

EASTERN CAPE PROVINCE

DEPARTMENT OF HUMAN SETTLEMENTS

TERMS OF REFERENCE

SCMU11-24/25-118: THE APPOINTMENT OF AN IMPLEMENTING AGENT TO UNDERTAKE THE IMPLEMENTATION OF VARIOUS INFRASTRUCTURE AND CONSTRUCTION PROJECTS THROUGHOUT THE EASTERN CAPE PROVINCE

Project Manager ECDHS: Mr T Matyolo

Implementing Agent Name: _____

Signature: _____

TABLE OF CONTENTS

1. BACKGROUND	1
2. THE OBJECTIVES AND PURPOSE	1
3. IMPLEMENTING AGENT	2
4. REQUIREMENTS OF SUBMISSION	2
5. SCOPE OF WORKS	3
6. COST OF PROPOSAL	10
7. ECONOMIC EMPOWERMENT AND LOCAL BENEFICIATION	10
8. ASSESSMENT AND EVALUATION PROCESS	11
9. PRICE OFFERED	14
10. DURATION	14
11. OBLIGATION TO AWARD TO LOWEST BIDDER	14
12. CONDITIONS OF CONTRACT	14
13. BID VALIDITY	16
14. SUBMISSION OF BID PROPOSALS	16
15. COMPULSORY BRIEFING SESSION	17
16. CLOSING DATE	17
17. CONTACT DETAILS ON TERMS OF REFERENCE	18
18. SIGNATORIES	19
TABLE 1 : LIST OF RETURNABLE DOCUMENTS	20
TABLE 2: TECHNICAL ASSESSMENT CRITERIA	21
PRICING SCHEDULE	28
SBD4 BIDDER'S DISCLOSURE	30
SBD 6.1 PREFERENCE POINTS	32

1. BACKGROUND

The Eastern Cape Department of Human Settlements (ECDHS) is committed to delivering, infrastructure, and construction opportunities through integrated, sustainable infrastructure and construction projects. To achieve this vision, ECDHS aims to appoint an Implementing Agent, to facilitate the efficient and effective implementation of projects within the province.

ECDHS invites service providers with experience in infrastructure and construction projects to express their interest in the execution of such works. The scope of work shall include the full range of services associated with the Human Settlements Infrastructure Program. The appointment of this Implementing Agent aims to ensure a streamlined and efficient procurement process for engaging qualified service providers, promote transparency and fairness in the procurement process, foster a competitive environment for service providers, and enhance the quality and timeliness of project delivery within the province.

Since 1994, national priority projects have been used across sectors to reduce poverty in townships. The priority has been to increase the supply of public infrastructure at an accelerated pace and to develop sufficient infrastructure to close the gap between the existing infrastructure and the infrastructure that is needed. ECDHS recognizes the critical role of the private sector in achieving this goal. Lessons learned about project management and implementation highlight the importance of well-planned and executed priority projects to deliver infrastructure at an accelerated pace.

Balanced partnerships, effective contracting and governance, a clear empowerment and transformation pathway, and shared risk and proceeds among all parties are critical to project success.

2. THE OBJECTIVES AND PURPOSE

- 2.1** The Eastern Cape Province is faced with significant infrastructure shortages, leading to inadequate living conditions, and a lack of access to essential services and social infrastructure for a substantial portion of the population. This situation has exacerbated social inequalities and adversely impacted on the overall socio-economic growth of the province.
- 2.2** ECDHS is issuing these terms of reference to appoint an implementing agent to facilitate the efficient and effective implementation of projects within the province. The selected Implementing Agent will help bridge the gap in the infrastructure and construction backlog and address the infrastructure needs of the province.
- 2.3** The Implementing Agent will assist ECDHS in addressing the infrastructure and project needs. Their services will be crucial in the planning, engineering, procurement, construction, and management of these projects, leading to the successful delivery of infrastructure and the alleviation of the infrastructure backlogs.
- 2.4** The primary purpose of appointing an Implementing Agent is to address the spatial imbalances and infrastructure shortages within the various municipalities of the Eastern Cape Province. By doing so, the selected Implementing Agent will contribute to improving the living conditions and quality of life for residents across the province. By addressing the current infrastructure and construction needs, the province can work

towards creating more equitable, accessible, and sustainable towns that promote social cohesion, economic growth, and overall well-being for all its residents.

3. IMPLEMENTING AGENT

- 3.1** The Implementing Agent will be responsible for project implementation and management of conveyancers, consultants, contractors, and other service providers. Their responsibilities will include project planning, design management, procurement, coordination, project monitoring, quality management, claims management and reporting to ensure the timely and successful completion of projects.

4. REQUIREMENTS OF SUBMISSION

4.1 IMPLEMENTING AGENT

All Respondent's responding to the submission should be addressing the following (where applicable, the appropriate documents must be attached):

- 4.1.1** Cover Letter: A professional cover letter that introduces the Implementing Agent firm and highlights its interest in the bid.
- 4.1.2** Project and Consulting Team: A detailed description of the project team and professional consulting team, including the roles, qualifications, and experience of each member. The team should include, but is not limited to the following professionals: Principal Program Co- Ordinator, Principal Engineer, Construction Project Manager, Engineering Technologist, Senior Admin Officer, Chief Town Planner, GIS Specialist, Software Engineer, Environmental Specialist, Accountant, Conveyancer, Civil Engineering, Electrical Engineering, Geotechnical Engineers, Traffic Engineers, Land Surveyors, Town Planners, Quantity Surveyors, Architects, OHS Specialists, and Urban Designers, etc.
- 4.1.3** The following information should be submitted for each inhouse professional or consulting firm:
 - (a) Company names and profiles;
 - (b) Company representative's details (including contact details);
 - (c) Company's assigned professionals' CV's, ID's, qualifications and professional registrations;
 - (d) Applicable professional disciplines for which each company is appointed.
- 4.1.4** Experience of the Implementing Agent: A list of the Implementing Agent's experience in executing any public sector projects. Track record can include Town Planning, Services, Top Structures and other Infrastructure and Construction projects.
- 4.1.5** Locality of the Implementing Agent: Proof of the Implementing Agent's local Eastern Cape office.
- 4.1.6** Implementing Agent's returnable documents: The Implementing Agent must provide the following documents as part of the submission.
 - 4.1.6.1** CSD Registration
 - 4.1.6.2** Latest 3 years Audited Financial Statements: Latest annual turnover for the year

2022/2023 should exceed R 800 million. (Should the Respondent not meet this minimum requirement, then such Respondent shall be automatically disqualified)

- 4.1.6.3 Tax Compliant Certificate
- 4.1.6.4 VAT Registration
- 4.1.6.5 COIDA Certificate
- 4.1.6.6 Health and Safety Declaration
- 4.1.6.7 Professional Indemnity
- 4.1.6.8 Company Registration Documents
- 4.1.6.9 Shareholders Agreement
- 4.1.6.10 Shareholding Declaration signed by the accounting officer
- 4.1.6.11 Directors Identity Documents
- 4.1.6.12 Municipal Rates and Taxes
- 4.1.6.13 Health and Safety Declaration
- 4.1.6.14 Company Profile

- 4.1.7 Project Methodology and Method Statement: An in-depth description of how a typical project of this nature will be managed, from Inception to Close Out.
- 4.1.8 Procurement Methodology: details of how procurement of Local Contractors, Local Engineers and all other Local Service Providers will be done.
- 4.1.9 Project Management System: A detailed description of the project management system to be used, highlighting its capabilities and how it will facilitate information access for the Employer.
- 4.1.10 Impacts Plan: A comprehensive plan addressing the Implementing Agent's primary economic, social, and environmental impacts, demonstrating their commitment to sustainable development and the well-being of the community.
- 4.1.11 Empowerment and Local Beneficiation Plan: A robust plan outlining the Implementing Agent's commitment to promoting the economic empowerment of black individuals, including black women, youth, and persons with disabilities. The plan should also emphasize local beneficiation, ensuring that the project brings tangible benefits to the local community and contributes to socio-economic development.

