the works.
- Accommodate services design.
- Check cost estimates and adjust designs and documents if necessary to remain within budget.
- Formulate the procurement strategy for contractors or assist the principal consultant where relevant.
- Prepare documentation for contractor procurement.
- Review designs, drawings, and schedules for compliance with approved budget.
- Assist in calling for tenders.
- Assist with the preparation of contract documentation for signature.

5. Contract Administration and Inspection

- Attend site handover.
- Issue construction documentation in accordance documentation schedule including, in the case of structural engineering, reinforcing bending schedules and detailing and specification of structural steel sections and connections.

- Carry out contract administration procedures in terms of the contract.
- Prepare schedules of predicted cash flow.
- Prepare pro-active estimates of proposed vacations for client decision making.
- Attend regular site, technical and progress meetings.
- Inspect works for conformity to contract documentation.
- Adjudicate and resolve financial claim by contractor(s).
- Assist in the resolution of contractual claims by the contractor.

6. Close out

- Inspect and verify the rectification of defects.
- Receive, comment, and approve relevant payment valuations and completion certificates.
- Prepare and/or procure operations and maintenance manuals, etc
- Prepare as-built drawings and documentation required by Eskom for Energisation.
- Conclude the final accounts where relevant.

7. Detailed designs

The detail designs shall include sufficient information to enable approval by the Municipality before procurement processes for construction work can resume.

8. Programme and timing

Upon allocation of a project, the Consulting Engineers must indicate on their proposed programme of activities how they aim to achieve completion of the project within 12 months of a financial year including construction. The Service provider will be required to submit a program of confirmed activities to be undertaken in the project. The Service Provider will also be required to submit a monthly progress report.

9. Reporting and performance tracking

- Reports must be submitted to the municipal PMU on a monthly basis or as and when requested to do so as the need may arise.
- Reports must be submitted on the prescribed format to be provided by the municipality.

10. Skills transfer and mentoring

Bidders will be required to train municipal staff in all project phases of a project appointed for and mentor them through their professional registration. Items for training include:

- Design
- Administration
- Documentation

EMPLOYER'S OBJECTIVE

The objective is to deliver public infrastructure using labour intensive methods where feasible. Labour-intensive works comprise the activities described in SANS 1921-5 include some minor earthworks for exposing of services and digging of pits which are to be performed by hand. Such works shall be constructed using local workers who are temporarily employed in terms of this Scope of Work.

The Municipality will allow PSPs to make use of outsourced specialist consultants where the required expertise is not available within the company; provided that such personnel is qualified and registered at the relevant institutions. METSIMAHOLO MUNICIPALITY reserves the right to approve such specialist outsourced consultants.

METSIMAHOLO MUNICIPALITY reserves the right to appoint any number of responsive consultants for each of the categories.

Tenderers may only tender under 1 (one) company or 1 (one) consortium – more than 1 (one) submission may result in immediate disqualification.

PRICING OF WORKS**A1 TENDERED FEE: PROFESSIONAL ENGINEERING SERVICES****TABLE A1 – TENDERED FEE FOR CONSULTING SERVICES****CONSTRUCTION ESTIMATE: R 49 000 000.00**

Cost Bracket	
From R To R	R 47 372 000 TO R 94 960 000
Project Description	Mooidraai Electrification
Discipline	Electrical Engineering Services in Engineering Projects
Project amount (total project value)	49 000 000.00
Primary Fee	R
Secondary Fee %	%
For Value Over	R 47 372 000.00
Secondary Fee	R
Total Basic Fees	R
Complexity factor (Table 6A: ECSA)	
Total Professional Fee (P+S)	R

Table 2 (Total of A1 Breakdown)

Project Stage	Percentage	Amount
Inception	%	R
Concept and Viability (PDR)	%	R
Design Development (DD)	%	R
Documentation and Procurement	%	R
Contract administration	%	R
As-Built Close Out reports	%	R
TOTAL A1 (Excl. Vat)		R

* Fee estimate does not imply the actual project cost. Project cost might be higher or lower than estimate. Fee percentage to be adjusted upon appointment of contractor using initial tendered percentage.

B1 CONSTRUCTION MONITORING (LEVEL 1)

TABLE B1 TENDERED FEES FOR CONSTRUCTION MONITORING

Service	Provisional Amount	
	Monthly	Total for 24 Months
Construction monitoring (Level 2)	R	R
Site Engineer Monitoring (Level 3)	R	R
Skills Transfer (Student Trainee)	R	R
OHS Construction Monitoring	R	R
TOTAL CONSTRUCTION MONITORING (Excl. Vat)– TO TABLE E	R	R

Note: The above fee is a provisional amount for the provision of construction monitoring service. The total fee will be adjusted according to the actual duration over which the construction monitoring service is required.

