



CLUSTER
Trading Services

UNIT
Water and Sanitation

DEPARTMENT
Water and Sanitation Engineering

PROCUREMENT DOCUMENT
PROFESSIONAL SERVICES

Documents are to be obtained, free of charge, in electronic format, from the National Treasury's eTenders website or the eThekweni Municipality's website.

Contract No: 30541-5W

Framework Contract for the Appointment of a Panel of
Contract Title: Environmental Consultants for the Water and Sanitation Unit
for 36 Months

CLARIFICATION MEETING AND QUERIES

Clarification Meeting: No Clarification Meeting

Blessing Khambule
Tel: 031-311-8292

Queries can be addressed to: eMail: Blessing.khambule@durban.gov.za

The Employer's Agent's: All email queries are to be submitted by 10 April 2025 and email

Representative: question and answers will be consolidated and posted on eTenders, eThekweni Municipality website for the benefit of all tenderers by 17 April 2025

TENDER SUBMISSION

The Tender Box in the foyer of the Municipal Building
166 KE Masinga Road, Durban

Delivery Location: **Bidders are required to also make an** electronic submission via SSS. Bidders must ensure that the hard copy and electronic submission are the same, failing which the submission will be deemed invalid. Bidders are responsible for resolving all access rights and submission queries before the tender closing date.

SSS Queries Contact: Lindo Dlamini: Tel: 031-3227133/031-3227153
email: supplier.selfservice@durban.gov.za

Closing Date/ Time: Friday, 25 April 2025 at 11h00

FACSIMILE, eMAIL, or POSTED TENDERS WILL NOT BE ACCEPTED

Issued by:

ETHEKWINI MUNICIPALITY

Deputy Head: Water and Sanitation Engineering

FOR OFFICIAL USE ONLY

Tenderer Name:			VAT Registered: Yes No
	Price (excl)	VAT	Price (incl)
Submitted: R	R	R	R
Corrected: R	R	R	R

FOR OFFICIAL USE ONLY

Tenderer Name:			VAT Registered: Yes No
	Price (excl)	VAT	Price (incl)
Submitted: R		R	R
Corrected: R		R	R

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PART T1: TENDERING PROCEDURES

T1.1.1: TENDER NOTICE AND INVITATION TO TENDER

Tenders are hereby invited for the Framework Contract for the Appointment of a Panel of Environmental Consultants to form part of a three-year rotational panel and provide professional environmental consulting services for the Water and Sanitation Unit.

Subject	Description	Tender Data Ref.
Employer	The Employer is the eThekwini Municipality as represented by: Deputy Head: Water and Sanitation Engineering	F.1.1.1
Tender Documents	Documents can only be obtained in electronic format, issued by the eThekwini Municipality. Documentation can be downloaded from the National Treasury's eTenders website or the eThekwini Municipality's Website . The <u>entire document</u> should be printed (on A4 paper) and suitably bound by the tenderer.	F.1.2
Clarification Meeting	There will be no clarification meeting.	F.2.7
Seek Clarification	Queries relating to these documents are to be addressed to the Employer's Agent's Representative whose contact details are: Blessing Khambule Tel: 031-311-8292 eMail: Blessing.khambule@durban.gov.za All email queries are to be submitted by 10 April 2025 and email question and answers will be consolidated and posted on eTenders, eThekwini Municipality website for the benefit of all tenderers by 17 April 2025	F.2.8
Submitting a Tender Offer	Tender offers shall be delivered to: The Tender Box in the foyer of the Municipal Building 166 KE Masinga Road, Durban Bidders are required to also make an electronic submission via SSS. Bidders must ensure that the hard copy and electronic submission are the same, failing which the submission will be deemed invalid. Bidders are responsible for resolving all access rights and submission queries before the tender closing date. SSS Queries Contact: Lindo Dlamini: Tel: 031-3227133/031-3227153 email: supplier.selfservice@durban.gov.za	F.2.13
Closing Time	Tender offers shall be delivered on or before Friday, 25 April 2025 at or before 11h00 .	F.2.15
Evaluation of Tender Offers	The 80/20 Price Preference Point System, as specified in the PPPFA Regulations 2022 will be applied in the evaluation of tenders. Refer to Clause F.3.11 of the Tender Data for the Specific Goal(S) for the awarding of Preference Points, and other related evaluation requirements.	F.3.11

Requirements for sealing, addressing, delivery, opening and assessment of tenders are further stated in the Tender Data

PART T1: TENDERING PROCEDURES

T1.2: TENDER DATA

T1.2.1 STANDARD CONDITIONS OF TENDER

The conditions of tender are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity in Construction Procurement (July 2015) as published in Government Gazette No 38960, Board Notice 136 of 2015 of 10 July 2015.

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

T1.2.2 TENDER DATA

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

F.1: GENERAL

F.1.1 The employer: The Employer for this Contract is the eThekweni Municipality as represented by: Deputy Head: **Water and Sanitation Engineering**

F.1.2 Tender documents: The Tender Documents issued by the Employer comprise:

- 1) This procurement document.
- 2) The “Standard Professional Services Contract – 3rd Edition July 2009” published by the Construction Industry Development Board (CIDB). This document is obtainable separately, and Tenderers shall obtain their own copies.
- 3) In addition, Tenderers are advised, in their own interest, to obtain their own copies of the following acts, regulations, and standards referred to in this document as they are essential for the Tenderer to get acquainted with the basics of construction management, the implementation of preferential construction procurement policies, and the participation of targeted enterprise and labour.
 - The Employer’s current (as at advertising date) Supply Chain Management Policy.
 - The Preferential Procurement Policy Framework Act No 5 of 2000, and the Preferential Procurement Policy Framework Act Regulations (2022).
 - The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, and the Construction Regulations (2014).
 - The Construction Industry Development Board Standard for Uniformity in Construction Procurement (July 2015).
 - Any other eThekweni Policy documents referenced in the Tender Documents.

Electronically downloaded documentation is obtainable from the National Treasury’s **eTenders Website** or the **eThekweni Municipality’s Website** at URLs:

- <https://www.etenders.gov.za/>
- <https://www.durban.gov.za/pages/business/procurement>

Documents are to be obtained, free of charge, in electronic format, from the **National Treasury’s eTenders website** or the **eThekweni Municipality’s Website**. The entire downloaded document should be printed on white A4 paper (single-sided) and suitably bound by the tenderer.

F.1.4 Communication and employer’s agent: The Employer’s Agent’s Representative is:

Blessing Khambule

Tel: 031-311-8292

eMail: Blessing.khambule@durban.gov.za

All email queries are to be submitted by 10 April 2025 and email question and answers will be consolidated and posted on eTenders, eThekwini Municipality website for the benefit of all tenderers by 17 April 2025

The Tenderer's contact details, as indicated in the Contract Data: Clause C1.2.2.2 "Data to Be Provided by Contractor", shall be deemed as the only valid contact details for the Tenderer for use in communications between the Employer's Agent and the Tenderer.

F.2: TENDERER'S OBLIGATIONS

F.2.1 Eligibility

F.2.1.1 General

A Tenderer will not be eligible to submit a tender if:

- (a) the Tenderer submitting the tender is under restrictions or has principles who are under restriction to participate in the Employer's procurement due to corrupt or fraudulent practices.
- (b) the Tenderer does not have the legal capacity to enter into the contract.
- (c) the Tenderer does not comply with the legal requirements as stated in the Employer's current SCM Policy.
- (d) the Tenderer cannot provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the contract.
- (f) in the case of JV submissions, two or more JV entities have common directors / shareholders or common entities tendering for the same works.
- (g) at the time of closing of tenders, the Tenderer is not registered on the **National Treasury Central Supplier Database (CSD)** as a service provider. In the case of a Joint Venture, this requirement will apply individually to each party in the Joint Venture.
- (h) The tender fails to complete and sign the Declaration of Municipal Fees in T2.2: "Returnable Documents" and submits the required documentation. Reference is to be made to Returnable Document T2.2.12.

SCM Policy (Cl.14(4)) requires suppliers/ service providers/ contractors to be registered on the **eThekwini Municipality Central Supplier Database**.

In the event of the Tenderer not being registered on the eThekwini Municipality's Central Supplier Database, the tenderer must register on the internet at www.durban.gov.za by following these links:

- Business
- Supply Chain Management (SCM)
- Accredited Supplier and Contractor's Database.