5. SCOPE OF WORKS

5.1 The Implementing Agent specific scope of work is as detailed below:

- 5.1.1 Project managing contractors, engineers, architects, quantity surveyors and any other consultants or service providers: The Implementing Agent will be responsible for project management of contractors, engineers, architects, quantity surveyors and any other consultants or service providers who will work on various infrastructure projects.
- 5.1.2 Monitoring adherence to delivery schedules and cash flows by contractors, engineers, architects, quantity surveyors and any other consultants or service providers: The Implementing Agent will monitor the progress of contractors, architects, quantity surveyors and any other consultants or

service providers to ensure that they adhere to delivery schedules and cash flow requirements.

- 5.1.3** Monitoring contractors, engineers, architects, quantity surveyors and any other consultants or service providers on compliance with contractual obligations: The Implementing Agent will ensure that contractors, engineers, architects, quantity surveyors and any other consultants or service providers comply with their contractual obligations to ensure the successful completion of infrastructure projects.
- 5.1.4** Reviewing and approving contractors, engineers, and service provider invoices: The Implementing Agent will review and approve contractors, engineers and service providers invoices to ensure that the work has been completed according to the contract terms, project schedule, and quality requirements.
- 5.1.5** Deploying an innovative user-friendly project and program management system: The Implementing Agent will deploy a project and program management system that is not only innovative, but also easy to use and provides relevant reporting for regional and senior management throughout ECDHS.
- 5.1.6** Introducing a system where ECDHS will have access to live dashboards and performance information on projects: The Implementing Agent will introduce a live dashboard system that will provide ECDHS with access to project performance metrics and key indicators in real-time.
- 5.1.7** Deploying a live GIS System on all projects under construction: The Implementing Agent will deploy a Geographic Information System (GIS) to provide an integrated and interactive mapping platform that supports decision-making processes for all infrastructure projects.
- 5.1.8** Appointing professional consultants: If requested by the Client, the Implementing Agent shall appoint professional consultants, such as civil engineers, structural engineers, quantity surveyors, electrical engineers, and architects, who will assist in the preparation of all construction documents required to execute infrastructure projects, it shall adhere to the requirements set out in the Public Finance Management Act (PFMA).
- 5.1.9** Appointing suitable contractors for the execution of the construction works: If requested by the Client, the Implementing Agent shall appoint suitable contractors for the execution of the construction works, it shall adhere to the requirements set out in the Public Finance Management Act (PFMA).
- 5.1.10** Facilitating and assisting with the submission of Infrastructure delivery proposals: The Implementing Agent will assist with the submission of infrastructure delivery proposals by various municipalities and other government departments in line with their Infrastructure Delivery Plans
- 5.1.11** Identifying project viability and state of readiness: The Implementing Agent will work with various municipalities and other government departments to identify project viability and readiness for

infrastructure projects.

- 5.1.12** Engaging with relevant sector partners: The Implementing Agent will engage with relevant sector partners, including but not limited to municipalities and other provincial and national sector departments for their contribution and input in current and future infrastructure projects.
- 5.1.13** Suitability Analysis of Proposals: The Implementing Agent will analyze and advise the department on the suitability of infrastructure proposals. This will include assessing the readiness of proposed projects with regards to land, bulk services, and other feasibility imperatives. The Implementing Agent will also provide recommendations to ensure the efficient delivery of infrastructure projects.
- 5.1.14** Norms and Standards Research: The Implementing Agent will research, collate and recommend inputs to the projects in line with the Norms and Standards. This will ensure that infrastructure projects are developed in accordance with all standards and regulations.
- 5.1.15** Provide mentorship, upskilling programmes for Departmental candidates to become professionally recognised in the following disciplines: South African Council for Planners (SACPLAN), South African Council for the Architectural Profession (SACAP), South African Council for the Quantity Surveying Profession (SACQSP), South African Council for the Project and Construction Management Professions (SACPCMP) and Engineering Council of South Africa (ECSA). The Implementing agent should provide mentors that have at least 05 years mentorship experience.

5.2 Contracts Management scope will also include:

- 5.2.1** Monitoring adherence to delivery schedules and cash flows by contractors, engineers, architects, quantity surveyors and any other consultants or service providers to ensure timely delivery of projects and efficient use of funds.
- 5.2.2** Ensuring that contractors, engineers, architects, quantity surveyors and any other consultants or service providers adhere to contractual obligations to avoid legal disputes and ensure project quality.
- 5.2.3** Providing quality assurance by certifying milestones and payment of claims to ensure project deliverables meet quality standards.
- 5.2.4** Ensuring project inspections for the purpose of quality assurance.
- 5.2.5** Ensuring consistent compliance with the Quality Assurance Management Framework to maintain project quality.
- 5.2.6** Ensuring consistent compliance with the Standard Procedure for claims processing and procedures to ensure fair and timely payment of claims.
- 5.2.7** Processing claims received from contractors, engineers, architects, quantity surveyors and any

other consultants or service providers within 30 days to ensure timely payment and avoid delays.

- 5.2.8** Serving as a full Implementing Agent responsible for receiving project funding from ECDHS and distributing it to all relevant contractors, engineers, consultants, and other service providers to ensure efficient use of funds.
- 5.2.9** Advising on the feasibility and sustainability studies of potential or identified future projects to ensure projects are viable and sustainable from feasibility to implementation.
- 5.2.10** Assisting in conducting projects contract reviews to identify any issues or concerns and address them to ensure project quality.
- 5.2.11** Developing and implementing a risk management plan to identify, assess, and mitigate potential risks and issues that may impact project delivery, including those related to health and safety, environmental impact, stakeholder engagement, and financial management, to avoid project delays and ensure project quality.
- 5.2.12** Establishing and maintaining effective communication channels with all stakeholders to ensure project goals and objectives are clearly understood, and all parties are kept informed of project progress to maintain project quality.
- 5.2.13** Providing support and guidance to municipalities and other government departments in the development and implementation of any of their infrastructure programs, including technical assistance, capacity building, and training to ensure successful project implementation.
- 5.2.14** Developing and maintaining an effective project management system that includes standardized processes and procedures, project templates, and reporting mechanisms to ensure that all projects are delivered on time, within budget, and to the required quality standards to ensure efficient project management.
- 5.2.15** Conducting regular project audits and reviews to identify areas for improvement and to ensure that project management processes are being followed, and project goals are being achieved to avoid delays and ensure project quality.
- 5.2.16** Developing and implementing a sustainability plan for each project that addresses environmental impact, energy efficiency, waste management, and water conservation to ensure sustainable project implementation.
- 5.2.17** Developing and implementing a community engagement plan that encourages the participation of local stakeholders in project planning and implementation and fosters community ownership and support for the project to ensure successful project implementation.
- 5.2.18** Provide technical assistance and guidance to contractors and service providers on best practices

in infrastructure development, including design, construction, and post-construction maintenance.

