



MADIBENG

LOCAL MUNICIPALITY



TENDER

*"Madibeng, the Prosperous Platinum
and Green Tourism City"*

YOU ARE HEREBY INVITED TO BID FOR THE FOLLOWING TENDER AS ADVERTISED

BID NUMBER:	RFT66/07/2024/25	CLOSING DATE:	29 AUGUST 2024	CLOSING TIME:	10H00
DESCRIPTION	APPOINTMENT OF CONSULTANT FOR THE DESIGNS AND PROJECT MANAGEMENT OF LETLHABILE BLOCK I ELECTRIFICATION				

SUPPLIER INFORMATION

NAME OF BIDDER				
CSD UNIQUE NUMBER	MAAA			
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
E-MAIL ADDRESS				



"ZERO TOLERANCE TOWARDS FRAUD AND CORRUPTION"

Anti-Corruption Hotline:

0800 555 774

*"Madibeng, the Prosperous Platinum
and Green Tourism City"*



TENDER NO: RFT66/07/2024/25

TENDER DESCRIPTION: APPOINTMENT OF CONSULTANT FOR THE
DESIGNS AND PROJECT MANAGEMENT OF LETLHABILE BLOCK I
ELECTRIFICATION

CLOSING DATE:	29 AUGUST 2024	TIME	10:00
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NAME OF TENDERER	
TOTAL AMOUNT (MBD 3.1)	
CENTRAL SUPPLIER DATABASE NUMBER	
TAX COMPLIANCE PIN	
CONTACT PERSON	
TELEPHONE NUMBER	

ENQUIRIES REGARDING BID PROCEDURES		TECHNICAL ENQUIRIES	
BUDGET AND TREASURY OFFICE: SUPPLY CHAIN MANAGEMENT UNIT		ELECTRICITY DIVISION	
NAME: MR SPHAMANDLA MADLALA		Lesego Boutlwanye	
MANAGER: SUPPLY CHAIN MANAGENT			
TEL. NUMBER	012 318 9228/9189/9629125	TEL. NUMBER	012 318 9362/9380
TENDER ISSUED BY			
NAME: SPHAMANDLA MADLALA		DIVISION: SCM	
POSITION: SCM MANAGER		TEL. NUMBER	012 318 9228
MADIBENG LOCAL MUNICIPALITY		P.O. 106 BRITS 0250	

“ZERO TOLERANCE TOWARDS FRAUD AND CORRUPTION”

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TENDER DETAILS						
TENDER NUMBER	RFT66/07/2024/25					
TENDER TITLE	TENDER DESCRIPTION: APPOINTMENT OF CONSULTANT FOR THE DESIGNS AND PROJECT MANAGEMENT OF LETLHABILE BLOCK I ELECTRIFICATION					
CLOSING DATE	29 AUGUST 2024		CLOSING TIME		10:00 am	
SITE MEETING	DATE	N/A	TIME	N/A	COMPULSORY	N/A
SITE MEETING ADDRESS	N/A					
TENDER DOCUMENT FEE	Tender Document will be available for free and downloadable on E-Tender Portal and Municipal website: www.madibeng.gov.za		PREFERENCE POINT SYSTEM		80/20	
BID BOX SITUATED AT	Madibeng Local Municipality, Ground floor, 53 Van Velden Street, Brits, 0250.					
OPERATING HOURS	The bid box is open during office hours, Monday to Friday from 8h00 to 16h00.					
OFFER TO BE VALID FOR	90 Days	DAYS FROM THE CLOSING DATE OF TENDER.				
OFFER TO BE VALID FOR	90 DAYS FROM THE CLOSING DATE OF TENDER.		LOCAL CONTENT			
PLEASE NOTE:						
1. Prospective suppliers must be registered on CSD prior to submitting bids (open bids) 2. Only tender documents that are deposited in Madibeng tender box will be considered. 3. This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2022,the General Conditions of contract (GCC) and, if applicable, any other special conditions of contract. 4. Mailed, telegraphic, telex, or faxed tenders will not be accepted. 5. No late bids after closing date and time will be accepted. 6. Bids not clearly marked, signed and unamend will not be accepted as required by the document. 7. Bids may only be submitted on the original bid documentation provided by the municipality or downloads from the e-tender portal. 8. No awards will be made to a person: i. Who is in the service of the state, ii. If that person is not a natural person , of which any director, manager, principal shareholder or stakeholder is a person in the service of the state iii. Who is an advisor or consultant contracted with the municipality or municipal entity						

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BIDDER'S TENDER DOCUMENTATION DECLARATION

These schedules do not need to be completed by Service Provider
(the bidders must complete this table in full (YES/NO/N/A))

	Question	Requirement	Bidder's Response
1	Have you initialed all the pages of the tender document?	YES	
2	Have you completed and signed the returnable schedules?		
2.1	▪ Schedule 1 : Resolution of board of directors	YES	
2.2	▪ Schedule 2 : Resolution to enter into consortia or JV's	YES	
2.4	▪ Schedule 4 : Schedule of proposed sub-contractors	YES	
2.5	▪ Schedule 5 : Commitments of tenderer	YES	
2.6	▪ Schedule 6 : Record of addenda to tender documents	YES	
2.7	▪ Schedule 7 : Clarification meeting attendance certificate	YES	
2.8	▪ Schedule 8 : Compulsory enterprise questionnaire	YES	
2.9	▪ Schedule 9 : Clearance certificate for water and lights	YES	
2.10	▪ Schedule 10 : Registration on Central Supplier Database	YES	
3	Have you completed / signed and submitted all relevant information as requested by the evaluation schedules? (as and when required)	YES	
4	Have you completed and signed the MBD 4 form - Declaration of Interest?	YES	
5	Have you completed the questionnaire (MBD 5) regarding the declaration for procurement above R10-million and submitted your company's latest three years audited financial statements (<u>as and when required</u>)?	YES	
6	Have you take note of the contents of par 5 of MBD 6.1 to substantiate your B-BBEE rating claims. Have you submitted an original, valid or certified copy of your company's B-BBEE certificate to qualify for preference points?	YES	
7	Have you completed and signed the following form: MBD 7.1 Form - Contract form for purchase of goods / works? MBD 7.2 Form - Contract Form for rendering of services? (as and when required)	YES	
8	Have you completed and signed the MBD 8 – Declaration of bidder's past Supply Chain Management Practices and MBD 9 – Certificate of Independent Bid Determination?	YES	
10	Do you understand the Special Conditions of Contract / Specifications / Terms of Reference and/or Scope of Works?	YES	
11	Have you completed the Form of Offer (C1.1) in <u>WORDS</u> as well as in FIGURES ?	YES	
12	Have you completed and signed Part 2 of C1.2 (Contract Data)?	YES	
13	Have you completed the MBD 3.3 form and carried over your tendered price (VAT inclusive) to Form of Offer (C1.1)?	YES	
14	Have you completed and sign the following form: MBD 6.2: Declaration certificate for local production and content for designated sectors and required Annexures	YES	
15	Have you submitted the compulsory documents	YES	*

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BIDDER

WITNESS

EMPLOYER

WITNESS

BIDDER’S TENDER DOCUMENTATION DECLARATION CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form is correct, completed and submitted.	
NAME OF REPRESENTATIVE	
POSITION / DESIGNATION	
SIGNATURE	
DATE	

T1.1 TENDER NOTICE & INVITATION

MBD1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	RFT66/07/2024/25	CLOSING DATE:	29 AUGUST 2024	CLOSING TIME:	10:00 am
DESCRIPTION	TENDER DESCRIPTION: APPOINTMENT OF CONSULTANT FOR THE DESIGNS AND PROJECT MANAGEMENT OF LETLHABILE BLOCK I ELECTRIFICATION				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

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

Madibeng Local Municipality, Ground floor, Foyer					
53 Van Velden Street					
Brits					
0250					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT		☐ Yes ☐ No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

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		BIDDER	WITNESS	EMPLOYER	WITNESS

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER		DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	Finance – SCM	CONTACT PERSON	L. BOUTLWANYE
CONTACT PERSON	MR S MADLALA	TELEPHONE NUMBER	012 318 9362
TELEPHONE NUMBER	012 318 9624/9228/9125	FACSIMILE NUMBER	
FACSIMILE NUMBER	012 318 9349	E-MAIL ADDRESS	lesegoboutlwanye@madibeng.gov.za
E-MAIL ADDRESS	sphamandlamadlala@madibeng.gov.za		

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- | | |
|--|--|
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | ☐ YES ☐ NO |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? | ☐ YES ☐ NO |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | ☐ YES ☐ NO |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | ☐ YES ☐ NO |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | ☐ YES ☐ NO |

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

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BIDDER

WITNESS

EMPLOYER

WITNESS

“ZERO TOLERANCE TOWARDS FRAUD AND CORRUPTION”
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Section 45(1)(d) of Municipal Supply Chain Regulations requires that the municipality must reject a bidder whose municipal rates and taxes are in arrears for more than three months. The purpose of this schedule is to obtain proof that municipal services, rates and taxes of the service provider are not in arrears for more than three months, with the relevant municipality / landlord in the municipal area where the service provider conduct his / her business.

SUBMISSION OF REQUIRED DOCUMENTATION

**SERVICE PROVIDERS ARE REQUESTED TO SUBMIT THE FOLLOWING DOCUMENTATION
[INCLUDING PARTNERS IN A JOINT VENTURE]:**

Section 45(1)(d) of Municipal Supply Chain Regulations requires that the municipality must reject a bidder whose municipal rates and taxes are in arrears for more than three months.

The purpose of this schedule is to obtain proof that municipal services, rates and taxes of the **service provider and the director(s)** are not in arrears for more than three months, with the relevant municipality / landlord in the municipal area where the service provider and the director(s) conduct his / her business.

The following **administrative compliance** has been identified for this bid and any non-compliance thereto will lead to the bid being regarded as non-responsive and therefore will be disqualified from further evaluation:

1. Tax Compliance Letter with A Unique Pin in Terms of the Electronic Tax Compliance Status (TCS) System from SARS Has Been Submitted.
2. Company Registration Documents, Showing Equity Ownership. [E.G., Form Cm 29, Ck1 Etc.]
3. Copies of Identification Documents [Of All Shareholders];
4. Current month Full Detailed CSD (Central Supplier Database) Report Must Be Attached
5. The considered company's location will be the one on the Central Supplier Database (Preferred Address)
6. Lease agreement must be accompanied by the **lessors** (company/director/s) tax invoice/ statement of account/ municipal statement.