The following are to be noted regarding registration on the **eThekwini Municipality Central Supplier Database**:

- (a) The information for registration as in the possession of the eThekwini Municipality will apply.
- (b) It is the Tenderer's responsibility to ensure that the details as submitted to the Municipality are correct.
- (c) Tenderers are to register prior to the submission of tenders.

F.2.1.2 The respondents who satisfy the following eligibility criteria are eligible to submit this tender:

1. Respondents are required to have been actively involved in the following description of work (all in terms of the National Environmental Management Act (NEMA), Act No. 107 of 1998):
 - a) Basic Assessment and or/ Scoping and Environmental impact assessments (EIA) in terms of the 2014 EIA Regulations, as amended.
 - b) Water Use License Application (WULA) in terms of the National Water Act Regulations
 - c) Environmental/Specialist Studies to be confirmed during pre-application meetings with competent authorities in terms of Appendix 6 of the 2014 EIA Guidelines as amended:
 - i. Ecological surveys
 - ii. Vegetation assessments.
 - iii. Wetland/Aquatic/Riparian Assessments and Risk Matrix
 - iv. Geohydrological Assessments
 - v. Heritage Impact Assessment
 - vi. Stormwater Management Plans
 - vii. Traffic Impact Assessment
 - d) Public Participation in terms of the relevant EIA and/or WULA regulations
 - e) Mitigation measure identification and implementation.
 - f) Monitoring and reporting of environmental indicators.
 - g) Compliance with relevant environmental regulations and standards.
 - h) Any other environmental studies or assessments as required by the relevant competent authorities.

These services may be required in part or entirety for typical projects.

2. Respondents must meet the following requirements:

Registered with the Environmental Assessment Practitioners Association of South Africa (EAPASA) in terms of Section 24 (d) of the National Environmental Management Act (NEMA), Act 107 of 1998, and be legally able to practise in South Africa.

- registration with South African Council for Natural Scientific Professions (SACNASP) will be an added advantage

F.2.6 Acknowledge addenda:

Addenda will be published, in electronic format, on the websites specified in F.1.2. Tenderers are to ensure that the eTenders website is consulted for any published addenda pertaining to this tender up to three days before the tender closing time as stated in the Tender Data.

Acknowledgement of receipt of the addenda will be by the return of the relevant completed, dated, and signed portion of the addenda, to the physical or email address as specified on the addenda. Failure of the tenderer to comply with the requirements of the addenda may result in the tender submission being made non-responsive.

F.2.7 Clarification meeting:

There will be no clarification meeting.

F.2.12 Alternative tender offers: No alternative tender offers will be considered.

F.2.13 Submitting a tender offer: Submissions must be submitted on official submission documentation issued (in electronic format) by the eThekweni Municipality. The entire downloaded document should be printed on white A4 paper (single-sided) and suitably bound by the tenderer.

Identification details to be shown on each tender offer package are:

- Contract No. : **30541-5W**
- Contract Title : **Framework Contract for the Appointment of a Panel of Environmental Consultants for the Water and Sanitation Unit for 36 Months**

The Employer's address for delivery of tender offers is:

**The Tender Box in the foyer of the Municipal Building
166 KE Masinga Road, Durban**

Bidders are required to also make an electronic submission via SSS. Bidders must ensure that the hard copy and electronic submission are the same, failing which the submission will be deemed invalid. Bidders are responsible for resolving all access rights and submission queries before the tender closing date.

SSS Queries Contact: Lindo Dlamini: Tel: 031-3227133/031-3227153 email: supplier.selfservice@durban.gov.za

Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.

F.2.15 Closing time: The closing time for delivery of tender offers is:

- Date : **Friday, 25 April 2025**
- Time : **11h00**

F.2.16 Tender offer validity: The Tender Offer validity period is 120 Days from the closing date for submission of tenders.

F.2.23 Certificates: Refer to T2.1 for a listing of certificates that must be provided with the tender. All certificates must be valid at the time of tender closing.

Tenderers are to include, at the back of their tender submission document, a printout of the required documents/ certificates.

The Form of Offer (C1.1.1), Data to be provided by the Contractor (C1.2.2.2), and the Bill of Quantities (C2.2) are also required to be completed in full.

Tax Clearance

Refer also to returnable form in T2.2.3: "Tax Compliance Status PIN/ Tax Clearance Certificate". SARS has introduced a new Tax Compliance Status System. Tenderers must submit a **Tax Compliance Status PIN** (TCS PIN) instead of an original Tax Clearance Certificate. This TCS PIN can be used by third parties to certify the taxpayer's real-time compliance status. This TCS PIN is to be entered on Returnable Document T2.2.1: "Compulsory Enterprise Questionnaire". Separate Tax Clearance Certificates / TCS PINs are required for each entity in a Joint Venture.

Failure to comply will make the tender non-responsive.

Central Supplier Database (CSD)

Refer also to returnable form in T2.2.12: "Eligibility: CSD Registration Report".

The entities (full) **CSD Registration Report**, obtained from the National Treasury Central Supplier Database, is to be included in the tender submission (<https://secure.csd.gov.za>). Separate CSD Registration Reports are required for each entity in a Joint Venture.

F.3: THE EMPLOYER'S UNDERTAKINGS

F.3.1.1 Respond to requests from the tenderer: Three working days.

F.3.2 Issue addenda: Addenda will be published, in electronic format, on the same platform(s) as the Tender Notification (refer to F.1.2).

F.3.4 Opening of Tender Submissions: Tenders will be opened immediately after the closing time for tenders. The public reading of tenders will take place in the SCM Boardroom, 6th Floor, Engineering Unit Building, 166 KE Masinga Road, Durban.

F.3.11 Evaluation of Tender Offers:

Eligibility

Tenders will be checked for compliance with the ELIGIBILITY requirements, as specified in Clause F.2.1. Tenderers not in compliance will be deemed non-responsive.

Functionality

FUNCTIONALITY will be evaluated to determine the responsiveness of tenders received. The minimum score for FUNCTIONALITY is 60 points. Those tenders not achieving the minimum score will be deemed non-responsive.

Preference Point System

The procedure for the evaluation of responsive tenders is **PRICE AND PREFERENCE** in accordance with the Employer's current SCM Policy, the Preferential Procurement Policy Framework Act (5 of 2000), and the Preferential Procurement Policy Framework Act Regulations (2022).

Price Points

The **80/20** preference points system will be applied. The Formula used to calculate the **Price Points (max. 80)** will be according to that specified Regulation 4.1.

Preference Points

Refer to T2.2.6: "MBD 6.1: Preference Points Claim".

The Preference Points (either 20 or 10) will be derived from points allocated/ claimed for **Specific Goals** as indicated in the table(s) below, according to the specified **Goal/ Category Weightings**.

Ownership Goal:

Goal Weighting: 100%

The tendering entity's **Percentage Ownership (CIPC DOCUMENTS)**, in terms of the **Ownership Category(s)** listed below, is to be used in the determination of the tenderer's claim for **Preference Points**.

Ownership Categories	Criteria	80/20
Race: Black (w1)	Equals 0%	0
	Between 0% and 51%	8
	Greater or equal to 51% and less than 100%	16
	Equals 100%	20
Maximum Goal Points:		

F.3.13 Acceptance of tender offer: In addition to the requirements of Clause F.3.13 of the Standard Conditions of Tender, tender offers will only be accepted if:

- The tenderer submits a **valid Tax Clearance Certificate OR Tax Compliance Status PIN**, issued by the TCS System of the South African Revenue Services, or has made arrangements to meet outstanding tax obligations.
- The tenderer or any of its directors/shareholders is **not listed on the Register of Tender Defaulters** in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a

person prohibited from doing business with the public sector.

- (c) The tenderer has not:
- Abused the Employer's Supply Chain Management System; or
 - Failed to perform on any previous contract and has been given a written notice to this effect.
- (d) The tenderer has completed the **Compulsory Enterprise Questionnaire** and there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the Employer or potentially compromise the tender process.

The Municipality does not bind itself to accept the lowest or any tender. It reserves the right to accept the whole or any part of a tender to place orders. Bidders shall not bind the Municipality to any minimum quantity per order. The successful Tenderer (s) shall be bound to provide any quantities stipulated in the specification.

The establishment of this framework panel can also be used for appointments under Section 36 (S36) of the eThekweni Municipality Supply Chain Management (SCM) Policy, should the need arise.

F.3.17 Copies of contract: The number of **paper copies** of the signed contract to be provided by the Employer is **ONE (1)**.

