

CONTRACT NUMBER: LEDA/PMU-CONTR/2309

IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:

CATEGORY A – GENERAL BUILDING CONTRACTORS 7GB or HIGHER

CATEGORY B – GENERAL BUILDING CONTRACTORS 5 – 6 GB

CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

Issued by:

Limpopo Economic Development Agency (LEDA)
Enterprise Development House
1 Main Road
Lebowakgomo
0737

Contact Person: General Queries

Name : Ma Suzan Mabeba
Tel No. : 015 633 4700
Email : suzan.mabeba@leda.co.za

Technical: Technical Queries

Name : Ms Vuyiseka Baba
Tel No. : 015 633 4700
Email : vuyibaba@gmail.com

Name of the Bidder.....

Category bidding for:.....



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SBD1 - PART A: INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	LEDA/PMU-CONTR/2309	CLOSING DATE:	08 MARCH 2024	CLOSING TIME:	11:00
DESCRIPTION	IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS: CATEGORY A – GENERAL BUILDING CONTRACTORS 7GB or HIGHER CATEGORY B – GENERAL BUILDING CONTRACTORS 5 – 6 GB CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
LIMPOPO ECONOMIC DEVELOPMENT AGENCY					
ENTERPRISE HOUSE					
MAIN ROAD, LEBOWAKGOMO					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	SUZAN MABEBA		CONTACT PERSON	VUYISEKA BABA	
TELEPHONE NUMBER	015 633 4700		TELEPHONE NUMBER	015 633 4700	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	SUZAN.MABEBA@LIEDA.CO.ZA		E-MAIL ADDRESS	VUYIBABA@GMAIL.COM	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?		☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				☐ YES ☐ NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				☐ YES ☐ NO	
DOES THE ENTITY HAVE PERMANENT ESTABLISHMENT IN THE RSA?				☐ YES ☐ NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				☐ YES ☐ NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				☐ YES ☐ NO	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					



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PART B: TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

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

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

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

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

.....

DATE:

.....



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PART T1: TENDERING PROCEDURE



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T1.1 Tender Notice and Invitation to Tender

Limpopo Economic Development Agency (LED A) invites tenders for implementation of the construction, upgrading, renovation, refurbishment, rehabilitation and maintenance of building facilities for the Limpopo Provincial departments on a Framework Agreement for a period of three years (36 months) as:

Category A- General Building Contractors 7 GB or higher

Category B-General Building Contractors 5 – 6 GB

Category C-General Building Contractors 3 – 4 GB

This appointment does not guarantee successful bidders of any quantum of work during this period. Bidders must select only one category from three categories stated above and confirm their selection as provided in this bid document. The bidder may select any one category provided they meet the minimum CIDB grading requirements. **Failure to select the category the bidder is bidding for as indicated, will render the bid invalid.**

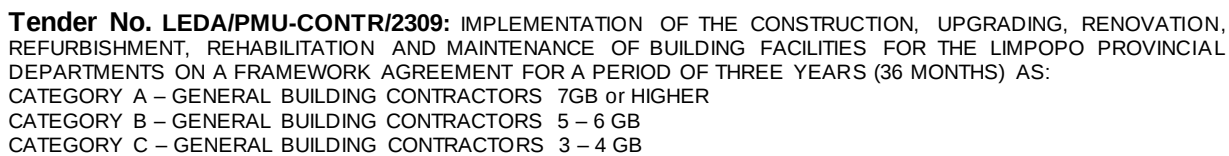
Each category will be evaluated on administrative compliance and functionality.

For functionality – each category will have its own functionality, focusing on the capacity of the bidders in that category to execute the works.

LED A is also advertising other classes of construction works (mechanical and electrical) on a three-year framework agreement. In case the bidder tenders for more than one sector/classification of works, the bidder should not repeat the key personnel for the various sectors/classes of works. Should the company submit the same key personnel as stated above, the bidder shall be disqualified.

These tenders will be subjected to the CIDB BUILD programme at the time of issuing task orders on the following projects.

- For projects that will be estimated to be 7 GB (> R 20 million or higher) and contract duration is 6 months or longer, the Standard for Indirect Targeting for Enterprise Development through Construction Works Contracts Gazette Notice No. 36190 of 25 February 2013 will be applicable.
- For projects that will be estimated to be 7 GB (> R 60 million or higher) and contract duration is 12 months or longer, both the Standard for Indirect Targeting for Enterprise Development through Construction Works Contracts Gazette Notice No. 36190 of 25 February 2013 and Standard for Developing Skills through Infrastructure Contracts Gazette Notice No. 43495 of 3 July 2020 be applicable will be applicable.





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T1.2 Tender Data

Clause number	Tender Data
	The conditions of tender are the Standard Conditions of Tender as contained in Annex C of Board Notice 423 of 2019 in Government Gazette No. 42622 of 08 August 2019, Construction Industry Development Board (CIDB) Standard for Uniformity in Construction Procurement. (See www.cidb.org.za) which are reproduced without amendment or alteration for the convenience of tenderers as an Annex to this Tender Data. The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard conditions of tender. Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies. The following variations, amendments and additions to the Standard Conditions of Tender as set out in the Tender Data below shall apply to this tender. Add the following to clauses in Standard Conditions of Tender:
C.1.1	The Employer is the Limpopo Economic Development Agency
C.1.2	The following documents form part of this tender: - The General Condition of Contract for Goods and Services is applicable to this work. The Tender Part T1: Tendering procedures T1.1 Tender notice and invitation to tender T1.2 Tender data Part T2: Returnable documents T2.1 List of returnable documents T2.2 Returnable schedules The Contract Part C1: Agreements and contract data C1.1 Form of offer and acceptance C1.2 Contract data The Contract Part C2: Pricing data C2.1 Pricing instructions C2.2 Bills of Quantities Part 3: Scope of work C3.1 Scope of work C3.2 Drawings C3.3 Specifications



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C.1.4	The employer's representatives are : General: Name : Ms Suzan Mabeba Tel No. : 015 633 4700 Email : Suzan.mabeba@lieda.co.za Technical: Name : Ms Vuyiseka Baba Tel No. : 015 633 4700 Email : vuyibaba@gmail.com Communications shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. Only information issued formally by the Employer in writing to Tenderers will be regarded as amending the Tender Documents.
C.1.5	The employer reserve the right to cancel the tender prior to the award of the tender.
C1.6.2	A competitive negotiation procedure will not be followed.
C1.6.3	A two-stage system will not be followed.
C.2.1	Eligibility Criteria Only tenderers who are registered with the Construction Industry Development Board (CIDB) with designation of 3 GB or higher are eligible to tender. Joint ventures are eligible to submit tenders provided that: 1. Every member of the joint venture is registered with the CIDB. 2. The lead partner has a contractor grading designation General building works as follows: 2.1 Seven (7) GB or higher for category A 2.2 Five (5) GB or 6 GB for category B 2.3 Three (3) GB or 4 GB for category C 3. The combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for an elevator maintenance and service – Infrastructure or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations. The tenderer must also submit the compulsory returnable documentation listed in this tender
C2.2	Cost of tendering The tenderer accept that the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer complies with requirements
C.2.11	Alterations to the documents Bidders are required not to 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



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C.2.12	Alternative tender offer No alternative tender offer is permitted in this tender.
C.2.13.2	Replace sub-clause C.2.13.2 with the following; Return all returnable documents to the employer after completing them in their entirety by writing in non-erasable black ink
C.2.13.3	Parts of each tender offer communicated on paper shall be submitted as an original, plus 0 copies.
C.2.13.4	The tender shall be signed by a person duly authorized to do so.
C.2.13.5	The sealed original tender must be submitted to the employer by no later than the closing date and time. Location of tender box: LIMPOPO ECONOMIC DEVELOPMENT AGENCY Physical address: ENTERPRISE DEVELOPMENT HOUSE, 1 MAIN ROAD, LEBOWAKGOMO, 0737 Identification details: Sealed Tender with Tender reference number, Title of Tender and the closing date and time of the tender.
C.2.15.1	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender. Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.
C.2.16.1	The tender offer validity period is 180 days .
C3.2	Notwithstanding any requests for confirmation of receipt of Addenda issued, the tenderer shall be deemed to have received such addenda if the employer can show proof of transmission thereof (or a notice in respect thereof) via electronic mail, facsimile or registered post.
C.3.11	The tenderers will be evaluated in two (2) stages (i) Mandatory and administrative Compliance (ii) Functionality The functionality will be scored to a maximum of 100 points. Only bidders that a minimum of 70 points will be considered for appointment to the framework agreement



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- (i) Stage 1: Administrative Compliance: The Compliance or compulsory documents and returnables are detailed in Section T.2.1 of this tender document. Failure to submit, complete or comply with these requirements will lead to automatic disqualification.