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7. Lease agreements that are not from estate agent bodies must be commissioned by oath to prove the validity of the contract
8. All proof of residents' forms and letter of traditional authority **forms must be stamped by the municipal revenue division** confirming and stating that the address does not receive any services from the municipality.
9. All municipal account statements must be no later than three months
10. Rates and taxes of both the Service Provider and the Director (s) that are in arrears will invalidate the bid.

The Following Will Also Invalidate Your Bid:

11. Scratching out without initializing next to the amendment made.
12. The bidder has not written over / painting out rates / the use of Tippex or any erasable ink, e.g. pencil.
13. The bid has not been properly signed by a party having the authority to do so, according to the Form D – “Authority for Signatory”
14. A resolution by a board of directors of the company authorizing the tenderer to sign the tender document on behalf of the company. No authority for signatory submitted.
15. Particulars required in respect of the bid have not been provided – non-compliance of Bid requirements and/or specifications.
16. The bidder attempts to influence or has in fact influenced the evaluation and/or awarding of the contract.
17. The service provider has not completed Form (MBD4) – “Declaration of Interest”
18. The bidder has not completed Form (MBD6.1) – “Preference points claim form”

A COPY OF THE BIDDER'S AND THE DIRECTOR/S MUNICIPAL ACCOUNT (FROM THE MUNICIPALITY WHERE THE BIDDER PAYS HIS ACCOUNT) FOR THE MONTH PRECEDING THE TENDER CLOSURE DATE MUST ACCOMPANY THE TENDER DOCUMENT. IF SUCH A COPY DOES NOT ACCOMPANY THE BID DOCUMENT OF THE SUCCESSFUL BIDDER, THE BID WILL BE UNSUCCESSFUL. # FAILURE TO COMPLY WITH THE ABOVE WILL REGARD YOUR BID NON-RESPONSIVE # WHERE THE COMPANY OPERATES AND WHERE THE DIRECTOR/S RESIDES, THE RATES AND TAXES OF THAT ADDRESS MUST BE IN ORDER OR UP TO DATE. # RATES AND TAXES THAT ARE IN ARREARS WILL INVALIDATE YOUR BID. # PLEASE COMPLETE ALL BLANK SPACES ON THE FORMS WHERE NOT APPLICABLE INDICATE AS SUCH (N/A) # IN CASES OF A JOINT VENTURE OR A CONSORTIUM: ALL THE COMPANIES MUST ATTACHÉ ALL THE REQUIRED DOCUMENTS INDICATED ABOVE

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		BIDDER	WITNESS	EMPLOYER	WITNESS

T1.2 TENDER DATA

CLAUSE NO.	
	The Standard Conditions of Tender for procurement makes 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 for procurement other than disposals. Each item of data given below is cross-referenced to the relevant clause in the above mentioned Standard Conditions of Tender.
1.1	The employer is the Madibeng Local Municipality
1.2	The single volume approach is adopted for this contract. The list of returnable documents identifies which of the documents a tenderer must complete when submitting a tender offer. The tenderer must submit his tender offer by completing the returnable documents including the fully priced Pricing Schedule, signing the "Offer" section in the "Form of Offer and Acceptance" and delivering the single volume procurement document back to the Madibeng Municipality bound up as it was when it was received. The tender documents issued by the employer comprise of the following: TENDER Part T1: Tendering procedures T1.1 - Tender notice and invitation to tender T1.2 - Tender data T1.3 – Standard Conditions of Tender Part T2: Returnable documents T2.1 List of returnable documents T2.2 Returnable schedules CONTRACT Part C1: Agreements and contract data C1.1 Form of offer and acceptance C1.2 Contract data Part C2: Pricing Schedule C2.1 Pricing Instructions and Schedule C2.2 Priced fees and disbursements Part C3: Terms of reference C3 Terms of reference

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BIDDER

WITNESS

EMPLOYER

WITNESS

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		BIDDER	WITNESS	EMPLOYER	WITNESS

1.4	The employer's agent is: Name : Project Management Unit Capacity : Address : Madibeng Local Municipality P.O. Box 106, Brits, 0250 Tel: Fax: E-mail:								
2.1.1	Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders: 1. Tenderer is registered on the Central Supplier Database 2. Tenderer is qualified and professionally registered for the service to be provided 3. Tenderer has the managerial capacity, reliability and experience regarding the nature of the project Only those tenderers who score a minimum score of 60 points in respect of the following functionality criteria will proceed to the price and preference goals. <table border="1"> <thead> <tr> <th>Description of Quality Criteria</th><th>Maximum number of tender evaluation points</th></tr> </thead> <tbody> <tr> <td>COMPANY CAPABILITY/EXPERIENCE</td><td>60</td></tr> <tr> <td>METHODOLOGY</td><td>40</td></tr> <tr> <td>Maximum total evaluation points for quality (60 points)</td><td>100</td></tr> </tbody> </table>	Description of Quality Criteria	Maximum number of tender evaluation points	COMPANY CAPABILITY/EXPERIENCE	60	METHODOLOGY	40	Maximum total evaluation points for quality (60 points)	100
Description of Quality Criteria	Maximum number of tender evaluation points								
COMPANY CAPABILITY/EXPERIENCE	60								
METHODOLOGY	40								
Maximum total evaluation points for quality (60 points)	100								
2.7	Site visit and clarification meeting 53 Van Velden Street Brits, 1st Floor Mayor's Parlour Enquiries regarding the tender may be directed to: Name : Mr Lesego Boutlwanje Telephone No. : 012 318 9362 Fax No. : E-Mail address : lesegoboutlwanje@madibeng.gov.za.za								
2.8	The closing time for submission of tender offers is as indicated in the tender notice and invite								
2.12.1	Alternative offers will not be considered								
2.13.3	Additional copies of the tender offer, document will not be required								
2.13.5 2.13.7	The employer's address for delivery of tender offers and identification details to be shown on such tender offer package are:								

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BIDDER

WITNESS

EMPLOYER

WITNESS

	Location of tender box : Madibeng Local Municipality Physical address : Ground floor, Foyer, 53 Van Velden Street Brits,0250 <u>Identification details:</u> As indicated in the tender notice TENDER DESCRIPTION: APPOINTMENT OF CONSULTANT FOR THE DESIGNS AND PROJECT MANAGEMENT OF LETLHABILE BLOCK I ELECTRIFICATION RFT66/07/2024/25
2.14	The site of works is located at Madibeng Local Municipality
3.4	The location for opening of the tender offers, immediately after the closing time thereof shall be at: Time: 10H00 hours on 29/08/2024 Location: Madibeng Local Municipality Officess: Lecture Hall/ White House
3.11	The procedure for the evaluation of responsive tenders is Method 1. The total number of tender evaluation points for preferences to may be claimed is indicated in MBD 6.1
3.13.1	Tender offers will only be accepted if: a) the tenderer is registered on the Central Supplier Database; b) the tenderer has provided a copy/ printed Tax compliance status reference Pin to enable the municipality to verify the bidder's tax compliance status c) The tenderer is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges; d) the tenderer or any of its directors 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; and e) the tenderer has not: i) abused the employer's Supply Chain Management System; or ii) failed to perform on any previous contract in Madibeng local municipality or any other Municipality and has been given written notice to this effect; f) it is considered that the performance of the services will not be compromised through any conflict of interest.
3.17	The number of paper copies of the signed Contract to be provided by the employer is one

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		BIDDER	WITNESS	EMPLOYER	WITNESS

T1.3 STANDARD CONDITIONS OF TENDER

1 GENERAL

1.1 Actions

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 clause 2 and clause 3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices

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:

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

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

1.2 Tender Documents

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

1.3 Interpretation

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.

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.

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		BIDDER	WITNESS	EMPLOYER	WITNESS

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 organization is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
 - iii) Incompatibility or contradictory interests exist between an employee and the organization which employs that employee.
- b) **comparative offer** means the tenderer's financial offer after all tendered parameters that will affect the value of the financial offer have been taken into consideration in order to enable comparisons to be made between offers on a comparative basis
- c) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process; and
- d) **fraudulent practice** means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels
- e) **organization** means a company, firm, enterprise, association or other legal entity, whether incorporated or not, or a public body
- f) **quality (functionality)** means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs

1.4 **Communication and employer's agent**

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

1.5 **The employer's right to accept or reject any tender offer**

- 1.5.1 The employer may accept or reject any variation, deviation, tender offer, or alternative tender offer, and may cancel the tender process and reject all tender offers at any time before the formation of a contract. The employer shall not accept or incur any liability to a tenderer for such cancellation and rejection, but will give written reasons for such action upon written request to do so.
- 1.5.2 The employer may not subsequent to the cancellation or abandonment of a tender process or the rejection of all responsive tender offers re-issue a tender covering substantially the same scope of work within a period of six months unless only one tender was received and such tender was returned unopened to the tenderer.

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1.6 **Procurement procedures**

1.6.1 **General**

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

1.6.2 **Competitive negotiation procedure**

1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of clause 3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of clause 3.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.

1.6.2.2 All responsive tenderers, or not less than three responsive tenderers that are highest ranked in terms of the evaluation method and evaluation criteria stated in the tender data, shall be invited in each round to enter into competitive negotiations, based on the principle of equal treatment and keeping confidential the proposed solutions and associated information. Notwithstanding the provisions of clause 2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

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

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

2 **TENDERER'S OBLIGATIONS**

2.1 **Eligibility**

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

2.1.2 Submit a tender offer only if the tenderer satisfies that the minimum score for functionality criteria will be met.

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

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2.2 **Cost of tendering**

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

2.3 **Check documents**

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

2.4 **Confidentiality and copyright of documents**

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

2.5 **Reference documents**

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

2.6 **Acknowledge addenda**

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

2.7 **Clarification meeting**

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

2.8 **Seek clarification**

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

2.9 **Insurance**

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

2.10 **Pricing the tender offer**

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

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

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- prices.
- 2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.
- 2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.
- 2.11 **Alterations to documents**
- Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations.
- 2.12 **Alternative tender offers**
- 2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.
- 2.12.2 Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.
- 2.13 **Submitting a tender offer**
- 2.13.1 Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.
- 2.13.2 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.
- 2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.
- 2.13.4 Sign the original and all copies of the tender offer where required In terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.
- 2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.
- 2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

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- 2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.
- 2.13.8 Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.
- 2.13.9 Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.
- 2.14 **Information and data to be completed in all respects**
- Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.
- 2.15 **Closing time**
- 2.15.1 Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery
- 2.15.2 Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.
- 2.16 **Tender offer validity**
- 2.16.1 Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period (not less than 7 days) stated in the tender data after the closing time stated in the tender data.
- 2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.
- 2.16.3 Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted.
- 2.16.4 Where a tender submission is to be substituted, submit a substitute tender in accordance with the requirements of **clause 2.13** with the packages clearly marked as "SUBSTITUTE".
- 2.17 **Clarification of tender offer after submission**
- 2.17.1 Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.

