



EMAKHAZENI LOCAL MUNICIPALITY
PROJECT NO: ELM 22/06/01

PANEL OF CONTRACTORS FOR INFRASTRUCTURE PROJECTS
WITHIN EMAKHAZENI LOCAL MUNICIPALITY FOR A PERIOD OF 24
MONTHS

STAGE 1

TENDER DOCUMENT

ISSUED BY: EMAKHAZENI LOCAL MUNICIPALITY

24 Scheepers street

Emakhazeni

1100

CONTACT: 013 253 7600

NAME OF TENDERER :

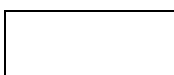
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CIDB NUMBER (CRS Number) :

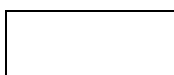
CIDB GRADING :

Closing date: 28 July 2022

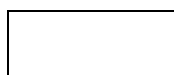
Closing time: 12h00



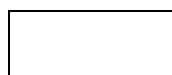
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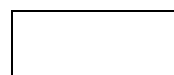
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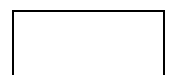
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Employer



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Witness 2



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TENDERING PROCEDURES

THE TENDER

Part T1: Tendering Procedures

T1.1 Tender notice and invitation to tender

T1.2 Tender Data

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T1.1 TENDER NOTICE AND INVITATION TO TENDER

Bid documents will be obtainable from **Monday, 27 JUNE 2022** on payment of cash non-refundable document fee of **R350.00** per document from the offices of the Emakhazeni Local Municipality, 25 Scheepers CStreet, Belfast during office hours from 07H45 to 12h30 and 13h00 to 15h00 weekdays, or on supply of proof of EFT payment made into the following bank account: **FNB Current Account Number 62028195510 Branch Code 270351 Tender Reference number: Project number and Company name)**. the document can also be obtained on the municipality's website or **on the e-Tender Website at <http://www.etenders.gov.za/content/advertised-tenders>** at no cost.

Tenders are to be completed in black ink and completed in accordance with the conditions and rules contained in the tender documents. The tenders and relevant documents must be sealed in a envelope and externally endorsed with **Project No** and be deposited in the Tender Box, Ground Floor, Emakhazeni Local Municipality, 25 Scheepers Street, Belfast, Mpumalanga. **The Tenders shall remain valid for a period of 90 days from the closing date.** Telegraphic, telephonic, fax, telex e-mail or late tenders will not be accepted.

Project number	Description	Briefing session	Closing Date	Functional ity %	Grading	Contact person
ELM 22/06/01	PANEL OF CONTRACTORS FOR INFRASTRUCTURE PROJECTS WITHIN EMAKHAZENI LOCAL MUNICIPALITY FOR A PERIOD OF 24 MONTHS	Belfast Municipal office	Thursday the 28 th of July 2022	70% for the related category	3CE or Higher And/or 3EP or Higher And/or 3ME or Higher	Procurement enquiries: Mr. Joas Madiope at 013 253 7601 joas.madiope@emakhazeni.gov.za Technical enquiries: Ms. Audrey Mathebe at 013 253 7622 audrey.mathebe@emakhazeni.gov.za

N.B. The procedure for evaluation of responsive tender will be Method 4: Financial Offer, Preferences and Quality (Functionality). Evaluations of tenders will be done in two stages. Firstly, eligibility and quality (Functionality) will be assessed: where after tenders who scored a minimum of 70 % of the points or above for the category, will be evaluated using the 80/20 Preference Point System for Financial Offer and Preference. The Preferential Procurement Policy Framework Act, 2000, (PPPFA) (Act No.5 of 2000) applies to this tender. Master Registration Number and tax compliance status PIN to enable the municipality to verify the bidder's tax compliance status must be attached. Service providers must be registered at central supplier database (CSD). Service provider must also ensure that their BBBEE certificate or Sworn affidavit is still valid as they will have a big impact during evaluation processes.

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



NOTE TO BIDDERS ON BID CONDITIONS:

- The Supply Chain Management Policy of Emakhazeni Local Municipality will apply. The Council reserves the right not to accept the lowest bid or any bid and reserves the right to accept the whole or part of the bid, or to reject all bids and cancel the notice to bid;
- Bids that are submitted late, incomplete, unsigned or by facsimile, electronically or not completed in black ink will be rejected and not accepted for further evaluation;
- Bidder to ensure that tender documents are purchased before the start of the clarification meeting. No late coming will be entertained;
- Members or Directors of Companies or Service Providers who are state employees are not allowed to bid or quote;
- The Bidder who will be awarded the contract must sub-contract minimum of 30% portion of works to the nominated local Small, Medium and Micro-sized Enterprises (SMMEs) in accordance with approved Emakhazeni Local Supply Chain Management Policy;
- Bids submitted are to be valid for a period of 90 days;

NB: Only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

**Mr. G Mthimunye
Municipal Manager
Emakhazeni Local Municipality**

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Witness 2



PART A INVITATION TO BID

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

BID NUMBER:		CLOSING DATE:	28 JULY 2022	CLOSING TIME:	12H00
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DESCRIPTION	PANEL OF CONTRACTORS FOR INFRASTRUCTURE PROJECTS WITHIN EMAKHAZENI LOCAL MUNICIPALITY FOR A PERIOD OF 24 MONTHS
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THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID

BOX SITUATED AT (STREET ADDRESS)

EMAKHAZENI LOCAL MUNICIPALITY

24 SCHEEPERS STREET

BELFAST

1100

SUPPLIER INFORMATION

NAME OF BIDDER			
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POSTAL ADDRESS			
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STREET ADDRESS			
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TELEPHONE NUMBER	CODE		NUMBER	
------------------	------	--	--------	--

CELLPHONE NUMBER				
------------------	--	--	--	--

FACSIMILE NUMBER	CODE		NUMBER	
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E-MAIL ADDRESS				
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VAT REGISTRATION NUMBER				
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TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
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B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	☐ Yes ☐ No
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[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER PART B:3]
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TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
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SIGNATURE OF BIDDER		DATE	
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CAPACITY UNDER WHICH THIS BID IS SIGNED			
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BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:	TECHNICAL INFORMATION MAY BE DIRECTED TO:
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DEPARTMENT	Supply Chain	CONTACT PERSON	Ms. Audrey Mathebe
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CONTACT PERSON	Mr. Joas Madiope	TELEPHONE NUMBER	013 253 7622
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TELEPHONE NUMBER	013 253 7601	FACSIMILE NUMBER	
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FACSIMILE NUMBER		E-MAIL ADDRESS	audrey.mathebe@emakhazeni.gov.za
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E-MAIL ADDRESS	joas.madiope@emakhazeni.gov.za
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Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

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

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

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Witness 2

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Employer

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Witness 1

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Witness 2



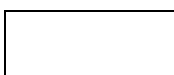
T1.2 TENDER DATA

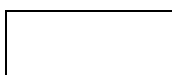
The EMAKHAZENI LOCAL MUNICIPALITY's Supply Chain Management Policy and Occupational Health and Safety Act are applicable to this contract. However in case of any ambiguity, the EMAKHAZENI LOCAL MUNICIPALITY's Supply Chain Management Policy takes precedence.

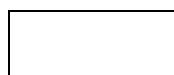
The Tender Data makes several references to the ELM Supply Chain Management Policy for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and ELM Supply Chain Management.

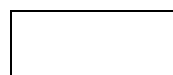
Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.

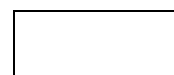
Clause	
C.1.1	Actions
C.1.1.1	The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in C.2 and C.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.
C.1.1.2	The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents, and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate. Note: 1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result. 2) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.
C.1.1.3	The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract.
C.1.2	The documents issued by the employer for the purpose of a tender offer are listed in the tender data.
C.1.3	Interpretation C.1.3.1 The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender. C.1.3.2 These conditions of tender, the tender data and tender schedules which are required for tender evaluation purposes, shall form part of any contract arising from the invitation to tender. C.1.3.3 For the purposes of these conditions of tender, the following definitions apply: a) conflict of interest means any situation in which:

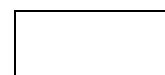

Tenderer


Witness 1


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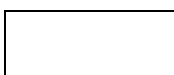

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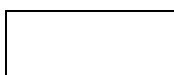

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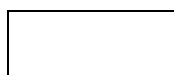

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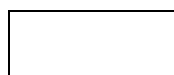