- (ii) Stage 2: Functionality

Functionality of responsive bids submitted will be evaluated according to the predetermined criteria described below.

NB: BIDDERS SHOULD COMPLETE THE FUNCTIONALITY CRITERIA ACCORDING TO THE CATEGORY THEY ARE BIDDING FOR.

Category A: General Building Contractors 7 GB or higher (refer to Evaluation schedule 1, 2 and 3)

CRITERIA	DESCRIPTION	POINTS
a) Bidders previous experience	Bidder's past experience.	40
b) Key personnel	Background and experience of all key personnel proposed to undertake the services.	40
c) Equipment	Bidder submit a list of plant	10
d) Financial capacity (Bank rating)	Bidder's financial capacity to carry out works during implementation	10
Maximum possible Score		100

Category B and C : General Building Contractors 5 – 6 GB (refer to Evaluation schedule 4, 5 and 6) and 3 – 4 GB (refer to Evaluation schedule 7, 8 and 9)

CRITERIA	DESCRIPTION	POINTS
a) Bidders previous experience	Bidder's experience.	40
b) Key personnel	Background and experience of all key personnel proposed to undertake the services.	30
c) Equipment	Bidder submit a list of plant	10
d) Locality	Bidder submit proof of local address within the Limpopo Province	10
e) Financial capacity (Bank rating)	Bidder's financial capacity to carry out works during implementation	10
Maximum possible Score		100

To be appointed to the Framework Agreement the particular bidder should obtain a minimum of 70 points.



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C3.13

Acceptance of the tender offer

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

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

Additional conditions

For projects where the Standard for Indirect Targeting for Enterprise Development as part of the CIDB BUILD programme is applicable, the contractor shall achieve in the performance of the contract the Contract Participation Goals (CPG) relating to the engagement of targeted enterprises as established in the CIDB Standard for Indirect Targeting for Enterprise Development through Construction Works Contracts Gazette Notice No.36190 of 25 February 2013.

For projects where the Standard for Skills Development through Infrastructure Contracts as part of the CIDB BUILD programme is applicable, the contractor shall achieve in the performance of the contract the Contract Skills Development Goal (CSDG) established in the CIDB Standard for Developing Skills through Infrastructure Contracts, published in Gazette Notice No.43495 of 3 July 2020



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PART T2: RETURNABLE DOCUMENTS



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T2.1 : LIST OF RETURNABLE DOCUMENTS

1. The following returnable documents **are compulsory**, failure to comply will be considered non-responsive, and the bid will not be evaluated any further. All these returnable documents are incorporated into the bid documents.
 - a. Only tenders who are registered with the CIDB 3 GB or higher will be considered
 - b. Submission of fully completed Standard Bidding Documents
 - o SBD 1: Invitation to bid
 - o SBD 4: Declaration of Interest
 - o SBD 6.1: Reference Points claim form in terms of the Preferential Procurement Regulations 2022 or amended
 - c. Submission of fully completed Record of Addenda (if applicable)
 - d. Submission of fully completed Compulsory declaration
 - e. Submission of fully completed Form of offer
 - f. Submission of fully completed Certificate of Authority
 - g. Submission of fully completed Joint Venture / Consortium agreement in case of Joint Venture / Consortium
 - h. Selection and indication of the applicable category (A/B/C) for which the bidder is bidding for
2. The following returnable documents are **required for tender evaluation purposes. Tenderers will not be disqualified for failure to submit or complete these returnables. However, it will affect the awarding of points during evaluations.**
 - a. Appointment letters, Practical and Final completion certificates on the completed projects.
 - b. Plant and equipment as described.
 - c. Curriculum Vitae of all key staff allocated to this project, indicating their experience and qualifications and professional registration with relevant council or body.
 - d. Certified copies (not older than 6 months) of all qualifications, professional registrations and training
 - e. Certified copy of the company's directors' identity documents not older than six (6) months. No copy of a certified copy will be accepted.
 - f. CSD Summary Report.
 - g. Copy of COIDA (Compensation for Occupational Injuries and Diseases) registration certificate, e.g. Letter of Good Standing
 - h. Valid Proof of Contractor Registration issued by the Construction Industry Development Board - Compulsory.
 - i. Letter from Financial Institution showing the Bank rating.
 - j. List of plant owned and /or leased.



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T 2.2 : RETURNABLE SCHEDULE

	Document Name	Returnable document
1.	Record of Addenda to the tender	☐ Yes ☐ No
2.	Compulsory Declaration	☐ Yes ☐ No
3.	SBD 1: Invitation to Bid	☐ Yes ☐ No
4.	Proposed amendments and qualifications (if applicable)	☐ Yes ☐ No
5.	SBD 4: Declaration of Interest	☐ Yes ☐ No
6.	SBD 6.1: Reference Points claim form in terms of the Preferential Procurement Regulations 2022 or amended	☐ Yes ☐ No
7.	Form of offer	☐ Yes ☐ No
8.	CSD summary report	☐ Yes ☐ No
9.	Tax pin	☐ Yes ☐ No
10.	Certified copy of Contractor Registration for Incorporation or of Company Registration Document	☐ Yes ☐ No
11.	Certificates or letters of completed or current similar projects, with Contactable references and on the Client's letterhead	☐ Yes ☐ No
12.	Certified copy of directors' identity documents	☐ Yes ☐ No
13.	Annual financial statements that comply with the with the companies act and must not be older than 18 months	☐ Yes ☐ No
14.	Letter from Financial Institution showing the Bank rating	☐ Yes ☐ No
15.	Curriculum Vitae (not longer than 4 pages) of all key staff	☐ Yes ☐ No
16.	Certified copies (not older than 6 months) of all qualifications, professional registrations and training	☐ Yes ☐ No



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CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

Record of Addenda to tender documents

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

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

Attach additional pages if more space is required.

Signed Date

Name Position

Tenderer



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
CATEGORY A – GENERAL BUILDING CONTRACTORS 7GB or HIGHER
CATEGORY B – GENERAL BUILDING CONTRACTORS 5 – 6 GB
CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

Compulsory Declaration

Proposed amendments and qualifications

The Tenderer should record any deviations or qualifications he may wish to make to the tender documents in this Returnable Schedule. Alternatively, a tenderer may state such deviations and qualifications in a covering letter to his tender and reference such letter in this schedule. The Tenderer's attention is drawn to clause 5.8 of SANS 10845-3 regarding the employer's handling of material deviations and qualifications.

Page	Clause or item	Proposal

Signed

Date

Name

Position

Tenderer



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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 CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

CERTIFICATE OF AUTHORITY

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

A Company	B Partnership	C Joint Venture	D Sole Proprietor	E Close Corporation

A. Certificate for company

I,, chairperson of the board of directors of hereby confirm that by resolution of the board (copy attached) taken on20..., Mr/Mrs.....acting in the capacity of....., was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

As witness

1.....
 . Chairman
 2.....
 Date

B. Certificate of partnership

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

hereby authorise Mr/Mrs....., acting in the capacity of.....to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

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



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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 CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

C. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Mrs....., authorised signatory of the company,acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract.....and any other contract resulting from it on our behalf.

This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME & CAPACITY

D. Certificate for sole proprietor

I,, hereby confirm that I am the sole owner of the business trading as.....

As Witness:

1.....
 Signature: Sole owner

2.....
 Date

E. Certificate for Close Corporation

We, the undersigned, being the key members in the business trading as.....hereby authorise Mr/Mrs.....acting in the capacity of....., to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

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



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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SBD 4:

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. BIDDER'S DECLARATION

2.1. Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state?

YES/NO

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

Full Name	Identity Number	Name of institution	State

2.2. Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?

YES/NO

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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2.2.1. If so, furnish particulars:

.....
.....

2.3. Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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SBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

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

1.2 To be completed by the organ of state

(delete whichever is not applicable to this tender)

- a) The applicable preference point system for this tender is 90/10 preference point system.
- b) The applicable preference point system for this tender is 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 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for PRICE AND SPECIFIC GOALS	100

1.5 Failure on the part of a bidder 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 tender, 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.



