

TENDER NOTICE AND INVITATION TO TENDER

The Elundini Local Municipality is Requesting for Proposals on the following goods and services:

Bid ref.	PROJECT NAME	Contract Number	Technical Enquires contacts	Closing Date
1.	Provision of Debt Collection	ELM-2/005/2024-2025	Ms B. Mashologu-Dlodlo Tel. 045 932 8124 E-mail: bukewad@elundini.gov.za	Wednesday, 18 September 2024
2.	Review of the Elundini Local Municipality Integrated Waste Management Plan (IWMP)	ELM-5/004/2024-2025	Ms N. Tshabeni Tel. 045 932 8133 E-mail: noluvot@elundini.gov.za	Tuesday, 10 September 2024
3.	Framework Contract for Construction and Maintenance of Municipal Buildings and Facilities	ELM-3/007/2024-2025	Mr P. Gqamane Tel. 045 932 8216 E-mail: phumlanig@elundini.gov.za	Wednesday, 18 September 2024

The clauses relate to the above bid reference numbers in sequence.

1. A professional service provider to assist with administering, analyses data, maximize the recovery and collection of old and current debt. The service provider will also be responsible for appointing and managing their tracing agents in all towns of the Elundini Local Municipality for a period of three (3) years.

2. An environmental consultant to review a five (5) year plan that has been approved and endorsed IWMP which is aligned with NEM, WA and IDP for a period of three (3) months.

3. Framework contract with five (5) service providers with CIDB Grade 5GB and above for the construction and maintenance of municipal buildings and facilities within Elundini Local Municipality over three (3) year term. The panel of service providers for a period of time without a guarantee of quantum of works and this will provide efficient turnaround time in attending to infrastructure development and maintenance.

Bids no. 1 and 2 Contracts will be based on the National Treasury General Condition of Contracts.

Bid no.3 Contract will be based on NEC3 Engineering and Construction Contract (Option B Priced contract with Bill of Quantities)

The bids will be evaluated on the basis of the Preferential Procurement Policy Framework Act, 2022, the Elundini Local Municipality's Supply Chain Management Policy and the 80/ 20 preferential procurement point system for acquisition of goods or services with Rand value equal to or below R50 million will be applied.

Stage 1 of Evaluation: Eligibility Criteria

For the bidder to be evaluated further on functionality, following eligibility criteria must be met: -

Bid no.	Quality Criteria	Evidence
ELM-2/005/2024-2025	Bidders must be registered with the Legal Practise Council	Proof of accreditation or registration with the Legal Practise Council
ELM-3/007/2024-2025	Eligibility Criteria for this project will be available on Tender Data that will be uploaded on ELM Website. www.elundini.gov.za and will be also attached in the tender document	Required evidence

Bidders with non-compliant with the above Eligibility Criteria will be disqualified and not be considered for further evaluation

Stage 2 of Evaluation: Functionality

If you are aware of any instances of fraud or corruption in the municipality, report anonymously to Freecall: 0800 117844 | SMS 32840 | Email: elundini@tip-offs.com | Freepost: KZN138 Umhlanga Rocks 4320

All correspondence must be addressed to the Municipal Manager

ELM-2/005/2024-2025		ELM-5/004/2024-2025		ELM-3/007/2024-2025	
Evaluation Criteria	Maximum Points Allocated	Evaluation Criteria	Maximum Points Allocated	Evaluation Criteria	Maximum Points Allocated
Company Experience	35	Company Experience	40	Company Experience	30
Accreditation	10				
Capacity of Key Personnel	20	Expertise	40	Experience of Personnel	50
Team Members	15				
Methodology	20	Methodology	20	Approach paper	20
Total Points	100	Total Points	100	Total Points	100

A minimum score of 70% out of total points must be score in order to proceed to the Financial Evaluation in all of the above bids.

Stage Three of Evaluation: Evaluation in terms of the 80/20 preference points systems prescribed in Preferential Procurement Regulations of 2022 on all bids.

Price = 80 points

Specific goals = 20 points

Specific Goals:

The specific goals allocated points in terms of this tender	Number of points claimed (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the organ of state)	Proof to claim points
Tender Price	80			
Bid No.	ELM-2/005/2024-2025	ELM-5/004/2024-2025	ELM-3/007/2024-2025	
EME or QSE which is at least 51% owned by black people who are Youth - Enterprise (18-35)	= 3 Points		= 3 Points	Company Registration Document and Certified ID Copy
EME or QSE which is at least 51% owned by black people who are Women-Equity ownership	= 5 Points	= 5 Points	= 5 Points	Company Registration Document and Certified ID Copy
EME or QSE which is at least 51% black owned by Local Business within the Elundini Geographic Area			= 2 Points	Proof of business operation within the Elundini municipal Jurisdiction along with CSD Report
EME or QSE which is at least 51% owned by black people	= 12 Points	= 15 Points	= 10 Points	Company Registration Document and Certified BBBEE Certificate or Original Sworn Affidavit
Total (Specific Goals)	20 Points			

Bidder that fail to submit proof of specific goal as stipulated below will not be allocated points.

PURCHASING AND SUBMISSION OF TENDER DOCUMENTS.