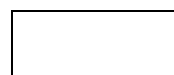
	i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfil his or her duties impartially; ii) an individual or tenderer is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or iii) incompatibility or contradictory interests exist between an employee and the tenderer who employs that employee. b) comparative offer means the price after the factors of a non-firm price and all unconditional discounts it can be utilised to have been taken into consideration c) corrupt practice means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process; d) fraudulent practice means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels;			
C.1.4	Communication. The Employer's Representative is; <table border="1"><tr><td> Accounting Officer; Mr. G Mthimunye P. O. Box 17 Belfast 1100 Tel: 013 253 7628 Email: george.mthimunye@emakhazeni.gov.za </td><td> Procurement Enquiries. Mr. J Madiope P. O. Box 17 Belfast 1100 Tel: 013 253 7601 Email: joas.madiope@emakhazeni.gov.za </td><td> Technical Enquiries. Ms A Mathebe P.O. Box 17 Belfast 1100 013 253 76 Email: audrey.mathebe@emakhazeni.gov.za </td></tr></table>	Accounting Officer; Mr. G Mthimunye P. O. Box 17 Belfast 1100 Tel: 013 253 7628 Email: george.mthimunye@emakhazeni.gov.za	Procurement Enquiries. Mr. J Madiope P. O. Box 17 Belfast 1100 Tel: 013 253 7601 Email: joas.madiope@emakhazeni.gov.za	Technical Enquiries. Ms A Mathebe P.O. Box 17 Belfast 1100 013 253 76 Email: audrey.mathebe@emakhazeni.gov.za
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	Attention is drawn to the fact that verbal communication given by the Employer's representative prior to the close of tenders will not be regarded as binding on the employer. Only information issued formally by the employer in writing to the tenders, under the signature of the Accounting Officer or his nominee will be regarded as amending the tender documents. Tender offer communicated on paper shall be submitted as an original. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data In the event that no correspondence or communication is received from the ELM within hundred and twenty (120) days after the stipulated closing date and time of the tender, the tender proposal will be deemed to be unsuccessful.			
C.1.5	Cancellation and Re-Invitation of Tenders C.1.5.1 An employer may, prior to the award of the tender, cancel a tender if- a) due to changed circumstances, there is no longer a need for the engineering and construction works specified in the invitation; b) funds are no longer available to cover the total envisaged expenditure; or c) no acceptable tenders are received. d) there is a material irregularity in the tender process. C.1.5.2 The decision to cancel a tender invitation must be published in the same manner in which the original tender invitation was advertised C.1.5.3 An employer may only with the prior approval of the relevant treasury cancel a tender invitation for the second time.			

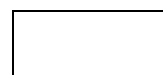

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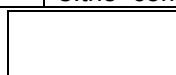

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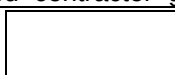

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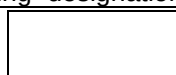

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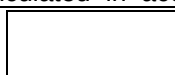


C.1.6	Procurement procedures C.1.6.1 General Unless otherwise stated in the tender data, a contract will, subject to C.3.13, be concluded with the tenderer who in terms of C.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders. C.1.6.2 Competitive negotiation procedure C.1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of C.3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of C.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply. C.1.6.2.2 All responsive tenderers or at least a minimum of not less than three responsive tenderers that are highest ranked in terms of the evaluation criteria stated in the tender data shall be invited to enter into competitive negotiations based on the principle of equal treatment, keeping confidential the proposed solutions and associated information. Notwithstanding the provisions of C.2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect. C.1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to revise their tender offer based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer. C.1.6.2.4 The contract shall be awarded in accordance with the provisions of C.3.11 and C.3.13 after tenderers have been requested to submit their best and final offer. C.1.6.3 Proposal procedure using the two stage-system C.1.6.3.1 Option 1 Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender. C.1.6.3.2 Option 2 C.1.6.3.2.1 Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents. C.1.6.3.2.2 The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data and award the contract in terms of these conditions of tender.
C.2.1	Eligibility Only those tenderers who are registered with the CIDB or are capable of being so prior to the evaluation of submissions. in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for 3 CE or higher and/or 3 EP or higher and/or 3ME or higher class of construction work, are eligible to have their tenders evaluated. 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 in the 3 CE or higher and/or 3 EP or higher and/or 3ME or higher class of construction work; or not lower than one level below the required grading designation in the class of works construction works under considerations and possess the required recognition status. 3.the combined contractor grading designation calculated in accordance with the Construction Industry

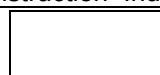

Tenderer


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Employer


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Witness 2



	Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for construction work or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry.
C.2.2	Cost of Tendering The employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the cost of any testing necessary to demonstrate that aspects of the offer satisfy requirements.
C.2.3	Check documents The Tenderer should check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.
C.2.4	Confidentiality and Copyright of Documents. Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation
C.2.5	Reference documents Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.
C.2.6	Acknowledge addenda Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.
C.2.7	Clarification Meeting A non-compulsory clarification meeting will be held on: Time: 12h00 Date: 27 JUNE 2022 Location: Emakhazeni Local Municipality, Beyers Naude Hall, Belfast
C.2.12	Alternative tender offer. No alternative tender offers will be considered or accepted.
C.2.13	Submitting tender offer:
	Tenders must be deposited in the tender box clearly marked with project description. Location of tender Box: Emakhazeni Municipality Building Physical Address: Emakhazeni Municipality, 25 Scheepers Street Belfast Telephonic, telegraphic, telex, facsimile or emailed tenders will not be considered All tender received by the Emakhazeni Local Municipality will remain in the Municipality's possession until after the stipulated closing date and time and lapsing of the tender validity period. Accept that a tender submitted to the employer cannot be withdrawn or substituted. No substitute tenders will be considered
	All tender received by the Emakhazeni Local Municipality will remain in the Municipality's possession until after the stipulated closing date and time. Accept that a tender submitted to the employer cannot be withdrawn or substituted. No substitute tenders will be considered

Tenderer

Witness 1

Witness 2

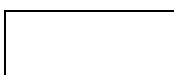
Employer

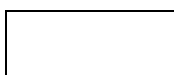
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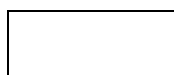
Witness 2

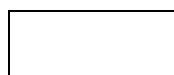


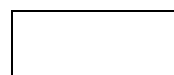
C.2.15	Closing Time:								
	The time and location for opening of the Tender offers are: Closing Time: 12H00 Closing Date: 28 July 2022 Location: Emakhazeni Local Municipality, Belfast Tenders will be opened in public at the same time.								
	After the opening of the tender proposals, no information relating to the clarification, determination of responsiveness, evaluation and comparison of tender proposals and recommendations concerning the award of the tender shall be disclosed to any other tenderer or persons not concerned with such process until the award of the Tender has been announced by the ELM.								
C.2.16	Tender Offer Validity								
	The Tender offer validity period is 120 days from the closing date.								
C.2.17	Tender clarification after submission								
	A tender may be regarded as non-responsive if the tenderer fails to provide clarification requested by the employer within the time for submission stated in the employer's written request.								
C.3.11	Tender evaluation points								
	The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 point system shall be applicable.								
	Preference points for this bid shall be awarded for: (a) Price; and (b) B-BBEE Status Level of Contribution.								
	The maximum points for this bid are allocated as follows:								
	<table border="1"><thead><tr><th></th><th>POINTS</th></tr></thead><tbody><tr><td>PRICE</td><td>80</td></tr><tr><td>B-BBEE STATUS LEVEL OF CONTRIBUTION</td><td>20</td></tr><tr><td>Total points for Price and B-BBEE must not exceed</td><td>100</td></tr></tbody></table>		POINTS	PRICE	80	B-BBEE STATUS LEVEL OF CONTRIBUTION	20	Total points for Price and B-BBEE must not exceed	100
	POINTS								
PRICE	80								
B-BBEE STATUS LEVEL OF CONTRIBUTION	20								
Total points for Price and B-BBEE must not exceed	100								
	Evaluation of Tenders								
	The Tenderers notice is drawn to the fact that the evaluation, adjudication and awarding of this tender will be terms of the Supply Chain Management Policy of the ELM. The following steps will be followed in evaluation; 1. Determination of whether or not tender offers are complete. 2. Determination of whether or not tender offers are responsive. 3. Determination of the reasonableness of tender offers. 4. Confirmation of the eligibility of preferential points claimed by tenderers. 5. Determination of expertise and experience of tenderers.								

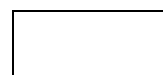

Tenderer


Witness 1


Witness 2


Employer


Witness 1


Witness 2



6. Awarding of points for financial offer.
7. Ranking of tenderers according to the total points
8. Performance of risk analysis by checking the credit record of the tenderers

Evaluation Criteria

The procedure for the evaluation of responsive Bids will be on the average of the previous three projects where the firm was involved for Construction Projects. Reference of Clients including ELM must be provided.

Tenders are adjudicated in terms of ELM Supply Chain Management Policy, and the following framework is provided as a guideline in this regard.

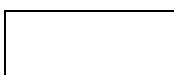
Technical adjudication and General Criteria

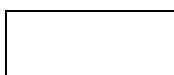
- Tenders will be adjudicated in terms of inter alia:
- Compliance with Tender conditions
- Technical specifications

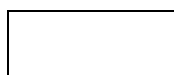
If the Tenderer does not comply with the Tender Conditions, the Tenderer may be rejected. If technical specifications are not met, the Tender may also be rejected.