Note:

Clause 2.17.1 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the employer elect to do so.

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2.18 **Provide other material**

2.18.1 Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment. Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.

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

2.19 **Inspections, tests and analysis**

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

2.20 **Submit securities, bonds, policies etc.**

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

2.21 **Check final draft**

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

2.22 **Return of other tender documents**

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

2.23 **Certificates**

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

3 **THE EMPLOYER'S UNDERTAKINGS**

3.1 **Respond to requests from the tenderer**

3.1.1 Unless otherwise stated in the tender data, respond to a request for clarification received up to five working days before the tender closing time stated in the tender data and notify all tenderers who drew procurement documents.

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

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

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3.2 **Issue Addenda**

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

3.3 **Return late tender offers**

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

3.4 **Opening of tender submissions**

3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, preferences claimed and time for completion for the main tender offer only.

3.4.3 Make available the record outlined in **clause 3.4.2** to all interested persons upon request.

3.5 **Two-envelope system**

3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

3.5.2 Evaluate the quality of the technical proposals offered by tenderers, then advice tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the quality evaluation more than the minimum number of points for quality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any preferences claimed. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for quality.

3.6 **Non-disclosure**

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

3.7 **Grounds for rejection and disqualification**

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

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3.8 **Test for responsiveness**

3.8.1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:

- a) complies with the requirements of these Conditions of Tender,
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the tender documents.

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

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
- b) significantly change the employer's or the tenderer's risks and responsibilities under the contract, or
- c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified.

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

3.9 **Arithmetical errors, omissions and discrepancies**

3.9.1 Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.

3.9.2 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with **clause 3.11** for:

- a) the gross misplacement of the decimal point in any unit rate;
- b) omissions made in completing the pricing schedule or bills of quantities; or
- c) arithmetic errors in:
 - i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
 - ii) the summation of the prices.

3.9.3 Notify the tenderer of all errors or omissions that are identified in the tender offer and invite the tenderer to either confirm the tender offer as tendered or accept the corrected total of prices.

3.9.4 Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows:

- a) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.

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- b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

3.10 **Clarification of a tender offer**

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

3.11 **Evaluation of Tender Offers**

3.11.1 **General**

Appoint an evaluation panel of not less than three persons. Reduce each responsive tender offer to a comparative offer and evaluate them using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

3.11.2 **Methods 1: Financial offer, quality and preference**

In the case of a financial offer, quality and preferences:

- a) Score each tender in respect of the financial offer made, quality and preferences claimed, if any, in accordance with the provisions of **clause 3.11.3, clause 3.11.4 and clause 3.11.5**
- b) Score each of the criteria and sub-criteria for quality in accordance with the provisions of the tender data. Calculate the total number of tender evaluation points for quality using the formula in clause 3.11.5.
- c) Only tender who score the minimum required points on functionality will proceed to price and preference evaluation stage.
- d) Score the financial offers of remaining responsive tender offers using the formula in clause 3.11.3.
- e) Calculate the total number of tender evaluation points for preferences claimed in accordance with the provisions of the tender data.
- f) Calculate the total number of tender evaluation points (T_{EV}) in accordance with the following formula:

$$T_{EV} = N_{FO} + N_P$$

where: N_{FO} is the number of tender evaluation points awarded for the financial offer made in accordance with **clause 3.11.3**;

N_P is the number of tender evaluation points awarded for preferences claimed in accordance with **clause 3.11.4**.

- g) Rank tender offers from the highest number of tender evaluation points to the lowest.
- h) Recommend the tenderer with the highest number of tender evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.

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- i) Re-score and re-rank all tenderers should there be compelling and justifiable reasons not to recommend the tenderer with the highest number of tender evaluation points, and recommend the tenderer with the highest number of tender evaluation points, unless there are compelling and justifiable reasons not to do so and the process set out in this sub-clause is repeated

3.11.2 **Decimal places**

Score financial offers, preferences and quality, as relevant, to two decimal places.

3.11.3 **Scoring Financial Offers**

Score the financial offers of remaining responsive tender offers using the following formula:

$$N_{FO}$$

$$= W_1 \times A$$

where: N_{FO} is the number of tender evaluation points awarded for the financial offer.

W_1 is the maximum possible number of tender evaluation points awarded for the financial offer as stated in the tender data.

A is a number calculated using either formulas 1 or 2 below as stated in the Tender Data.

Formula	Comparison aimed at achieving	Option 1	Option 2
1	Highest price or discount	$A = 1 + \frac{(P - P_m)}{P_m}$	$A = \frac{P}{P_m}$
2	Lowest price or percentage commission / fee	$A = 1 - \frac{(P - P_m)}{P_m}$	$A = \frac{P_m}{P}$
P_m	=	the comparative offer of the most favourable tender offer.	
P	=	the comparative offer of tender offer under consideration	

3.11.4 **Scoring preferences**

Confirm that tenderers are eligible for the preferences claimed in accordance with the provisions of the tender data and reject all claims for preferences where tenderers are not eligible for such preferences.

Calculate the total number of tender evaluation points for preferences claimed in accordance with the provisions of the tender data.

3.11.5 **Scoring quality**

Score each of the criteria and sub criteria for quality in accordance with the provisions of the tender data.

Calculate the total number of tender evaluation points for quality using the following formula:

$$N_Q = W_2 \times S_Q / M_S$$

Where: S_Q is the score for quality allocated to the submission under consideration; M_S is the maximum possible score for quality in respect of a submission; and W_2 is the maximum possible number of tender evaluation points awarded for the quality as stated in the tender data

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3.12 Insurance provided by the employer

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

3.13 Acceptance of tender offer

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

- a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement,
- b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,
- c) has the legal capacity to enter into the contract,
- d) is not insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,
- e) complies with the legal requirements, if any, stated in the tender data, and
- f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

3.14 Prepare contract documents

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

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

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

3.15 Complete adjudicator's contract

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

3.16 Notice to unsuccessful tenderers

3.16.1 Notify the successful tenderer of the employer's acceptance of his tender offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated in the tender data, or agreed additional period.

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3.16.2 After the successful tenderer has been notified of the employer's acceptance of the tender, notify other tenderers that their tender offers have not been accepted.

3.16.3 Unsuccessful forms / documents will be disposed of after 24 months.

3.17 **Provide copies of the contracts**

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

3.18 **Provide written reasons for actions taken**

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

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T2.1 LIST OF RETURNABLE DOCUMENTS

1 RETURNABLE SCHEDULES REQUIRED FOR TENDER EVALUATION PURPOSES

- 1.1 Schedule 1 : Resolution of Board of Directors (authority to signed)
- 1.2 Schedule 2 : Resolution of Board of Directors to enter into consortia or JV's
- 1.3 Schedule 4 : Schedule of proposed sub-contractors
- 1.4 Schedule 5 : Commitments of tenderer
- 1.5 Schedule 6 : Record of addenda to tender documents
- 1.6 Schedule 7 : Clarification meeting attendance certificate
- 1.7 Schedule 8 : Compulsory enterprise questionnaire
- 1.8 Schedule 9 : Clearance certificate for water & lights
- 1.9 Schedule 10 : Registration on Central Supplier Database

2 COMPULSORY MUNICIPAL BID DOCUMENTATION

- 2.1 MBD 4 : Declaration of interest
- 2.2 MBD 5 : Declaration for procurement above R10-million
- 2.3 MBD 6.1 : Preference certificate
- 2.4 MBD 6.2 : Declaration of Local Content and relevant Annexures
- 2.5 MBD 7.1 : Contract form for purchase of goods / works
- 2.6 MBD 7.2 : Contract form for rendering of Services
- 2.7 MBD 8 : Declaration of bidder's past supply chain management practices
- 2.8 MBD 9 : Certificate of Independent Bid Determine

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SCHEDULE 1

RESOLUTION OF BOARD OF DIRECTORS

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

		(Enterprise Name)
Held at	(place)	
On	(date)	

RESOLVED that:

1.	The enterprise submits a bid / tender to the Madibeng Local Municipality in respect of the following project:	
	TENDER: TENDER DESCRIPTION: APPOINTMENT OF CONSULTANT FOR THE DESIGNS AND PROJECT MANAGEMENT OF LETLHABILE BLOCK I ELECTRIFICATION RFT66/07/2024/25	
2.	Mr/Mrs/Ms	
	in his/her capacity a:	(Position in the Enterprise)
	and who will sign as follows:	(Authorized Signature)
be, and is hereby, authorized to sign the bid / tender, and any and all other documents and/or correspondence in connection with and relating to the bid /tender, as well as to sign any contract, and any and all documentation, resulting from the award of the bid / tender to the enterprise mentioned above.		

Directors / Members / Partners of:

	Name	Capacity	Signature
1			
2			
3			

Note:

- * Delete which is not applicable
- NB.** This resolution must be signed by all the Directors / Members / Partners of the Bidding Enterprise
- Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page
- If no stamp the enterprise can sign on the stamp box

ENTERPRISE STAMP

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SCHEDULE 2

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

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

		(Enterprise Name)
Held at	(place)	
On	(date)	

RESOLVED that:

1.	The enterprise submits a bid / tender, in consortium / joint venture with the following enterprises:	
	(List all the legally correct full names and registration numbers, if applicable, of the enterprises forming the consortium / joint venture)	
	To the to the Madibeng Local Municipality in respect of the following project	
	TENDER DESCRIPTION: APPOINTMENT OF CONSULTANT FOR THE DESIGNS AND PROJECT MANAGEMENT OF LETLHABILE BLOCK I ELECTRIFICATION RFT66/07/2024/25	
2.	Mr/Mrs/Ms	
	in his/her capacity as	(Position in the Enterprise)
	and who will sign as follows	(Authorized Signature)
2.1	be, and is hereby, authorized to sign a consortium / joint venture agreement with the parties listed under item 1 above, and any and all other documents and/or correspondence in connection with and relating to the consortium / joint venture, in respect of the project described under item 1 above.	
2.2	The enterprise accepts joint and several liability with the parties listed under item 2 above for the due fulfillment of the obligations of the joint venture deriving from, and in any way connected with, the contract to be entered into with the department in respect of the project described under item 1 above.	
2.3	The enterprise chooses as its <i>domicilium citandi et executandi</i> for all purposes arising from this joint venture agreement and the contract with the department in respect of the project under item 1 above	
	i) Physical address	
	ii) Postal address	
		(Code)
	iii) Telephone number	
	iv) Fax Number	

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BIDDER

WITNESS

EMPLOYER

WITNESS

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

Directors / Members / Partners of:

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Note:

1. Delete which is not applicable

NB. This resolution must be signed by all the Directors / Members / Partners of the Bidding Enterprise

Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page

3.