T1.2.3 ADDITIONAL CONDITIONS OF TENDER

T1.2.3.1 Appeals

In terms of Regulation 49 of the Municipal Supply Chain Management Regulations persons aggrieved by decisions or actions taken by the Municipality, may lodge an appeal within 14 days of the decision or action, in writing to the Municipality. All appeals (clearly setting out the reasons for the appeal) and queries with regard to the decision of award are to be directed to:

The City Manager
Attention Ms S. Pillay eMail: Simone.Pillay@durban.gov.za
P O Box 1394
DURBAN, 4000

T1.2.3.2 Prohibition on awards to persons in the service of the state

Clause 44 of the Supply Chain Management Regulations states that the Municipality or Municipal Entity may not make any award to a person:

- (a) Who is in the service of the State;
- (b) If that person is not a natural person, of which a director, manager, principal shareholder or stakeholder is a person in the service of the state; or
- (c) Who is an advisor or consultant contracted with the municipality or a municipal entity.

Should a contract be awarded, and it is subsequently established that Clause 44 has been breached, the Employer shall have the right to terminate the contract with immediate effect.

T1.2.3.3 Code of Conduct and Local Labour

The Tenderers shall make themselves familiar with the requirements of the following policies that are available on web address: <ftp://ftp.durban.gov.za/cesu/StdContractDocs/>:

- Code of Conduct;
- The Use of CLOs and Local Labour.

T1.2.3.4 Targeted Procurement

Targeted Procurement provisions are not applicable to this tender.

T1.2.3.5 Functionality Specification

- The minimum number of evaluation points for Functionality is **70**.
- The Functionality criteria and maximum score in respect of each of the criteria are as follows:

The following criteria will also be used in the consideration of bid. Please note, a total of **70 POINTS** (out of total points of 100 POINTS) is the minimum requirement for tender consideration in terms of functionality. The purpose of the Functionality Assessment is to mitigate risk in terms of the bidder's ability to execute the projects, through the assessment of his/her experience in previously undertaking projects of similar nature. Failure to achieve the minimum number points required per category, will result in the bidder being disqualified. Tenderers are to submit the relevant information, failure to submit the relevant information will result in **ZERO** scores in the applicable areas, which will result in the bid being eliminated from further consideration in the process.

This tender allows prospective Environmental Scientist/Specialists to submit the relevant documentation which will result in them being appointed for the respective categories. Tenderers can tender for both categories.

The panel is categorised into two Categories namely:

- Category I which deals with work reserved for Environmental Scientists.
- Category II which deals with work reserved for Environmental Specialist

CATEGORY	TICK APPROPRIATE BOX
Category I: Environmental Scientists	
Category II: Environmental Specialist	

NOTE: TENDERERS MUST SPECIFY THE CATEGORIES OF WORK APPLIED FOR, E.G. CATEGORY 1 REFERS TO ENVIRONMENTAL SCIENTISTS WHILE CATEGORY 2 REFERS TO ENVIRONMENTAL SPECIALISTS, BY TICKING THE APPROPRIATE BOX/BOXES ABOVE.

CATEGORY I: ENVIRONMENTAL SCIENTISTS

The evaluation criteria that are to be scored and the maximum score assigned to each of such criteria are as follows:

Environmental Scientists

Environmental Scientists

Functionality criteria	Subcriteria		Points	Points	Evaluation Schedule(s)
Tenderer's experience	Basic Assessment Process		20	60	
	Scoping and EIA Process		20		
	Experience of service provider in executing WULA		20		
Experience of Key Resources in executing work of similar nature	Principal Environmental Scientist/Consultant	Experience of Key Resources in executing Basic Assessment Process	20	40	
		Experience of Key Resources in executing Scoping and EIA Process	10		
		Experience of Key Resources in executing WULA	10		
Maximum possible score for Functionality (M _s)				100	
"Similar nature" refers to experience on projects involving environmental assessments and compliance activities for Water and Sanitation Infrastructure. This includes conducting EIAs, WULA applications, ecological and geohydrological studies, public participation processes, and implementing mitigation measures for infrastructure					

The prompts for judgment and the associated scores used in the evaluation of quality shall be as follows:

Level	Score	Prompt for judgement
0	0	Failed to address the question / issue
1	40	Less than acceptable – response / answer / solution lacks convincing evidence of skill / experience sought or medium risk that relevant skills will not be available.
2	70	Acceptable response / answer / solution to the particular aspect of the requirements and evidence given of skill / experience sought
3	90	Above acceptable – response / answer / solution demonstrating real understanding of requirements and evidence of ability to meet it.
4	100	Excellent – response / answer / solution gives real confidence that the tenderer will add real value.

Level	pts	Criterion: Tenderer's Experience
0	0	No Submission or Submission of no substance / irrelevant information provided
1	40	To have successfully completed 2 <u>projects</u> of a similar nature within the past 10 years.
2	70	To have successfully completed 3 - 4 <u>projects</u> of a similar nature within the past 10 years.
3	90	To have successfully completed 5 - 6 <u>projects</u> of a similar nature within the past 10 years.
4	100	To have successfully completed 7+ <u>projects</u> of a similar nature within the past 10 years.
"Similar nature" refers to experience on projects involving environmental assessments and compliance activities for Water and Sanitation Infrastructure. This includes conducting EIAs, WULA applications, ecological and geohydrological studies, public participation processes, and implementing mitigation measures for infrastructure.		

Experience of Key Resources in executing work of similar nature								
Job Title	Minimum Qualification Required	Professional Registration Required	Number of Years' Relevant Experience* on projects of a similar nature					Total Points
			Level 0 0 pts	Level 1 40 pts	Level 2 70 pts	Level 3 90 pts	Level 4 100 pts	
Principal Environmental Scientist/Consultant	Relevant Environmental Science and or/Management	Prof Registration-Registered with EAPASA, registration with SACNASP will be advantageous	No Submission	≤ 1	= 2	≥ 3 and ≤ 4	≥ 5	40
Note 1: "Similar nature" refers to experience on projects involving environmental assessments and compliance activities for Water and Sanitation Infrastructure. This includes conducting EIAs, WULA applications, ecological and geohydrological studies, public participation processes, and implementing mitigation measures for infrastructure. Note 2: "Relevant Experience" implies experience on environmental studies related to Water and Sanitation Infrastructure projects Note 3: "accredited degree / diploma" implies a minimum 3 yr qualification within the built environment, from a registered University or Institute of Technology.								

CATEGORY II: ENVIRONMENTAL SPECIALIST

The evaluation criteria that are to be scored and the maximum score assigned to each of such criteria are as follows:

Functionality criteria	Subcriteria		Points	Points	Evaluation Schedule(s)
Tenderer's experience	Specialist Studies	Aquatic	5	40	F.2.1.2
		Biodiversity	5		F.2.1.2
		Ecologist	5		F.2.1.2
		Environmental Assessment Practitioner (EAP)	5		F.2.1.2
		Geohydrologist	5		F.2.1.2
		Heritage Specialist	5		F.2.1.2
		Hydrologist	5		F.2.1.2
		Wetland	5		F.2.1.2
Experience of Key Resources in executing work of similar nature	Environmental Specialists			60	
Maximum possible score for Functionality (M _s)				100	
"Similar nature" refers to experience in conducting environmental studies, assessments, and compliance activities specifically related to the key resource's field of specialization. This includes, but is not limited to, the specialist studies as outline in F.2.1.2.					

The prompts for judgment and the associated scores used in the evaluation of quality shall be as follows:

Level	Score	Prompt for judgement
0	0	Failed to address the question / issue
1	40	Less than acceptable – response / answer / solution lacks convincing evidence of skill / experience sought or medium risk that relevant skills will not be available.
2	70	Acceptable response / answer / solution to the particular aspect of the requirements and evidence given of skill / experience sought
3	90	Above acceptable – response / answer / solution demonstrating real understanding of requirements and evidence of ability to meet it.
4	100	Excellent – response / answer / solution gives real confidence that the tenderer will add real value.

Level	pts	Criterion: Tenderer's Experience
0	0	No Submission or Submission of no substance / irrelevant information provided
1	40	To have successfully completed 3 <u>projects</u> of a similar nature within the past 15 years.
2	70	To have successfully completed 4 - 5 <u>projects</u> of a similar nature within the past 15 years.
3	90	To have successfully completed 6 - 7 <u>projects</u> of a similar nature within the past 15 years.
4	100	To have successfully completed 8+ <u>projects</u> of a similar nature within the past 15 years.
"Similar nature" refers to experience in conducting environmental studies, assessments, and compliance activities specifically related to the key resource's field of specialization. This includes, but is not limited to, the specialist studies as outlined in F.2.1.2.		