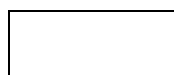
With regard to the above, certain actions or errors are unacceptable and warrants **REJECTION OF THE TENDER**, for example

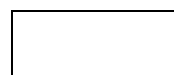
- Pages to be completed, removed from the Tender document, and have therefore not been submitted.
- If tender document is not fully completed as required and as stipulated in the tender data.
- If any tender document is tempered with or it is unbundled or unbundled.
- Scratching out without initialling next to the amended information.
- Writing over / painting out rates / the use of tippex or any erasable ink, e.g. pencil.
- The Tender has not been properly signed by a party having the authority to do so, according to the Form D – “Authority for Signatory”.
- A Resolution by a Board of Directors of the Company authorizing the Tenderer to sign the Tender document on behalf of the Company. No authority for signatory submitted on company letter head.
- Particulars required in respect of the Tender have not been provided – non-compliance of Tender requirements and/or specifications.
- The Tenderer’s attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.
- The Tender has been submitted after the relevant closing date and time
- Failure to complete and sign Form C1.1 Form of Offer and Acceptance
- If any municipal rates and taxes or municipal service charges owed by that Tenderer or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months. Submitting a proof of this is compulsory.
- If any Tenderer who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that Tenderer that performance was unsatisfactory.

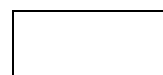

Tenderer


Witness 1


Witness 2

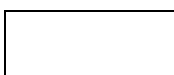

Employer

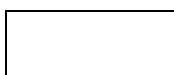

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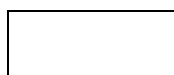

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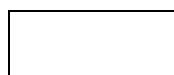


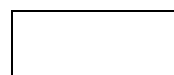
	Size of enterprise and current workload ▪ Evaluation of the Tenderer's position in terms of: ▪ Previous and expected current annual turnover ▪ Current contractual obligations ▪ Capacity to execute the contract
	Staffing profile Evaluation of the Tenderer's position in terms of: ▪ Staff available for this contract being Tendered for ▪ Qualifications and experience of key staff to be utilized on this contract.
	Proposed Key Personnel In this part of the tender, the Tenderer shall also supply Curriculum Vitae (CV's) for the Staff available named and working on full time basis for the Tenderer. The CV should follow the normal Professional Format including certified copies of qualifications. Much importance will be placed on the experience of the staff proposed. The Tender must ensure that, if selected, the nominated staff will be assigned as proposed. Failure to do so may result in the annulment of any acceptance of the Tenders' proposal and/ or Agreement entered into by the Client for the execution of the services
	Previous experience The procedure for the evaluation of responsive Bids will be on the average of the three projects where the firm was involved. Reference of clients other than ELM MUST be provided. The tenderer shall list in the appropriate Forms the appropriate related projects undertaken by the member firms of the tenderer within the last three (5) years. Evaluation of the Tenderer's position in terms of his previous experience. Emphasis will be placed on the following: ▪ Experience in the relevant technical field ▪ Experience of contracts of similar size ▪ Some or all of the references will be contacted to obtain their input.
	The tenderer shall provide documentation of company experience of each member of the Consortium/Joint Venture related projects. Financial ability to execute the contract: Evaluation of the Tenderer's financial ability to execute the contract. Emphasis will be placed on the following: ▪ Contact the Tender's bank manager to assess the Tenderer's financial ability to execute the contract and the Tenderer hereby grants his consent for this purpose. Audited financial statements for three (3) years in case the total cost of the project charged is above R10 Million.
	Good standing with SA Revenue Services ▪ Determine whether a valid tax clearance certificate issued by SARS or Tax Compliance letter with a unique PIN in terms of the electronic Tax Compliance Status (TCS) system from SARS has been submitted. If the Tender does not meet the requirements contained in the ELM Procurement Policy, and the mentioned framework, it will be rejected by the Council, and may not subsequently be made acceptable by correction or

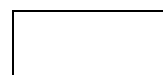

Tenderer


Witness 1


Witness 2

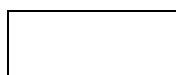

Employer

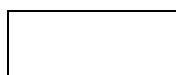

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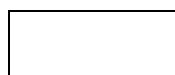

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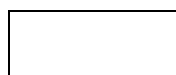


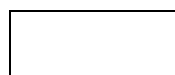
	withdrawal of the non-conforming deviation or reservation. Penalties The Emakhazeni Local Municipality will if upon investigation it is found that a preference in terms of the Act and these regulations has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract, on discretion of the Municipal Manager, one or more of the following penalties will be imposed: ▪ Cancel the contract and recover all losses or damages incurred or sustained from the Tenderer. ▪ Impose a financial penalty at the discretion of Council ▪ Restrict the contractor, its shareholders and directors on obtaining any business from the Emakhazeni Local Municipality for a period of 5 years Evaluation Method 4 Which entails the balance between financial offer, preferences and Quality and 80-20 points system, will be adopted. Evaluation Criteria The Construction Firm's tender responsiveness in relation to points is therefore summarized as follows: <table><tr><td>Organising and Staffing</td><td>30</td></tr><tr><td>Plant</td><td>20</td></tr><tr><td>Experience of Firm</td><td>30</td></tr><tr><td>Locality</td><td>20</td></tr><tr><td>Total</td><td>100</td></tr></table>	Organising and Staffing	30	Plant	20	Experience of Firm	30	Locality	20	Total	100
Organising and Staffing	30										
Plant	20										
Experience of Firm	30										
Locality	20										
Total	100										
C.3.13	Acceptance of 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) 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.										
F.1.	Declaration Certificate for Local Production and Content for Designated Sectors Failure to complete and comply with minimum threshold of MBD 6.2, Annexure C, D & E for Local Content is an automatic disqualification. Tenderers must ensure that products/materials supplied are manufactured/produced locally. Tenderers must also ensure that imported products/material are exempted by the Department of Trade and Industry (DTI).										
F.2.	The Employer's right to accept or reject any tender offer The employer has the right not to accept the lowest tender and to accept the whole or part of any tender or not to consider any tender not suitably endorsed is fully reserved by the Emakhazeni Local Municipality.										

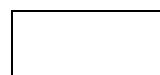

Tenderer


Witness 1


Witness 2


Employer


Witness 1


Witness 2



WORKS CATEGORIES

CATEGORY / TYPES OF WORK	INDICATE INTEREST (X)
<u>CIVIL ENGINEERING</u>	
<u>ELECTRICAL ENGINEERING</u>	
<u>MECHANICAL ENGINEERING</u>	

A EVALUATION CRITERIA FOR CIVIL ENGINEERING (CE) CLASS OF WORK

A firm must obtain a minimum of 70 points out of the 100 points above to be considered under the category of Civil Engineering (CE)

Organising and Staffing (Maximum points obtainable 30)

Project Manager / Team Leader:

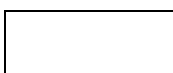
Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable
Academic Qualifications	B Eng/B-Tech Degree in Civil	Yes	2
	ECSA Registered Pr Tech Eng/Pr Eng registration	No	2
Academic Qualifications	NQF 6 Diploma in Project Management or equivalent	No	2
Sub-total			6
Experience of Team Leader in similar projects		Elimination Factor	
Involvement in Civil Engineering projects (Water& Sanitation, Roads&Stormwater)	1	Yes	0
	2 – 3	No	3
	4 – 6	No	4
	7 upwards	No	7
Sub-total			7
Total			13

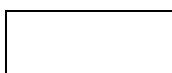
Site Agent: (Maximum Points obtainable 7)

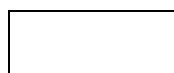
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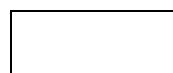
Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable
Academic Qualifications	Diploma in civil engineering or NQF6	Yes	2
Sub-total			2
Involvement in Civil Engineering projects (Water& Sanitation, Roads&Stormwater).	1	Yes	1
	2 – 5	No	2
	6 upwards	No	5
Sub-total			5
Total			7

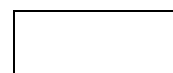
Note: Should the Site Agent be the same as Contractor Manager zero points will be allocated.

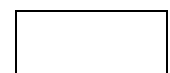

Tenderer


Witness 1


Witness 2


Employer


Witness 1


Witness 2



Site Foreman:

(Maximum Points obtainable 5)

Name:

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable
Academic Qualifications (Note 10)Form L	N4 IN Civil Engineering	Yes	1.5
Academic Qualifications			
Sub-total			1.5
Involvement in Civil Engineering projects (Water& Sanitation, Roads&Stormwater).	1	Yes	1
	2-4	No	1.5
	5 upwards	No	3.5
Sub-total			3.5
Total			5

Note: Should the Site Foremen be the same Site Agent and Team leader zero points will be allocated

Safety Officer:

(Maximum Points obtainable 5)

Name:

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable
Academic Qualifications	National Diploma in Safety management / SAMTRAC	Yes	1.5
Sub-total			1.5
Experience as Safety Officer in infrastructure projects	1	Yes	1
	2-4	No	1.5
	5 upwards	No	3.5
Sub-total			3.5
Total			5

ORGANISING AND STAFFING/PERSONNEL

PERSONNEL	TOTAL	SCORES
Construction Manager/Team Leader	13	
Site Agent	7	
Site Foreman	5	
Safety Officer	5	
TOTAL 30		

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



PLANT (Maximum Points obtainable 20)

It must be noted that a total point of **20** are obtainable by the Construction Firm in relation to the requirements as mentioned on the table below, failure to submit evidential supporting documents is not an eliminating factor **BUT** a zero point will be scored. Letter of intent from the lessor must be attached.