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2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1 POINTS AWARDED FOR PRICE

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

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

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = Price of lowest acceptable bid

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

3.2.1. POINTS AWARDED FOR PRICE

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

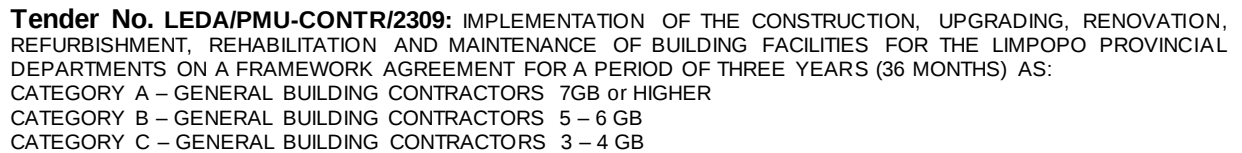
$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 P_s = 80 \left(1 + \frac{P_t - P_{\max}}{P_{\max}} \right) & \text{or} & P_s = 90 \left(1 + \frac{P_t - P_{\max}}{P_{\max}} \right)
 \end{array}$$

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



4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2 In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b)any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Means of verification
Black people ownership	6		Central Supplier Database and company registration
Women equity	3		Central Supplier Database and company registration
Youth equity	3		Central Supplier Database and company registration
Disability	2		Medical certificate or equivalent
Promotion of small businesses	3		Staff complement and annual turnover
Enterprises located within Limpopo	3		Proof of address
Total	20		



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1. Name of company/firm.....

5.2. Company registration number:

5.3. 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

5.4. 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. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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FUNCTIONALITY CRITERIA- CATEGORY A (CIDB grade 7GB or higher)

Evaluation Schedule 1:

Technical Criteria	Sub-criteria	Points																								
Bidder's previous experience for construction, upgrades and renovations of buildings	Copies of appointment letters, Practical completion certificates and final completion certificates must be submitted for points to be awarded. For point to be awarded, each project must be R15 000 000.00 or higher. Only projects completed in the last 12 years will be considered <table border="1"> <thead> <tr> <th>Description</th><th>Points allocated. Appointment letter and Practical completion certificate</th><th>Points allocated Final completion certificate</th></tr> </thead> <tbody> <tr> <td>No letter</td><td>0</td><td>0</td></tr> <tr> <td>1 x Project</td><td>5</td><td>1</td></tr> <tr> <td>2 x Projects</td><td>10</td><td>3</td></tr> <tr> <td>3 x Projects</td><td>15</td><td>5</td></tr> <tr> <td>4 x Projects</td><td>20</td><td>7</td></tr> <tr> <td>5 x Projects</td><td>25</td><td>9</td></tr> <tr> <td>6 x Projects</td><td>30</td><td>10</td></tr> </tbody> </table> List the details of completed projects in schedule 2	Description	Points allocated. Appointment letter and Practical completion certificate	Points allocated Final completion certificate	No letter	0	0	1 x Project	5	1	2 x Projects	10	3	3 x Projects	15	5	4 x Projects	20	7	5 x Projects	25	9	6 x Projects	30	10	40
Description	Points allocated. Appointment letter and Practical completion certificate	Points allocated Final completion certificate																								
No letter	0	0																								
1 x Project	5	1																								
2 x Projects	10	3																								
3 x Projects	15	5																								
4 x Projects	20	7																								
5 x Projects	25	9																								
6 x Projects	30	10																								
Key Personnel Capacity (background and experience of all key personnel proposed to undertake the services)	Profile of key staff (CVs and certified copies of qualifications must be attached for points to be allocated). Points will only be allocated for Construction/ Project Manager, Project Supervisor / Site Agent, Site Safety Officer) NB: List the details of key staff in Schedule 3. Completion of this table is mandatory for points to be allocated. Attached brief CVs (not longer than 4 pager) for all key staff. Also attach certified copies of qualifications in the built environment. Built environment include Engineering, Architectural, Building/Construction Management and Quantity Surveying. Certified copies shall be less than 6 months.	40																								



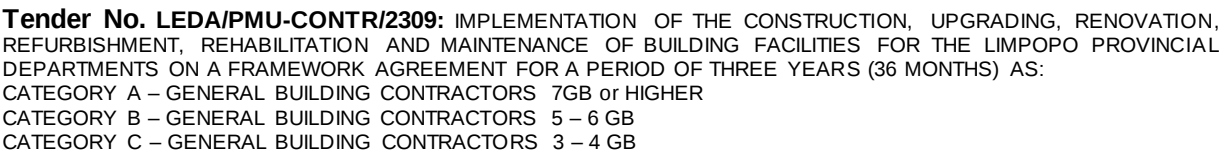
Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:

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CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

Technical Criteria	Sub-criteria	Points																																															
	a) Allocation of points for Construction / Project Manager (Max = 15 points) <table> <tr> <th>Category</th><th>Description</th><th>Points</th></tr> <tr> <td rowspan="2">Professional Registration</td><td>Registration with SACPCMP as a Construction Project or Construction Manager</td><td>5</td></tr> <tr> <td>Not registered with SACPCMP as a Construction Project or Construction Manager</td><td>0</td></tr> <tr> <td rowspan="6">Qualifications</td><td>Bachelor's degree in the built environment</td><td>5</td></tr> <tr> <td>B tech degree in the built environment</td><td>4</td></tr> <tr> <td>National Diploma in the built environment</td><td>3</td></tr> <tr> <td>N6 Certificate in built environment</td><td>2</td></tr> <tr> <td>Trade test certificate (N3 – N5) in the built environment</td><td>1</td></tr> <tr> <td>No Qualification in built environment</td><td>0</td></tr> <tr> <td rowspan="4">Experience (Post Qualification)</td><td>5 years or more relevant experience post professional registration</td><td>5</td></tr> <tr> <td>2 – 4 years relevant experience post professional registration.</td><td>4</td></tr> <tr> <td>0-1 year relevant experience post professional registration</td><td>3</td></tr> <tr> <td>No relevant experience</td><td>0</td></tr> </table> b) Allocation of Points for Project Supervisor / Site Agent (Max = 15 points) <table> <tr> <th>Category</th><th>Description</th><th>Points</th></tr> <tr> <td rowspan="2">Professional Registration</td><td>Professional registration with any Built Environment body (ECSA, SACPCMP, SACAP & SACQSP)</td><td>5</td></tr> <tr> <td>Not registered as a professional with any of the built environment councils</td><td>0</td></tr> <tr> <td rowspan="4">Qualifications</td><td>Bachelor's degree in the built environment</td><td>5</td></tr> <tr> <td>B tech degree in the built environment</td><td>4</td></tr> <tr> <td>National Diploma in the built environment</td><td>3</td></tr> <tr> <td>N6 Certificate in built environment</td><td>2</td></tr> </table>	Category	Description	Points	Professional Registration	Registration with SACPCMP as a Construction Project or Construction Manager	5	Not registered with SACPCMP as a Construction Project or Construction Manager	0	Qualifications	Bachelor's degree in the built environment	5	B tech degree in the built environment	4	National Diploma in the built environment	3	N6 Certificate in built environment	2	Trade test certificate (N3 – N5) in the built environment	1	No Qualification in built environment	0	Experience (Post Qualification)	5 years or more relevant experience post professional registration	5	2 – 4 years relevant experience post professional registration.	4	0-1 year relevant experience post professional registration	3	No relevant experience	0	Category	Description	Points	Professional Registration	Professional registration with any Built Environment body (ECSA, SACPCMP, SACAP & SACQSP)	5	Not registered as a professional with any of the built environment councils	0	Qualifications	Bachelor's degree in the built environment	5	B tech degree in the built environment	4	National Diploma in the built environment	3	N6 Certificate in built environment	2	
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Category	Description	Points																																															
Professional Registration	Professional registration with any Built Environment body (ECSA, SACPCMP, SACAP & SACQSP)	5																																															
	Not registered as a professional with any of the built environment councils	0																																															
Qualifications	Bachelor's degree in the built environment	5																																															
	B tech degree in the built environment	4																																															
	National Diploma in the built environment	3																																															
	N6 Certificate in built environment	2																																															

25



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
 CATEGORY A – GENERAL BUILDING CONTRACTORS 7GB or HIGHER
 CATEGORY B – GENERAL BUILDING CONTRACTORS 5 – 6 GB
 CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

Technical Criteria	Sub-criteria	Points	
Bank rating	Bidder should submit a letter from its financial institution	10	
TOTAL		100	



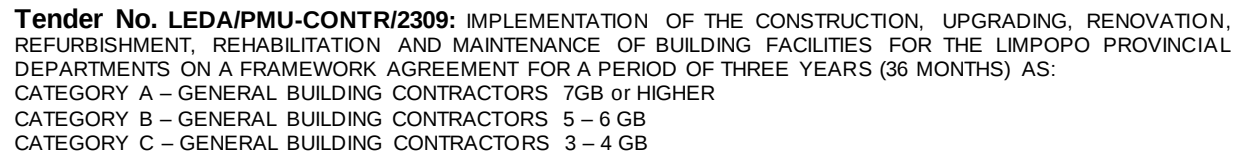
Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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 CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

EVALUATION SCHEDULE 2: BIDDER'S EXPERIENCE

Relevant Experience in Similar Projects completed and Include the following:

NB: Completion of this table is mandatory for points to be allocated. Appointment letter, Practical completion certificate and final completion certificates must be attached as proof of completion for full points to be allocated.