Experience of Key Resources in executing work of similar nature								
Job Title	Minimum Qualification Required	Professional Registration Required	Number of Years' Relevant Experience* on projects of a similar nature					Total Points
			Level 0 0 pts	Level 1 40 pts	Level 2 70 pts	Level 3 90 pts	Level 4 100 pts	
Environmental Specialist/s	Relevant Environmental Science and or/Management	Registered with SACNASP	No Submission	≤ 1	= 2	≥ 3 and ≤ 4	≥ 5	60
Note 1: "Similar nature" refers to experience in conducting environmental studies, assessments, and compliance activities specifically related to the key resource's field of specialization. This includes, but is not limited to, the specialist studies as outline in F.2.1.2. Note 2: "Relevant Experience" implies experience on environmental studies related to Water and Sanitation Infrastructure projects Note 3: "accredited degree / diploma" implies a minimum 3 yr qualification within the built environment, from a registered University or Institute of Technology.								

PART T2: RETURNABLE DOCUMENTS

T2.1 LIST OF RETURNABLE DOCUMENTS

T2.1.1 General

The Tender Submission Documentation must be submitted in its entirety. All forms must be properly completed as required.

The Tenderer is required to complete each and every Schedule and Form listed below to the best of their ability as the evaluation of tenders and the eventual contract will be based on the information provided by the Tenderer. Failure of a Tenderer to complete the Schedules and Forms to the satisfaction of the Employer will inevitably prejudice the tender and may lead to rejection on the grounds that the tender is non-responsive.

T2.1.2 Returnable Schedules, Forms and Certificates

Entity Specific

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Technical or Functionality Evaluation

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T2.2 RETURNABLE SCHEDULES, FORMS, AND CERTIFICATES

The returnable schedules, forms, and certificates, as listed in T2.1.2, can be found on pages [16](#) to [32](#).

NOTE

The **Form of Offer** (C1.1.1), The **Data to be Provided by Contractor** (C1.2.2.2), and the **Bill of Quantities** (C2.2) are also required to be completed by the tenderer.

T2.2.1 COMPULSORY ENTERPRISE QUESTIONNAIRE

Ref	Description	Complete or Circle Applicable
1.1	Name of enterprise	
1.2	Name of enterprise's representative	
1.3	ID Number of enterprise's representative	
1.4	Position enterprise's representative occupies in the enterprise	
1.5	National Treasury Central Supplier Database Registration number	MAAA
1.6	eThekwini Supplier Database: Reference number (PR), if any:	PR
1.7	VAT registration number, if any:	
2.0	Particulars of sole proprietors and partners in partnerships (attach separate pages if more than 4 partners)	
	Full Name	Identity No.
		Personal income tax No. *
2.1		
2.2		
2.3		
2.4		
3.0	Particulars of companies and close corporations	
3.1	Company registration number, if applicable:	
3.2	Close corporation number, if applicable:	
3.3	Tax Reference number, if any:	
3.4	South African Revenue Service: Tax Compliance Status PIN:	

4.0 Record in the service of the state (Insert on a separate page if necessary)

Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

- | | |
|---|--|
| ☐ a member of any municipal council | ☐ a member of any provincial legislature |
| ☐ an official of any municipality or municipal entity | ☐ a member of an accounting authority of any national or provincial public entity |
| ☐ a member of the board of directors of any municipal entity | ☐ a member of the National Assembly or the National Council of Province |
| ☐ an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999) | ☐ an employee of Parliament or a provincial legislature |

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 mths

5.0 Record of spouses, children and parents in the service of the state (Insert on a separate page if necessary)

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

- | | |
|---|--|
| ☐ a member of any municipal council | ☐ a member of any provincial legislature |
| ☐ an official of any municipality or municipal entity | ☐ a member of an accounting authority of any national or provincial public entity |
| ☐ a member of the board of directors of any municipal entity | ☐ a member of the National Assembly or the National Council of Province |
| ☐ an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999) | ☐ an employee of Parliament or a provincial legislature |

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 mths

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

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

NAME (Block Capitals):

Date

SIGNATURE:

T2.2.2 CERTIFICATE OF ATTENDANCE AT CLARIFICATION MEETING / SITE INSPECTION

Reference is to be made to Clauses F.2.1(c) and F.2.7 of the Tender Data.

This is to certify that:

(tenderer name):

of (address):

was represented by the person(s) named below at the Clarification Meeting held for all tenderers, the details of which are stated in the Tender Data (F.2.7).

I / We acknowledge that the purpose of the meeting was to acquaint myself / ourselves with the site of the works and / or matters incidental to doing the work specified in the tender documents in order for me / us to take account of everything necessary when compiling our rates and prices included in the tender.

Particulars of person(s) attending the meeting:

Name:

Name:

Signature:

Signature:

Capacity:

Capacity:

Attendance of the above person(s) at the meeting is confirmed by the Employer's Agent's Representative, namely:

Name:

Signature:

Date:

T2.2.3 TAX COMPLIANCE STATUS PIN / TAX CLEARANCE CERTIFICATE

Reference is to be made to Clauses F.2.23 and F.3.13(a) of the Tender Data.

SARS has introduced a new Tax Compliance Status System. Tenderers can submit a Tax Compliance Status PIN (TCS PIN) instead of an original Tax Clearance Certificate. This TCS PIN can be used by third parties to certify the taxpayer's real-time compliance status.

Separate Tax Clearance Certificates / TCS PINs are required for each entity in a Joint Venture.

The TCS PIN(s) are to be entered under item 3.4 on form **T2.1.2.1: Compulsory Enterprise Questionnaire**.

Tenderers are to include, at the back of their tender submission document, a printout of their Tax Compliance Status PIN (TCS PIN) OR an original Tax Clearance Certificate.

Failure to include the required document will make the tender submission non-responsive.

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

NAME (Block Capitals): _____

Date

SIGNATURE: _____

T2.2.4 MBD 4: DECLARATION OF INTEREST

MSCM Regulations: “**in the service of the state**” means to be:

- (a) a member of:
 - (i) any municipal council.
 - (ii) any provincial legislature.
 - (iii) the national Assembly or the national Council of provinces.
- (b) a member of the board of directors of any municipal enterprise.
- (c) an official of any municipality or municipal enterprise.
- (d) an employee of any national or provincial department, national or provincial public enterprise 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 enterprise.
- (f) an employee of Parliament or a provincial legislature.

“**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.

- 1 No bid will be accepted from persons **in the service of the state**¹.
- 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 and/or take an oath declaring his/her interest.
- 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Name of enterprise

Name of enterprise’s representative

3.2 ID Number of enterprise’s representative

3.3 Position enterprise’s representative occupies in the enterprise

3.4 Company Registration number

3.5 Tax Reference number

3.6 VAT registration number

3.7 The names of all directors / trustees / shareholders / members / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted.

3.8 Are you presently in the service of the state?

If yes, furnish particulars:

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

If yes, furnish particulars:

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

Complete T2.1.2.1 Item 1.1
Complete T2.1.2.1 Item 1.2
Complete T2.1.2.1 Item 1.3
Complete T2.1.2.1 Item 1.4
Complete T2.1.2.1 Item 3.1 or 3.2
Complete T2.1.2.1 Item 3.3
Complete T2.1.2.1 Item 1.7

Circle Applicable

YES NO

YES NO

YES NO

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

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

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

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

If yes, furnish particulars:

- 4 The names of all directors / trustees / shareholders / members / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted

Full Name	Identity No.	State Employee No.	Personal income tax No.
Use additional pages if necessary			

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct.

NAME (Block Capitals):

Date

SIGNATURE:

**T2.2.5 MBD 5: DECLARATION FOR PROCUREMENT ABOVE R10 MILLION
(ALL APPLICABLE TAXES INCLUDED)**

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire.

Circle Applicable	
YES	NO
1.0 Are you by law required to prepare annual financial statements for auditing? 1.1 If YES, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.	
2.0 Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days? 2.1 If NO, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days. 2.2 If YES, provide particulars. 	
3.0 Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract? 3.1 If YES, provide particulars. 	
4.0 Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic? 4.1 If YES, provide particulars. 	

If required by 1.1 above, tenderers are to include, at the back of their tender submission document, a printout of their audited annual financial statements.

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, and, if required, that the requested documentation has been included in the tender submission.