Evaluation Criteria	Minimum Required	Eliminati on Factor	Points obtainable (Own)	Points obtainable (leased)
Firm's plant and equipment – Note: Proof of ownership(Vehicle registration Documents) the firm's equipment must be attached and failure to do so will result in forfeiting the plant points	8 ton truck x1	No	5	2.5
	Firm's number of TLBs x1	No	5	2.5
	Firm's number of Tipper Truck x 1	No	5	2.5
	Firm's number of LDVs x 2	No	5	2.5
Sub-total			20	10
Total			20	10

EXPERIENCE OF FIRM (Maximum Points obtainable 30)

Note: Company's previous completed projects

It must be noted that the experience of the firm carries a maximum of **30 points** as indicated in the table below. If appointment letters and completion certificate, in reference to Form 0 is not provided, then the bidder shall obtain zero point on the experience of the firm.

Provide proof of the company's previous completed projects which is in the form appointment letters and completion certificates. Verifiable references (appointment letters and completion certificates) with contact details must be attached. In case of the subcontracted work, Kindly attach the Appointment letters of the appointed main contractor and completion certificate together with the appointment letters and completion certificate of the subcontractor.

Evaluation Criteria	Evaluation Criteria	Elimination Factor	Points obtainable	Subcontrac ted projects	Points Claimed
Company experience in Civil Engineering projects (Water& Sanitation, Roads&Stormwater).	1 – 2 Projects	Yes	10	5	
	3 - 4 Projects	No	15	7.5	
	5 - Projects upwards	No	30	15	
Sub-Total			30	15	
TOTAL			30	15	

Locality (Maximum points obtainable 20) (NB: Refer to Note 6)

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable	Points Claimed
Contractor Main Office within Emakhaseni Local Municipality			20	
Contractor Main Office within Nkangala District Municipality			15	
Contractor Main Office within Mpumalanga Province			10	
Contractor Main Office Outside Mpumalanga Province			5	
Sub-total			20	
Total			20	

TOTAL SCORE: _____/100

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



B

EVALUATION CRITERIA FOR ELECTRICAL ENGINEERING (EP) CLASS OF WORK

A firm must obtain a minimum of 70 points out of the 100 points above to be considered under the category of Electrical Engineering (EP)

Organising and Staffing (Maximum points obtainable 30)

Project Manager / Team Leader:

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable
Academic Qualifications	2	Yes	3
	2	No	3
Academic Qualifications	2	No	2
Sub-total			6
Experience of Team Leader in similar projects			
Involvement in Electrical Engineering projects	0	Yes	0
	3	No	3
	4	No	5
	7	No	8
Sub-total			7
Total			13

Site Agent:

(Maximum Points obtainable 7)

Name:

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable
Academic Qualifications	2	Yes	3
Sub-total			2
Involvement in no of electrical projects	1	Yes	1
	2	No	3
	5	No	6
Sub-total			5
Total			7

Note: Should the Site Agent be the same person as Team leader zero points will be allocated.

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



Site Foreman:

(Maximum Points obtainable 5)

Name:

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable
Academic Qualifications (Note 10)Form L	N4 or Higher in Electrical Engineering	No	1.5
Academic Qualifications		No	
Sub-total			1.5
Involvement in Electrical Engineering projects	1	No	1
	2-4	No	1.5
	5 upwards	No	3.5
Sub-total			3.5
Total			5

Note: Should the Site Foremen be the same Site Agent and Team leader zero points will be allocated

Safety Officer:

(Maximum Points obtainable 5)

Name:

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable
Academic Qualifications	National Diploma in Safety management / SAMTRAC	Yes	1.5
Sub-total			1.5
Experience as Safety Officer in infrastructure projects	1	Yes	1
	2-4	No	1.5
	5 upwards	No	3.5
Sub-total			3.5
Total			5

ORGANISING AND STAFFING/PERSONNEL

PERSONNEL	TOTAL	SCORES
Construction Manager/Team Leader	13	
Site Agent	7	
Site Foreman	5	
Safety Officer	5	
TOTAL 30		

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



PLANT (Maximum Points obtainable 20)

It must be noted that a total point of **20** are obtainable by the Construction Firm in relation to the requirements as mentioned on the table below, failure to submit evidential supporting documents is not an eliminating factor **BUT** a zero point will be scored. Letter of intent from the lessor must be attached.

Evaluation Criteria	Minimum Required	Eliminati on Factor	Points obtainable (Own)	Points obtainable (leased)
Firm's plant and equipment – Note: Proof of ownership(Vehicle registration Documents) the firm's equipment must be attached and failure to do so will result in forfeiting the plant points	2 x 8 Ton or above Truck with Hi-up crane plus Bucket/ Cherry Picker (load test certificate)	No	8	4
	2 x LDVs	No	8	4
	TLB	No	4	2
Sub-total			20	10
Total			20	10

EXPERIENCE OF FIRM (Maximum Points obtainable 30)

Note: Company's previous completed projects

It must be noted that the experience of the firm carries a maximum of **30 points** as indicated in the table below. If appointment letters and completion certificate, in reference to Form 0 is not provided, then the bidder shall obtain zero point on the experience of the firm.

Provide proof of the company's previous completed projects which is in the form appointment letters and completion certificates. Verifiable references (appointment letters and completion certificates) with contact details must be attached. In case of the subcontracted work, Kindly attach the Appointment letters of the appointed main contractor and completion certificate together with the appointment letters and completion certificate of the subcontractor.

Evaluation Criteria	Evaluation Criteria	Elimination Factor	Points obtainable	Subcontrac ted projects	Points Claimed
Company experience in terms of Electrical Engineering projects	1 – 2 Projects	No	10	5	
	3 - 4 Projects	No	15	7.5	
	5 - Projects upwards	No	30	15	
Sub-Total			30	15	
TOTAL			30	15	

Locality (Maximum points obtainable 20) (NB: Refer to Note 6)

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable	Points Claimed
Contractor Main Office within Emakhazeni Local Municipality			20	
Contractor Main Office within Nkangala District Municipality			15	
Contractor Main Office within Mpumalanga Province			10	
Contractor Main Office Outside Mpumalanga Province			5	
Sub-total			20	
Total			20	

TOTAL SCORE: _____/100

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



C

EVALUATION CRITERIA FOR MECHANICAL ENGINEERING (ME) CLASS OF WORK

A firm must obtain a minimum of 70 points out of the 100 points above to be considered under the category of Mechanical Engineering (ME)

Organising and Staffing (Maximum points obtainable 30)

Project Manager / Team Leader:

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable
Academic Qualifications	3	Yes	2
	3	No	2
Academic Qualifications	2	No	2
Sub-total			6
Experience of Team Leader in similar projects			
Involvement in Mechanical Engineering projects	0	Yes	0
	3	No	3
	5	No	4
	8	No	7
Sub-total			7
Total			13

Site Agent: (Maximum Points obtainable 7)

Name:

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable
Academic Qualifications	2	Yes	3
Sub-total			2
Involvement in no of Mechanical Engineering projects	1	Yes	1
	2	No	3
	5	No	6
Sub-total			5
Total			7

Note: Should the Site Agent be the same person as Team leader zero points will be allocated.

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



Site Foreman:

(Maximum Points obtainable 5)

Name:

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable
Academic Qualifications (Note 10)Form L	N4 or Higher in Mechanical Engineering	No	1.5
Academic Qualifications		No	
Sub-total			1.5
Involvement in Mechanical Engineering projects	1	No	1
	2-4	No	1.5
	5 upwards	No	3.5
Sub-total			3.5
Total			5

Note: Should the Site Foremen be the same Site Agent and Team leader zero points will be allocated

Safety Officer:

(Maximum Points obtainable 5)

Name:

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable
Academic Qualifications	National Diploma in Safety management / SAMTRAC	Yes	1.5
Sub-total			1.5
Experience as Safety Officer in infrastructure projects	1	Yes	1
	2-4	No	1.5
	5 upwards	No	3.5
Sub-total			3.5
Total			5

ORGANISING AND STAFFING/PERSONNEL

PERSONNEL	TOTAL	SCORES
Construction Manager/Team Leader	13	
Site Agent	7	
Site Foreman	5	
Safety Officer	5	
TOTAL	30	

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



PLANT (Maximum Points obtainable 20)

It must be noted that a total point of **20** are obtainable by the Construction Firm in relation to the requirements as mentioned on the table below, failure to submit evidential supporting documents is not an eliminating factor **BUT** a zero point will be scored. Letter of intent from the lessor must be attached.