- 5.2.19** Provide regular training and capacity building opportunities to project staff, contractors, and service providers on project management, technical skills.
- 5.2.20** Develop and implement a quality management plan that includes standards and procedures for ensuring that all project deliverables meet the required quality standards.

5.3 Technical Management scope will also include:

- 5.3.1** The Implementing Agent will have the responsibility of appointing professional consultants to assist with the engineering and architectural designs of each project. The Implementing Agent will work closely with these consultants to ensure that all engineering requirements are met and that projects are completed in accordance with the engineering standards and regulations. The specific scope of work for engineering will also include:
 - 5.3.2** Reviewing engineering and architectural drawings, specifications, and designs for each project to ensure compliance with relevant codes, standards, and regulations. The Implementing Agent will also ensure that the designs are constructible, safe, and feasible, taking into account site conditions, local regulations, and the project's budget and timeline.
 - 5.3.3** Reviewing bill of quantities (BOQs) and cost estimates for each project to ensure accuracy and completeness. The Implementing Agent will also provide guidance on cost-effective solutions to optimize the project's budget without compromising quality and performance.
 - 5.3.4** Providing technical guidance and advice to contractors, engineers, and other stakeholders on engineering issues throughout the project lifecycle. This includes interpreting and clarifying project requirements, resolving technical issues and conflicts, and ensuring that all parties are aware of their roles and responsibilities.
 - 5.3.5** Ensuring that all engineering work is completed in accordance with the relevant engineering standards and regulations, including but not limited to structural, mechanical, electrical, and civil engineering. The Implementing Agent will also ensure that all designs are reviewed and approved by relevant authorities and stakeholders as required.
 - 5.3.6** Conducting regular site inspections to ensure that construction work is progressing in accordance with the project schedule and specifications. The Implementing Agent will also verify that all work is completed in compliance with the approved design and construction standards, and that any changes or modifications are documented and approved by the relevant stakeholders.
 - 5.3.7** Reviewing engineering and architectural changes and design modifications as required and ensuring that any changes are properly documented and communicated to all relevant parties. The Implementing Agent will also assess the impact of any changes on the project's budget, timeline, and quality, and provide recommendations on how to mitigate any adverse effects.

- 5.3.8** Conduct quality control checks to ensure that all construction work is completed to the required quality standards. This includes performing regular quality inspections and tests, verifying that all materials and equipment meet the required specifications, and ensuring that all workmanship is of the required standard.
- 5.3.9** Preparing and submitting engineering reports to ECDHS on the progress of each project. The Implementing Agent will also prepare regular progress reports for the project team and other stakeholders as required, highlighting any issues or concerns, and providing recommendations for corrective action.
- 5.3.10** Ensuring that all projects are completed within the approved budget and timelines. The Implementing Agent will develop and maintain detailed project schedules, track progress against milestones, and identify any potential delays or cost overruns. The Implementing Agent will also provide recommendations on how to mitigate any adverse effects and ensure that the project is delivered within the approved scope, budget, and timeline.

5.4 Procurement scope will also include:

- 5.4.1** The Implementing Agent's procurement activities will be carried out in accordance with the procurement policies of the Department and procedures of the PFMA. The specific scope of work for procurement will also include:
- 5.4.2** The Preparation of Tender Documents: The Implementing Agent will be responsible for preparing tender documents for the procurement of services, including engineering services, construction works, and consulting work. The Implementing Agent will ensure that the tender documents are comprehensive, clear, and provide sufficient information to enable potential bidders to prepare responsive bids.
- 5.4.3** The Implementing Agent will ensure that all procurement activities are conducted in a fair, transparent, and competitive manner and in compliance with applicable laws and regulations.
- 5.4.4** The Implementing Agent will be responsible for evaluating bids and proposals submitted by potential service providers, appointing them as the Implementing Agent.
- 5.4.5** The Implementing Agent will be responsible for managing the contracts awarded, including monitoring the performance of suppliers, ensuring compliance with contract terms and conditions, and resolving any issues that may arise.
- 5.4.6** The Implementing Agent will maintain accurate and up-to-date records of all procurement activities and contracts awarded and will provide regular reports to ECDHS on the status of procurement activities and contract performance.
- 5.4.7** The Implementing Agent will ensure that all procurement activities are carried out in an

environmentally sustainable manner, and that suppliers are selected based on their commitment to environmental sustainability and social responsibility.

- 5.4.8** The Implementing Agent will manage the budget for each project within the program. The Implementing Agent will be responsible for the accurate recording of all project-related expenses and the management of the cash flow for each project. The Implementing Agent will be required to ensure that all expenses are within the approved budget and will provide regular reports to ECDHS on the financial performance of each project.
- 5.4.9** The Implementing Agent will develop and maintain a detailed project budget for each project, which will include all costs associated with the project, including, but not limited to, engineering fees, contractor fees, materials, equipment, and any other project-related expenses.
- 5.4.10** The Implementing Agent will receive invoices from contractors, engineers, architects, quantity surveyors and any other consultants or service providers for work completed on each project. The Implementing Agent will verify that the work has been completed in accordance with the contract terms, project schedule, and quality requirements before approving the invoices.
- 5.4.11** The Implementing Agent will procure all contractors and service provider under the Implementing Agent and all contractors and service providers will report directly to the Implementing Agent.
- 5.4.12** The Implementing Agent will pay the relevant service provider invoices to the engineers, contractors and all other relevant service providers.
- 5.4.13** The Implementing Agent will maintain accurate and up-to-date financial records for each project and will provide regular financial reports to ECDHS on the status of each project's budget.
- 5.4.14** The Implementing Agent will provide financial advice and recommendations to ECDHS on project-related expenses and will work closely with ECDHS to ensure that all projects are completed within budget.
- 5.4.15** It will not be expected from the Implementing Agent to distribute any payments to contractors, engineers, or consultants if the Implementing Agent has not yet received the funds from ECDHS or other Departments.

5.5 Alternative Funding Mechanisms scope will include:

- 5.5.1** If required by the Client to assist, the Implementing Agent will collaborate with ECDHS and explore alternative funding mechanisms for all infrastructure programs. This may include engaging with banks and other financial institutions in South Africa, as well as international funding institutions, to identify alternative sources of funding that can be used to accelerate the execution of infrastructure projects and ease the burden on the existing national and provincial budgets.