NAME (Block Capitals):

Date

SIGNATURE:

T2.2.6 MBD 6.1: PREFERENCE POINTS CLAIM
In terms of THE PREFERENTIAL PROCUREMENT REGULATIONS (2022)

Reference is to be made to Clause F.3.11 of the Tender Data.

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

1.0 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).
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 The applicable preference point system for this tender is the 80/20 preference point system.

1.3 Preference Points for this tender shall be awarded for:

- **Price and Specific Goals:** Either 80 or 90 (price) and 20 or 10 (specific goals), in terms of 1.2 above.
- The total Preference Points, for Price and Specific Goals, is 100.

1.4 Failure on the part of the tenderer to submit the required proof or documentation, in terms of the requirements in the Conditions of Tender for claiming specific goal preference points, will be interpreted that preference points for specific goals are not claimed.

1.5 The Municipality 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 of preferences, in any manner required by the Municipality.

2.0 DEFINITIONS

2.1 **“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.

2.2 **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts.

2.3 **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes.

2.4 **“tender for income-generating contracts”** means a written offer in the form determined by Municipality 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 Municipality and a third party that produces revenue for the Municipality, 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.

2.5 **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3.0 FORMULA FOR CALCULATION OF PREFERENCE PRICE POINTS

3.1 PROCUREMENT OF GOODS AND SERVICES

POINTS AWARDED FOR PRICE: A maximum of 80 points is allocated for price on the following basis:

80 / 20 Points System

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

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

4.0 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 goal(s) stated in **Table 1** below, as supported by proof/ documentation stated in the **Conditions of 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 maximum points for each goal are indicated per the table below.

Tenderers are to indicate their points claim for each of the Specific Goals in the shaded blocks.

The Specific Goals to be allocated points in terms of this tender	Maximum Number of points ALLOCATED (80/20 system)	Maximum Number of points ALLOCATED (90/10 system)	Number of points CLAIMED (80/20 system)	Number of points CLAIMED (90/10 system)
Ownership Goal: Race (black)	20	n/a		n/a
Total CLAIMED Points (20 Maximum)				n/a

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, certify that the points claimed, based on the specific goals as specified in the tender, qualifies the tendering entity for the preference(s) shown.

I acknowledge that:

- 1) The information furnished is true and correct.
- 2) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- 3) 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.
- 4) 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.

NAME (Block Capitals): _____

Date

SIGNATURE: _____

T2.2.7 MBD 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1.0 This Municipal Bidding Document must form part of all bids invited.
- 2.0 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.
- 3.0 The bid of any bidder may be rejected if that bidder, or any of its directors have:
- a) abused the municipal entity's supply chain management system or committed any improper conduct in relation to such system.
 - b) been convicted for fraud or corruption during the past five years.
 - c) wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years.
 - 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).
- 4.0 In order to give effect to the above, the following questions must be completed and submitted with the bid.

- 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 audi alteram partem 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.

Circle Applicable	
YES	NO

- 4.1.1 If YES, provide 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 YES, provide 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 YES, provide particulars.

.....

.....

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 YES, provide 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

4.5.1 If YES, provide particulars.

.....

.....

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both 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.

NAME (Block Capitals):

Date

.....

SIGNATURE:

.....

.....

T2.2.8 MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

NOTES

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.

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.

1.0 This Municipal Bidding Document (MBD) must form part of all **bids**¹ invited.

2.0 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.

3.0 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.

4.0 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**.

5.0 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid.

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:

(Name of Bidder)

that:

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.
 - (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.
 - (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.
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.

NAME (Block Capitals):

Date

SIGNATURE:

T2.2.9 JOINT VENTURES AGREEMENTS

Joint Venture agreement and Power of Attorney Agreements to be attached here (if applicable).

T2.2.10 RECORD OF ADDENDA TO TENDER DOCUMENTS

I / We confirm that the following communications received from the Employer or his representative before the date of submission of this tender offer, amending the tender documents, have been taken into account in this tender offer.

ADD.No	DATE	TITLE OR DETAILS
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct.

It is also confirmed that the requirements, as stated on the Addenda, have been complied with.

NAME (Block Capitals): _____

Date

SIGNATURE: _____

T2.2.11 DECLARATION OF MUNICIPAL FEES

Reference is to be made to Clause F.2.1(f)(ii) of the Tender Data.

I, the undersigned, do hereby declare that the Municipal fees of:

.....
(full name of Company / Close Corporation / partnership / sole proprietary/Joint Venture)

(hereinafter referred to as the TENDERER) are, as at the date hereunder, fully paid or an Acknowledgement of Debt has been concluded with the Municipality to pay the said charges in instalments.

The following account details relate to property of the said TENDERER:

<u>Account</u>	<u>Account Number: to be completed by tenderer</u>											
Consolidated Account												
Electricity												
Water												
Rates												
JSB Levies												
Other												

I acknowledge that should the aforesaid Municipal charges fall into arrears, the Municipality may take such remedial action as is required, including termination of any contract, and any payments due to the Contractor by the Municipality shall be first set off against such arrears.

- Where the tenderer's place of business or business interests are outside the jurisdiction of eThekweni municipality, a copy of the accounts/ agreements from the relevant municipality are to be provided.
- Where the tenderer's Municipal Accounts are part of their lease agreement, then a copy of the agreement, or an official letter to that effect, is to be provided.

Tenderers are to include, at the back of their tender submission document, a printout of the above account's and or agreements signed with the municipality.

Failure to include the required document will make the tender submission non-responsive.

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

NAME (Block Capitals):

Date

SIGNATURE:

T2.2.12 CSD REGISTRATION REPORT

Reference is to be made to Clauses F.2.1(e) and F.2.23 of the Tender Data.

The Conditions of Tender, Clause F.2.1: Eligibility, requires a tenderer to be registered, at the time of tender closing, on the **National Treasury Central Supplier Database (CSD)** as a service provider.

CSD Registration Reports can be obtained from the National Treasury's CSD website at <https://secure.csd.gov.za/Account/Login>.

The date of obtaining the printout is to be indicated on the printout.

The following is an example of the beginning of the printout obtained from the above website.

	CENTRAL SUPPLIER DATABASE FOR GOVERNMENT		Report Date:	
			Report Ran By:	
CSD REGISTRATION REPORT				
SUPPLIER IDENTIFICATION				
Supplier number		Have Bank Account		
Is supplier active?		Total annual turnover		
Supplier type		Financial year start date		
Supplier sub-type		Registration date		
Legal name		Created by		
Trading name		Created date		
Identification type		Edit by		
Government breakdown		Edit date		
Business status		Restricted Supplier		
Country of origin		Restriction Last Verification Date		
South African company/CC registration number				

Tenderers are to include, at the back of their tender submission document, a printout of their (full) CSD Registration Report.

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

NAME (Block Capitals):

Date

SIGNATURE:

T2.2.13 EXPERIENCE OF TENDERER

Refer to T1.2.3.5: "Functionality Specification" for Functionality Points evaluation prompts.

The experience of the tendering entity or joint venture partners in the case of an unincorporated joint venture or consortium, as opposed to the key staff members / experts, in projects of similar nature which implies experience on Environmental studies related to Water and Sanitation Infrastructure over the last fifteen years will be evaluated.

Tenderers should very briefly describe their experience in this regard and attach it to this schedule. Proof of work execution must be provided demonstrating direct involvement and contact details of clients of the relevant projects must also be provided.

The description should be put in tabular form with the following headings:

Employer, contact person and telephone number, where available	Description of event	Detail of work undertaken, nature of work & value	Date undertaken
--	----------------------	---	-----------------

The scoring of the tenderer's experience will be as follows:

Category I: Environmental Scientist

Level	pts	Criterion: Tenderer's Experience
0	0	No Submission or Submission of no substance / irrelevant information provided
1	40	To have successfully completed 2 <u>projects</u> of a similar nature within the past 10 years.
2	70	To have successfully completed 3 - 4 <u>projects</u> of a similar nature within the past 10 years.
3	90	To have successfully completed 5 - 6 <u>projects</u> of a similar nature within the past 10 years.
4	100	To have successfully completed 7+ <u>projects</u> of a similar nature within the past 10 years.
"Similar nature" refers to experience on projects involving environmental assessments and compliance activities for Water and Sanitation Infrastructure. This includes conducting EIAs, WULA applications, ecological and geotechnical studies, public participation processes, and implementing mitigation measures for infrastructure.		