Evaluation Criteria	Minimum Required	Eliminati on Factor	Points obtainable (Own)	Points obtainable (leased)
Firm's plant and equipment – Note: Proof of ownership(Vehicle registration Documents) the firm's equipment must be attached and failure to do so will result in forfeiting the plant points	2 x 8 Ton or above Truck with Hi-up crane plus Bucket/ Cherry Picker (load test certificate)	No	8	4
	2 x LDVs	No	8	4
	TLB	No	4	2
Sub-total			20	10
Total			20	10

EXPERIENCE OF FIRM (Maximum Points obtainable 30)

Note: Company's previous completed projects

It must be noted that the experience of the firm carries a maximum of **30 points** as indicated in the table below. If appointment letters and completion certificate, in reference to Form 0 is not provided, then the bidder shall obtain zero point on the experience of the firm.

Provide proof of the company's previous completed projects which is in the form appointment letters and completion certificates. Verifiable references (appointment letters and completion certificates) with contact details must be attached. In case of the subcontracted work, Kindly attach the Appointment letters of the appointed main contractor and completion certificate together with the appointment letters and completion certificate of the subcontractor.

Evaluation Criteria	Evaluation Criteria	Elimination Factor	Points obtainable	Subcontracted projects	Points Claimed
Company experience in terms of Mechanical Engineering projects	1 – 2 Projects	No	10	5	
	3 - 4 Projects	No	15	7.5	
	5 - Projects upwards	No	30	15	
Sub-Total			30	15	
TOTAL			30	15	

Locality (Maximum points obtainable 20) (NB: Refer to Note 6)

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable	Points Claimed
Contractor Main Office within Emakhaseni Local Municipality			20	
Contractor Main Office within Nkangala District Municipality			15	
Contractor Main Office within Mpumalanga Province			10	
Contractor Main Office Outside Mpumalanga Province			5	
Sub-total			20	
Total			20	

TOTAL SCORE: _____/100

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



Note 1: Academic Qualifications

Proof of academic qualifications in the form of certified copies **not older than six (3) months** must be attached to the Team Leader/Project Director's CV. Foreign qualifications must be accompanied by a certificate from Qualifications Certification Body. The proposed Project Director/Team Leader shall be in possession of at least Bachelor of Engineering/ Bachelor of Science or Bachelor of Technology Degree in the related category

Note 2: Professional Registration

Proof of registration of the Project Leader/ Director with the Engineering Council of South Africa. As a Professional Engineer or Professional Engineering Technologist or Professional Engineering Technician

Note 3: Experience after qualification

A minimum of 1-year post qualification experience is required for the team leader.

Note 4: Employment History (Involvement in comparable projects)

Proof of employment history must be contained in the Curriculum Vitae (CV) and must include references and contact details. The CV must contain only necessary and relevant information for the purpose of this project. Failure to provide this shall warrant an automatic elimination of tender from any further evaluation.

Note 5: Current Employment

Confirmation of current employment in the form of letter from company director of designate must be attached. In the event a Project Director/Leader is his/her own Supervisor, a letter confirming same must still be attached. The proposed Project Director/Leader shall be a Senior Employee, an Associate, the Director, or a Shareholder and in the direct employ of the Construction Firm. A proof or separate written confirmation must be attached to the CV. Where a proposed Team Leader is seconded from a rival Construction Firm, an agreement between the two entities as well as a written undertaking confirming the person's full-time availability for the duration of a project must be attached to the CV.

Note 6: Proof of Locality

Proof of locality shall be verified/ Confirmed with company municipal utility account/ lease agreement indicating the head office address with municipal rates of the landlord. None attachment shall constitute of the points being forfeited and proof of residence will not be considered.

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



RETURNABLE DOCUMENTS

T2.1 LIST OF RETURNABLE DOCUMENTS

1. Failure to fully complete the **compulsory** returnable documents shall render such a tender offer unresponsive.
2. Tenderers shall note that their signatures appended to each returnable form **represents a declaration that they vouch for the accuracy and correctness of the information provided**, including the information provided by candidates proposed for the specified key positions.
3. Notwithstanding any check or audit conducted by or on behalf of the Employer, the information provided in the returnable documents is accepted in good faith and as justification for entering into a contract with a tenderer. **If subsequently any information is found to be incorrect such discovery shall be taken as wilful misrepresentation by that tenderer to induce the contract.** In such event the Employer has the discretionary right under contract condition 8.4 to terminate the contract.

The Tenderer must complete the following returnable Schedules:

Returnable Schedules required for Tender evaluation purposes

COMPULSORY BID DOCUMENTS	
FORM A	COMPULSORY ENTERPRISE QUESTIONNAIRE
FORM-A2	COMPULSORY ENTERPRISE QUESTIONNAIRE FOR CONSORTIA OR JOINT VENTURES
FORM B	DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES
FORM C	DECLARATION OF INTEREST
FORM D	AUTHORITY OF SIGNATORY
FORM E	DECLARATION OF GOOD STANDING REGARDING TAX
FORM F	FINANCIAL REFERENCES /TENDERER'S CREDIT RATING AND BANK DETAILS
FORM G	MUNICIPAL UTILITY ACCOUNT
FORM H	PREFERENCE SCHEDULE
FORM I	DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS
FORM J	CERTIFICATE OF INDEPENDENT BID DETERMINATION
FORM K	DECLARATION TENDERER'S LITIGATION HISTORY
FORM L	PROOF OF GOOD STANDING WITH COMPENSATION COMMISSIONER
FORM M	DECLARATION FOR PROCUREMENT ABOVE R10 MILLION
RETURNABLES FOR EVALUATION PURPOSES	
FORM N	TENDERER'S PROJECT STRUCTURE
FORM O	PROPOSED KEY PERSONNEL
FORM P	SCHEDULE OF PREVIOUS EXPERIENCE
FORM Q	SCHEDULE OF CURRENT PROJECTS
FORM R	SCHEDULE OF INFRASTRUCTURE AND RESOURCES
FORM S	SCHEDULE OF PROPOSED SUB CONTRACTORS
FORM T	RECORD OF ADDENDA TO TENDER DOCUMENTS

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM A: COMPULSORY ENTERPRISE QUESTIONNAIRE

NB!!!! In the case of a Joint Venture – This questionnaire is to be completed and submitted in respect of each partner.

1. **Name of Enterprise:**
2. **VAT Registration number, if any:**
3. **Do you have an office within EMAKHAZENI LOCAL MUNICIPALITY area of jurisdiction?**
YES or NO (Please tick correct response)
 - 3.1. Street address of office:
 - 3.2. Telephone number: (not cell phone number).....
 - 3.3. Fax No. :
 - 3.4. Person in charge of office on a full time basis:
 - 3.5. Number of staff in this office:

4. **Particulars of shareholders and partners in the firm:**

Name	Identity Number	Personal Income Tax Number

5. **Particulars of companies and close corporations:**

Company Registration Number:

Close Corporation Number:

Tax reference Number:

6. **Record in the service of the state:**

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

- ☐ a member of any municipal council
- ☐ a member of any provincial legislature
- ☐ a member of the National Assembly or the National Council of Province
- ☐ a member of the board of Directors of any Municipal entity

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



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

If any of the above boxes are marked, disclose the following information:

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

SIGNED ON BEHALF OF THE TENDERER:

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM A2: COMPULSORY ENTERPRISE QUESTIONNAIRE FOR CONSORTIA OR JOINT VENTURES

In the case of a Joint Venture – Form “A2” needs to be completed

SPECIAL RESOLUTION OF CONSORTIA OR JOINT VENTURES

RESOLUTION of a meeting of the duly authorised representatives of the following legal entities who have entered into a consortium/joint venture to jointly bid for the project mentioned below: *(legally correct full names and registration numbers, if applicable, of the Enterprises forming a Consortium/Joint Venture)*

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

Held at _____ (place)

On _____ (date)

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Tenderer

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Witness 1

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Witness 2

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Employer

--

Witness 1

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Witness 2



RESOLVED that:

The above-mentioned Enterprises submit a Bid in Consortium/Joint Venture to the EMAKHAZENI LOCAL MUNICIPALITY in respect of the following project:

Bid / Project Number: _____{insert number}

A. Mr/Mrs/Ms: _____

in *his/her Capacity as: _____(Position in the Enterprise)

and who will sign as follows: _____

be, and is hereby, authorised to sign the Bid, and any and all other documents and/or correspondence in connection with and relating to the Bid, as well as to sign any Contract, and any and all documentation, resulting from the award of the Bid to the Enterprises in Consortium/Joint Venture mentioned above.