C RECOVERABLE EXPENSES AND COSTS (ECSA Clause 4.6)

TABLE C1 TENDERED FEES FOR RECOVERABLE EXPENSES AND COSTS

Service	Provisional Amount
Load Investigations	R
Line Survey	R
Topographical Survey	R
Geotechnical Investigations	R
TOTAL RECOVERABLE EXPENSES (Excl. Vat) – TO TABLE E	R

D DISBURSEMENTS**TABLE D1 TENDERED FEES FOR DISBURSEMENTS**

Item	Unit	Qty	Rate (Excl. Vat)	Total (Excl. Vat)
Travelling (up to 2500cc), keep signed SARS compliant log sheets	Km	30,000	R	R
A4 Reproductions, copying, printing, artwork, photography and binding, etc. of all contracts documents	Pages	5,000	R	R
A3 Reproductions, copying, printing, artwork, photography and binding, etc. of all contracts documents	Pages	1,000	R	R
A0 Reproductions, copying, printing, artwork, photography and binding, etc. of all contracts documents	Pages	1,000	R	R
TOTAL DISBURSEMENTS – TO TABLE E				R

E. TENDERED PROFESSIONAL FEE SUMMARY (TABLE E)**Table E1**

Service	From Table	Tendered Fee
A NORMAL SERVICES		
A1 Total for Professional engineering services	Table A1	R
B. ADDITIONAL SERVICES		
B1 Total for Construction monitoring	Table B1	R
C. RECOVERABLE EXPENSES AND COSTS		
C1 Total for Recoverable	Table C1	R
D. DISBURSEMENTS		
D1 Total for Disbursements	Table D1	R
SUBTOTAL (A1)+(B1)+(C1)+(D1)		R
VAT @ 15%		R
TOTAL INCLUDING VAT		R

MBD 4**DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

- 3.1 Full Name of bidder or his or her representative:.....
- 3.2 Identity Number:
- 3.3 Position occupied in the Company (director, trustee, hareholder²):.....
- 3.4 Company Registration Number:
- 3.5 Tax Reference Number:.....
- 3.6 VAT Registration Number:

CSD 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.

.....

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

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

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

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

3.9 Have you been in the service of the state for the past twelve months?

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

YES	NO
-----	----

the evaluation and or adjudication of this bid?

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:

.....

.....

Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

NB: If a supplier does not declare their interest correctly on the MBD4 Forms, then they will not be selected for any awards.

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

MBD 6.1**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022**

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the **80/20** preference point system.
- b) **80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

- (a) Price; and
- (b)** Specific Goals (Locality)

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS (LOCALITY)	20
Total points for Price and SPECIFIC GOALS	100

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

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

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{min} = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
 then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Locality	80/20	

Points Allocation

Location	Points Allocation
Bidder that is within the boundaries of the Metsimaholo Local Municipality	20
Bidder that is within the boundaries of the Fezile Dabi District Municipality	15
Bidder that is within the boundaries of the Free State Province	10
Bidder that is Outside the boundaries of the Free State Province	05

Proof of locality

The following must be submitted for proof of locality:

- Municipal account in the name of the bidder not older than 90 days, or
- Lease agreement where the bidder is the lessee, or
- An official letter from the bank confirming the registered business address of the bidder.

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One-person business/sole propriety
 - ☐ Close corporation
 - ☐ Public Company
 - ☐ Personal Liability Company
 - ☐ (Pty) Limited
 - ☐ Non-Profit Company
 - ☐ State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

MBD 8**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 9**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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

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

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

MBD 9**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf

Of : _____ that:

(Name of Bidder)

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

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

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

NEC3 ENGINEERING AND CONSTRUCTION CONTRACT CONDITIONS

This Contract will be based on the NEC 03 “NEC3 Engineering and Construction Contract”

PART 1: DATA PROVIDED BY THE CLIENT

The following Contract Data and amendments are applicable to this Contract:

Clause	
	The Employer is Metsimaholo Municipality
3.4 and 4.3.2	The Authorised and Designated representative of the Employer is: Name: Mr. Sibusiso Bila The Employer's address for receipt of communications is: 10 Fitchardt Street, Sasolburg, 1947. E-mail: sibusiso.bila@metsimaholo.gov.za
3.5	None of the projects are funded and can only be claimed for payment once funds are approved.
3.6	Appointed service provider is expected to assist the Municipality during fund application stage and will claim in accordance with the travel rates as priced.
3.7	Appointed service provider will be expected to compile and submit any reports required during fund application stage i.e business plans, technical reports, attend clarity seeking meetings at their own cost till funding is approved.
3.8	The appointment is on- risk meaning the funds might not be approved and thus relies on the appointed service providers risk regarding any funds they utilize during fund application stage.
3.11	The Service Provider shall deliver the Services in accordance with the programme for each Works Order or Instruction as provided for in 3.14.
3.11	The penalty for failing to submit any of the documentation on time in accordance with an agreed program is R 3 000.00 per day. The limit of penalties is 10 (ten) % of Fees payable in terms of the particular works order or instruction.
3.14	A Programme for the performance of services per Works Order/Instruction shall be submitted within 7 days of the receipt of such Works Order or Instruction.
4.4	Delete and replace with” The Service Provider shall appoint, according to contract, and be paid for work done by its subcontractors (sub-consultants) according to the Pricing Data.”

Clause					
4.6	Add-Administer construction contract according to “NEC 03 ENGINEERING AND CONTRACTS” as amended by Employer.				
4.7	All payments to bidders will only be made by means of Electronic Fund Transfer (EFT). Successful bidders will be requested to submit within 14 days after appointment, the following documents: • An original letter from the banking institution to confirm full details of the bank account to the Council (Company name, account number) • An original cancelled cheque (if applicable) • An original letter on the bidding entity’s letterhead confirming bank account details into which all contract payments must be made, signed by an authorized official of bidding entity.				
4.7	Add new paragraph” After funding application is approved, the Employer reserves the right, by giving written notice to the Consultant, to stop the progress of a particular project/stage at any time. Should the Employer exercise this right, the Employer will pay the Consultant for work done and expenses incurred only up to the time that the notice was given.”				
5.2	Add the paragraph” The Service Provider shall keep strict control of expenditure on the construction contracts and of its fee and motivate the reasons if additional funds are to be made available by the Employer. The Service Provider shall report in writing to the Employer in good time so as not to delay the progress of the Works.”				
5.4.1	The Service Provider is required to provide the following insurance (And Proof):				
13.4	<table border="1"> <tr> <td>Insurance against</td><td>Risk in performing professional services (Professional Indemnity cover) and Public Liability insurance.</td></tr> </table>	Insurance against	Risk in performing professional services (Professional Indemnity cover) and Public Liability insurance.		
Insurance against	Risk in performing professional services (Professional Indemnity cover) and Public Liability insurance.				
13.5	<table border="1"> <tr> <td>Limit of compensation</td><td>(i) For Professional Indemnity Insurance, the amount equal to the total of the professional fee for the project as entered in the Offer and Acceptance form or the proceeds the consultant is entitled to receive under its insurance, whichever is higher. Minimum R 20 000 000.</td></tr> <tr> <td>Duration of professional indemnity Insurance and duration of liability.</td><td>For a period of 3 years after issue of the final report for the whole project.</td></tr> </table>	Limit of compensation	(i) For Professional Indemnity Insurance, the amount equal to the total of the professional fee for the project as entered in the Offer and Acceptance form or the proceeds the consultant is entitled to receive under its insurance, whichever is higher. Minimum R 20 000 000.	Duration of professional indemnity Insurance and duration of liability.	For a period of 3 years after issue of the final report for the whole project.
Limit of compensation	(i) For Professional Indemnity Insurance, the amount equal to the total of the professional fee for the project as entered in the Offer and Acceptance form or the proceeds the consultant is entitled to receive under its insurance, whichever is higher. Minimum R 20 000 000.				
Duration of professional indemnity Insurance and duration of liability.	For a period of 3 years after issue of the final report for the whole project.				
5.5	The Service Provider is required to obtain the Employer’s prior approval in writing before taking any of the following actions: . Commencement of any of the ECSA guide Stages 1-6 including Additional Services. . Appointing Sub Contractors (sub consultants) and other service providers for the performance of any part of the Services.				

9.1	Copyright of documents prepared by the Service Provider for any stage of the Project is vested with Metsimaholo Municipality.
9.3	Change “shall have no right” to “shall have the right”.
11	The Service Provider is deemed to have all skills necessary to provide the services detailed in the Scope of Work and Pricing Data.
12.1.2	Settlement of disputes is to be by Adjudication. Settlement of disputes is to be in terms of The Standard Professional Services Contract (Third Edition, 3rd edition of CIDB document 1015 of September 2009) published by the Construction Industry Development plus a signed full bid document will act as a full legal document and serve as a Service Level Agreement, where applicable the provisions of Municipal Finance Management Act (MFMA) shall prevail.
13.6	Delete this clause.
14	Remuneration and reimbursement shall be as set out in the Pricing Data.
15	Interest determined by applicable law.