- 5.5.2** The Implementing Agent will be responsible for preparing funding proposals and business plans for review and approval by ECDHS and other relevant stakeholders. This may include conducting feasibility studies, financial modelling, and risk assessments to ensure that proposed funding mechanisms are viable and sustainable. This will also include the drafting of business plans for the consideration of ECDHS.
- 5.5.3** If deemed necessary by the Client, the Implementing Agent will assist in negotiating alternative funding mechanisms with banks and other financial institutions on behalf of ECDHS and other Departments for the consideration and approval by ECDHS. This may include negotiating loan terms, interest rates, and repayment schedules.
- 5.5.4** The Implementing Agent will be responsible for managing the disbursement of funds to contractors, engineers, architects, quantity surveyors and any other consultants or service providers in accordance with the terms of any alternative funding agreements.
- 5.5.5** The Implementing Agent will maintain accurate and up-to-date financial records for each funding mechanism and will provide regular financial reports to ECDHS on the status of each funding mechanism.
- 5.5.6** The Implementing Agent will also be responsible for ensuring that all funding mechanisms are in compliance with applicable laws and regulations.

6. COST OF PROPOSAL

Unless otherwise stated in the bid, the Employer will not compensate the Respondent for any costs incurred in the preparation and submission of a proposal, including the costs of any testing necessary to demonstrate that aspects of the proposal complies with requirements.

7. ECONOMIC EMPOWERMENT AND LOCAL BENEFICIATION

- 7.1** In line with the State's goals to promote economic empowerment of previously and currently disadvantaged populations, the Respondent is similarly required to promote economic empowerment, primarily within the locality of the development, and through the legitimate inclusion of disadvantaged groups in all aspects of planning, delivery and ownership.

7.1.1 Black Economic Empowerment

The Respondent shall commit to and ensure that:

- (a) A minimum of 30% of the shareholding in the entity proposed to plan, execute and develop the project is held by black persons (black persons as defined in Broad- Based Black Economic Empowerment Amendment Act 2013 (Act No 46 of 2013)), and that such minimum level of ownership by the black persons is maintained throughout the project's lifecycle.
- (b) A minimum of 30% of the value of the project shall be procured from black persons or other legal entities owned in majority by black persons (to the extent that the 30% of value is

achieved), and that such procurement shall be distributed reasonably across built environment professionals, consultants, construction material suppliers, subcontractors, laborer's, etc., so appointed or procured from, and shall be maintained throughout the project's lifecycle.

7.1.2 Local Beneficiation

The Respondent shall commit to and ensure that:

- (a) Wherever practically possible all goods, services and labour be procured from entities based on the following criteria: in the demarcated wards in which the development is taking place, failing which the local municipality, then district or metropolitan municipality, then province or nationally.

8. ASSESSMENT AND EVALUATION PROCESS

Functionality will be scored in accordance with the criteria set out below and a minimum of 70 out of the possible 100 is required to be evaluated any further.

Each Proposal will undergo an intensive assessment and evaluation process by the Department, which will consist of 3 distinct stages, namely:

8.1 Administrative Compliance Assessment

The Administrative Compliance stage of assessment includes, or requires that:

- 8.1.1 Administrative Compliance Check that assesses whether all the submitted proposals have observed all the rules and protocols set out in this bid.
- 8.1.2 Has the respondent submitted all documents as outlined in the requirements of the bid.
- 8.1.3 Eligibility Compliance Check which assesses whether the respondent have passed the minimum requirements as out in this bid.
- 8.1.4 It is compulsory that the Respondent meet the following minimum requirements. If a respondent does not meet these following minimum requirements, they will automatically be disqualified:

Should the Respondent not meet the minimum requirements reviewed as part of the Administrative Checks as set out in Table 01, then such Respondent shall be disqualified from the bid process and no further evaluation shall take place. Respondents that meet the minimum requirements for Stage 1 shall proceed to be evaluated in accordance with Stage 2 criteria - Technical Compliance Assessment.

8.2 Technical Compliance Assessment

The Technical Compliance Assessment stage of the evaluation process includes or requires that:

- 8.2.1 The Respondent be assessed for technical compliance.
- 8.2.2 Technical compliance will be assessed based on functionality assessment criteria that have

been developed by the Department and defined in Table 2 below. Respondent scoring below 70 of the points noted in Table 2 will be disqualified and will not be eligible for further evaluation or consideration.

Should the Respondent not meet the minimum requirements reviewed as part of the Technical Compliance Assessment, then such Respondent shall be disqualified from the bid process and no further evaluation shall take place. Respondents that meet the minimum requirements for Stage 2 shall proceed to be evaluated in accordance with Stage 3 criteria - Price and Specific Goals Evaluation.

8.3 Price and Specific Goals Evaluation

- 8.3.1 Regulation 3 of the Preferential Procurement Policy Framework Act 2000: Preferential Procurement Regulations 2022, (the Regulations) stipulates that an organ of state must, prior to making an invitation for tenders, determine and stipulate the appropriate preference point system to be utilized in the evaluation and adjudication of tenders. If there is uncertainty on the preference point system to be applied, institutions must advertise the tender indicating that the tender will be evaluated on either the 80/20 or 90/10 preference point system.
- 8.3.2 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, 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.
- 8.3.3 Regulation 5 and 6 stipulates that 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).

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

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

80/20	or	90/10	
$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	or	$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	

Where

- P_s = Points scored for price of bid under consideration
 P_t = Price of bid under consideration
 $P_{\min}$ = Price of lowest acceptable bid

8.5 POINTS AWARDED FOR SPECIFIC GOALS AND STAGES OF EVALUATION OF BIDS

- 8.5.1 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 below as may be supported by proof/ documentation stated in the conditions of this tender:

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system)	Number of points allocated (80/20 system)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Women owned Organizations	4	8		
Youth	2	4		
People with Disability	1	2		
Locality: Eastern Cape	2	5		
Military Veterans	1	1		

8.6 CLAIMING OF PREFERENCE POINTS

- Preference points allocated for women may be claimed if there is sufficient evidence that such woman has ownership of 51% or more of the enterprise shareholding. Bidders must submit proof in a form of valid Central Supplier Database (CSD) supplier profile that outlines the ownership of the organisation.
- Preference points allocated for persons with disabilities may only be claimed if there is sufficient evidence that such person has ownership of 51% or more of the enterprise shareholding. Bidders must submit proof in form of a medical certificate / letter not older than 6 months from a registered medical practitioner (Practitioner number, contact details to be stated on correspondence) detailing the disability. The Medical certificate will only be used for evaluation purposes.
- Preference points allocated for promotion of youth may only be claimed if there is sufficient evidence that such youth has ownership of 51% or more of the enterprise shareholding. Bidders must submit proof in a form of valid Central Supplier Database (CSD) supplier profile that outlines the ownership of the organisation.
- Preference points for Locality may be allocated for promotion of enterprises located within the Eastern Cape Province may be claimed by submission of proof that the enterprise is located within the borders of Eastern Cape Province. This includes an enterprise whose head office may be situated in another province but has a fully-fledged branch within Eastern Cape Province. Enterprises located outside the borders of the Eastern Cape Province and who only appoints agents and or commission warehouses in this municipal area are expressly excluded from claiming points for this goal. Bidders must submit proof of the Company's Registered Offices. Proof of rate statement, lease agreement or confirmation of locality from local authority.
- Preference points allocated for Military Veterans may only be claimed if there is sufficient evidence that such person has ownership of 51% or more of the enterprise shareholding. Bidders must submit proof in terms confirmation letters from the Department of Military Veterans.
- NB: Bidders must provide sufficient proof and supporting documentation in respect of the above evaluation criteria and specific goals evaluation. Bidders who do not submit the required information shall not be scored for the respective/relevant evaluation criteria. In a case of a joint venture and/or consortium the agreements must clearly set out the shareholding and roles and responsibilities of the lead member the joint venture and/or consortium members. Failure to submit shareholding will result in non-allocation of points
- ECDHS reserves the right to withdraw any request for proposal and/or re-advertise or to reject any proposal or to accept a part of it. ECDHS does not bind itself to accepting any proposal.