Client Name	Project Description	Project Value (Attach appointment letter)	Project Duration	Practical Completion date. (Attach practical completion certificates)	Final Completion date (Attach final completion certificates)	Contact Person (Cell/Tel.)



T2.1B



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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 CATEGORY B – GENERAL BUILDING CONTRACTORS 5 – 6 GB
 CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

EVALUATION SCHEDULE 3: DETAILS OF KEY STAFF

Name	Position	Qualifications	Professional Registration (if any)	Experience: Number of year(S)	Indicate whether full time or part time on this project



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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 CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

FUNCTIONALITY CRITERIA- CATEGORY B (CIDB grade 5-6GB or Higher)

Evaluation Schedule 4:

Technical Criteria	Sub-criteria	Points																											
Bidder's previous experience for construction, upgrades and renovations of buildings	Copies of appointment letters, Practical completion certificates and final completion certificates must be submitted for points to be awarded. For point to be awarded, each project must be R 5 000 000.00 or higher. Only projects completed in the last 12 years will be considered <table> <tr> <th>Description</th><th>Points allocated. Appointment letter and Practical completion certificate</th><th>Points allocated Final completion certificate</th></tr> <tr> <td>No letter</td><td>0</td><td>0</td></tr> <tr> <td>1 x Project</td><td>5</td><td>1</td></tr> <tr> <td>2 x Projects</td><td>10</td><td>3</td></tr> <tr> <td>3 x Projects</td><td>15</td><td>5</td></tr> <tr> <td>4 x Projects</td><td>20</td><td>7</td></tr> <tr> <td>5 x Projects</td><td>25</td><td>9</td></tr> <tr> <td>6 x Projects</td><td>30</td><td>10</td></tr> <tr> <td colspan="3">List the details of completed projects in schedule 5</td></tr> </table>	Description	Points allocated. Appointment letter and Practical completion certificate	Points allocated Final completion certificate	No letter	0	0	1 x Project	5	1	2 x Projects	10	3	3 x Projects	15	5	4 x Projects	20	7	5 x Projects	25	9	6 x Projects	30	10	List the details of completed projects in schedule 5			40
Description	Points allocated. Appointment letter and Practical completion certificate	Points allocated Final completion certificate																											
No letter	0	0																											
1 x Project	5	1																											
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List the details of completed projects in schedule 5																													
Key Personnel Capacity (background and experience of all key personnel proposed to undertake the services)	Profile of key staff (CVs and certified copies of qualifications must be attached for points to be allocated). Points will only be allocated for Construction/Project Manager, Project Supervisor / Site Agent, Site Safety Officer) NB: List the details of key staff in Schedule 6. Completion of this table is mandatory for points to be allocated. Attached brief CVs (not longer than 4 pager) for all key staff. Also attach certified copies of qualifications in the built environment. Built environment include Engineering, Architectural, Building/Construction Management and Quantity Surveying. Certified copies shall be less than 6 months.	30																											



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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Technical Criteria	Sub-criteria	Points																														
	a) Allocation of points for Construction / Project Manager (Max = 15 points)																															
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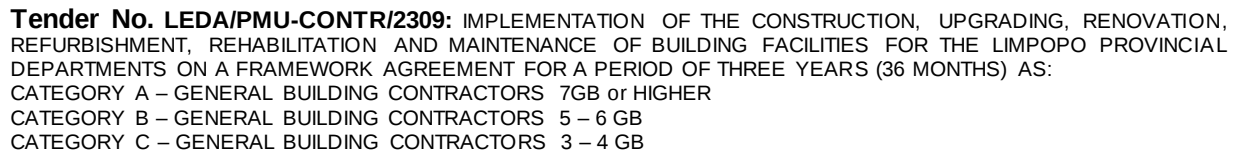
CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

Technical Criteria	Sub-criteria				Points
	Experience (Post qualification)	5 years or more relevant experience	5		
		2 - 4 years relevant experience.	3		
		0-1 year relevant experience	1		
		No experience	0		
	c) Allocation of points for Safety Officer (Max Points = 5 points)				
	Category	Description	Points		
	Qualifications	Professional Registration with SACPCMP and B degree	5		
		Professional Registration with SACPCMP and Btech degree	4		
		Professional Registration with SACPCMP and National Diploma	3		
		Professional Registration with SACPCMP and with NQF Level 2 - 5	2		
Plant and equipment	Quantity	Description	Owned	Hire	10
	1	TLB	Proof of ownership =5	Letter of intent to hire and proof of ownership from hiring company = 3	
	1	Tipper truck	5 Proof of ownership =5	Letter of intent to hire and proof of ownership from hiring company = 3	



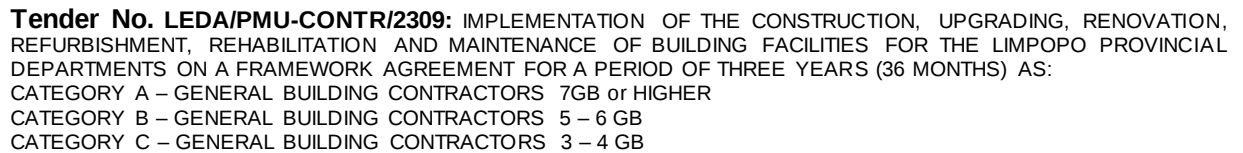
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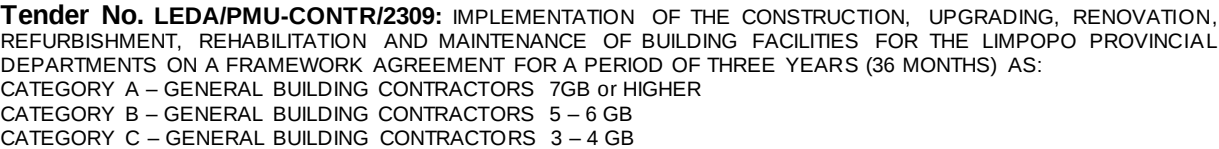
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Locality	<table><tr><td></td><td>A bidder must attach any of the following documents as a proof of the local address within Limpopo Province (The physical address in the following documents should be the same as provided in the SBD 1 and Central Supplier Database (CSD) report</td><td></td></tr><tr><td></td><td>1. Municipal Account/Bill, which must not be older than three months or 2. Formal current Lease Agreement accompanied by a Lessor's Municipal account or Traditional Authority Letter or 3. Title deed or 4. Letter from a Traditional Authority not older than three months</td><td></td></tr><tr><td></td><td>a) Within Limpopo Province</td><td>10</td></tr><tr><td></td><td>b) Outside Limpopo Province</td><td>5</td></tr></table>		A bidder must attach any of the following documents as a proof of the local address within Limpopo Province (The physical address in the following documents should be the same as provided in the SBD 1 and Central Supplier Database (CSD) report			1. Municipal Account/Bill, which must not be older than three months or 2. Formal current Lease Agreement accompanied by a Lessor's Municipal account or Traditional Authority Letter or 3. Title deed or 4. Letter from a Traditional Authority not older than three months			a) Within Limpopo Province	10		b) Outside Limpopo Province	5	10	
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		a) Within Limpopo Province	10												
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Bank rating	Bidder should submit a letter from its financial institution		10												
	<table><tr><th>Bank rating</th><th>Points</th></tr><tr><td>Rating A</td><td>10</td></tr><tr><td>Rating B</td><td>7</td></tr><tr><td>Rating C</td><td>5</td></tr><tr><td>Rating D</td><td>2</td></tr><tr><td>Rating E</td><td>0</td></tr></table>			Bank rating	Points	Rating A	10	Rating B	7	Rating C	5	Rating D	2	Rating E	0
	Bank rating	Points													
	Rating A	10													
	Rating B	7													
	Rating C	5													
	Rating D	2													
Rating E	0														
TOTAL		100													