Category II: Environmental Specialist

Level	pts	Criterion: Tenderer's Experience
0	0	No Submission or Submission of no substance / irrelevant information provided
1	40	To have successfully completed 3 <u>projects</u> of a similar nature within the past 15 years.
2	70	To have successfully completed 4 - 5 <u>projects</u> of a similar nature within the past 15 years.
3	90	To have successfully completed 6 - 7 <u>projects</u> of a similar nature within the past 15 years.
4	100	To have successfully completed 8+ <u>projects</u> of a similar nature within the past 15 years.
"Similar nature" refers to experience in conducting environmental studies, assessments, and compliance activities specifically related to the key resource's field of specialization. This includes, but is not limited to, the specialist studies as outline in F.2.1.2.		

Please note:

The bidder is required to also submit Appointment letters as supporting documents for the projects previously undertaken in support. If required, further documented proof and/or references to confirm the above may be requested from the bidder in order to substantiate any of the above claims.

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

NAME (Block Capitals):

Date

SIGNATURE:

T2.2.14 PROPOSED ORGANISATION and STAFFING

The tenderer should propose the structure and composition of their team i.e. the main operational areas involved, the key staff member / expert responsible for each area, and the proposed technical and support staff. The roles and responsibilities of each key staff member / expert should be set out as brief job descriptions. In the case of an association / joint venture / consortium, it should, indicate how the duties and responsibilities are to be shared. The tenderer must also indicate where key personnel are based.

The tenderer should attach their Proposed Organisation and Staffing to this page.

The proposed organisation and staffing will be reviewed but will not be scored.

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

NAME (Block Capitals):

Date

SIGNATURE:

PERSONNEL SCHEDULE

[illegible]

The tenderer should complete the Personnel Schedule in the table above under T2.2.15.

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

NAME (Block Capitals):

Date

SIGNATURE:

T2.2.16 EXPERIENCE OF KEY PERSONNEL

The experience of assigned staff member in relation to the scope of work will be evaluated from three different points of view:

- 1) General experience, level of education and training and positions held of each operational area team leader.
- 2) The experience of the assigned staff in the specific operational areas. Linked to the scope of work.
- 3) The key staff members' / experts' knowledge of issues which the tenderer considers pertinent to events e.g. local conditions, legislation, techniques etc.

CVs of the Principal Environmental Scientist/Consultant or Environmental Specialist/s of **not more than 2 pages each** should be attached to this schedule. Each CV should be structured under the following headings:

Personal particulars	Qualifications	Skills	Name of current employer and position in enterprise	Outline of recent assignments / experience that has a bearing on the scope of work
----------------------	----------------	--------	---	--

The scoring of the experience of key staff will be as follows:

Experience of Key Resources in executing work of similar nature								
Job Title	Minimum Qualification Required	Professional Registration Required	Number of Years' Relevant Experience* on projects of a similar nature					Total Points
			Level 0 0 pts	Level 1 40 pts	Level 2 70 pts	Level 3 90 pts	Level 4 100 pts	
Principal Environmental Scientist/Consultant	Relevant Environmental Science and or/Management	Prof Registration-Registered with EAPASA, registration with SACNASP will be advantageous	No Submission	≤ 1	> 2 ≤ 3	= 4	≥ 5	40
or								
Environmental Specialist/s	Relevant Environmental Science and or/Management	Registered with SACNASP	No Submission	≤ 1	> 2 ≤ 3	= 4	≥ 5	60
Note 1: "Similar nature" implies experience on a project involving environmental studies related to Water and Sanitation Infrastructure projects as outlined on each category. Note 2: "Relevant Experience" implies experience on environmental studies related to Water and Sanitation Infrastructure projects Note 3: "accredited degree / diploma" implies a minimum 3 yr qualification within the built environment, from a registered University or Institute of Technology.								

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

NAME (Block Capitals): _____

Date

SIGNATURE: _____

PART C1: AGREEMENTS AND CONTRACT DATA

C1.1: FORM OF OFFER AND ACCEPTANCE

C1.1.1: OFFER

(NOT APPLICABLE AT THIS STAGE)

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract in respect of the following works:

Contract No: **30541-5W**

Contract Title: **Framework Contract for the Appointment of a Panel of Environmental Consultants for the Water and Sanitation Unit for 36 Months**

The Tenderer, identified in the Offer signature block below, has examined the documents listed in the Tender Data and addenda thereto as listed in the Tender Schedules, and by submitting this Offer has accepted the Conditions of Tender.

By the representative of the Tenderer, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance, the Tenderer offers to perform all of the obligations and liabilities of the Contractor under the Contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the Conditions of Contract identified in the Contract Data.

*** The offered total of the prices inclusive of Value Added Tax is:**

R..... (In words
.....)

This Offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document to the Tenderer before the end of the period of validity stated in the Tender Data, whereupon the Tenderer becomes the party named as the Contractor in the Conditions of Contract identified in the Contract Data.

For the Tenderer:

*** Name of Tenderer** (organisation) :

*** Signature** (of person authorized to sign the tender) :

*** Name** (of signatory in capitals) :

Capacity (of Signatory) :

Address :

:

Witness:

Signature :

Name(in capitals) : :

Date :

Notes:

*** Indicates what information is mandatory.**

Failure to complete the mandatory information and sign this form will invalidate the tender.

C1.1 : FORM OF OFFER AND ACCEPTANCE

C1.1.2 : FORM OF ACCEPTANCE

(NOT APPLICABLE AT THIS STAGE)

This Form will be completed by the Employer

By signing this part of the Form of Offer and Acceptance, the Employer identified below accepts the Tenderer's Offer. In consideration thereof, the Employer shall pay the Contractor the amount due in accordance with the Conditions of Contract identified in the Contract Data. Acceptance of the Tenderer's Offer shall form an agreement between the Employer and the Tenderer upon the terms and conditions contained in this Agreement and in the Contract that is the subject of this Agreement.

The terms of the contract are contained in:

- Part C1 : Agreement and Contract Data, (which includes this Agreement)
- Part C2 : Pricing Data, including the Bill of Quantities
- Part C3 : Scope of Work
- Part C4 : Site Information

and the schedules, forms, drawings and documents or parts thereof, which may be incorporated by reference into Parts C1 to C4 above.

Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Tender Schedules as well as any changes to the terms of the Offer agreed by the Tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Agreement. No amendments to or deviations from said documents are valid unless contained in this Schedule, which must be duly signed by the authorised representatives of both parties.

The Tenderer shall within two weeks after receiving a completed copy of this Agreement, including the Schedule of Deviations (if any), contact the Employer's agent (whose details are given in the Contract Data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the Conditions of Contract identified in the Contract Data at, or just after, the date this Agreement comes into effect. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this Agreement.

Notwithstanding anything contained herein, this Agreement comes into effect on the date when the Tenderer receives one fully completed original copy of this document, including the Schedule of Deviations (if any). Unless the Tenderer (now Contractor) within five days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this Agreement, this Agreement shall constitute a binding contract between the parties.

Signature (*person authorized to sign the acceptance*) :

Name (*of signatory in capitals*) :

Capacity (*of Signatory*) :

Name of Employer (*organisation*) :

Address :

:

Witness:

Signature : **Date** :

Name(*in capitals*) : :

C1.1 : FORM OF OFFER AND ACCEPTANCE

C1.1.3 : SCHEDULE OF DEVIATIONS

This form will be completed by THE EMPLOYER and ONLY THE SUCCESSFUL TENDERER

1. **Subject** :
- Details** :
- :
2. **Subject** :
- Details** :
- :
3. **Subject** :
- Details** :
- :

By the duly authorised representatives signing this Schedule of Deviations, the Employer and the Tenderer agree to and accept the foregoing Schedule of Deviations as the only deviations from and amendments to the documents listed in the Tender Data and addenda thereto as listed in the Tender Schedules, as well as any confirmation, clarification or change to the terms of the offer agreed by the Tenderer and the Employer during this process of offer and acceptance.

FOR THE TENDERER

FOR THE EMPLOYER

.....	Signature	
.....	Name (<i>in capitals</i>)	
.....	Capacity	
.....	Name and Address of	
.....	Organisation	
.....		
.....		
.....	Witness Signature	
.....	Witness Name	
.....	Date	

C1.2: CONTRACT DATA

C1.2.1 CONDITIONS OF CONTRACT

C1.2.1.1 GENERAL CONDITIONS OF CONTRACT

The Conditions of Contract are the Standard Professional Services Contract (Third edition: July 2009) published by the Construction Industry Development Board. (see www.cidb.co.za - copied for ease of reference in C4.2).