9. PRICE OFFERED

The Implementing Agent will be entitled to a Fee percentage added to the total cost of each infrastructure project. This fee will be added to the total project cost, including contractors, engineers, consultants, and all other service providers' costs needed to execute services related to the infrastructure projects. The fee is fixed and non-negotiable.

The proposed rate is% (Respondents are required to insert the project percentage total as indicated in the pricing schedule.)

The awarded fee percentage shall remain fixed throughout the duration of the contract. Compensation to the respondent will be based on the aggregate group percentage. Any proposed amendments to the percentage fee must be mutually agreed upon by both parties and shall be formalized in writing.

10. DURATION

This Proposal and the execution of the identified projects shall be for a period of 60 months. The agreement will commence upon the date of signing of the Service Level Agreement (SLA) between the ECDHS and will be for a period of 60 months. All project-specific Service Level Agreements (SLA) signed during this period shall remain active until the completion date as specified in the project-specific Service Level Agreement (SLA).

11. OBLIGATION TO AWARD TO LOWEST BIDDER

The Employer reserves the right to reject any or all bids, in whole or in part, and is not obligated to award the contract to the lowest bidder. The decision to accept or reject any bid will be at the sole discretion of the Employer, who may consider various factors, including but not limited to, the bidder's qualifications, experience, financial stability, and the overall value and suitability of the bid in relation to the project requirements. The Employer also reserves the right to negotiate with the selected bidder to achieve mutually agreeable terms before finalizing the award of the contract.

The Employer further reserves the right to cancel the bidding process at any stage without incurring any liability to the bidders.

By submitting a bid, the bidder acknowledges and agrees that the Employer's decision in this regard is final and binding.

12. CONDITIONS OF CONTRACT

12.1 Variations, amendments and additions to the Conditions of Contract as Special Conditions of Contract prescribed by the Employer will be determined for every sub-project. Each of the Special Conditions of Contract shall be cross-referenced to the clause in the General Conditions of Contract to which it mainly applies.

- 12.2** The following referenced Engineering and Construction Works Contract may be applicable depending on the nature of the project identified under this Appointment:
- 12.2.1** Service Level Agreements by ECDHS;
 - 12.2.2** General Conditions of Contract for Construction Works (GCC);
 - 12.2.3** Conditions of Contract for Construction, Conditions of Contract for Plant and Design-Build, Conditions of Contract for FIDIC EPC/ Projects, Conditions of Contract for Design, Build and Operate Projects or Short Form of Contract;
 - 12.2.4** JBCC series 2000 Principal Building Agreement or Minor Works Agreement;
 - 12.2.5** NEC Engineering and Construction Short Contract or NEC Engineering and Construction Contract;
or
 - 12.2.6** Any other bespoke conditions of contract that may be agreed upon by the Implementing Agent and the ECDHS.
- 12.3** The standard industry forms of contract shall be used with minimal project-specific variations and additions which do not change their intended usage.
- 12.4** The project involves the implementation of public sector infrastructure projects in the Eastern Cape Province. ECDHS will identify infrastructure projects which are part of their project pipeline. The Implementing Agent will execute these identified projects in accordance with the conditions of this contract.
- 12.5** The Implementing Agent shall upon identification of any project executed through this Proposal determine the total cost of the project for the full execution of the project as specified in "Scope of Works." The Implementing Agent will be entitled to a fixed fee as outlined in Price Offered which will be added to the total cost of the project.
- 12.6** The Project Cost shall be determined by the Implementing Agent for each individual project and presented to the Employer for the approval of such project cost before the Implementing Agent can proceed with the execution thereof.
- 12.7** Payment of works completed shall be certified in accordance with the applicable conditions of the contract for each project and shall be effected by the Employer to the Implementing Agent in accordance with the provisions of the Contract. The Implementing Agent will subsequently make payment to the identified Service Providers responsible for the execution of the works.
- 12.8** The implementation of this Proposal and the execution of the identified projects shall be for a period of 60 months. The agreement will commence upon the date of signing of the Service Level Agreement (SLA)

between the ECDHS and will be for a period of 60 months. All project-specific Service Level Agreements (SLA) signed during this period shall remain active until the completion date as specified in the project-specific Service Level Agreement (SLA).

12.9 The execution of this Proposal may be extended by mutual agreement between the parties, which agreement shall be binding only if and when reduced to writing and agreed to by the parties.

12.10 In line with the State's goals to promote economic empowerment of previously and currently disadvantaged populations, the Implementing Agent is required to promote economic empowerment, primarily within the locality of the development, and through the legitimate inclusion of disadvantaged groups in all aspects of planning, delivery and ownership.

12.11 The Implementing Agent shall commit to and ensure that:

12.11.1 Black Economic Empowerment

- (a) A minimum of 30% of the shareholding in the entity proposed to plan, execute and develop the project is held by black persons (black persons as defined in Broad-Based Black Economic Empowerment Amendment Act 2013 (Act No 46 of 2013)), and that such minimum level of ownership by the black persons is maintained throughout the project's lifecycle.
- (b) A minimum of 30% of the value of the project shall be procured from black persons or other legal entities owned in majority by black persons (to the extent that the 30% of value is achieved), and that such procurement shall be distributed reasonably across built environment professionals, consultants, construction material suppliers, subcontractors, labourer's, etc., so appointed or procured from, and shall be maintained throughout the project's lifecycle.

12.11.2 Local Beneficiation

- (a) Wherever practically possible the implementing agent shall procure goods, services and labour from entities based in the demarcated wards in which the development is taking place, failing which the local municipality, then district or metropolitan municipality, then province or nationally.

13 BID VALIDITY

This bid will be valid for one hundred and twenty (120) days after the closing date.

14 SUBMISSION OF BID PROPOSALS

- 14.1 Bid proposals must be deposited in a Bid Box (that is accessible 24 hours) situated at the Ground Floor, Department of Human Settlements, Steve Tshwete Houses, 31–33 Phillip Frame Road, Waverley Park, Chiselhurst, East London.

It is the responsibility of the bidder and that of the courier in case of couriered bids to ensure that the bid is deposited in the bid box and not submitted to officials. The Department will not take any responsibility for bids not deposited in the bid box.