- B. The Enterprises constituting the Consortium/Joint Venture, notwithstanding its composition, shall conduct all business under the name and style of: _____
- C. The Enterprises to the Consortium/Joint Venture accept joint and several liability for the due fulfilment of the obligations of the Consortium/Joint Venture deriving from, and in any way connected with, the Contract entered into with the municipality in respect of the project described under item A above.
- D. Any of the Enterprises to the Consortium/Joint Venture intending to terminate the consortium/joint venture agreement, for whatever reason, shall give the Department 30 days written notice of such intention. Notwithstanding such decision to terminate, the Enterprises shall remain jointly and severally liable to the municipality for the due fulfilment of the obligations of the Consortium/Joint Venture as mentioned under item C above.
- E. No Enterprise to the Consortium/Joint Venture shall, without the prior written consent of the other Enterprises to the Consortium/Joint Venture and of the municipality, cede any of its rights or assign any of its obligations under the consortium/joint venture agreement in relation to the Contract with the municipality referred to herein.
- F. The Enterprises choose as the *domicilium citandi et executandi* of the Consortium/Joint Venture for all purposes arising from the consortium/joint venture agreement and the Contract with the municipality in respect of the project under item A above:

Physical address: _____

_____(code)

Postal Address: _____

_____(code)

Telephone number: _____(code)

Fax number: _____(code)

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



NO	NAME OF ENTITY	NAME OF REPRESENTATIVE	CAPACITY	SIGNATURE
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Note:

1. * Delete which is not applicable
2. **NB.** This resolution must be signed by all the Duly Authorised Representatives of the Legal Entities to the Consortium/Joint Venture submitting this Bid
3. Should the number of Duly Authorised Representatives of the Legal Entities joining forces in this Bid exceed the space available above, additional names and signatures must be supplied on a separate page
4. Resolutions, duly completed and signed, from the separate Enterprises who participate in this Consortium/Joint Venture must be attached to the Special Resolution.

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



ATTACH THE FOLLOWING DOCUMENTS HERE TO

1. For Closed Corporations

- CK1 or CK2 as applicable (Founding Statement)
- Copies of the certified ID's of the Directors

2. For Companies

- A copy of the Certificate of Incorporation
- Copies of the certified ID's of the Directors, and
- the shareholders register

3. For Joint Venture Agreements

- Copy of the Joint Venture Agreement between all the parties,
- as well as the documents in (1) or (2) of each Joint Venture member.

4. For Partnership

- Copies of the certified ID's of the partners

5. One-person Business / Sole trader

- Copy of certified ID

6. Details of Tax Compliance Status Pin from South African Revenue Service

7. Duly Signed and dated original or copy of Authority of Signatory on company Letterhead

8. B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE (original or a certified copy issued by an approved body / accredited verification agency as prescribed by the National Treasury and the Department of Trade and Industry)

9. Central Supplier Database [CSD] Summary

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM B: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES
(MBD8)

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

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

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



4.3.1	If so, furnish particulars:		
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM C: DECLARATION OF INTEREST (MBD4)

1. No bid will be accepted from persons in the service of the state¹.

1. Any legal person, including persons employed by the State¹, or persons having a kinship with persons employed by the State, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the State, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where:

- the bidder is employed by the State; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder²):

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below

¹ "State" means:

- a) A member of –
 - (i) Any municipal council;
 - (ii) Any provincial legislature; or
 - (iii) The national Assembly or the national Council of Provinces;
- b) a member of the board of directors of any municipal entity;
- c) any municipality or municipal entity;
- d) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- e) a member of the accounting authority of any national or provincial public entity; or
- f) An employee of Parliament or provincial legislature.

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



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

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

Name of state institution at which you or the person connected to the bidder is employed:

Position occupied in the state institution:

Any other particulars:

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.)

2.7.2.2 If no, furnish reasons for non-submission of such proof:

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



2.9 Do you, or any person connected with the bidder, have any relationship(family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

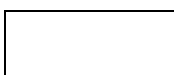
2.9.1 If so, furnish particulars:

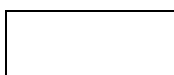
2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

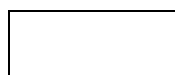
2.10.1 If so, furnish particulars:

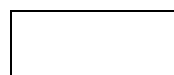
2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES / NO**

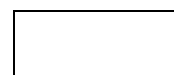
2.11.1 If so, furnish particulars:

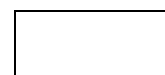

Tenderer


Witness 1


Witness 2


Employer


Witness 1


Witness 2



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

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Personal Number

3. DECLARATION

I, the undersigned (name) _____

certify that the information furnished in paragraphs 2 and 3 above is correct.

I accept that the state may reject the bid or act against me in terms of paragraph 23 of the general conditions of contract should this declaration prove to be false.

Signature

Date

Position

Name of bidder

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM D: AUTHORITY OF SIGNATORY

Details of person responsible for tender process:

Name : _____

Contact number : _____

Office address : _____

Signatories for close corporations and companies shall confirm their authority by attaching to this form a **duly signed and dated copy on the Company Letterhead** of the relevant resolution of their members or their board of directors, as the case may be.

PRO-FORMA FOR COMPANIES AND CLOSE CORPORATIONS:

"By resolution of the board of directors passed on (date)

Mr

has been duly authorized to sign all documents in connection with the Tender for Contract Number

..... and any Contract which may arise there from on

behalf of

(BLOCK CAPITALS)

SIGNED ON BEHALF OF THE COMPANY

IN HIS CAPACITY AS

DATE

FULL NAMES OF SIGNATORY

AS WITNESSES: 1.

2.

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



PRO-FORMA FOR JOINT VENTURES:

Certificate of Authority for Joint Ventures

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

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
		Signature: Name: Designation:
		Signature: Name: Designation:
		Signature: Name: Designation:
		Signature: Name: Designation:

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



**ATTACH HERETO THE DULY SIGNED AND DATED A COPY OF AN
AUTHORITY OF SIGNATORY ON COMPANY LETTERHEAD**

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM E: DECLARATION OF GOOD STANDING REGARDING TAX (MBD 2)

DETAILS OF TAX COMPLIANCE STATUS:

TAXPAYER NAME	
TRADING NAME	
TAX REFERENCE NUMBER (S)	
VAT	
PIN	
EXPIRY DATE	

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidder are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
6. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

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Tenderer

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Witness 1

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Witness 2

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Employer

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Witness 1

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Witness 2



FORM F: FINANCIAL REFERENCES

DETAILS OF TENDERERS BANKING INFORMATION

Notes to tenderer:

1. The tenderer shall attach to this form letter from the bank not older than three (3) months confirming the bank account and details. Failure to provide the required letter with the tender submission shall render the tenderer's offer unresponsive.
2. The tenderer's banking details as they appear below shall be completed.
3. In the event that the tenderer is a joint venture enterprise, details of all the members of the joint venture shall be similarly provided and attached to this form.

BANK NAME:									
ACCOUNT NAME: (e.g. ABC Civil Construction cc)									
ACCOUNT TYPE: (e.g. Savings, Cheque etc)									
ACCOUNT NO:									
ADDRESS OF BANK:									
CONTACT PERSON:									
TEL. NO. OF BANK / CONTACT:									
How long has this account been in existence:	<table border="1"><tr><td>0-6 months</td><td></td></tr><tr><td>7-12 months</td><td></td></tr><tr><td>13-24 months</td><td></td></tr><tr><td>More than 24 months</td><td></td></tr></table> (Tick which is appropriate)	0-6 months		7-12 months		13-24 months		More than 24 months	
0-6 months									
7-12 months									
13-24 months									
More than 24 months									

Name of Tenderer:

Date:

Signature:

Full name of signatory:

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Tenderer

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Witness 1

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Witness 2

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Employer

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Witness 1

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Witness 2



**ATTACH HERETO A STAMPED COPY OF A LETTER FROM THE BANK TO
THIS PAGE NOT OLDER THAN THREE (3) MONTHS**

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM G: MUNICIPAL UTILITY ACCOUNT

DECLARATION BY THE TENDERER

I the undersigned _____, has been duly

authorized to sign all documents with the Tender for Contract Number _____ on behalf of

_____ hereby make a declaration as follows:
(referred to herein as "the Bidder")

1. I declare that the bidder and /or any of its director(s) / member(s) does not owe the municipality, or any other municipality and/or municipal entity any amount which is in arrears in respect of any municipal rates and taxes or municipal service charges.
2. I understand and accept that in the event that this declaration is proved to be false, the bid shall be rejected forthwith. All other rights of the municipality (including but not limited to the right to claim damages where applicable) shall remain reserved in full.

SIGNED ON BEHALF OF THE COMPANY

IN HIS CAPACITY AS

DATE

FULL NAMES OF SIGNATORY

UTILITY ACCOUNT NUMBER	NAME OF MUNICIPALITY	NAME OF OWNER

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



ATTACH AN ORIGINAL OR A COPY OF A MUNICIPAL UTILITY ACCOUNT (NOT OLDER THAN THREE (3) MONTHS)

Important: Note the following

- List and attach the municipal account(s) registered in the name(s) of all Director(s) and the Company on the declaration form attached hereto.
- Attach Municipal Utility account of Company's registered office (if applicable) and in case of leased premises, attach lease agreement and the municipal services account of leased premises. (Issued by the municipality in the name of the landlord/ Lessee). A lease agreement alone is insufficient and cannot be used for this purpose.
- In the case of the company operation in the premises registered in the name of the Sole Director, attach the sworn in affidavit to confirm the above.
- Bidders that are based in areas that are non-rated, a letter from the municipality to confirm that must be attached.