Enterprise Stamp

SCHEDULE 4

SCHEDULE OF PROPOSED SUB-CONTRACTORS

We notify you that it is our intention to employ the following sub-contractors for work in this contract. If we are awarded a contract we agree that this notification does not change the requirement for us to submit the names of proposed sub-consultants in accordance with requirements in the contract for such appointments. If there are no such requirements in the contract, then your written acceptance of this list shall be binding between us. We agree we will not subcontract more than 25% of the value of the contract to a person who is not an HDI or does not qualify for such preference.

	Name and address of proposed sub-contractor	Nature and extent of work	Previous experience with sub-contractor
1			
2			
3			
4			
5			

NAME OF REPRESENTATIVE	SIGNATURE	CAPACITY	DATE

NAME OF ORGANIZATION	
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TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

SCHEDULE 5

COMMITMENTS OF TENDERER

Kindly provide particulars of commitments which the tenderer is presently engaged and/or involved with:

Current Projects / Contract		Organization	Contact Person Name	Contact Tel. No.	Contract Amount	Contract Period	Date of Commence-ment	Scheduled Date of Completion
1.								
2.								
3.								
4.								
5.								

NAME OF REPRESENTATIVE	SIGNATURE	DATE

TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

SCHEDULE 6

RECORD OF ADDENDA TO TENDER DOCUMENTS

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

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

I / we confirm that no communications were received from the Madibeng Municipality before the submission of this tender offer, amending the tender documents.

NAME OF REPRESENTATIVE	SIGNATURE	DATE

TENDER NO.	RFT66/07/2024/25				
	BIDDER	WITNESS	EMPLOYER	WITNESS	

SCHEDULE 7

CLARIFICATION MEETING ATTENDANCE CERTIFICATE

This is to certify that, I	
representing	
in the company of	
attended the clarification meeting on	
I have made myself familiar with all conditions likely to influence the work and the cost thereof. I further certify that I am satisfied with the description of the work and explanations given at the clarification meeting and that I understand perfectly the work to be done, as specified and implied, in the execution of this contract.	

NAME OF REPRESENTATIVE	SIGNATURE	DATE

NAME OF MUNICIPAL REPRESENTATIVE	SIGNATURE	DATE

TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

SCHEDULE 8

COMPULSORY ENTERPRISE QUESTIONNAIRE

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

Section 1: Name of enterprise			
Section 2: VAT registration number, if any			
Section 3: Particulars of sole proprietors and partners in partnerships			
No	Name*	Identity Number*	Personal Income Tax Number*
3.1			
3.2			
3.3			
* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners			
Section 4: Particulars of companies and close corporations			
4.1	Company Registration number		
4.2	Close corporation number		
4.3	Tax reference number		
Section 5: Record in the service of the state			
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		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)	
A member of any provincial legislation		A member of an accounting authority of any national or provincial public entity	
A member of the National Assembly or the National Council of Province		An employee of Parliament or a provincial legislature	
A member of the board of directors of any municipal entity		An official of any municipality or municipal entity	

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BIDDER

WITNESS

EMPLOYER

WITNESS

Name of sole proprietor, partner in a partnership or 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 months

Section 6: Records of spouses, children and parents in the service of the state

Indicate by making the relevant boxes with a cross, if any spouses, 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 been in the service of any of the following:

A member of any municipal council		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)	
A member of any provincial legislature		A member of an accounting authority of any national or provincial public entity	
A member of the National Assembly or the National Council of Province.		An employee of Parliament or a provincial legislature	
A member of the board of directors of any municipal entity		An official of any municipality or municipal entity	

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 months

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

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- ii) 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.
- iii) 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 frauds or corruption;
- iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- v) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

Note: insert separate page if necessary

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BIDDER

WITNESS

EMPLOYER

WITNESS

NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE (UNDERSIGNED)
CAPACITY	DATE

TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

SCHEDULE 9

CLEARANCE CERTIFICATE FOR WATER & LIGHTS

Section 45(1)(d) of Municipal Supply Chain Regulations requires that the municipality must reject a bidder whose municipal rates and taxes are in arrears for more than three months.

The purpose of this schedule is to obtain proof that municipal services, rates and taxes of the service provider are not in arrears for more than three months, with the relevant municipality / landlord in the municipal area where the service provider conduct his / her business.

Each bidder must complete the below checklist. Important: if you fail to complete this form, the bid will be non-responsive. (Please tick with **X** where appropriate):

QUESTIONS		YES	NO
1.	Do you own a property?		
2.	Do you receive a municipal rates account?		
3.	Is your municipal rates and taxes account up to date / current (not in arrears for more than three months)?		
4.	If yes, provide the following details:		
4.1	▪ Municipality name		
4.2	▪ Municipal account number		
5.	If yes, please attach proof in the form of the original or certified copy of the bidder's municipal rates and taxes account not older than 3 months		
6.	Does the bidder lease / rent the property where the business is situated?		
7.	If yes, provide the following details:		
7.1	▪ Landlord name		
7.2	▪ Address property is situated		
7.3	▪ Contact number of landlord		
8.	Please attach the copy of the lease agreement signed by the landlord / lessor and the tenant / lessee as proof		
I, (Insert full name)			
of (insert physical address)			
being a Director, Principal Shareholder, owner of company (Insert company name)			
Hereby confirms that, the information submitted in this form is accurate, to the best of my knowledge			
SIGNATURE			

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BIDDER

WITNESS

EMPLOYER

WITNESS

SCHEDULE 10

NOTICE OF SUPPLY CHAIN MANAGEMENT CENTRAL SUPPLIER DATABASE REGISTRATION

Par 14(1)(a) of the municipal supply chain management policy states that the municipality must keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements.

The purpose of this notice is to obtain proof that the service provider is registered on the Central Supplier Database. **Registration is COMPULSORY in order to conduct business with Madibeng Local Municipality.**
The database will be used to verify the accreditation of a supplier before an award can be made.

Each bidder must complete the below checklist (please tick with an X where appropriate).

QUESTIONS		YES	NO
1.	Is your company registered on the Central Supplier Database?		
2.	If yes, provide the following details:		
2.1	▪ CSD registration number		
2.2	▪ Unique CSD number		
3.	Enquiries related to par. 2.1 and 2.2 can be made to Mr. MR J. MOTAUNG at (012) 318 9624/9335/9125		
4.	If no, please register on Central Supplier Database ,website, www.csd.gov.za , before submitting tender document		
I, (insert full name)			
of (insert physical address)			
being a Director, Principal Shareholder, owner of company (insert company name)			
hereby confirms that, the information submitted in this form is accurate, to the best of my knowledge			
SIGNATURE			

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		BIDDER	WITNESS	EMPLOYER	WITNESS

T2.2.2 COMPULSORY MUNICIPAL BID DOCUMENT

TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

1. TAX COMPLIANCE REQUIREMENTS

1. Bidders must ensure compliance with their tax obligations.
2. Bidders are required to submit their unique personal identification number(PIN) issued by SARS to enable Organ of state to view the taxpayer's profile and tax status.
3. Application for the tax compliance status (TCS) certificate or PIN may be made via e-filing. In order to use this provision, taxpayers will need to register with SARS as e-filers through the website www.sars.gov.za
4. Foreign suppliers have must complete the pre-award questionnaire in part 2.
5. Bidders may also submit a printed TCS certificate together with the bid.
6. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate TCS certificate / pin / CSD number.
7. Where no TCS is available but the bidder is registered on the Central Supplier Database (CSD), a CSD number must be provided.

2. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- | | |
|---|----------|
| 1. Is the entity a resident of the Republic of South Africa? | YES / NO |
| 2. Does the entity have a branch in the RSA? | YES / NO |
| 3. Does the entity have a permanent establishment in the RSA? | YES / NO |
| 4. Does the entity have any source of income in RSA? | YES / NO |
| 5. Is the entity liable in the RSA for any form of Taxation? | YES / NO |

(IF THE ANSWER IS “NO”TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM SARS AND IF NOT REGISTER AS PER 1.3. ABOVE)

NB: Failure to provide any of the above particulars may render the bid invalid.

.....
Signature of BIDDER

.....
Date

.....
Capacity under which this bid is signed

TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

MBD 4

DECLARATION OF INTEREST

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

No.	Information	Please provide detail	
3.1	Full name of bidder or his or her representative		
3.2	Identity number		
3.3	Position occupied in the company (director, trustee, hareholder ²		
3.4	Company registration number		
3.5	Tax reference number		
3.6	VAT registration number		
Note	<i>(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)</i>		
3.7	Are you presently in the service of the state?	Yes	No
	If yes, please furnish particulars :		
3.7.1	Name of director		
3.7.2	Service of state organization		

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		BIDDER	WITNESS	EMPLOYER	WITNESS

3.8	Have you been in the service of the state for the past twelve months?		Yes	No
If yes, please furnish particulars :				
3.8.1	Name of director			
3.8.2	Service of state organization			
3.9	Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?		Yes	No
If yes, please furnish particulars :				
3.9.1	Name of person in the service of state			
3.9.2	Relationship			
3.10	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, please furnish particulars :				
3.10.1	Name of person in the service of state			
3.10.2	Relationship			
3.11	Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?		Yes	No
If yes, please furnish particulars :				
3.11.1	Name of director			
3.11.2	Service of state organization			
3.12	Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state?		Yes	No
If yes, please furnish particulars:				
3.12.1	Name of director			
3.12.2	Name of relative			

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BIDDER

WITNESS

EMPLOYER

WITNESS

3.12.3	Relationship		
3.13	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, please furnish particulars:		
3.13.1	Name of director		
3.13.2	Related company		
Note:	SCM Regulations: "In the service of the state" means to be – (a) a member of – (i) any municipal council; (ii) any provincial legislature; or (iii) the national Assembly or the national Council of provinces; (b) a member of the board of directors of any municipal entity; (c) an official of any municipality or municipal entity; (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999); (e) a member of the accounting authority of any national or provincial public entity; or (f) an employee of Parliament or a provincial legislature. "² Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.		

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

Full Name	Identity Number	State Employee Number

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		BIDDER	WITNESS	EMPLOYER	WITNESS

5. I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.

NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY

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:

		Tick applicable box	
1.	By law you are required to prepare annual financial statements for auditing?	Yes	No
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.	Yes	No
2.	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?	Yes	No
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.	Yes	No
2.2	If yes, provide particulars:		
3.	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?	Yes	No
3.1	If yes, provide particulars:		
4.	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?	Yes	No
4.1	If yes, provide particulars:		

TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.

NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY

MBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

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

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

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		BIDDER	WITNESS	EMPLOYER	WITNESS

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

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

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act 2022.

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right) \text{ or } Ps = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmin = Price of lowest acceptable tender

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		BIDDER	WITNESS	EMPLOYER	WITNESS

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

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

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

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

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The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
	10	20	10	20
Race – people who are black, coloured or Indian	3	6		
Local Economic Development	2	4		
People with Disability (PwD) Ownership (20% or more)	2	3		
Gender Women	1	3		
Youth	2	4		
TOTAL	10	20		

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		BIDDER	WITNESS	EMPLOYER	WITNESS

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

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

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

SURNAME AND NAME:

DATE:

ADDRESS:

TENDER NO.	RFT66/07/2024/25				
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BIDDER

WITNESS

EMPLOYER

WITNESS

MBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2022, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2022 make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and specific goals.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

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

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

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		BIDDER	WITNESS	EMPLOYER	WITNESS

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

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

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

YES	☐	NO	☐
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3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

LOCAL CONTENT DECLARATION
(REFER TO ANNEX B OF SATS 1286:2011)

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

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Institution):

.....

NB

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

I, the undersigned, (full names),
do hereby declare, in my capacity as
of(name of bidder entity), the
following:

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

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

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The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided of the Preferential Procurement Regulations, 2022.

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

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		BIDDER	WITNESS	EMPLOYER	WITNESS

TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

MBD 7.1

CONTRACT FORM – PURCHASE OF GOODS / WORKS

THIS FORM MUST BE FILLED BY BOTH THE SERVICE PROVIDER (PART 1) AND THE EMPLOYER / MUNICIPALITY (PART 2) AND SIGNED IN THE ORIGINAL.

PART 1 (TO BE FILLED IN BY THE BIDDER)

- 3 I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to Madibeng Local Municipality in accordance with the requirements and task directives / proposals specifications stipulated in bid number **RFT66/07/2024/25** at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the Employer / Municipality during the validity period indicated and calculated from the closing date of the bid.
1. The following documents shall be deemed to form and be read and construed as part of this agreement:
- 2.1 Bidding documents, viz
- Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Technical specification(s)
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2022;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
- 1.2 General Conditions of Contract;
- 1.3 Other (specify)
2. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
3. I accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
4. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
5. I confirm that I am duly authorized to sign this contract.

SIGNED AT	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	NAME AND CAPACITY
WITNESSES: (SIGNATURE)	DATE
1.	
2.	

TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

MBD 7.1

CONTRACT FORM – PURCHASE OF GOODS / WORKS

PART 2 (TO BE FILLED IN BY THE EMPLOYER / MUNICIPALITY)

1.

Iin my capacity

asaccept your bid under

reference number

RFT66/07/2024/25

dated

for the rendering of services hereunder and/or further specified in the annexures.
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice, subject to the National Treasury's Central Supplier Database reflecting your tax status as compliant.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (IF APPLICABLE)

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	NAME AND CAPACITY
WITNESSES: (SIGNATURE)	OFFICIAL STAMP
1.	
2.	

TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

MBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN BY BOTH THE SERVICE PROVIDER (PART 1) AND THE EMPLOYER / MUNICIPALITY (PART 2) AND SIGNED IN THE ORIGINAL.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

- I hereby undertake to render the services as described in the attached bidding documents to Madibeng Local Municipality in accordance with the requirements and task directives / proposals specifications stipulated in bid number **RFT66/07/2024/25** at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the Employer / Municipality during the validity period indicated and calculated from the closing date of the bid.
1. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - 2.1 Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2022;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - Service Level Agreement
 - 1.2 General Conditions of Contract;
 - 1.3 Other (specify)
 2. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
 3. I accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
 4. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
 5. I confirm that I am duly authorized to sign this contract.

SIGNED AT	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	NAME AND CAPACITY
WITNESSES: (SIGNATURE)	DATE
1.	
2.	

TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

MBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE EMPLOYER / MUNICIPALITY)

I _____ in my capacity
as _____ accept your bid under
reference number _____ dated _____
for the rendering of services hereunder and/or further specified in the annexures.

1. An official order indicating service delivery instructions is forthcoming.
2. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice,subject to the National Treasury’s Central Supplier Database reflecting your tax status as compliant.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION & CONTENT (IF APPLICABLE)

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	NAME AND CAPACITY
WITNESSES: (SIGNATURE)	OFFICIAL STAMP
1.	

TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

MBD 8

DECLARATION OF BIDDERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

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BIDDER

WITNESS

EMPLOYER

WITNESS

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

CERTIFICATION

I, the undersigned certify that the information furnished on this declaration form true and correct.

I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY

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		BIDDER	WITNESS	EMPLOYER	WITNESS

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This municipal bidding document (MBD) must form part of all bids¹ invited.
 - 2 Section 4(1)(b)(iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging). ²Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
 - 3 Municipal Supply Regulation 38(1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - 3.1. take all reasonable steps to prevent such abuse;
 - 3.2. 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
 - 3.3. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
 - 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid rigging.
 - 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:
- ¹ **Includes price quotations, advertised competitive bids, limited bids and proposals.**
- ² **Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.**

TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

TENDER DESCRIPTION: APPOINTMENT OF CONSULTANT FOR THE DESIGNS AND PROJECT MANAGEMENT OF LETLHABILE BLOCK I ELECTRIFICATION. RFT66/07/2024/25
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 REPRESENTATIVE

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; and
 - c. Provides the same goods and services as the bidder and/or is in the same line of business as the bidder.

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		BIDDER	WITNESS	EMPLOYER	WITNESS

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:
 - 7.1 Prices;
 - 7.2 Geographical area where product or service will be rendered (market allocation);
 - 7.3 Methods, factors or formulas used to calculate prices;
 - 7.4 The intention or decision to submit or not to submit a bid;
 - 7.5 The submission of a bid which does not meet the specifications and conditions of the bid; or
 - 7.6 Bidding with the intention not to win the bid.
 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- ³ **Joint venture or consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY

C1 AGREEMENTS AND CONTRACT DATA

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		BIDDER	WITNESS	EMPLOYER	WITNESS

C1.1 FORM OF OFFER & ACCEPTANCE

C1.1.1 FORM OF OFFER

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the following project:

Bid / Tender Number	RFT66/07/2024/25
Tender Title	APPOINTMENT OF CONSULTANT FOR THE DESIGNS AND PROJECT MANAGEMENT OF LETLHABILE BLOCK I ELECTRIFICATION

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

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the service provider / consultant 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 THE FOLLOWING:

AMOUNT IN WORDS (INCL. VAT)	AMOUNT IN FIGURES (INCL VAT)
RAND	R

****AMOUNT MUST BE IN WORDS AS WELL AS FIGURES**

This offer may be accepted by the employer by communicating such acceptance in writing to the tenderer or by signing the acceptance part of this Form of Offer and Acceptance and returning one copy thereof to the tenderer, whereupon the tenderer becomes the party named as the provider / consultant in the conditions of contract identified in the contract data.

Signature Block: Tenderer			
Signature		Date	
Name			
Capacity			
Name of organization			
Address of organization			
Signature of witness		Date	

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BIDDER

WITNESS

EMPLOYER

WITNESS

Name of witness	
Name of witness	

TENDER NO.	RFT66/07/2024/25				
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BIDDER

WITNESS

EMPLOYER

WITNESS

C1.2 CONTRACT DATA

PART 1 - DATA PROVIDED BY THE EMPLOYER

The employer is the Madibeng Local Municipality .	
The authorized and designated representative of the employer is:	
Name of employer:	Madibeng Local Municipality
The address for receipt of communications is:	Madibeng Local Municipality 1 st Floor P.O. Box 106 Brits 0250
Telephone:	
Facsimile:	
Email:	
The project is:	TENDER DESCRIPTION: APPOINTMENT OF CONSULTANT FOR THE DESIGNS AND PROJECT MANAGEMENT OF LETLHABILE BLOCK I ELECTRIFICATION RFT66/07/2024/25
Note : The location for the performance of the Project is the municipal area of Madibeng. The service provider is required to provide the Service with all reasonable care, diligence and skill in accordance with generally accepted professional techniques and standards. The service provider is required to obtain the employer's prior approval in writing before taking any of the following actions: Appointing subcontractors for the performance of any part of the services, Appointing key persons or personnel not listed by name in the contract data. Copyright of documents prepared for the project shall be vested with the employer.	

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		BIDDER	WITNESS	EMPLOYER	WITNESS

PART 2 - DATA PROVIDED BY THE SERVICE PROVIDER

The service provider is	
Name	
Address	
Telephone:	
Facsimile:	
The authorized and designated representative of the service provider is	
Name	
The address for receipt of communications is	
Telephone	
Facsimile	
Email	
Address	

C2 PRICING SCHEDULE

C2.1 PRICING INSTRUCTIONS

- a) These pricing instructions provide the tenderer with guidelines and requirements with regard to the completion of the pricing schedule. These pricing instructions also describe the criteria and assumptions which will be assumed in the contract to have been taken into account by the tenderer when developing his prices.
- b) The pricing schedule shall be read with all the documents which form part of this contract.
- c) The following words have the meaning hereby assigned to them:

Words/Abbreviation	
Example:	

- d) The rates to be inserted in the pricing schedule are to be full inclusive for the work described under the specification. Such rates shall cover all costs and expenses that may be required in and for the execution of the work described, and shall cover the cost of all general risks, liabilities, and obligations set forth or implied in the documents on which the tender is based, as well as overhead charges and profit.
- e) A rate is to be entered against each item in the Schedule of Fees and Disbursements. An item against which no rate is entered will be accepted as a rate of nil having been entered against such items and covered by the other prices or rates in the schedule.
- f) All rates and sums of money quoted in the pricing schedule shall be in Rands and whole cents. Fractions of a cent shall be discarded.
- g) All travelling costs, accommodation, meals and other incidental costs are to be included in the time based costs.
- h) Provisional amounts shall only be expended on the specific instruction of the Employer.
- i) All prices and rates entered in the pricing schedule must be **exclusive of Value Added Tax (VAT)**.
- j) If registered VAT is should be added at below the schedule. If not VAT registered indicate zero or “-“
- k) Only firm prices will be accepted. Non-firm prices (including prices subject to rates of exchange variations) will not be considered.
- l) In cases where different delivery points influence the pricing, a separate pricing schedule must be submitted for each delivery point.
- m) In cases of contract periods longer than 12 months and price adjustments is applicable, it will be based on CPI. If higher inflation is required indicate CPI + and number %.
- n) If the tender required firm (fixed prices) the amount indicated in Colum D will be the tender amount.
- o) If the tender amount is payable at end of contract on delivery of goods and services, Scratch out total per month with N/A or “-“
- p) If the tender amount is based on rates (Column B), the tender will be awarded to the rate and the total contract amount will only be used for evaluation purposes.