14.3 The Department will not take any responsibility for the posted bids that are not in the bid box during the closing time and date it is therefore the responsibility of the bidder to ensure that the bid is delivered on the bid box on or before the closing date and time.

14.4 Bid proposals must be submitted in one (1) envelope clearly marked with bidder's name and as follows:

SCMU11-24/25-118: APPOINTMENT OF AN IMPLEMENTING AGENT TO UNDERTAKE THE IMPLEMENTATION OF VARIOUS INFRASTRUCTURE AND CONSTRUCTION PROJECTS THROUGHOUT THE EASTERN CAPE PROVINCE

15 COMPULSORY BRIEFING SESSION

The compulsory briefing session will be held on the **19 July 2024 at 11:00** at the Ground Floor boardroom, Department of Human Settlements, Steve Tshwete Building, 31–33 Phillip Frame Road, Waverley Park, Chislehurst, East London. Failure to attend the compulsory briefing session will result in disqualification.

16 CLOSING DATE

Bid proposals must be deposited in a Bid Box (that is accessible 24 hours) situated at the Ground Floor, Department of Human Settlements, Steve Tshwete Houses, 31–33 Phillip Frame Road, Waverley Park, Chislehurst, East London.

All bid proposals in response to this bid should reach the Department not later than the **12 August 2024 at 11H00**. Bids received after 11H00 will not be accepted and considered.

17 CONTACT DETAILS ON TERMS OF REFERENCE

All technical enquiries regarding this bid may be directed to:

Mr T Matyolo: Project Management and Quality Assurance- Eastern Cape Department of Human Settlements

Tel: (043) 711 9599

Email: TembelaniM@ecdhs.gov.za

All Supply Chain Management related enquiries regarding this bid may be directed to:

Mr. Xolile Mpupa: Eastern Cape Department of Human Settlements

Tel: (043) 711 9641

E-mail: xolilem@ecdhs.gov.za

18 SIGNATORIES

SCMU11-24/25-118: THE APPOINTMENT OF AN IMPLEMENTING AGENT TO UNDERTAKE THE IMPLEMENTATION OF VARIOUS INFRASTRUCTURE AND CONSTRUCTION PROJECTS THROUGHOUT THE EASTERN CAPE PROVINCE

RECOMMENDED/NOT RECOMMENDED

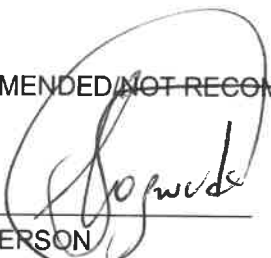


MS N JACK

09/07/2024
DATE

DEPUTY DIRECTOR: PROJECT MANAGEMENT AND QUALITY ASSURANCE

RECOMMENDED/NOT RECOMMENDED



CHAIRPERSON
BID SPECIFICATION COMMITTEE

2024/07/09
DATE

APPROVED/NOT APPROVED



MR E. D. Q. VENN
ACTING HEAD OF DEPARTMENT

10/07/24
DATE

TABLE 1 : LIST OF RETURNABLE DOCUMENTS

Returnable Documents marked with an X in the Yes column must be completed and submitted with the bid, failure to comply with the requirements may invalidated your bid

No	Returnable Document	Yes	No
RETURNABLES DOCUMENTS FOR EVALUATION PURPOSE			
1	Compulsory Briefing Session Certificate	N/A	
2	Resolution of Board of Directors	X	
3	Resolution of Directors Enter into Consortia of Joint Venture(s) (if applicable)	X	
4	Special Resolution of Consortia or Joint Venture(s) (if applicable)	X	
5	Schedule of Proposed Subcontractors (if applicable)		X
6	Capacity of the Respondent	X	
7	All SBD Standard Bidding Documents (Completed and signed where applicable)	X	
8	Legal Joint Venture Agreement (if applicable)	X	
9	Authority to sign on behalf of the bidder on a company letterhead and/or stamped	X	
10	Central Supplier Database (CSD) Report or Number	X	
11	Company Registration documents		X
12	Certified Identity Documents of company Directors or Shareholders		X
13	Tax compliance Certificate		X
14	Detailed company profile		X
15	CV's, Qualification, and professional registration certificates of project team personnel involved on the project	X	
16	Summary of verifiable previous projects and reference letters with contact details on a company letterhead and/or stamped	X	
17	Financial Statements: Latest annual turnover for the year 2022/2023 should exceed R 800 million. (Should the Respondent not meet this minimum requirement, then such Respondent shall be automatically disqualified)	X	
18	Form of Offer (Fully completed and signed)	X	

TABLE 2: TECHNICAL ASSESSMENT CRITERIA

WEIGHTS AND VALUES FOR THE FUNCTIONALITY CRITERIA		
NO	DESCRIPTION OF SPECIFIC COMPETENCIES	WEIGHT
1	Qualification of key project team personnel involved on the project, please attach copies of certificates and CV's	25
	Professional Civil Engineer CV(s) attached. A professional registered with Engineering Council of South Africa (ECSA) as Professional Engineer or Engineering Technologist with NQF 7 qualification in Civil Engineering and with at least 6 (six) years verifiable postgraduate experience in projects related to public sector Buildings and or Infrastructure delivery. In addition this Professional must be registered National Home Builders Registration Council (NHBRC) as a competent person.	
	Professional Architect CV(s) attached. A professional registered with South African Council for the Architectural Profession (SACAP) as a Professional Architect, Senior Architectural Technologist, Architectural Technologist with NQF 7 qualification in Architecture with at least 6 (six) years verifiable postgraduate experience as an Architect providing an architectural service in projects related to public sector Buildings and or Infrastructure delivery.	
	Built Environment Contracts Specialist attached Experience - A registered built environment professional with at least 10 (ten) years verifiable postgraduate experience in construction contracts related to public sector Buildings and or Infrastructure delivery as a consultant (Principal Agent or Engineer or Project Manager or Employer's Agent). Qualifications NQF 7 in any of the following Built Environment fields of study - Architecture, - Quantity Surveying, - Construction Management, - Civil Engineering, Professional registration Registration in any of the Built Environment Councils in one of the following designations: - South African Council for the Architectural Profession (SACAP) – registered as Professional - Architect, or - Senior Architectural Technologist, or - Architectural Technologist - South African Council for the Quantity Surveying Profession (SACQSP) – registered as Professional Quantity Surveyor - South African Council for the Project and Construction Management Professions (SACPCMP) registered as Professional Construction Project Manager - Engineering Council of South Africa (ECSA) – registered as Professional - Engineer, or - Engineering Technologist,	