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM H: PREFERENCE SCHEDULE (MBD 6.1)

MBD 6.1

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT
REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

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, 2017.

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
- 1.2 a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) Either the 80/20 preference point system will be applicable to this tender.
- 1.3 Points for this bid shall be awarded for:
- (a) Price; and
 - (b) B-BBEE Status Level of Contributor.
- 1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **"B-BBEE status level of contributor"** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

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

Where

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

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

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

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



5. BID DECLARATION

- 5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contributor. =(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES		NO	
-----	--	----	--

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
ii) The name of the sub-contractor.....
iii) The B-BBEE status level of the sub-contractor.....
iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES		NO	
-----	--	----	--

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

- 8.1 Name of company/firm:.....

- 8.2 VAT registration number:.....

- 8.3 Company registration number:.....

- 8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
☐ One person business/sole propriety
☐ Close corporation
☐ Company
☐ (Pty) Limited

[TICK APPLICABLE BOX]

- 8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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.....

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Tenderer

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Witness 1

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Witness 2

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Employer

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Witness 1

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Witness 2



8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
☐ Supplier
☐ Professional service provider
☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

8.8 Total number of years the company/firm has been in business:.....

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBEE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

.....

Tenderer

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Witness 1

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Witness 2

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Employer

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Witness 1

.....

Witness 2



**ATTACH AN ORIGINAL OR A COPY OF B-BBEE STATUS VERIFICATION
CERTIFICATE**

NOTE THE FOLLOWING IN RESPECT OF B-BBEE CERTIFICATES:

1. Certificates attached hereto should be those issued by approved verification agencies as directed by the National Treasury and the DTI (Department of Trade and Industry)
2. Verification agencies should be approved by SANAS and Accounting Officers and Auditors should be approved in terms of the IRBA (Independent Regulatory Body for Auditors), and as prescribed by the Close Corporations Act for designation as an Accounting Officer
3. Certified copies of the B-BBEE certificate or sworn affidavit should be within the financial year of the issued bid or quotation.

Further information in respect of the above is obtainable from the National treasury and DTI websites and the Preferential Procurement Regulations, 2017

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM I: DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

MBD 6.2: DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(f) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two-stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where

x is the imported content in Rand

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

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

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

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

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



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

ITEM NO.	Description of Services, Work or Goods	Quantity	Stipulated Minimum Thresholds

3. Does any portion of the goods or services offered have any imported content?
(Tick applicable box)

YES		NO	
-----	--	----	--

- 3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za
Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

N/A

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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Tenderer

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Witness 1

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Witness 2

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Employer

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Witness 1

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Witness 2



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

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON
NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT
RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)
IN RESPECT OF BID NO.**

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

NB

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

I, the undersigned, (full names),

do hereby declare, in my capacity as

of(name of bidder entity), the following:

(a) The facts contained herein are within my own personal knowledge.

(b) I have satisfied myself that:

- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and

(c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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

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

(d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

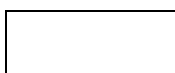
DATE: _____

WITNESS No. 1 _____

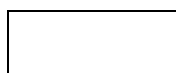
DATE: _____

WITNESS No. 2 _____

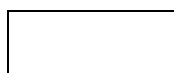
DATE: _____



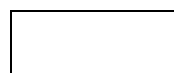
Tenderer



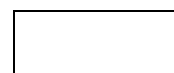
Witness 1



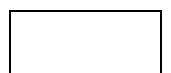
Witness 2



Employer



Witness 1



Witness 2



Local Content Declaration - Summary Schedule

Note: VAT to be excluded from all calculations



(C20) Total tender value

(C21) Total
Exempt imported
content
(C22) Total
Tender value net
of exempt
imported content

(C23) Total
Imported content
(C24) Total local
content
(C25) Average
local content % of
tender

Signature of tenderer from
Annex B

Date:

N/A

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



ANNEXTURE D

Imported Content Declaration - Supporting Schedule to Annex C

(D1)	Tender No.		Note: VAT to be excluded from all calculations				
(D2)	Tender description:						
(D3)	Designated Products:						
(D4)	Tender Authority:						
(D5)	Tendering Entity name:						
(D6)	Tender Exchange Rate:	Pula		EU	R 9.00	GBP	R 12.00

A. Exempted imported content

Calculation of imported content

Tender item no's	Description of imported content	Local supplier	Overseas Supplier	Foreign currency value as per Commercial Invoice	Tender Exchange Rate	Local value of imports	Freight costs to port of entry	All locally incurred landing costs & duties	Total landed cost excl VAT
(D7)	(D8)	(D9)	(D10)	(D11)	(D12)	(D13)	(D14)	(D15)	(D16)

Summary

Tender Qty	Exempted imported value
(D17)	(D18)
(D19) Total exempt imported value	

This total must correspond with Annex C - C 21

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



B. Imported directly by the Tenderer

				Calculation of imported content					
Tender item no's	Description of imported content	Unit of measure	Overseas Supplier	Foreign currency value as per Commercial Invoice	Tender Rate of Exchange	Local value of imports	Freight costs to port of entry	All locally incurred landing costs & duties	Total landed cost excl VAT
(D20)	(D21)	(D22)	(D23)	(D24)	(D25)	(D26)	(D27)	(D28)	(D29)

Summary	
Tender Qty	Total imported value
(D30)	(D31)
(D32)Total imported value by tenderer	

C. Imported by a 3rd party and supplied to the Tenderer

				Calculation of imported content					
Description of imported content	Unit of measure	Local Supplier	Overseas Supplier	Foreign currency value as per Commercial Invoice	Tender Rate of Exchange	Local value of imports	Freight costs to port of entry	All locally incurred landing costs & duties	Total landed cost excl VAT
(D33)	(D34)	(D35)	(D36)	(D37)	(D38)	(D39)	(D40)	(D41)	(D42)

Summary	
Quantity imported	Total imported value
(D43)	(D44)

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



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(D45) Total imported value by 3rd party

D. Other foreign currency payments

Calculation of foreign currency payments

Type of payment	Local supplier making the payment	Overseas beneficiary	Foreign currency value paid	Tender Rate of Exchange
(D46)	(D47)	(D48)	(D49)	(D50)

N/A

Signature of tenderer from Annex B

Date:

--

Summary of payments

Local value of payments

(D51)

(D52) Total of foreign currency payments declared by tenderer and/or 3rd party

(D53) Total of imported content & foreign currency payments - (D32), (D45) & (D52) above

This total must correspond with Annex C - C 23

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Tenderer

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Witness 1

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Witness 2

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Employer

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Witness 1

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Witness 2



Annexure E

Local Content Declaration - Supporting Schedule to Annex C

Note: VAT to be excluded from all calculations

(E10)	Manpower costs	(Tenderer's manpower cost)	
(E11)	Factory overheads	(Rental, depreciation & amortisation, utility costs, consumables etc.)	
(E12)	Administration overheads and mark-up	(Marketing, insurance, financing, interest etc.)	
		(E13) Total local content	

Witness 2



This total must correspond with Annex C - C24

Signature of tenderer from
Annex B

Date: _____

N/A

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM J: CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9)

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

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

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

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



- (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM K: DECLARATION OF TENDERER'S LITIGATION HISTORY

Does the tenderer have any litigation with which tenderer (including its directors, shareholders or other senior members in previous companies) have been involved with any organ of state or state department within the last ten years?

YES

NO

If yes, furnish your details in table below.

NB: It is compulsory for all bidders to sign this form

The tenderer shall list below details of any litigation with which the tenderer (including its directors, shareholders or other senior members in previous companies) has been involved with any organ of state or state department within the last ten years. The details must include the year, the litigating parties, the subject matter of the dispute, the value of any award or estimated award if the litigation is current and in whose favour the award, if any, was made.

CLIENT	OTHER LITIGATING PARTY	DISPUTE	AWARD VALUE	DATE RESOLVED

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM L: PROOF OF GOOD STANDING WITH COMPENSATION COMMISSIONER

A Proof of good standing with Compensation Commissioner must be attached hereto

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM M: DECLARATION OF PROCUREMENT ABOVE R 10 MILLION (MBD5)

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

1. Are you by law required to prepare annual financial statements for auditing?
 - 1.1. If yes, submit audited financial statements for the past three years or since the date of establishment if established during the past three years. **YES / NO**

.....
.....

2. Do you have any outstanding undisputed commitments for municipal services towards any municipal for more than three months or any other service provider in respect of which payments is overdue for more than 30 days? **YES / NO**

.....
.....

- 2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for then 30 days?

.....
.....