TENDER NO.	RFT66/07/2024/25				
		BIDDER	WITNESS	EMPLOYER	WITNESS

SCOPE OF WORKS FOR CONSULTING ENGINEERS

Planning, Studies, Investigations and Assessments

These typical services relate to carrying out studies and investigations as well as the preparation and submission of reports embodying preliminary proposals or initial feasibility studies and will normally be remunerated on a time and cost basis.

- (a) Consultation with the Municipality or Municipality's authorized representative;
- (b) Inspection of the site of the project;
- (c) Preliminary investigation, route location, planning and a level of design appropriate to allow decisions on feasibility;
- (d) Consultation with authorities having rights or powers of sanction as well as consultation with the public and stakeholder groups;
- (e) to the Municipality as to regulatory and statutory requirements, including environmental management and the need for surveys, analyses, tests and site or other investigations, as well as approvals, where such are required for the completion of the report, and arranging for these to be carried out at the Municipality's expense;
- (f) Searching for, obtaining, investigating and collating available data, drawings and plans relating to the works;
- (g) Investigating financial and economic implications relating to the proposals or feasibility studies;
- (h) Clause (g) does not normally apply to civil and structural services on Building Projects, where these services are provided by a Quantity Surveyor, except as far as the interpretation of cost figures the Engineer's scope of work is concerned;

The above should include:

- i) Collation of information;
- ii) Reports on technical and financial feasibility and related implications;
- iii) List of consents and approvals;
- iv) Schedule of required surveys, tests, analyses, site and other investigations.

Stage 1 -Inception

Establish the municipality's requirements and preferences, assess its needs and options, appointment of necessary sub consultants, establish the project brief including project objectives, priorities, constraints, assumptions aspirations and strategies

- 1. Assist in developing a clear project brief;
- 2. Attend project initiation meetings;
- 3. Advise on procurement policy for the project;
- 4. Advise on the rights, constraints, consents and approvals;
- 5. Define the scope of services and scope of work required;
- 6. Conclude the terms of the agreement with the Municipality;
- 7. Inspect the site and advise on the necessary surveys, analyses, tests and site or other investigations where such information will be required for Stage 2 including the availability and location of infrastructure and services;
- 8. Determine the availability of data, drawings and plans relating to the project;
- 9. Advise on criteria that could influence the project life cycle cost significantly; and
- 10. Provide necessary information within the agreed scope of the project to other consultants involved.

The above should include:

- a) Agreed scope of services and scope of work;

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- b) Signed agreement; and
- c) Report on project. site and functional requirements;
- d) Schedule of required surveys, tests, analyses, site and other investigations; and
- e) Schedule of consents and approvals.

Stage 2 - Concept and Viability (Often called Preliminary Design)

Prepare and finalise the project concept in accordance with the brief, including project scope, scale, character, form and function, plus preliminary programme and viability of the project

1. Agree documentation programme with principal consultant and other consultants involved;
2. Attend design and consultants' meetings;
3. Establish the concept design criteria;
4. Prepare initial concept design and related documentation;
5. Advise the Municipality regarding further surveys, analyses, tests and investigations which may be required;
6. Establish regulatory authorities' requirements and incorporate into the design;
7. Refine and assess the concept design to ensure conformance with all regulatory requirements and consents;
8. Establish access, utilities, services and connections required for the design;
9. Coordinate design interfaces with other consultants involved;
10. Prepare process designs (where required), preliminary designs, and related documentation for approval by authorities and Municipality and suitable for costing;
11. Provide cost estimates and life cycle costs as required;
12. Liaise, co-operate and provide necessary information to the Municipality, principal consultant and other consultants involved.

The above should include:

- a) Concept design;
- b) Schedule of required surveys, tests and other investigations and related reports;
- c) Process design;
- d) Preliminary design; and
- e) Cost estimates as required.

Stage 3 - Design Development (also termed Detail Design)

Develop the approved concept to finalise the design, outline specifications, cost plan, financial viability and programme for the project

1. Review documentation programme with principal consultant and other consultants involved;
2. Attend design and consultants' meetings;
3. Incorporate Municipality's and authorities' detailed requirements into the design;
4. Incorporate other consultant's designs and requirements into the design;
5. Prepare design development drawings including draft technical details and specifications;
6. Review and evaluate design and outline specification and exercise cost control;
7. Prepare detailed estimates of construction cost;
8. Liaise, co-operate and provide necessary information to the principal consultant and other consultants involved; and
9. Submit the necessary design documentation to local and other authorities for approval.

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The above should include:

- a) Design development drawings;
- b) Outline specifications;
- c) Local and other authority submission drawings and reports; and
- d) Detailed estimates of construction costs.

Stage 4 - Documentation and Procurement

Prepare procurement and construction documentation, confirm and implement the procurement strategies and procedures for effective and timeous procurement of necessary resources for execution of the project.

1. Attend design and consultants' meetings;
2. Prepare specifications and preambles for the works;
3. Accommodate services design;
4. Check cost estimates and adjust designs and documents if necessary to remain within budget;
5. Formulate the procurement strategy for contractors or assist the principal consultant where relevant;
6. Prepare documentation for contractor procurement;
7. Review designs, drawings and schedules for compliance with approved budget;
8. Assist in calling for tenders and/or negotiation of prices and/or assist the principal consultant where relevant;
9. Liaise, co-operate and provide necessary information to the principal consultant and the other consultants as required;
10. Assist in the evaluation of tenders;
11. Assist with the preparation of contract documentation for signature; and
12. Assess samples and products for compliance and design intent.

The above should include:

- Specifications.
- Services co-ordination.
- Working drawings.
- Budget construction cost.
- Tender documentation.
- Tender evaluation report.
- Tender recommendations.
- Priced contract documentation.

Stage 5 - Contract Administration and Inspection

Manage, administer and monitor the construction contracts and processes including preparation and coordination of procedures and documentation to facilitate practical completion of the works

- (1) Attend site handover;
- (2) Issue construction documentation in accordance with the documentation schedule including in the case of structural engineering, reinforcing bending schedules and detailing and specifications of structural steel sections and connections;
- (3) Carry out contract administration procedures in terms of the contract;
- (4) Prepare schedules of predicted cash flow;
- (5) Prepare pro-active estimates of proposed variations for Municipality decision making;
- (6) Attend regular Site, technical and progress meetings;
- (7) Inspect works for conformity to contract documentation;
- (8) Adjudicate and resolve financial claims by contractor(s);
- (9) Assist in the resolution of contractual claims by the contractor;
- (10) Establish and maintain a financial control system;

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- (11) Clarify details and descriptions during construction as required;
- (12) Prepare valuations for payment certificates to be issued by the principal agent;
- (13) Witness and review of all tests and mock ups carried out both on and off site;
- (14) Check and approve contractor drawings for design intent;
- (15) Update and issue drawings register;
- (16) Issue contract instructions as and when required;
- (17) Review and comment on operation and maintenance manuals, guarantee certificates and warranties;
- (18) Inspection of the works and issue practical completion and defects lists; and
- (19) Arranging for the delivery of all test certificates, including the Electrical Certificate of Compliance, statutory and other approvals, as built drawings and operating manuals.

The above should include:

Schedules of predicted cash flow

- Construction documentation
- Drawing register
- Estimates for proposed variations
- Contract instructions
- Financial control reports
- Valuations for payment certificates
- Progressive and draft final account(s)
- Practical completion and defects list
- Electrical Certificate of Compliance

6 - Close-Out

Fulfil and complete the project close-out including necessary documentation to facilitate effective completion, handover and operation of the project)

- (1) Inspect and verify the rectification of defects
- (2) Receive, comment and approve relevant payment valuations and completion certificates
- (3) Prepare and/or procure operations and maintenance manuals, guarantees and warranties;
- (4) Prepare and/or procure as-built drawings and documentation
- (5) Conclude the final accounts where relevant.

The above should include:

- Valuations for payment certificates;
- Works and final completion lists;
- Operations and maintenance manuals, guarantees and warranties
- As-built drawings and documentation
- Final accounts

Additional Services

The following services are additional to the normal services provided by the consulting engineer, unless specifically agreed otherwise between the consulting engineer and the Municipality. The agreement on the scope of services and remuneration shall be in writing and should, if at all possible, be concluded before such services are rendered.

Additional Services pertaining to all Stages of the Project

- (1) All services related to defining the scope of work, previously carried out under the report stage and that was normally paid for on a time and cost basis.
- (2) Enquiries not directly concerned with the works and its subsequent utilisation.
- (3) Valuation for purchase, sale or leasing of plant, equipment, material, systems, land or buildings or arranging for such valuation.
- (4) Making arrangements for way leaves, servitudes or expropriations.
- (5) Negotiating and arranging for the provision or diversion of services not forming part of the works.
- (6) Additional work in obtaining the formal approval of the appropriate Government Departments or Public Authorities, including the making of such revisions as may be required as a result of decisions of such Departments or Authorities arising out of changes in policy. undue delay. or other causes beyond the consulting engineer's control.

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- (7) Topographical and environmental surveys, analyses tests and site or foundation or other investigations model tests laboratory tests and analyses carried out on behalf of the Municipality.
- (8) Setting out or staking out the works and indicating any boundary beacons and other reference marks.
- (9) Preparation of drawings for manufacture and installation or detailed checking of such for erection or installation fit.
- (10) Detailed inspection reviewing and checking of designs and drawings not prepared by the consulting engineer and submitted by any contractor or potential contractor as alternative to those embodied in tender or similar documents prepared by the consulting engineer.
- (11) Inspection and testing, other than on site of materials and plant, including inspection and testing during manufacture.
- (12) Preparing and setting out particulars and calculations in a form required by any relevant authority.
- (13) Abnormal additional services by or costs to the consulting engineer due to the failure of a contractor or others to perform their required duties adequately and on time.
- (14) Executing or arranging for the periodic monitoring and adjustment of the works after final hand over and completion of construction and commissioning in order to optimise or maintain proper functioning of any process or system.
- (15) Investigating or reporting on tariffs or charges leviable by or to the Municipality.
- (16) Advance ordering or reservation of materials and obtaining licenses and permits.
- (17) Preparing detailed operating, operation and maintenance manuals.
- (18) Additional services duties and/or work resulting from project scope changes alterations and/or instructions by the Municipality, or his duly authorized agents, requiring the consulting engineer to advice upon review, adapt and/or alter his completed designs and/or any other documentation and/or change the scope of his services and/or duties. Such additional services are subject to agreement in writing between the consulting engineer and the Municipality prior to the execution thereof.
- (19) Work and or services related to targeted procurement that could entail but is not necessarily limited to any or all of the following:
 - incorporation of any targeted participation goals,
 - the measuring of key participation indicators,
 - the selection, appointment and administration of participation and;
 - audit compliance to the above by any contractors and/or professional consultant.
- (20) Exceptional arrangements, communication, facilitation and agreements with any stakeholders other than the Municipality and contractors appointed for the works on which the consulting engineer provides services.
- (21) Any other additional services, of whatever nature, specifically agreed to in writing between the consulting engineer and the Municipality.