Supply Chain Management Unit hereby invites bids for the following requirements:

Bid No. MLM	Bid Description	Evaluation Criteria	Specific Goals	Bid Fee	Compulsory Briefing Meeting	Closing Date	Technical Contact Person
18/2023/24	Appointment of a professional services provider for electrical contract and project management services for the electrification of 3 000 households in Mooidraai.	80/20 Price and functionality.	Locality Details are stipulated in the tender document	R 400.00	14 FEBRUARY 2024 At 11H00 FINANCE BUILDING 2 ND FLOOR BUILDING MUNICIPAL FOYER	06 MARCH 2024 @11h00 FINANCE BUILDING FLOOR FOYER	Mr S Bila 016 973 8487

Bids terms and conditions:

1. Bids shall be evaluated and adjudicated in accordance with the Supply Chain Management Policy of Metsimaholo Local Municipality.
2. **WHERE A COMPULSORY BRIEFING SESSION IS REQUIRED, THE ONUS IS ON THE BIDDER TO ATTEND AND ARRIVE ON TIME, AS LATE ARRIVALS SHALL NEITHER BE ALLOWED INTO THE VENUE NOR WILL THEY BE PERMITTED TO SIGN THE ATTENDANCE REGISTER, AND THEREBY THEY WILL BE DEEMED TO BE ABSENT AND THEIR BIDS SHALL NOT BE CONSIDERED.**
3. Tender documents will be available on the 7th Of February 2024 on E-tender and **SCM Office, Metsimaholo Local Municipality, Civic Centre, 10 Fichardt Street, Sasolburg, finance building, 1st floor.**
4. Non-refundable tender document fee is payable in cash between 07:30am and 15:30pm at the **cashiers in the Rates Hall, Metsimaholo Local Municipality, Civic Centre, 10 Fichardt Street, Sasolburg.**
5. **TENDER DOCUMENTS CAN ALSO BE DOWNLOADED FOR FREE ON E-TENDER @www.etenders.gov.za**
6. The municipality reserves the right to accept the tender in part or totally reject it.
7. **Tenders endorsed with their specific Tender Numbers must be placed in the tender box located at Metsimaholo Local Municipality, Ground floor, Finance Building, 10 Fichardt Street, Sasolburg.**
8. Late tenders will not be accepted.
9. Incomplete tenders may be disqualified.
10. No faxed or e-mailed tenders shall be accepted.
11. The municipality reserves the right to accept any tender price and not necessarily the lowest, and to withdraw any bid before the award.
12. Bidders must comply with the requirements as specified in a tender document; failure to comply may lead to non-consideration (disqualification).
13. Bids from the persons in the service of the state such as Councillors, and other elected representative (MPs, MPLs), public servants, national and provincial, municipal officials, directors of public and municipal entities are barred from engaging in business with the municipality.

FJ MOTLOUNG
Acting Municipal Manager

Notice No: 18/2023/2024.

**BIDDER MUST USE THE ANNEXURE'S ATTACHED
HERETO TO INCLUDE THE REQUIRED RETURNABLE
DOCUMENTS**

**NB: None submission of this supporting documents may
lead to disqualification.**

ANNEXURE A

Central Supply Database (CSD) Summary Report

ANNEXURE B

Company Registration Document

Certificate issued by Companies and Intellectual Property Commission

ANNEXURE C

Joint venture agreement (If applicable)

ANNEXURE D

Latest Municipal rates and taxes account OR lease agreement for the COMPANY

ANNEXURE E

**Latest Municipal rates and taxes account OR lease
agreement for the DIRECTORS / TRUSTEES /
MEMBERS / SHAREHOLDERS**

ANNEXURE F

Professional indemnity cover up to R 20 million
(Indemnity provider to be FSP registered with FSP
number included on cover)

**BIDDER MUST USE THE ANNEXURE'S ATTACHED
HERETO TO INCLUDE THE REQUIRED
RETURNABLE DOCUMENTS FOR FUNCTIONALITY**

**NB: None submission of this supporting
documents will lead to no points award**

ANNEXURE G

EXPERIENCE IN SIMILAR PROJECTS

ANNEXURE H

COMPANY ACCREDITATION AND COMPLIANCE

ANNEXURE I

RESOURCES

ANNEXURE J

COMPANY KEY PERSONNEL

NB: SUBMIT CV AND COPIES OF QUALIFICATIONS

ANNEXURE K

FINANCIAL VIABILITY- BANK RATING LETTER