Relevant Experience in Similar Projects completed and Include the following:

[illegible]

35

[illegible]



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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FUNCTIONALITY CRITERIA- CATEGORY C (CIDB grade 3 – 4GB or Higher)

Evaluation Schedule 7:

Technical Criteria	Sub-criteria	Points																								
Bidder's previous experience for construction, upgrades and renovations of buildings	Copies of appointment letters, Practical completion certificates and final completion certificates must submitted for points to be awarded. For point to be awarded, each project must be R2 000 000.00 or higher.	40																								
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Technical Criteria	Sub-criteria				Points
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Plant and equipment	Quantity	Description	Owned	Hire	10
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		a) Within Limpopo Province	10												
		b) Outside Limpopo Province	5												
Bank rating	Bidder should submit a letter from its financial institution		10												
	<table><tr><th>Bank rating</th><th>Points</th></tr><tr><td>Rating A</td><td>10</td></tr><tr><td>Rating B</td><td>7</td></tr><tr><td>Rating C</td><td>5</td></tr><tr><td>Rating D</td><td>2</td></tr><tr><td>Rating E</td><td>0</td></tr></table>			Bank rating	Points	Rating A	10	Rating B	7	Rating C	5	Rating D	2	Rating E	0
	Bank rating	Points													
	Rating A	10													
	Rating B	7													
	Rating C	5													
	Rating D	2													
Rating E	0														
TOTAL			100												



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
 CATEGORY A – GENERAL BUILDING CONTRACTORS 7GB or HIGHER
 CATEGORY B – GENERAL BUILDING CONTRACTORS 5 – 6 GB
 CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

EVALUATION SCHEDULE 8: BIDDER'S EXPERIENCE

Relevant Experience in Similar Projects completed and Include the following:

NB: Completion of this table is mandatory for points to be allocated. Appointment letter, Practical completion certificate and final completion certificates must be attached as proof of completion for full points to be allocated.

Client Name	Project Description	Project Value (Attach appointment letter)	Project Duration	Practical Completion date. (Attach practical completion certificates)	Final Completion date (Attach final completion certificates)	Contact Person (Cell/Tel.)



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Client Name	Project Description	Project Value (Attach appointment letter)	Project Duration	Practical Completion date. (Attach practical completion certificates)	Final Completion date (Attach final completion certificates)	Contact Person (Cell/Tel.)



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EVALUATION SCHEDULE 9: DETAILS OF KEY STAFF

Name	Position	Qualifications	Professional Registration (if any)	Experience: Number of year(S)	Indicate whether full time or part time on this project



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THE CONTRACT



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEARS (36 MONTHS) AS:
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PART C1: AGREEMENT AND CONTRACT DATA



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEAR (36 MONTHS) AS:
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CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

C1.1. FORM OF OFFER AND ACCEPTANCE

Offer

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

**IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEAR AS A
CATEGORY A – GENERAL BUILDING CONTRACTORS 7GB or HIGHER OR
CATEGORY B – GENERAL BUILDING CONTRACTORS 5-6GB
CATEGORY C – GENERAL BUILDING CONTRACTORS 3-4GB**

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

By the representative of the tenderer, deemed to be duly authorized, signing this part of the Form of Offer and Acceptance, the tenderer offers to perform all of the obligations and liabilities of the contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

THE TENDERED CATEGORY AS PER THE BID IS

.....

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the tender data, whereupon the tenderer becomes the party named as the contractor in the conditions of contract identified in the contract data.

Signature(s) Name (s)

Capacity Date

Name & address of the bidder
For the tenderer:

Name & signature of witness Date

Acceptance (To be completed by the employer – not the bidder)

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

The terms of the contract, are contained in:

Part C1	Agreements and Contract Data, (which includes this Form of Offer and Acceptance)
Part C2	Pricing Data
Part C3	Scope of Work

and drawings and documents (or parts thereof), which may be incorporated by reference into the above listed Parts.

Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Returnable Schedules as well as any changes to the terms of the Offer agreed by the tenderer and the *Employer* during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Form of Offer and Acceptance. No amendments to or deviations from said documents are valid unless contained in this Schedule.

The tenderer shall within two weeks of receiving a completed copy of this agreement, including the Schedule of Deviations (if any), contact the *Employer's* agent (whose details are given in the Contract Data) to arrange the delivery of any securities, bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the *conditions of contract* identified in the Contract Data. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

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

For the Employer

Signature

Name

Capacity

Name and address of organization

Signature and Name of Witness

Signature

Name

Capacity



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEAR (36 MONTHS) AS:
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CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

Schedule of Deviations

1 Subject	
Details	
.....	
.....	
.....	
.....	
2 Subject	
Details	
.....	
.....	
.....	
.....	
3 Subject	
Details	
.....	
.....	
.....	
.....	
4 Subject	
Details	
.....	
.....	
.....	
.....	

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

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the tenderer of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this agreement.

.....



Tender No. LEDA/PMU-CONTR/2309: IMPLEMENTATION OF THE CONSTRUCTION, UPGRADING, RENOVATION, REFURBISHMENT, REHABILITATION AND MAINTENANCE OF BUILDING FACILITIES FOR THE LIMPOPO PROVINCIAL DEPARTMENTS ON A FRAMEWORK AGREEMENT FOR A PERIOD OF THREE YEAR (36 MONTHS) AS:
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C1.2 CONTRACT DATA

DATA PROVIDED BY THE EMPLOYER

The Conditions of Contract include the various forms of contract that are endorsed by the CIDB in the Standard for Uniformity in Construction in the issuing of batch/task/packages during the term of the frame work agreement. These contract include General Conditions of Contract (GCC), JBCC series 2000 and NEC3 (New Engineering and Construction Contracts)

The Employer is

Name

Limpopo Economic Development Agency

Address:

Enterprise Development House, 1 Main Road,
Lebowakgomo, 0737

1.2.1 Framework Information and scope of work

Implementation of the construction, upgrading, renovation, refurbishment, rehabilitation and maintenance of building facilities for the Limpopo Provincial departments on a Framework Agreement for a period of three years as:

Category A- General Building Contractors 7GB or higher

Category B-General Building Contractors 5-6GB

Category C-General Building Contractors 3-4GB

1.2.2 Procedure to issue work packages/task orders:

1.2.2.1 Contractors that are appointed in this Framework Agreement category will be invited to submit quotations to execute a project/batch/task/package/ order applicable to the relevant category.

1.2.2.2 Contractors that are behind on any current task order will not be considered for new task order (s) until the default had been rectified.

1.2.2.3 The total value of current projects for a contractor under consideration cannot exceed the maximum value of their relevant CIDB grade.

1.2.2.4 LEDA will comply with PPPFA regulations where in some projects/batch/task/packages will be issued with pre-qualifying criteria to advance certain designated groups to meet set targets.

1.2.2.5. LEDA may request the contractor to provide with its key personnel and financial capacity at any stage as part of monitoring and evaluation – especially during the quotation and /or issuing of the task orders and during the implementation of projects / or batches / package.

1.2.2.5 The task orders will be evaluated based on administrative compliance, local content where applicable and price and preference.

1.2.2.6 The point scoring will be based on price and preference



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A. POINTS AWARDED FOR PRICE

THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = Price of lowest acceptable bid

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Means of verification
Black people ownership	6		Central Supplier Database and company registration
Women equity	3		Central Supplier Database and company registration
Youth equity	3		Central Supplier Database and company registration
Disability	2		Medical certificate or equivalent
Promotion of small businesses	3		Staff complement and annual turnover
Enterprises located within Limpopo	3		Proof of address
Total	20		

Framework Agreement Period

The start date is the date of appoint and the end date is three years from the date of appointment

CIDB BUILD Programme

The contractor shall achieve in the performance of the contract the Contract Participation Goals (CPG) relating to the engagement of targeted enterprises as established in the **CIDB Standard for Indirect Targeting for Enterprise Development through Construction Works Contracts Gazette Notice No. 36190 of 25 February 2013.**



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In addition,

The contractor shall achieve in the performance of the contract the Contract Skills Development Goal (CSDG) established in the cidb Standard for Developing Skills through Infrastructure Contracts, published in Gazette Notice No.43495 of 3 July 2020.