Construction Monitoring

- (1) If the construction monitoring is deemed to be insufficient by the parties, the consulting engineer may, with prior written approval having been obtained from the Municipality, appoint or make available additional staff for such construction monitoring as are necessary to undertake additional construction monitoring on site to the extent specifically defined and agreed with the Municipality. The functions in respect of additional construction monitoring are to be limited to detailed inspections and exclude those mentioned under normal services
- (2) Alternatively, the Municipality may appoint or make available staff, as intended in clause (1), subject to approval by the consulting engineer.
- (3) Staff, as intended in clauses (1) and (2), shall report to and take instructions from the consulting engineer or an authorized representative of the consulting engineer only and shall be deemed to be in the employ of the consulting engineer.
- (4) Should any change regarding the persons utilized for additional on-site monitoring or their remuneration or duration of services be necessary, the utilization of such persons and/or their remuneration must be agreed in writing with the Municipality prior to the implementation thereof.
- (5) If, for any reason, no additional staff or inadequate staff for construction monitoring is appointed, the consulting engineer shall provide additional services, including additional site visits, as required and agreed to in writing with the Municipality prior to commencement thereof.
- (6) The duties of the consulting engineer for the following four defined levels of construction monitoring, respectively, are as follows:

(a) Level 1:

The construction monitoring staff shall:

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- (i) Monitor the outputs from another party's quality assurance programme against the requirements of the plans and specifications.
- (ii) Visit the works at a frequency agreed with the Municipality to review important materials, critical work procedures and/or completed elements or components.
- (iii) Be available to advise the contractor on the technical interpretation of the plans and specifications.

(b) Level 2:

The construction monitoring staff shall:

- (i) Review, preferably at the earliest opportunity, a sample of each important
 - Work procedure
 - Construction material

for compliance with the requirements of the plans and specifications and review representative samples of important completed work prior to enclosure or completion as appropriate.

- (ii) Visit the works at a frequency agreed with the Municipality to review important materials critical work procedures and/or completed elements or components.
- (iii) Be available to provide the contractor with technical interpretation of the plans and specifications.

(c) Level 3:

The construction monitoring staff shall:

- (i) Maintain a part-time presence on site as agreed with the Municipality to review random samples and review important completed work prior to enclosure or on completion as appropriate.
- (ii) Where the consulting engineer is the sole consultant or principal agent carry out such administration of the project as is necessary on behalf of the Municipality.
- (iii) Be available to provide the contractor with technical interpretation of the plans and specifications.

(d) Level 4:

The construction monitoring staff shall:

- (i) Maintain a full time presence on site to constantly review
 - Work procedures
 - Construction materials

for compliance with the requirements of the plans and specifications and review completed work prior to enclosure or on completion as appropriate.

- (ii) Where the consulting engineer is the sole consultant or principal agent, carry out such administration of the project as is necessary on behalf of the Municipality.
- (iii) Be available to provide the contractor with technical interpretation of the plans and specifications.

Occupational Health and Safety Act, 1993 (Act No.85 of 1993).

Should the Municipality require the consulting engineer to undertake duties falling under the Occupational Health and Safety Act, 1993 (Act NO.85 of 1993) and the Construction Regulations in terms thereof, on behalf of the Municipality, the additional services may include the following:

- (1) The consulting engineer must arrange, formally and in writing, for the contractor to provide documentary evidence of compliance with all the requirements of the Occupational Health and Safety Act, 1993 (Act NO.85 of 1993).
- (2) The consulting engineer must execute the duties of the Municipality, as his appointed agent, as contemplated in the Construction Regulations to the Occupational Health and Safety Act, 1993 (Act No.85 of 1993).

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Quality Assurance System

Where the Municipality requires that a quality management system or quality assurance services, over and above construction monitoring services, be applied to the project, these are in addition to normal services provided by the consulting engineer and to be specifically defined and separately agreed in writing prior to commencement thereof.

Lead Consulting Engineer

Should the Municipality require the consulting engineer to assume the leadership of a joint venture, consortium or team of consulting engineers, of the same discipline, prescribed or requested by the Municipality, the additional services may include the following:

- (1) Responsibility for the overall administration of all sections of the services, including those portions of the services, which fall within the ambit of the other consulting engineers.
- (2) Responsibility for the overall co-ordination, programming of design and financial control of all the works included in the services.
- (3) Processing certificates or recommendations for payment of contractors.

Engineering Management Services (Principal Consultant)

Should the Municipality require the consulting engineer to undertake duties of an engineering management nature on behalf of the Municipality, the additional services will include the following:

Stage 1 Services

- (1) Facilitate development of a clear project brief.
- (2) Establish the procurement policy for the project.
- (3) Assist the Municipality in the procurement of necessary and appropriate other consultants including the clear definition of their roles and responsibilities.
- (4) Establish in conjunction with the Municipality, other consultants and all relevant authorities, the site characteristics, rights and constraints for the proper design of the intended project.
- (5) Define the consultant's scope of work and services.
- (6) Conclude the terms of the agreement with the Municipality.
- (7) Facilitate a schedule of the required consents and approvals.
- (8) Prepare, co-ordinate and monitor a project initiation programme.
- (9) Facilitate Municipality approval of all Stage 1 documentation.

Typical deliverables

- Project brief
- Agreed scope of work
- Agreed services
- Project procurement policy
- Signed agreements
- Integrated schedule of consents and approvals
- Project initiation programme
- Record of all meetings

Stage 2 services

- (1) Assist the Municipality in procurement of the other consultants.
- (2) Advise the Municipality on the requirement to appoint a health and safety consultant.
- (3) Communicate the project brief to the other consultants and monitor the development of the concept and viability.
- (4) Agree format and procedures for cost control and reporting by the other consultants.
- (5) Prepare a documentation programme and indicative construction programme.

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- (6) Manage and integrate the concept and viability documentation for presentation to the Municipality for approval.
- (7) Facilitate approval of the concept and viability by the Municipality.
- (8) Facilitate approval of the concept and viability by statutory authorities.

Typical deliverables

- Signed consultant/Municipality agreements
- Indicative documentation programme and construction programme
- Approval by the Municipality to proceed to Stage 3

Stage 3 Services

- (1) Agree and implement communication processes and procedures for the design development of the project.
- (2) Assist the Municipality in the procurement of the necessary other consultants including the clear definition of their roles and responsibilities.
- (3) Prepare, co-ordinate, agree and monitor a detailed design and documentation program.
- (4) Conduct and record consultants' and management meetings.
- (5) Facilitate input required by health and safety consultant.
- (6) Facilitate design reviews for compliance and cost control.
- (7) Facilitate timeous technical co-ordination.
- (8) Facilitate Municipality approval of all Stage 3 documentation.

Typical deliverables

- Additional signed Municipality/consultant agreements
- Documentation programme
- Record of all meetings
- Approval by the Municipality to proceed to Stage 4

Stage 4 services

- (1) Recommend and agree procurement strategy for contractors, subcontractors and suppliers with the Municipality and the other consultants.
- (2) Prepare and agree the procurement programme.
- (3) Advise the Municipality, in conjunction with the other consultants on the appropriate insurances.
- (4) Co-ordinate and monitor preparation of procurement documentation by consultants in accordance with the project procurement programme.
- (5) Manage procurement process and recommended contractors for approval by the Municipality.
- (6) Agree the format and procedures for monitoring and control by the quantity surveyor of the cost of the works.
- (7) Co-ordinate and assemble the contract documentation for signature.

Typical deliverables

- Procurement programme
- Tender/contract conditions
- Record of all meetings
- Obtain approval by the Municipality of tender recommendation(s)
- Contract documentation for signature

Stage 5 services

- (1) Arrange site handover to the contractor.
- (2) Establish construction documentation issue process.
- (3) Agree and monitor issue and distribution of construction documentation.
- (4) Instruct the contractor on behalf of the Municipality to appoint subcontractors.
- (5) Conduct and record regular site meetings.
- (6) Monitor, review and approve the preparation of the construction programme by the contractor.
- (7) Regularly monitor performance of the contractor against the construction programme.
- (8) Adjudicate entitlements that arise from changes required to the construction programme.
- (9) Receive, co-ordinate and monitor approval of all contract documentation provided by contractor(s) .

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- (10) Agree quality assurance procedures and monitor implementation thereof by the other consultants and the contractors.
- (11) Monitor preparation and auditing of the contractor's health and safety plan and approval thereof by the health and safety consultant.
- (12) Monitor preparation of the environmental management plan by the environmental consultant.
- (13) Establish procedures for monitoring scope and cost variations.
- (14) Monitor, review, approve and issue certificates.
- (15) Receive, review and adjudicate any contractual claims.
- (16) Monitor preparation of financial control reports by the other consultants.
- (17) Prepare and submit progress reports.
- (18) Coordinate, monitor and issue practical completion lists and the certificate of practical completion.
- (19) Facilitate and expedite receipt of the occupation certificate where relevant.

Typical deliverables

- Signed contracts
- Approved construction programme
- Construction documentation
- Payment certificates
- Progress reports
- Record of meetings
- Certificate(s) of practical completion

Stage 6 services

- (1) Co-ordinate and monitor rectification of defects.
- (2) Manage procurement of operations and maintenance manuals, guarantees and warranties.
- (3) Manage preparation of as-built drawings and documentation.
- (4) Manage procurement of outstanding statutory certificates.
- (5) Monitor, review and issue payment certificates.
- (6) Issue completion certificates.
- (7) Manage agreement of final account(s).
- (8) Prepare and present the project close-out report.

Typical deliverables

- Completion certificates
- Record of necessary meetings
- Project close-out report

Mediation, Arbitration and Litigation proceedings and similar Services

Where the Municipality requires the consulting engineer to, on his behalf, perform the services listed hereunder or similar work, the extent thereof and remuneration therefore is subject to agreement between the Municipality and the consulting engineer:

- (1) Dealing with matters of law, obtaining parliamentary or other statutory approval, licenses or permits.
- (2) Assisting with or participating in contemplated or actual mediation, arbitration or litigation proceedings.
- (3) Officiating at or attending courts and commissions of enquiry, select committees and similar bodies convened by statute, regulation or decree.