The Contract Data (including variations and additions) shall amplify, modify or supersede, as the case may be, the Standard Professional Services Contract, to the extent specified below, and shall take precedence and shall govern.

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

C1.2.2 CONTRACT DATA

C1.2.2.1 DATA TO BE PROVIDED BY THE EMPLOYER

The Employer is the eThekweni Municipality as represented by: Deputy Head: **Water and Sanitation Engineering**

3.4 & The authorised and designated representative of the Employer is: Blessing Khambule

4.3.2 The contact details of the authorised and designated representative are:

- Telephone : 031 311 8292
- Fax : N/A
- e-mail : Blessing.Khambulw@durban.gov.za

The address for the Receipt of communications is 3rd Floor, Water & Sanitation Head Office, 03 Prior Rd.

1 The Project is : **30541-5W**
: **Framework Contract for the Appointment of a Panel of Environmental Consultants for the Water and Sanitation Unit for 36 Months**

1 Period of Performance : **36 months**

1 Start Date : **Seven (7) days after receipt of Letter of Award**

3.4.1 Communications by e-mail is permitted.

3.5 The location for the performance of the Project is: **EThekweni Municipality Area.**

3.6 The Service Provider may not release public or media statements or publish material related to the Services or Project under any circumstances.

4.3.1(d) The Service Provider is not required to assist in the obtaining of approvals, licenses and permits from the state, regional and municipal authorities having jurisdiction over the Project.

5.4.1 The Service Provider is required to provide Professional indemnity in an amount of: **R 1 000 000.**

7.2 The Service Provider is required to provide personnel in accordance with the provisions of clause 7.2 and to complete the Personnel Schedule.

- 9.1 Copyright of documents prepared for the Project shall be vested with the **Employer**
- 11.1 A Service Provider may subcontract any work which he has the skill and competency to perform.
- 12.1 Interim settlement of disputes is to be by **Mediation**.
- 12.2/3 Final settlement is by **Litigation**.
- 12.2.1 In the event that the parties fail to agree on a mediator, the mediator is nominated by: **The Arbitration Foundation of SA**.
- 12.3.3 The adjudicator is the person appointed by: **Deputy Head: Water and Sanitation Engineering**.
Tel: 031 311 8602
- 12.4.1 In the event that the parties fail to agree on an arbitrator, the arbitrator is nominated by: **The Arbitration Foundation of SA**
- 13.1.3 All parties in a joint venture or consortium shall carry a minimum professional indemnity insurance of **R 1 000 000.00**

C1.2.3 ADDITIONAL CONDITIONS OF CONTRACT

C1.2.3.1 EMPOWERMENT INITIATIVE-CONTRACT PARTICIPATION GOALS (CPG)

It is a condition of contract that the Professional Service Provider must allow for a minimum of 10% of the contract value equivalent or exceeding R1 500 000.00 to be subcontracted to persons who are >51 percent black owned as highlighted under Evaluation of Tender Offers: F.3.11

The selection of Sub-Consultants shall be approved by the Service Provider with adherence to the sequence and requirements listed below:

- a) Suitable Sub-Consultants shall be selected from the ward where the project is being undertaken.
- b) In the case where there are no suitable Sub-Consultants in that ward, and such is demonstrated by the Service Provider, the Sub-Consultants may be selected from immediately surrounding Wards.
- c) In the case where there are no suitable Sub-Consultants in the surrounding Wards, Sub Consultants shall be selected from any ward within the eThekweni region.

The objective of eThekweni Municipality's empowerment initiative is to achieve meaningful transformation in all infrastructure projects, especially within the built environment for construction and professional services, through the following:

- Meaningful Economic Participation.
- Local Economic Development.
- Transfer of Technical, Management and Entrepreneurial Skills; and
- Creation of sustainable Black Enterprises

The Service Provider must confirm that the above requirements have been adhered to. The Service Provider shall be responsible for providing suitable mentorship and guidance to the Sub-Consultants and will be responsible for the quality of work produced

Proof of payment to Sub-Consultants will be required to verify that the minimum CPG target has been achieved. For each payment invoice submitted by the Service Provider, the Targeted Enterprise(s) hours and costs per function must be clearly outlined (where applicable) to enable CPG targets to be efficiently monitored.

The penalty for not achieving the specified CPG will be 0.5% of the contract value (excluding Provisional Sum allowances) for every 1% of CPG not achieved.

This clause is applicable only to projects exceeding a transaction value of R1 500 000.00 (VAT included).

C1.2.2.2 DATA TO BE PROVIDED BY THE SERVICE PROVIDER

Ref / Clause Number	Data
1	The Service Provider is: Address : Telephone : Fax :
5.3	The authorised and designated representative of the Service Provider is: Name : The address for receipt of communications is: Address : Telephone : Fax : E-Mail :
5.5 & 7.1.2	The Key Persons and their jobs / functions in relation to the services are: Name : Specific Duties : Name : Specific Duties :

PART C2: PRICING DATA

C2.1: PRICING INSTRUCTIONS

- C 2.1.1** At the stage of the request for quotations, the guideline for the pricing structure shall be determined based on the scope of work, industry standards, and the specific requirements outlined in the tender documentation.
- C 2.1.2** These Pricing Instructions describe the criteria and assumptions which will be assumed, in the contract, that the tenderer will consider when developing his/her prices.

C2.2: PRICING SCHEDULE

Not applicable at this stage, since the tender is dealing with the panel.

PART C3: SCOPE OF WORK

C3.1 BACKGROUND

The Water and Sanitation Unit requires the expertise of environmental consultants for various projects at different intervals.

The purpose of this document is to establish a panel of professional service providers experienced in environmental assessments for infrastructure projects related to water and sanitation. This includes assessing environmental impact, identifying mitigation measures, and evaluating ground conditions for pipelines, pump stations, and relevant infrastructure. Professional Services Providers selected from this panel will be invited to tender or quote for specific projects as needed.

This panel of environmental consultants is to allow the Department to invite prospective Professional Service Providers to apply for evaluation and listing as accredited prospective service providers to assist with the relevant studies in this field.

NB: There is no guarantee of any work described herein being outsourced and/or awarded. Services will be rendered as and when required

This is a responsive, augmented and ad-hoc services Contract.

The Employer also reserves the right to undertake works of a similar nature within eThekweni Municipality outside of this Contract, within the contract period and validity of this Contract.

C3.2 PROJECT DESCRIPTION AND SCOPE OF CONTRACT

C3.2.1. Scope of Services

The purpose of this scope of work is to outline the environmental consulting services required for compliance with the National Environmental Management Act (NEMA), Act No. 107 of 1998, and other relevant environmental regulations. The appointed consultant may be responsible for conducting environmental impact assessments, water use license applications, specialist studies, public participation, and compliance monitoring to ensure adherence to applicable laws and regulations.

i. Environmental Impact Assessments (EIA) and Related Studies

The consultant shall undertake environmental impact assessments in accordance with the 2014 EIA Regulations (as amended), including but not limited to:

- Conducting Basic Assessments and Scoping and Environmental Impact Assessments (EIAs).
- Identification of potential environmental impacts and proposing mitigation measures.
- Preparation and submission of reports to competent authorities.

ii. Water Use License Applications (WULA)

The consultant shall be responsible for:

- Preparation and submission of Water Use License Applications (WULA) in compliance with the National Water Act Regulations.
- Engaging with relevant authorities to facilitate the approval process.
- Conducting necessary hydrological and ecological assessments to support the WULA process.

iii. Specialist Environmental Studies

The consultant will conduct the following environmental and specialist studies as required under Appendix 6 of the 2014 EIA Guidelines (as amended):

- Ecological Surveys – Assessing biodiversity, habitat conditions, and ecological sensitivity.
- Vegetation Assessments – Identifying and classifying plant species and habitats.
- Wetland/Aquatic/Riparian Assessments & Risk Matrix – Evaluating wetland conditions, functionality, and associated risks.
- Geohydrological Assessments – Assessing groundwater conditions and potential environmental impacts.
- Heritage Impact Assessment – Evaluating cultural and heritage resources in compliance with heritage protection laws.

iv. Public Participation Process

The consultant shall facilitate public participation in line with EIA and WULA regulations, including:

- Identifying and engaging relevant stakeholders and interested parties.
- Organizing and conducting public meetings.
- Documenting public comments and concerns and addressing them in the environmental reports.

v. Mitigation Measures and Implementation

The consultant shall:

- Identify and recommend mitigation measures to minimize environmental impacts.
- Develop Environmental Management Plans (EMPs) to guide implementation.
- Ensure that mitigation measures are integrated into project planning and design.

vi. Monitoring and Compliance Reporting

The consultant will be responsible for:

- Monitoring environmental indicators and ensuring compliance with approved environmental conditions.
- Conducting regular site inspections and audits.
- Preparing and submitting Environmental Compliance Reports to regulatory authorities.

vii. Compliance with Environmental Regulations

The consultant must ensure:

- Adherence to all relevant environmental regulations, standards, and best practices.
- Coordination with competent authorities to obtain necessary environmental approvals.
- Continuous assessment of environmental risks and updating management strategies accordingly.

viii. Additional Environmental Studies

The consultant shall undertake any additional environmental assessments or studies as may be required by competent authorities to ensure full compliance with applicable laws.