C2 Pricing Data

C2.1 Pricing assumptions

The framework agreement does not contain bills of quantities, however bills of quantities will be issued during the contract period with the issuing of batch/packages/task orders.

On applicable projects, the employer shall determine the amount to be paid for the Contract Participation Goal (CPG) on the contract and this amount shall be stated under the section Enterprise Development as a Provisional Sum in the Preliminaries and Generals (P&Gs).

Where the Standard for Skills Development through Infrastructure applies, the contractor shall determine the CSDG, expressed in Rand, which shall not be less than the contract amount multiplied by a percentage 0.375 %. The Employer shall state the percentage (%) factor in the Final Tender Summary section dependent on the Class of Construction Works.

C3: SCOPE OF WORK

Implementation of the construction, upgrading, renovation, refurbishment, rehabilitation, and maintenance of building facilities for the Limpopo Provincial Departments on a framework agreement for a period of three years as

Category A- General Building Contractors 7GB or higher

Category B-General Building Contractors 5 – 6 GB

Category C-General Building Contractors 3 – 4 GB



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CATEGORY C – GENERAL BUILDING CONTRACTORS 3 – 4 GB

General Conditions of Contract

1. Definitions

1. The following terms shall be interpreted as indicated:

- 1.1. "Closing time" means the date and hour specified in the bidding documents for the receipt of bids.
- 1.2. "Contract" means the written agreement entered into between the purchaser and the supplier, as recorded in the contract form signed by the parties, including all attachments and appendices thereto and all documents incorporated by reference therein.
- 1.3. "Contract price" means the price payable to the supplier under the contract for the full and proper performance of his contractual obligations.
- 1.4. "Corrupt practice" means the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official in the procurement process or in contract execution.
- 1.5. "Countervailing duties" are imposed in cases where an enterprise abroad is subsidized by its government and encouraged to market its products internationally.
- 1.6. "Country of origin" means the place where the goods were mined, grown or produced or from which the services are supplied. Goods are produced when, through manufacturing, processing or substantial and major assembly of components, a commercially recognized new product results that is substantially different in basic characteristics or in purpose or utility from its components.
- 1.7. "Day" means calendar day.
- 1.8. "Delivery" means delivery in compliance of the conditions of the contract or order.
- 1.9. "Delivery ex stock" means immediate delivery directly from stock actually on hand.
- 1.10. "Delivery into consignees store or to his site" means delivered and unloaded in the specified store or depot or on the specified site in compliance with the conditions of the contract or order, the supplier bearing all risks and charges involved until the supplies are so delivered and a valid receipt is obtained.
- 1.11. "Dumping" occurs when a private enterprise abroad market its goods on own initiative in the RSA at lower prices than that of the country of origin and which have the potential to harm the local industries in the RSA.
- 1.12. "Force majeure" means an event beyond the control of the supplier and not involving the supplier's fault or negligence and not foreseeable. Such events may include, but is not restricted to, acts of the purchaser in its sovereign capacity, wars or revolutions, fires, floods, epidemics, quarantine restrictions and freight embargoes.
- 1.13. "Fraudulent practice" means a misrepresentation of facts in order to influence a



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procurement process or the execution of a contract to the detriment of any bidder, and includes collusive practice among bidders (prior to or after bid submission) designed to establish bid prices at artificial non-competitive levels and to deprive the bidder of the benefits of free and open competition.

1.14. “GCC” means the General Conditions of Contract.

1.15. “Goods” means all of the equipment, machinery, and/or other materials that the supplier is required to supply to the purchaser under the contract.

1.16. “Imported content” means that portion of the bidding price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or his subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs such as landing costs, dock dues, import duty, sales duty or other similar tax or duty at the South African place of entry as well as transportation and handling charges to the factory in the Republic where the supplies covered by the bid will be manufactured.

1.17. “Local content” means that portion of the bidding price which is not included in the imported content provided that local manufacture does take place.

1.18. “Manufacture” means the production of products in a factory using labour, materials, components and machinery and includes other related value-adding activities.

1.19. “Order” means an official written order issued for the supply of goods or works or the rendering of a service.

1.20. “Project site,” where applicable, means the place indicated in bidding documents.

1.21. “Purchaser” means the organization purchasing the goods.

1.22. “Republic” means the Republic of South Africa.

1.23. “SCC” means the Special Conditions of Contract.

1.24. “Services” means those functional services ancillary to the supply of the goods, such as transportation and any other incidental services, such as installation, commissioning, provision of technical assistance, training, catering, gardening, security, maintenance and other such obligations of the supplier covered under the contract.

1.25. “Written” or “in writing” means handwritten in ink or any form of electronic or mechanical writing.

- 2. Application**
- 2.1. These general conditions are applicable to all bids, contracts and orders including bids for functional and professional services, sales, hiring, letting and the granting or acquiring of rights, but excluding immovable property, unless otherwise indicated in the bidding documents.
- 2.2. Where applicable, special conditions of contract are also laid down to cover specific supplies, services or works.



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2.3. Where such special conditions of contract are in conflict with these general conditions, the special conditions shall apply.

3. General

- 3.1. Unless otherwise indicated in the bidding documents, the purchaser shall not be liable for any expense incurred in the preparation and submission of a bid. Where applicable a non-refundable fee for documents may be charged.
- 3.2. With certain exceptions, invitations to bid are only published in the Government Tender Bulletin. The Government Tender Bulletin may be obtained directly from the Government Printer, Private Bag X85, Pretoria 0001, or accessed electronically from www.treasury.gov.za

4. Standards

4.1 The goods supplied shall conform to the standards mentioned in the bidding documents and specifications.

5. Use of contract documents and information; inspection.

5.1. The supplier shall not, without the purchaser's prior written consent, disclose the contract, or any provision thereof, or any specification, plan, drawing, pattern, sample, or information furnished by or on behalf of the purchaser in connection therewith, to any person other than a person employed by the supplier in the performance of the contract. Disclosure to any such employed person shall be made in confidence and shall extend only so far as may be necessary for purposes of such performance.

5.2. The supplier shall not, without the purchaser's prior written consent, make use of any document or information mentioned in GCC clause except for purposes of performing the contract.

5.3 Any document, other than the contract itself mentioned in GCC clause shall remain the property of the purchaser and shall be returned (all copies) to the purchaser on completion of the supplier's performance under the contract if so required by the purchaser.

5.4 The supplier shall permit the purchaser to inspect the supplier's records relating to the performance of the supplier and to have them audited by auditors appointed by the purchaser, if so required by the purchaser.

6. Patent rights

6.1 The supplier shall indemnify the purchaser against all third-party claims of infringement of patent, trademark, or industrial design rights arising from use of the goods or any part thereof by the purchaser.

7. Performance security

7.1. Within thirty (30) days of receipt of the notification of contract award, the successful bidder shall furnish to the purchaser the performance security of the amount specified in SCC.

7.2 The proceeds of the performance security shall be payable to the purchaser as compensation for any loss resulting from the supplier's failure to complete his obligations under the contract.

7.3 The performance security shall be denominated in the currency of the contract, or in a freely convertible currency acceptable to the purchaser and shall be in one of the following forms:

- (a) a bank guarantee or an irrevocable letter of credit issued by a reputable bank located in the purchaser's country or abroad, acceptable to the purchaser, in the form provided in the bidding documents or another form acceptable to the purchaser; or
- (b) a cashier's or certified cheque

7.4 The performance security will be discharged by the purchaser and returned to the supplier not later than thirty (30) days following the date of completion of the supplier's performance obligations under the contract, including any warranty obligations, unless otherwise specified in SCC.



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8. Inspections, tests and analyse

8.1 All pre-bidding testing will be for the account of the bidder.

8.2 If it is a bid condition that supplies to be produced or services to be rendered should at any stage during production or execution or on completion be subject to inspection, the premises of the bidder or contractor shall be open, at all reasonable hours, for inspection by a representative of the Department or an organization acting on behalf of the Department.

8.3 If there are no inspections requirements indicated in the bidding documents and no mention is made in the contract, but during the contract period it is decided that inspections shall be carried out, the purchaser shall itself make the necessary arrangements, including payment arrangements with the testing authority concerned.