Principal Agent of the Municipality

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When a consulting engineer is, in addition to his normal functions as consulting engineer, appointed as the principal agent of the Municipality for the purposes of procurement and construction on a project, the consulting engineer will also be responsible for the following:

Stage 3 services

- (1) Prepare, co-ordinate, agree and monitor a detailed design and documentation programme

Typical deliverables

- Detailed design and documentation programme

Stage 4 services

- (1) Recommend and agree procurement strategy for contractors, subcontractors and suppliers with the Municipality and the other consultants
- (2) Prepare and agree the procurement programme
- (3) Advise the Municipality, in conjunction with the other consultants on the appropriate insurances
- (4) Manage procurement process and recommended contractors for approval by the Municipality
- (5) Agree the format and procedures for monitoring and control by the quantity surveyor of the cost of the works
- (6) Co-ordinate and assemble the contract documentation for signature

Typical deliverables

- Procurement programme
- Tender/contract conditions
- Contract documentation for signature

Stage 5 services

- (1) Arrange site handover to the contractor
- (2) Establish construction documentation issue process
- (3) Agree and monitor issue and distribution of construction documentation
- (4) Instruct the contractor on behalf of the Municipality to appoint subcontractors
- (5) Conduct and record regular site meetings
- (6) Review, approve and monitor the preparation of the construction programme by the contractor
- (7) Regularly monitor performance of the contractor against the construction programme
- (8) Adjudicate entitlements that arise from charges required to the construction programme
- (9) Receive, co-ordinate and monitor approval of a contract documentation provided by contractor(s)
- (10) Agree quality assurance procedures and monitor implementation thereof by the other consultants and the contractors
- (11) Monitor preparation and auditing of the contractor's health and safety plan and approval thereof by the health and safety consultant
- (12) Monitor preparation of the environmental management plan by the environmental consultant
- (13) Establish procedures for monitoring scope and cost variations
- (14) Monitor, review, approve and issue certificates
- (15) Receive, review and adjudicate any contractual claims
- (16) Monitor preparation of financial control reports by the other consultants
- (17) Prepare and submit progress reports
- (18) Co-ordinate, monitor and issue practical completion lists and the certificate of practical completion

Typical deliverables

- Signed contracts
- Approved construction programme
- Construction documentation
- Payment certificates
- Progress reports
- Record of meetings
- Certificate(s) of practical completion
- Facilitate and expedite receipt of occupation certificates

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Stage 6 services

- (1) Co-ordinate and monitor rectification of defects
- (2) Manage procurement of operations and maintenance manuals, guarantees and warranties
- (3) Manage preparation of as-built drawings and documentation
- (4) Manage procurement of outstanding statutory certificates
- (5) Monitor, review and issue payment certificates
- (6) Issue completion certificates
- (7) Manage agreement of final account(s)
- (8) Prepare and present the project close-out report

Typical deliverables

- Completion certificates
- Record of necessary meetings
- Project close-out report

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PROPOSED EVALUATION PROCESS

- Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders:
 - Tenderer is registered on the Central Supplier Database
 - Tenderer is qualified and professionally registered for the service to be provided
 - Tenderer has the managerial capacity, reliability and experience regarding the nature of the project
 - Only those tenderers who score a minimum score of **60 points** in respect of the following functionality criteria will proceed to the price and preference goals.

Description of Quality Criteria	Maximum number of tender evaluation points
COMPANY CAPABILITY/EXPERIENCE	40
COMPANY KEY PERSONNEL	20
METHODOLOGY	40
Maximum total evaluation points for quality (60 points)	100

- The evaluation of submissions from inclusion on the panel of all electrical consultants will be based on the following stages.
 - Stage 1:** Compliance to tender conditions, where bidders are expected to comply with the specified returnable schedule and conditions for submission of bids. Bidders that does not comply will be disqualified
 - Stage 2:** The owner of the company must be registered as a professional with ECSA.
 - Stage 3:** Technical evaluation on functionality points, where bidders are expected to score a minimum of 60 points to qualify for the next stage of evaluation.

NB: A tenderer who scored less than 60% in phase 2 will be disqualified for further evaluation on Price and Specific goals

No	Criteria	Description	Points	Scoring
A. PROJECT EXPERIENCE AND PERFORMANCE				Max. 40 Points
(Only experience from the tendering entity and not by staff members shall be taken into account)				
Completion certificates must be signed by all parties namely: the employer, Engineer and the contractor (certificates that is not signed by ALL relevant parties will result in the bidder forfeiting points). Note: Completed projects with final completion certificates and appointment letters will be assessed as follows:	Experience of the firm in similar assignment (project) 5 and more projects completed relate to projects above R5 million by the company – 40 Points	The tenderer should provide at least contactable reference and referral letters for their completed assignment. (Appointment letters & Completion Certificate)		

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NB Should be related or similar to Electrification with a minimum value of R5 000 000	4 projects completed related projects above R5 million by the company – 30 Points		40 max	
	2-3 projects completed related projects above R5 million by the company – 20 Points			
	1 projects completed related projects above R5 million by the company – 10 Points			
B. COMPANY KEY PERSONNEL				Max . 20 Points
PROJECT/CONTRACTS MANAGER (Attach CV's and Certified Qualifications)	Personnel is required have a Registered Engineer (Pr. Eng/Pr Tech Eng. Registration with ECSA) qualification in Electrical Engineering minimum qualification National Diploma & Advanced Certificates (NQF 6) and have a minimum experience 10 years after qualifications. - Degree or B-Tech in Electrical Engineering - Hounours Degree or above in Electrical Engineering	5 Years to 9 Years Experience = 2.5 Points 10 Years Experience = 5 Points	20 max	
C. ELECTRICAL ENGINEER (Attach CV's and Certified Qualifications)	Personnel is required have a Registered Engineer (Pr. Eng/Pr Tech Eng. Registration with ECSA) qualification in Electrical Engineering minimum qualification National Diploma & Advanced Certificates (NQF 6) and have a minimum experience 5 years after qualifications. - Degree or B-Tech in Electrical Engineering - Hounours Degree or above in Electrical Engineering	1 Years to 3 Years Experience = 2.5 Points 5 Years Experience = 5 Points		

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D. SITE ENGINEER/AGENT (Attach CV's and Certified Qualifications)	Personnel is required have a Registered Engineer (Pr. Eng/Pr Tech Eng. Registration with ECSA) qualification in Electrical Engineering minimum qualification National Diploma & Advanced Certificates (NQF 6) and have a minimum experience 5 years after qualifications. - Diploma in Electrical Engineering - Degree or B-Tech in Electrical Engineering	1 Years to 3 Years Experience = 2.5 Points 5 Years Experience = 5 Points		
E. SAFETY OFFICER (Attach CV's and Certified Qualifications)	Safety Officer with a Safety Certificate (SAMTRAC) or equivalent) and experience of not less than Five (5) years - SAMTRAC or Equivalent - Diploma/Degree in Health and Safety	1 Years to 3 Years Experience = 2.5 Points 5 Years Experience = 5 Points		
F. Methodology The bids should provide a clear and comprehensive approach paper on consulting engineers activities on an infrastructure project (methodology should cover from planning to handover stages). Approach paper (Methodology) The bids should provide a clear and comprehensive approach paper on consulting engineers activities on Electrification project (methodology should cover from planning to handover stages).	Approach paper (Methodology) - Consultation -10 points - Involvement of other Consultants – 10 points - Time frames – 5 points - Project cycle – 10 points - Monitoring and maintenance -5 points	Maximum of 15 pages	40 max	
	OVERALL TOTAL			
			100	

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4. **Stage 4:** Qualifying bids will be evaluated further on Price and Specific goals

Points Awarded for Price and specific goals, where the responsive bids will be evaluated on 80/20 Preference point system, i.e. 80 will be for price (Ps) and 20 points for Specific goals.

4.1. Price

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

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

Where

- Ps = Points scored for price of bid under consideration
- Pt = Price of bid under consideration
- Pmin = Price of lowest acceptable bid

4.2. Points Awarded for Specific Goals Status Level of Contributor

In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the Specific goals status level of contribution in accordance with the table below:

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
	20	20
Race – people who are black, coloured or Indian	6	
Local Economic Development	4	
People with Disability (PwD) Ownership (20% or more)	3	
Gender Women	3	
Youth	4	
TOTAL	20	

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- **PROFESSIONAL FEES WILL BE CALCULATED AS PER THE LATEST GAZETTED ECSA GUIDELINES**
- An estimated budget of **R..... (Vat. Incl.)** will be utilized to cover the professional and construction fees of the project.

Professional fees and Construction estimates		
#	Description	Amount
1	Construction of the works	R
2	Professional fees as per latest gazetted ECSA guidelines	R.....
	Total	R..... (vat incl.)

ONLY DISBURSEMENTS WILL BE CONSIDERED FOR PRICING

DISBURSEMENTS				
a	b	c	d	e
#	Activity	Bid amount based on project construction cost and given timeframe	Terms	Bid amount for evaluation purposes
3	Topographical Survey		(Fixed Lump sum)	R
4	Geotechnical Survey		(Fixed Lump sum)	R
5	Occupational health and safety		(Fixed Lump sum)	R
6	Other subconsultants			R
	6.1.....		(Fixed Lump sum)	R
	6.2		(Fixed Lump sum)	R
	Total fixed (3+4+5+6)			R(a)
SITE SUPERVISION				
7	Occupational health and safety agent Audit Report Cost per month R X			R.....(b)
8	Construction supervision on level 4 Cost per month			R.....(c)

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BIDDER

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	R X
Total (VAT excluded) (a+b+c)	R.....(d)
9. Disbursements	
9.1. Travelling costs per month X Months	R.....
9.2. Typing and Printing per month X Months	R.....
9.3. Other costs per month X Months	R.....
9.3.1	
9.3.2	
9.3.3	
Sub Total (VAT excluded)	R.....(e)
Grand total (VAT excluded)(d+e)	R.....
Discount offered on item (e)..... %	R.....
VAT	R.....
Grand Total (to the form of offer and front page)	R.....

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BIDDER

WITNESS

EMPLOYER

WITNESS

“ZERO TOLERANCE TOWARDS FRAUD AND CORRUPTION”
Anti-Corruption Hotline:

0800 555 774



END OF THE TENDER DOCUMENT

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		BIDDER	WITNESS	EMPLOYER	WITNESS