C3.2.2. Deliverables

The consultant shall provide the following key deliverables, as applicable:

- Record of Decision (RoD)
- Water Use License (WUL)
- General Authorisation (GA)

To support these key deliverables, the consultant shall also provide all necessary documentation and reports, including:

- Scoping and Environmental Impact Assessment (EIA) Reports (as applicable)
- Specialist Study Reports for required assessments
- Water Use License Application (WULA) Report
- Stakeholder Engagement and Public Participation Reports
- Environmental Management Plans (EMPs)
- Environmental Compliance Reports
- Any additional reports or documentation required by regulatory authorities

C3.2.3 Engagement with Stakeholders

The incumbent Service Provider shall be required to engage with the various Stakeholders involved. These include, but are not limited to, Ward Councillors, Community Members, Client Line Department Representatives etc.

All instructions relating to same, shall be received only from a duly authorized Employer (eThekweni Water and Sanitation Engineering) Representative. Any Stakeholder wishing to amend the conditions of the incumbent Service Provider's instruction must be directed to the relevant duly authorized Employer (eThekweni Water and Sanitation Engineering Department) Representative.

C3.3 PANEL PROCESS

Upon assessment for the need to utilise external resources (outsourcing), managers will then utilise the panel. Tasks shall be managed, coordinated and reported on by the Area Managers.

C3.3.1 Appointment Process

Successful respondents meeting all criteria will form part of the list. The panel deals exclusively with environmental studies within the written Price Quotation (PQ) threshold/limit of R750 000.00 (VAT included).

For projects exceeding a transaction value of R750,000 (VAT included), a competitive bidding process will be conducted in accordance with the latest eThekweni Municipality: Supply Chain Management (SCM) Policy, and such projects will not form part of this panel's scope.

For projects equivalent or exceeding a transaction value of R1,500,000 (VAT included), Clause **C1.2.3.1** will take effect, which states that it is a condition of contract that the Professional Service Provider must allow for a minimum of 10% of the contract value exceeding R1,500,000.00 to be sub-contracted to persons who are > 51 percent black owned.

For any appointment request, written quotations will be solicited via Supplier-Self Service (SSS), subject to C3.3.5 and C3.3.6, the most responsive quotation will be selected.

C3.3.2 Rules for Rotation

- (a) Every consultant on the panel will be invited to bid for each project, ensuring all consultants have an equal chance to participate
- (b) Consultants must submit their quotations within the deadline specified in the advertisement for each contract.
- (c) The contract will be awarded to the consultant who submits the lowest responsive and compliant bid that meets all technical and functional requirements.

- (d) If the lowest bidder declines, the next lowest responsive bidder will be selected.
- (e) Consultants will not be considered for new assignments until they have completed their current assignment.
- (f) There is no restriction on the number of projects a consultant may be awarded over time, provided that all previously awarded assignments have been completed.
- (g) Late or non-compliant submissions will not be considered, and consultants will still be eligible for future projects.
- (h) In the event of two or more quotes being the same, the consultant with the higher points for specific goals rating will be given preference. If the ratings are the same, the appointment will be awarded to the consultant whose name appears first in alphabetical order.

C3.3.3 Quotations

Quotations will be requested from those Respondents that have been appointed in terms of C3.3.1. The Conditions of Contract for all quotations will be the CIDB General Conditions of Service (Jul 2009).

C3.3.4 Documentation

In responding to an invitation to provide a quotation pertaining to a specific scope of work, the following must be submitted:

- (a) Official quotation, inclusive of disbursements and Value Added Tax.
- (b) Maximum completion date, as contemplated in the invite for quotations.
- (c) The service provider will be requested to submit the following:
 - (i) Valid Tax Clearance certificate and updated CSD document.
 - (ii) Declaration of Interest made is unchanged (or submit updated MBD 4 Declaration).
 - (iii) CIPC documents claiming ownership specific goals.
 - (iv) Declaration that Bidder's past supply chain management practises is still valid (or submit an updated MBD 8 Declaration).
 - (v) Undertaking in terms of the OH&S Act is still valid (or submit an updated undertaking).
 - (vi) Declaration of Municipal Fees.
- (d) Certificate of Independent Bid Determination (MBD 9).
- (e) Form of Offer and Acceptance (completed Official Tender Form)

C3.3.5 Evaluation of Quotations

Preferential selection will be effective for all quotations greater than R30,000.00 but less than R750,000.00. The lowest responsive quotation will be used to trigger the use of this clause. Scoring will be carried out in the **80/20** preference points system as follows:

A) Points for Price

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

Where :

- P_s = Points scored for comparative price of the quotation under consideration (maximum of 80 points);
- P_t = Comparative price of the quotation under consideration; and
- $P_{\min}$ = Comparative price of the lowest responsive quotation.

B) Points for Preference

Bidders will score up to 20 preference points for their specific goals as per the table below:

- **Ownership Goal**

Goal Weighting: 100%

The tendering entity's **Percentage Ownership (CIPC DOCUMENTS)**, in terms of the **Ownership Category(s)** listed below, is to be used in the determination of the tenderer's claim for **Preference Points**.

Ownership Categories	Criteria	80/20
Race: Black (w1)	Equals 0%	0
	Between 0% and 51%	8
	Greater or equal to 51% and less than 100%	16
	Equals 100%	20
Maximum Goal Points:		

C3.3.6 Risk to Council

Should it be in the view of the Water and Sanitation Engineering Department and based on submissions received, that acceptance of the lowest quotation would be a risk to Council in terms of securing timeous and accurate work, such quotation will not be considered responsive. It is the responsibility of the consultant to be sure of the scope of work, and possible site constraints/difficulties related to same before submitting a quotation.

C3.3.7 Notification of Award

The successful Respondent will be notified in writing and forwarded a formal letter of appointment.

The unsuccessful Respondents will be notified in writing via an email.

C3.3.8 Quality Control and approval of Works

Approval must be provided in writing by a duly authorized Employer's Representative (Water and Sanitation Engineering Department), prior to processing the invoices and communication of processes and outputs thereof, to other stakeholders.

C3.4 APPLICABILITY OF PANEL

C3.4.1 Duration of Panel

The list of service providers appointed will operate in terms of the Scope of Work per Part C3 for a period of **36** months. The department retains the right to amend the process for business, legal, or any other appropriate reason.

C3.5 PAYMENT

- The incumbent Service provider will be paid upon completion of the task.
- The incumbent Service Provider shall be required to provide the Department with the original invoice upon completion of the task.

C3.8 COMPLIANCE WITH THE LAW

The incumbent Service Provider shall ensure full compliance with any applicable laws for the duration of the Contract. The incumbent Service Provider shall further ensure compliance with gazetted labour rates for the duration of the contract.

C3.7 ANNEXURES

- 1. STANDARD CONDITIONS OF TENDER**
- 2. CIDB STANDARD PROFESSIONAL SERVICES OF CONTRACT**

Annex F (normative)

Standard Conditions of Tender

F.1 General

F.1.1 Actions

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

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

Note:

- 1) *A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can arise on appearance of impartiality that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.*
- 2) *Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.*

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

F.1.2 Tender Documents

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

F.1.3 Interpretation

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

F.1.3.2 These conditions of tender, the tender data and tender schedules which are only required for tender evaluation purposes, shall not form part of any contract arising from the invitation to tender.

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

- a) **conflict of interest** means any situation in which:
 - i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially;
 - ii) an individual or organisation is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or

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(July 2009)
(Third Edition of CIDB document 1014)



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July, 2009: Edition 3 of CIDB document 1015

Standard Professional Services Contract