8.4 If the inspections, tests and analyses referred to in clauses 8.2 and 8.3 show the supplies to be in accordance with the contract requirements, the cost of the inspections, tests and analyses shall be defrayed by the purchaser.

8.5 Where the supplies or services referred to in clauses 8.2 and 8.3 do not comply with the contract requirements, irrespective of whether such supplies or services are accepted or not, the cost in connection with these inspections, tests or analyses shall be defrayed by the supplier.

8.6 Supplies and services which are referred to in clauses 8.2 and 8.3 and which do not comply with the contract requirements may be rejected.

8.7 Any contract supplies may on or after delivery be inspected, tested or analysed and may be rejected if found not to comply with the requirements of the contract. Such rejected supplies shall be held at the cost and risk of the supplier who shall, when called upon, remove them immediately at his own cost and forthwith substitute them with supplies which do comply with the requirements of the contract. Failing such removal the rejected supplies shall be returned at the suppliers cost and risk. Should the supplier fail to provide the substitute supplies forthwith, the purchaser may, without giving the supplier further opportunity to substitute the rejected supplies, purchase such supplies as may be necessary at the expense of the supplier.

8.8 The provisions of clauses 8.4 to 8.7 shall not prejudice the right of the purchaser to cancel the contract on account of a breach of the conditions thereof, or to act in terms of Clause 23 of GCC.

9. Packaging

9.1 The supplier shall provide such packing of the goods as is required to prevent their damage or deterioration during transit to their final destination, as indicated in the contract. The packing shall be sufficient to withstand, without limitation, rough handling during transit and exposure to extreme temperatures, salt and precipitation during transit, and open storage. Packing, case size and weights shall take into consideration, where appropriate, the remoteness of the goods' final destination and the absence of heavy handling facilities at all points in transit.

9.2 The packing, marking, and documentation within and outside the packages shall comply strictly with such special requirements as shall be expressly provided for in the contract, including additional requirements, if any, specified in SCC, and in any subsequent instructions ordered by the purchaser.



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10 Delivery and documents

10.1 Delivery of the goods shall be made by the supplier in accordance with the terms specified in the contract. The details of shipping and/or other documents to be furnished by the supplier are specified in SCC.

10.2 Documents to be submitted by the supplier are specified in SCC.

11. Insurance

11.1 The goods supplied under the contract shall be fully insured in a freely convertible currency against loss or damage incidental to manufacture or acquisition, transportation, storage and delivery in the manner specified in the SCC.

12. Transportation

12.1 Should a price other than an all-inclusive delivered price be required, this shall be specified in the SCC.

13. Incidental services

13.1 The supplier may be required to provide any or all of the following services, including additional services, if any, specified in SCC:

- (a) performance or supervision of on-site assembly and/or commissioning of the supplied goods;
- (b) furnishing of tools required for assembly and/or maintenance of the supplied goods;
- (c) furnishing of a detailed operations and maintenance manual for each appropriate unit of the supplied goods;
- (d) performance or supervision or maintenance and/or repair of the supplied goods, for a period of time agreed by the parties, provided that this service shall not relieve the supplier of any warranty obligations under this contract; and
- (e) training of the purchaser's personnel, at the supplier's plant and/or on-site, in assembly, start-up, operation, maintenance, and/or repair of the supplied goods.

13.2 Prices charged by the supplier for incidental services, if not included in the contract price for the goods, shall be agreed upon in advance by the parties and shall not exceed the prevailing rates charged to other parties by the supplier for similar services.

14. Spare parts

14.1 As specified in SCC, the supplier may be required to provide any or all of the following materials, notifications, and information pertaining to spare parts manufactured or distributed by the supplier:

- (a) such spare parts as the purchaser may elect to purchase from the supplier, provided that this election shall not relieve the supplier of any warranty obligations under the contract; and
- (b) in the event of termination of production of the spare parts:
 - (i) Advance notification to the purchaser of the pending termination, in sufficient time to permit the purchaser to procure needed requirements; and
 - (ii) Following such termination, furnishing at no cost to the purchaser, the blueprints, drawings, and specifications of the spare parts, if requested.



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15.Warranty

15.1 The supplier warrants that the goods supplied under the contract are new, unused, of the most recent or current models, and that they incorporate all recent improvements in design and materials unless provided otherwise in the contract. The supplier further warrants that all goods supplied under this contract shall have no defect, arising from design, materials, or workmanship (except when the design and/or material is required by the purchaser's specifications) or from any act or omission of the supplier, that may develop under normal use of the supplied goods in the conditions prevailing in the country of final destination.

15.2 This warranty shall remain valid for twelve (12) months after the goods, or any portion thereof as the case may be, have been delivered to and accepted at the final destination indicated in the contract, or for eighteen (18) months after the date of shipment from the port or place of loading in the source country, whichever period concludes earlier, unless specified otherwise in SCC.

15.3 The purchaser shall promptly notify the supplier in writing of any claims arising under this warranty.

15.4 Upon receipt of such notice, the supplier shall, within the period specified in SCC and with all reasonable speed, repair or replace the defective goods or parts thereof, without costs to the purchaser.

15.5 If the supplier, having been notified, fails to remedy the defect(s) within the period specified in SCC, the purchaser may proceed to take such remedial action as may be necessary, at the supplier's risk and expense and without prejudice to any other rights which the purchaser may have against the supplier under the contract.

16. Payments

16.1 The method and conditions of payment to be made to the supplier under this contract shall be specified in SCC.

16.2 The supplier shall furnish the purchaser with an invoice accompanied by a copy of the delivery note and upon fulfilment of other obligations stipulated in the contract.

16.3 Payments shall be made promptly by the purchaser, but in no case later than thirty (30) days after submission of an invoice or claim by the supplier.

16.4 Payment will be made in Rand unless otherwise stipulated in SCC.

17.Prices

17.1 Prices charged by the supplier for goods delivered and services performed under the contract shall not vary from the prices quoted by the supplier in his bid, with the exception of any price adjustments authorized in SCC or in the purchaser's request for bid validity extension, as the case may be.

18.Contracts Amendments

18.1 No variation in or modification of the terms of the contract shall be made except by written amendment signed by the parties concerned.

19.Assignment

19.1 The supplier shall not assign, in whole or in part, its obligations to perform under the contract, except with the purchaser's prior written consent.

20.Subcontracts

20.1 The supplier shall notify the purchaser in writing of all subcontracts awarded under these contracts if not already specified in the bid. Such notification, in the original bid or later, shall not relieve the supplier from any liability or obligation under the contract.



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21.Delays in the supplier's performance

21.1 Delivery of the goods and performance of services shall be made by the supplier in accordance with the time schedule prescribed by the purchaser in the contract.

21.2 If at any time during performance of the contract, the supplier or its subcontractor(s) should encounter conditions impeding timely delivery of the goods and performance of services, the supplier shall promptly notify the purchaser in writing of the fact of the delay, its likely duration and its cause(s). As soon as practicable after receipt of the supplier's notice, the purchaser shall evaluate the situation and may at his discretion extend the supplier's time for performance, with or without the imposition of penalties, in which case the extension shall be ratified by the parties by amendment of contract.

21.3 No provision in a contract shall be deemed to prohibit the obtaining of supplies or services from a national department, provincial department, or a local authority.

21.4 The right is reserved to procure outside of the contract small quantities or to have minor essential services executed if an emergency arises, the supplier's point of supply is not situated at or near the place where the supplies are required, or the supplier's services are not readily available.

21.5 Except as provided under GCC Clause 25, a delay by the supplier in the performance of its delivery obligations shall render the supplier liable to the imposition of penalties, pursuant to GCC Clause 22, unless an extension of time is agreed upon pursuant to GCC Clause 21.2 without the application of penalties.

21.6 Upon any delay beyond the delivery period in the case of a supplies contract, the purchaser shall, without cancelling the contract, be entitled to purchase supplies of a similar quality and up to the same quantity in substitution of the goods not supplied in conformity with the contract and to return any goods delivered later at the supplier's expense and risk, or to cancel the contract and buy such goods as may be required to complete the contract and without prejudice to his other rights, be entitled to claim damages from the supplier.

22.Penalties

22.1 Subject to GCC Clause 25, if the supplier fails to deliver any or all of the goods or to perform the services within the period(s) specified in the contract, the purchaser shall, without prejudice to its other remedies under the contract, deduct from the contract price, as a penalty, a sum calculated on the delivered price of the delayed goods or unperformed services using the current prime interest rate calculated for each day of the delay until actual delivery or performance. The purchaser may also consider termination of the contract pursuant to GCC Clause 23.