- 2.2 If yes, please provide particulars

.....
.....
.....

3. Has ay contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract? **YES / NO**

.....
.....

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



3.1 If yes, furnish particulars

.....
.....

4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion of payment from the municipality / /municipal entity is expected to be transferred out of the Republic?
YES / NO

4.1 If yes, furnish particulars

.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

.....

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.
I ACCEPT THAT THE STE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE
FALSE**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



RETURNABLES FOR EVALUATION PURPOSES

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2

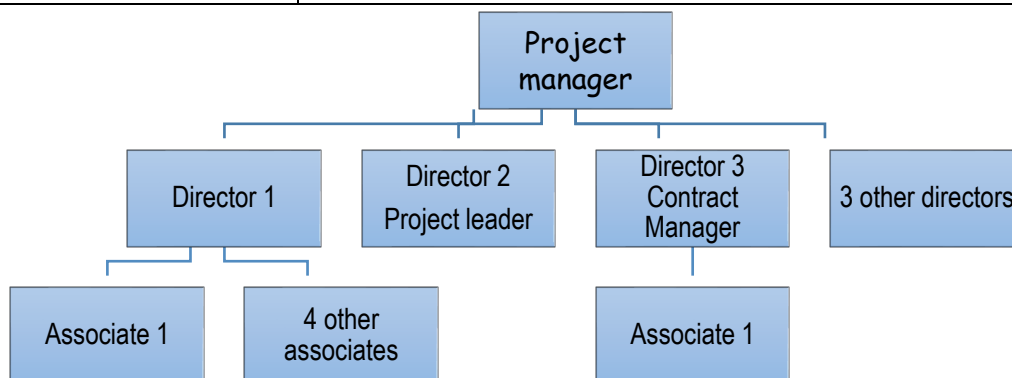


FORM N: TENDERER'S PROJECT STRUCTURE

Notes to tenderer:

1. The intention of this form is to demonstrate the tenderer's project structure, as well as the lines of responsibility between members of the project team and between the project team and the overall company structure. The tenderer must attach his own organogram to this form.
2. Tenderers which are large companies may simplify the organogram by 'rolling up' portfolios e.g. combining directors/associates into one box of the organogram. However, the individual positions of the key personnel within the structure must still be shown.
3. Joint Venture tenders will require each element of the venture to submit separate organograms that show the individual structure of each member company and the lines of responsibility of the proposed personnel involved in the project. In addition there must also be a combined organogram that indicates how the joint venture itself will function and the proposed share of the work. Joint Venture tenderers shall note that the share of work indicated will be used in the analysis of such a tenderers preference proposed on returnable form D1, and that if awarded the share of work shall become a contractual obligation between the members of the joint venture.
4. State the city or town where the company's head office is located. The locality of regional or satellite office, regardless of degree of autonomy or size is not required. Only submit the number of offices other than the head office. Do not count offices outside RSA
5. Registered professional engineers, technicians or technologists' means those who are involved in the built industry as well as allied fields such as environmental professionals. Registered professionals of other disciplines (e.g. Civil) are considered as employees only.

Head Office:	
Other Offices:	
Registered Professionals:	
Total Employees :	
%share in JV agreement	



SIGNED ON BEHALF OF THE TENDERER:.....

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Tenderer

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Witness 1

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Witness 2

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Employer

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Witness 1

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Witness 2



FORM O: PROPOSED KEY PERSONNEL

The Tenderer shall list below the key personnel whom he proposes to employ on the project should his Tender be accepted,

No	Name	Qualification	Designation for the project tendered for

Provide two paged CV of Each key Personnel to be used in this project.

Each CV should give at least the following:

- Position in the firm and within the organisation of this assignment
- PDI Status (describing population group, gender and disabilities)
- Proof of Educational qualifications
- Proof of Professional Registrations
- Relevant experience (actual duties performed, involvement and responsibility), including locations, dates and durations of assignments, starting with the latest.
- Language proficiency and
- References (company name, individual name, position held, contact details)

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



ATTACH CV'S AND CERTIFIED QUALIFICATIONS

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM P: SCHEDULE OF PREVIOUS EXPERIENCE

The procedure for the evaluation of responsive Bids will be on the average of the **previous projects** where the firm was involved. Reference of clients **MUST** be provided.

Evaluation of the Tenderer's position in terms of his previous experience. Emphasis will be placed on the following:

- Experience in the relevant technical field
- Experience of contracts of similar size
- At least three of the references will be contacted to obtain their input.

Provide the following information on relevant previous experience (indicate specifically projects of similar or larger size and/or which is similar with regard to type of work. **This information is material to the award of the Contract.**

Description	Value (R) VAT excluded	Period work executed		Reference		
		Appointment Date	Completion Date	Name	Organisation	Tel no

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM Q: SCHEDULE OF CURRENT PROJECTS

Provide the following information on current projects

This information is material to the award of the Contract.

Description	Value (R) VAT excluded	Appointment Date	Expected Completion Date	Reference		
				Name	Organisation	Tel no

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM R: SCHEDULE OF INFRASTRUCTURE AND RESOURCES

Provide information on the following:

Infrastructure and resources available for this project:

1. Physical facilities and Buildings.

Description	Address	Owned / leased

2. Equipment

Provide information on equipment and resources that you have available for this project.

(Include list of equipment relevant to the project and that will align to the evaluation criteria)

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



3. Vehicles

Provide information on vehicles that you have available for this project.

Description:	Number of units	Registration Number

4. Size of enterprise and current workload

What was your turnover in the previous financial year? -----

What is the estimated turnover for your current financial year? -----

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM S: SCHEDULE OF PROPOSED SUB-CONTRACTORS

Are / Do you have sub-contractors?

YES

NO

If yes, complete the below

NAME OF SUB-CONTRACTOR	FULL DESCRIPTION OF WORK TO BE PERFORMED BY SUB-CONTRACTOR

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM T: RECORD OF ADDENDA TO TENDER DOCUMENTS

Was there an addendum issued?

If yes, fill or attached the communication that you received.

YES

NO

We confirm that the following communication 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 of Details

An addendum is any communication issued by Emakhazeni Local Municipality after the briefing session

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



THE CONTRACT

THE CONTRACT

Part C1: Agreements and Contract Data

C1.1 Form of Offer and Acceptance

C1.2 Contract Data

C1.3 Performance Guarante

Part C3: Scope of Work

C3 Scope of Work

AGREEMENTS AND CONTRACT DATA

Part C1: Agreements and Contract Data

C1.1 Form of Offer and Acceptance

Tenderer

Witness 1

Witness 2

Employer

Witness 1

Witness 2



FORM C.1.1

FORM OF OFFER AND ACCEPTANCE

Form of Offer and Acceptance

Note: 1 This form of offer and acceptance is identical to that contained in Annex F of SANS 10845 - 1: Construction Procurement Processes, Procedures and Methods.

2 SAICE's Practice Manual #1, The use of South African National Standards in Construction Procurement, provides guidance on the formulation of the wording for the actual offer where it is not based on the offered total of prices.

Offer

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the procurement of: **PROJECT NO: ELM22/06/01: PANEL OF CONTRACTORS FOR INFRASTRUCTURE PROJECTS WITHIN EMAKHAZENI LOCAL MUNICIPALITY FOR A PERIOD OF 24 MONTHS.**

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

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

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:

To be determined on the Stage 2 Rand (in words);

To be determined on the Stage 2 (in figures) (or other suitable wording)

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.

Signatures(s)			
Name(s)			
Capacity			
For the tenderer			
	(Name and address of tenderer)		
Name and signature of witness		Date	

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Tenderer

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Witness 1

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Witness 2

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Employer

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Witness 1

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Witness 2



Acceptance

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 contractor the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the tenderer's offer shall form an agreement between the employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

Part C1 Agreements and contract data, (which includes this agreement)

Part C3 Scope of work

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as 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 after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the employer's agent (whose details are given in the contract data) to arrange the delivery of any 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 contractor) within five (5) working days of the date of such receipt notifies the employer in writing of any reason why he/she cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signatures(s)			
Name(s)			
Capacity			
For the Employer			
	(Name and address of Employer)		
Name and signature of witness		Date	

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Tenderer

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Witness 1

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Witness 2

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Employer

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Witness 1

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Witness 2



Schedule of Deviations

Notes:

1. The extent of deviations from the tender documents issued by the employer before the tender closing date is limited to those permitted in terms of the conditions of tender.
2. A tenderer's covering letter shall not be included in the final contract document. Should any matter in such letter, which constitutes a deviation as aforesaid, become the subject of agreements reached during the process of offer and acceptance, the outcome of such agreement shall be recorded here.
3. Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the tender documents and which it is agreed by the Parties becomes an obligation of the contract shall also be recorded here.
4. Any change or addition to the tender documents arising from the above agreements and recorded here, shall also be incorporated into the final draft of the Contract.

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 change 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.

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Tenderer

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Witness 1

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Witness 2

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Employer

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Witness 1

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Witness 2