• Professional Project Management CV(s) attached <u>Experience</u> - A registered built environment professional with at least 10 (ten) years verifiable postgraduate experience in delivery of Human Settlements Buildings and or Infrastructure programmes or projects <u>Qualifications</u> NQF 7 in any of the following Built Environment fields of study • Town and Regional Planning, • Architecture, • Quantity Surveying, • Construction Management, • Civil Engineering, <u>Professional registration</u> Registration with one of the Built Environment Councils in one of the following designations: • South African Council for Planners (SACPLAN) – registered as Professional ○ Planner or ○ Technical Planner • South African Council for the Architectural Profession (SACAP) – registered as Professional ○ Architect, or ○ Senior Architectural Technologist, or ○ Architectural Technologist • South African Council for the Quantity Surveying Profession (SACQSP) – registered as Professional Quantity Surveyor • South African Council for the Project and Construction Management Professions (SACPCMP) registered as Professional Construction Project Manager • Engineering Council of South Africa (ECSA) – registered as Professional ○ Engineer, or Engineering Technologist,	3	
• Professional Electrical Engineer CV(s) attached. A professional registered with Engineering Council of South Africa (ECSA) as Professional Engineer or Engineering Technologist with NQF 7 qualification in Electrical Engineering and with at least 6 (six) years verifiable postgraduate experience in projects related to public sector Buildings and or Infrastructure delivery.	3	
• Professional Structural Engineer CV(s) attached. A professional registered with Engineering Council of South Africa (ECSA) as Professional Engineer or Engineering Technologist with NQF 7 qualification in Civil Engineering and with at least 6 (six) years verifiable postgraduate experience in projects related to public sector Buildings and or Infrastructure delivery. In addition this Professional must be registered National Home Builders Registration Council (NHBRC) as a competent person.	3	
• GIS Specialist A person with at least 10 years post qualification GIS experience and registered with South African Geomatics Council (SAGC) as a GISc Professional and with an NQF 7 qualification in Geoinformation Science, or Geography, Built Environment, Land Survey, or related field.	3	

	Professional Town Planner CV(s) attached. A professional registered with South African Council for Planners (SACPLAN) as Professional Planner or Technical Planner with NQF 7 qualification in Planning with at least 6 (six) years verifiable postgraduate experience as a Planner in Human Settlements projects, Housing Sector Plans, Zoning and or Re-zoning applications, Land Use Investigations, etc.		3		
	Health and Safety Professional CV(s) attached. A professional registered with the South African Council for Project and Construction Management Professions (SACPCMP) as Professional Construction Health and Safety Agent (Pr.CHSA) with at least 8 (eight) years verifiable experience acting as the Employer's Agent in terms of the Occupational Health and Safety Act, in projects related to public sector Buildings and or Infrastructure delivery.		1		
	CV(s) without any attachment of qualifications mentioned above.		0		
	All Implementing Agents must submit CV's, Qualification / Registration Certificates with relevant bodies for the proposed professional teams to be deployed on the project. Bidders that do not meet the minimum requirements outlined per discipline will not receive points.				
2	Implementing Agents' proven track record on experience in all Public infrastructure and construction projects. This includes completed and active projects.			20	
	Combined Projects Value Exceeds R 2 billion		20		
	Combined Projects Value Between R 1 billion and R 2 billion		15		
	Combined Projects Value Between R 500 million and R 1 billion		10		
	Combined Projects Value Between R 100 million and R 500 million		5		
	Combined Projects Value less than R 100 million		2		
	No projects submitted		0		
	The Implementing Agent must submit the contracts or appointment letters for verification purposes. (Any falsified evidence will be subjected to Treasury Investigation that might lead to being blacklisted from doing any business with the state)				
3	Approach, Methodology, and Implementation Plan	Clarity	The plan has a clear and coherent structure, with a logical flow of information and implementation steps.	Excellent	5
				Good	3
				Fair	2
				Poor	0
		Feasibility	The proposed methodology and implementation plan are feasible, with clear resource, timeline, and milestone requirements.	Excellent	5
				Good	3
				Fair	2
				Poor	0
		Innovation	The plan demonstrates innovation or unique approaches, incorporating new technologies, methods, or concepts.	Excellent	5
				Good	3
				Fair	2
				Poor	0
		Risk Management	The plan identifies potential risks and outlines mitigation strategies to address them.	Excellent	5
				Good	3
				Fair	2
				Poor	0
				20	
4		Process Clarity		Excellent	5

	Procurement Methodology		The procurement process is well-defined, compliant with regulations, and transparent. It includes a clear supplier selection method.	Good	3	
				Fair	2	
				Poor	0	
		Diversity and Inclusivity	The procurement strategy includes a diverse range of suppliers, with consideration for local, small, or underrepresented businesses.	Excellent	3	
				Good	2	
				Fair	1	
				Poor	0	
		Cost-Efficiency	The procurement plan demonstrates cost-efficiency and incorporates measures to ensure good value for money.	Excellent	2	
				Good	1	
				Fair	0.5	
				Poor	0	
					10	
5	Project Management System	Structure and Roles	The project management system has a clear structure with well-defined roles and responsibilities.	Excellent	4	
				Good	3	
				Fair	1	
				Poor	0	
		Monitoring and Reporting	The system includes a robust monitoring and reporting process, with performance indicators and regular reporting intervals.	Excellent	4	
				Good	3	
				Fair	1	
				Poor	0	
		Communication Strategy	The communication plan addresses both internal and external communication needs, ensuring clear information flow among stakeholders.	Excellent	2	
				Good	1.5	
				Fair	1	
				Poor	0	
			10			
6	Economic, Social, and Environmental Impacts	Economic Impact	The project is expected to have a positive impact on the local economy, creating jobs or supporting local businesses.	Excellent	4	
				Good	3	
				Fair	1	
				Poor	0	
		Social Impact	The project aims to foster community development or contribute to social cohesion.	Excellent	3	
				Good	2	
				Fair	1	
				Poor	0	
		Environmental Impact	The project addresses environmental concerns, focusing on sustainability, reducing carbon footprints, or promoting eco-friendly practices.	Excellent	3	
				Good	2	
				Fair	1	
				Poor	0	
			10			
7	Empowerment and Local Beneficiation Plan	Empowerment	The proposal includes strategies for empowering underrepresented groups, with training or upskilling opportunities.	Excellent	5	
				Good	3	
				Fair	2	
				Poor	0	
		Local Beneficiation	The plan demonstrates benefits for local communities, engaging local stakeholders and promoting the use of local resources.	Excellent	5	
				Good	3	
				Fair	2	
				Poor	0	
					10	
		The Implementing Agent will be evaluated in accordance with the following rating scale:				

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Excellent – Implementing Agent has a broad and deep understanding of the areas and possesses substantial expertise and experience. 2. Good – Implementing Agent possesses sufficient understanding and practical experience to operate at a full professional level in this area. 3. Fair – Implementing Agent has general understanding of key principles but is limited in practical experience and output 4. Poor - Implementing Agent does not demonstrate this skills and understanding at the level that is expected | |
|--|--|

Note to bidders:

- In cases where a Tenderer was a sub-contractor to the Main / Principal Consultant, or a Consultant in a Turn-key Contract, the Tenderer in addition to the requirements stated above, must provide a copy of a contract between Tenderer and the Main / Principal Consultant or Main Turn-key Contractor and a Letter from the Employer confirming that tenderer was indeed sub-contracted in the mentioned project.
- Further note that projects undertaken as a sub-consultant to a sub-consultant shall not be considered and shall score zero points.
- Failure to attach any or more of the required previous project documents shall result in zero points allocation for that project.
- The key personnel must be in the employ of the tenderer, or already directly contracted or contractually committed to only this one Tenderer (for the event that the Tenderer wins this bid) and be available to be deployed to execute the required duties and responsibilities on this contract, should the tenderer's offer be accepted. The tender to attach proof of employment or commitment.
- Different individuals must be identified for each of the key personnel roles listed and the tenderer cannot field (present) then same Key Person in more than one role irrespective that the Key Person satisfies the requirements of both roles.
- CVs of all Key Personnel in all must clearly indicate their role, relevant project work experience (project description, details and extent of works, role, duration, etc.) including years of experience in line with the role as well as any supporting certificates required as stated in tender data. Should this not be clearly indicated, cv unsigned by the incumbent and or supporting certificates not provided as required, shall result in zero points allocation for that incumbent.
- All certificates of qualifications and applicable professional registration(s) should be certified by the Commissioner of Oath and the date of that certification should not be older than six (6) months.
- Failure to provide any of the supporting documents, certificates and or in a format required (as outlined above), shall result in zero points allocation for that incumbent. The onus rests on the Tenderer to supply sufficient information to allow for evaluation and award of points.

TENDER NOTICE AND INVITATION TO TENDER
SBD: 1
**PART A
INVITATION TO BID**
YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE EASTERN CAPE DEPARTMENT OF HUMAN SETTLEMENTS

BID NUMBER:	SCMU11-24/25-118	CLOSING DATE:	12 August 2024	CLOSING TIME:	11:00
-------------	------------------	---------------	----------------	---------------	-------

DESCRIPTION	THE APPOINTMENT OF AN IMPLEMENTING AGENT TO UNDERTAKE THE IMPLEMENTATION OF VARIOUS INFRASTRUCTURE AND CONSTRUCTION PROJECTS THROUGHOUT THE EASTERN CAPE PROVINCE
-------------	---

BID RESPONSE DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT
Eastern Cape Department of Human Settlements
Tshwete House
31-33 Phillip Frame Road Waverly Park, Chiselhurst East London
5247
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO

CONTACT PERSON	X. Mpupa
TELEPHONE NUMBER	043 711 9641
FACSIMILE NUMBER	N/a
E-MAIL ADDRESS	xoilem@ecdhs.gov.za

TECHNICAL ENQUIRIES MAY BE DIRECTED TO:

CONTACT PERSON	T Matyolo
TELEPHONE NUMBER	043 711 9599
FACSIMILE NUMBER	N/a
E-MAIL ADDRESS	TembelaniM@ecdhs.gov.za

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

SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
----------------------------	----------------------------	--	----	-------------------------------	------

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
--	--	---	--

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
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 BELOW.	

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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

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 VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

.....

DATE:

.....

PRICING SCHEDULE

PRICING SCHEDULE (Professional Services)

NAME OF BIDDER: BID NO SCMU11-24/25-118

CLOSING TIME 11:00

CLOSING DATE 12 August .2024.

OFFER TO BE VALID FOR 120 DAYS FROM THE CLOSING DATE OF BID.

Implementing Agent Pricing Schedule

Group	Function Heading	Percentage
<u>Project Percentage</u>	<u>Total (A+B+C+D+E)</u>	<u>%</u>
[A] Project Management	(Sum of Items 1 to 9)	%
1	Project Managing Service Providers	%
2	Monitoring Adherence to Schedules	%
3	Monitoring Compliance with Contractual Obligations	%
4	Reviewing and Approving Invoices	%
5	Deploying Project and Program Management System	%
6	Introducing Live Dashboards and Performance Information	%
7	Deploying GIS System on Projects	%
8	Identifying Project Viability and State of Readiness	%
9	Engaging with Relevant Sector Partners	%
10	Mentorship, upskilling programmes for Departmental candidates	
[B] Contracts Management	(Sum of Items 10 to 24)	%
11	Monitoring Adherence to Schedules and Cash Flows	%
12	Ensuring Compliance with Contractual Obligations	%
13	Providing Quality Assurance by Certifying Milestones	%
14	Implementing Quality Management Plan and Quality Assurance	%
15	Ensuring Compliance with Standard Procedure for Claims	%
16	Processing Claims	%
17	Advising on Feasibility and Sustainability Studies	%
18	Assisting in Conducting Project Contract Reviews	%
19	Developing and Implementing Risk Management Plan	%
20	Providing Support and Guidance to Municipalities	%
21	Conducting Regular Project Audits and Reviews	%
22	Developing and Implementing Sustainability Plan	%
23	Developing and Implementing Community Engagement Plan	%
24	Providing Technical Assistance and Guidance	%

25	Providing Training and Capacity Building	%
[C] Technical Management	(Sum of Items 25 to 35)	%
26	Reviewing Engineering Changes	%
27	Reviewing Engineering and Architectural Drawings	%
28	Reviewing Bill of Quantities and Cost Estimates	%
29	Providing Technical Guidance and Advice	%
30	Ensuring Compliance with Engineering Standards	%
31	Conducting Regular Site Inspections	%
32	Reviewing Design Modifications	%
33	Conducting Quality Control Checks	%
34	Preparing and Submitting Engineering Reports	%
35	Norms and Standards Research	%
36	Ensuring Projects within Approved Budget and Timelines	%
[D] Procurement	(Sum of Items 36 to 45)	%
37	Suitability Analysis of Proposals	%
38	Preparing Tender Documents	%
39	Evaluating Bids and Proposals	%
40	Recommendation Reports for Professional Consultants	%
41	Recommendation Reports for Contractors	%
42	Maintaining Records of Procurement Activities	%
43	Financial Record Keeping and Financial Reporting	%
44	Financial Advice and Recommendations	%
45	Finalizing Contract document for Professional Consultants	%
46	Finalizing Contract document for Contractors	%
[E] Funding and Financial Management	(Sum of Items 46 to 52)	%
47	Collaborating with stakeholders for Funding/or Alternative Funding	%
48	Facilitating and Assisting with Infrastructure Proposals	%
49	Preparing Funding Proposals and Business Plans	%
50	Implement a robust financial reporting system	%
51	Managing Disbursement of Funds	%
52	Maintaining Financial Records	%
53	Ensuring Compliance with Laws and Regulations	%

The Respondent is obligated to meticulously price all items, ensuring that each Function Heading is priced within the range of a **minimum of 0.5% to a maximum of 2%**. Failure to adhere to this stipulation will result in disqualification of the respondent.

SBD4 BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

furnish particulars:

.....
.....

2.2 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

I the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

3. DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5 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.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

² 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.

SBD 6.1 PREFERENCE POINTS

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 90/10 preference point system.
- b. The applicable preference point system for this tender is the 80/20 preference point system.
- c. Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80/90
SPECIFIC GOALS	20/10
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:

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

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:

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = 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.

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system)	Number of points allocated (80/20 system)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Women owned Organizations	4	8		
Youth	2	4		
People with Disability	1	2		
Locality: Eastern Cape	2	5		
Military Veterans	1	1		

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:	
	