23.Termination for for default

23.1 The purchaser, without prejudice to any other remedy for breach of contract, by written notice of default sent to the supplier, may terminate this contract in whole or in part:

- (a) if the supplier fails to deliver any or all of the goods within the period(s) specified in the contract, or within any extension thereof granted by the purchaser pursuant to GCC Clause 21.2;
- (b) if the Supplier fails to perform any other obligation(s) under the contract; or
- (c) if the supplier, in the judgment of the purchaser, has engaged in corrupt or fraudulent practices in competing for or in executing the contract.

23.2 In the event the purchaser terminates the contract in whole or in part, the purchaser may procure, upon such terms and in such manner as it deems appropriate, goods, works or services similar to those undelivered, and the supplier shall be liable to the purchaser for any excess costs for such similar goods, works or services. However, the supplier shall continue performance of the contract to the extent not terminated.



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23.3 Where the purchaser terminates the contract in whole or in part, the purchaser may decide to impose a restriction penalty on the supplier by prohibiting such supplier from doing business with the public sector for a period not exceeding 10 years.

23.4 If a purchaser intends imposing a restriction on a supplier or any person associated with the supplier, the supplier will be allowed a time period of not more than fourteen (14) days to provide reasons why the envisaged restriction should not be imposed. Should the supplier fail to respond within the stipulated fourteen (14) days the purchaser may regard the intended penalty as not objected against and may impose it on the supplier.

23.5 Any restriction imposed on any person by the Accounting Officer /Authority will, at the discretion of the Accounting Officer / Authority, also be applicable to any other enterprise or any partner, manager, director or other person who wholly or partly exercises or exercised or may exercise control over the enterprise of the first-mentioned person, and with which enterprise or person the first-mentioned person, is or was in the opinion of the Accounting Officer / Authority actively associated.

23.6 If a restriction is imposed, the purchaser must, within five (5) working days of such imposition, furnish the National Treasury, with the following information:

- (i) the name and address of the supplier and / or person restricted by the purchaser;
- (ii) the date of commencement of the restriction
- (iii) the period of restriction; and
- (iv) the reasons for the restriction.

These details will be loaded in the National Treasury's central database of suppliers or persons prohibited from doing business with the public sector.

23.7 If a court of law convicts a person of an offence as contemplated in sections 12 or 13 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, the court may also rule that such person's name be endorsed on the Register for Tender Defaulters. When a person's name has been endorsed on the Register, the person will be prohibited from doing business with the public sector for a period not less than five years and not more than 10 years. The National Treasury is empowered to determine the period of restriction and each case will be dealt with on its own merits. According to section 32 of the Act the Register must be open to the public. The Register can be perused on the National Treasury website.

24. Anti-dumping and countervailing duties and rights

24.1 When, after the date of bid, provisional payments are required, or antidumping or countervailing duties are imposed, or the amount of a provisional payment or anti-dumping or countervailing right is increased in respect of any dumped or subsidized import, the State is not liable for any amount so required or imposed, or for the amount of any such increase. When, after the said date, such a provisional payment is no longer required or any such anti-dumping or countervailing right is abolished, or where the amount of such provisional payment or any such right is reduced, any such favourable difference shall on demand be paid forthwith by the contractor to the State or the State may deduct such amounts from moneys (if any) which may otherwise be due to the contractor in regard to supplies or services which he delivered or rendered, or is to deliver or render in terms of the contract or any other contract or any other amount which may be due to him.

25. Force Majeure

25.1 Notwithstanding the provisions of GCC Clauses 22 and 23, the supplier shall not be liable for forfeiture of its performance security, damages, or termination for default if and to the extent that his delay in performance or other failure to perform his obligations under the contract is the result of an event of force majeure.



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25.2 If a force majeure situation arises, the supplier shall promptly notify the purchaser in writing of such condition and the cause thereof. Unless otherwise directed by the purchaser in writing, the supplier shall continue to perform its obligations under the contract as far as is reasonably practical, and shall seek all reasonable alternative means for performance not prevented by the force majeure event.

26.Termination for Insolvency

26.1 The purchaser may at any time terminate the contract by giving written notice to the supplier if the supplier becomes bankrupt or otherwise insolvent. In this event, termination will be without compensation to the supplier, provided that such termination will not prejudice or affect any right of action or remedy which has accrued or will accrue thereafter to the purchaser.

27.Settlement of Disputes

27.1 If any dispute difference of any kind whatsoever arises between the purchaser and the supplier in connection with or arising out of the contract, the parties shall make every effort to resolve amicably such dispute or difference by mutual consultation.

27.2 If, after thirty (30) days, the parties have failed to resolve their dispute or difference by such mutual consultation, then either the purchaser or the supplier may give notice to the other party of his intention to commence with mediation. No mediation in respect of this matter may be commenced unless such notice is given to the other party.

27.3 Should it not be possible to settle a dispute by means of mediation, it may be settled in a South African court of law.

27.4 Mediation proceedings shall be conducted in accordance with the rules of procedure specified in the SCC.

27.5 Notwithstanding any reference to mediation and/or court proceedings herein,

- (a) the parties shall continue to perform their respective obligations under the contract unless they otherwise agree; and
- (b) the purchaser shall pay the supplier any monies due the supplier.

28.Limitation of liability

28.1 Except in cases of criminal negligence or wilful misconduct, and in the case of infringement pursuant to Clause 6;

- (a) the supplier shall not be liable to the purchaser, whether in contract, tort, or otherwise, for any indirect or consequential loss or damage, loss of use, loss of production, or loss of profits or interest costs, provided that this exclusion shall not apply to any obligation of the supplier to pay penalties and/or damages to the purchaser; and
- (b) the aggregate liability of the supplier to the purchaser, whether under the contract, in tort or otherwise, shall not exceed the total contract price, provided that this limitation shall not apply to the cost of repairing or replacing defective equipment.

29.Governance language

29.1 The contract shall be written in English. All correspondence and other documents pertaining to the contract that is exchanged by the parties shall also be written in English.

30.Applicable law

30.1 The contract shall be interpreted in accordance with South African laws, unless otherwise specified in SCC.



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31. Notices

31.1 Every written acceptance of a bid shall be posted to the supplier concerned by registered or certified mail and any other notice to him shall be posted by ordinary mail to the address furnished in his bid or to the address notified later by him in writing and such posting shall be deemed to be proper service of such notice

32. Taxes and duties

32.2 The time mentioned in the contract documents for performing any act after such aforesaid notice has been given, shall be reckoned from the date of posting of such notice.

32.1 A foreign supplier shall be entirely responsible for all taxes, stamp duties, license fees, and other such levies imposed outside the purchaser's country.

32.2 A local supplier shall be entirely responsible for all taxes, duties, license fees, etc., incurred until delivery of the contracted goods to the purchaser.

32.3 No contract shall be concluded with any bidder whose tax matters are not in order. Prior to the award of a bid the Department must be in possession of a tax clearance certificate, submitted by the bidder. This certificate must be an original issued by the South African Revenue Services.

33. National Industrial Participation (NIP) Programme

33.1 The NIP Programme administered by the Department of Trade and Industry shall be applicable to all contracts that are subject to the NIP obligation.

34. Prohibition of restrictive practices

34.1 In terms of section 4(1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, an agreement between, or concerted practice by, firms, or a decision by an association of firms, is prohibited if it is between parties in a horizontal relationship and if a bidder (s) is / are or a contractor(s) was / were involved in collusive bidding (or bid rigging).

34.2 If a bidder(s) or contractor(s), based on reasonable grounds or evidence obtained by the purchaser, has / have engaged in the restrictive practice referred to above, the purchaser may refer the matter to the Competition Commission for investigation and possible imposition of administrative penalties as contemplated in the Competition Act No. 89 of 1998.

34.3 If a bidder(s) or contractor(s), has / have been found guilty by the Competition Commission of the restrictive practice referred to above, the purchaser may, in addition and without prejudice to any other remedy provided for, invalidate the bid(s) for such item(s) offered, and / or terminate the contract in whole or part, and / or restrict the bidder(s) or contractor(s) from conducting business with the public sector for a period not exceeding ten (10) years and / or claim damages from the bidder(s) or contractor(s) concerned.