Tender documents may be obtained from the Elundini Local Municipality SCM Unit upon payment of a non-refundable amount of R250 (two hundred and fifty Rand), either paid in cash or by means of electronic funds transfer (EFT) to the Elundini Local Municipality (Where EFT is used, proof of payment must be sent to kwaneles@elundini.gov.za.) The cash amount is to be paid at the cashier's office between the hours of 08:00 and 16:00, prior to the collection of the tender documents from the SCM unit. ELM Cahier's office is situated at Elundini Traffic department, ERF 3503 Station Street, Nqanqarhu, 5480.

The tender documents will be available on **Friday, 16 August 2024**. NB: For EFT payment bidders must pay using this account: First National Bank (FNB) cheque account No: 62159933772, Ref No. 020114350000. Bid document may be emailed to the bidder upon receiving and confirming proof of payment. Bidders must allow at least 24 hours after sending POP for the municipality to be able to confirm payment.

Completed bid documents and supporting documentation are to be placed in a sealed envelope endorsed with Project Name and Bid Number. At the back of the envelope bidders must write the bidder's name and address. Bid submission must be delivered to the Elundini Local Municipality, at No. 1 Seller Street, Nqanqarhu, Finance Department. The tender documents must be placed in the Tender Box not later than 12H00 Noon on the above mentioned dates and will be opened in public.

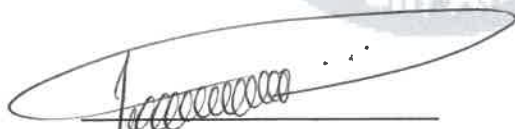
Bidders are encouraged to make electronic copies of the bid submission in a form of USB / CD as a precautionary backup. Enquiries relating to SCM may be addressed to Ms. H. Mdusulwana, Tel NO. 045 932 8125 or email: hlubikazi@elundini.gov.za. Telegraphic, telephone, telex, facsimile, e-mail and late tenders will not be accepted.

Tenders may only be submitted on the prescribed tender documentation that is sold at R250.00 and proof of payment must be attached on the bid submission. Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data and tender documents.

The minimum terms of reference, scope of work, detailed eligibility criteria, functionality, other bid conditions and rules will be uploaded on ELM website www.elundini.gov.za and detailed in the bid document under Tender Data. The Elundini Local Municipality SCM policy applies. Tender validity period is 12 weeks.

Tenders must request clarification on the tender documents, if necessary, by notifying the employer at least 5 (five) working days before the closing time stated in the tender data. No clarifications that will require issue of an addendum will be entertained after this period.

There are scammers phoning bidders impersonating municipal staff soliciting bribes for tender. Please do not fall for that scam. Report any fraud or corruption to Free call: 0800 117844 or SMS to 32840 anonymously.



JACK MDANI
MUNICIPAL MANAGER

Clause number	Tender Data
1	The employer is the Elundini Local Municipality
1.2	The tender documents issued by the employer comprise the following documents: THE TENDER Part T1: Tendering procedures T1.1 – Tender notice and invitation to tender T1.2 – Tender data Part T2: Returnable documents T2.1 – List of returnable documents T2.2 – Returnable schedules THE CONTRACT PartC1: Agreements and Contract data C1.1 – Form of offer and acceptance C1.2 – Contract data Part 1 – Data by the <i>Employer</i> Part 2 – Data by the <i>Contractor</i> Part C2: Pricing data C2.1 – Pricing assumptions C2.2 – Pricing schedule Part C3: Scope of work C3.1 – Scope of work Part C4: Site information C4.1 – Site Information
1.4	The employer's representative is: Name: Mr P Gqamane Elundini Local Municipality 1 Seller Street, Nqanqarhu, 5480. Tel No.: 045 932 8215 Fax No.: 045 932 1094 E-mail: phumlanig@elundini.gov.za
1.5	The language for communications is English
1.6	Elundini Local Municipality bidding process in the context of this bid is administered by ELM Supply Chain Management Policy , MFMA Act 56 of 2003 , MFMA SCM Regulations , POPI Act and shall act in accordance with the said legislative prescripts including other relevant legislative framework governing SCM. The General Conditions of Contract as well as any Special Conditions of Contract that may form part of this set of bid documents will be applicable to this bid in addition to the conditions of bid.
1.7	The successful bidder will be expected to sign the service Level agreement within 30 days from the date of notification by the Elundini Municipality that his/her bid has been accepted.
2	Tenderer's Obligations

2.1	Only tenderers who satisfy the following eligibility criteria and who have provided the required evidence in their tender submission are eligible to have their bid offers evaluated: 1. The Tenderer does comply with the legal requirements stated in the Employer's procurement policy; 2. The tenderer is registered with and active on the Construction Industry Development Board (CIDB) for Grading 5 GB and above 3. The Tenderer should provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the contract. 4. JV Eligibility requirements: • A Joint venture must submit a consolidated valid original or certified copy of B-BBEE certificate must be submitted with the bid OR a valid original or certified copy of a Sworn Affidavit attested by a Commissioner of Oaths prepared and issued in terms of the amended B-BBEE Construction Sector Codes (CSC000) must be submitted in order to qualify for preference points for B-BBEE. Failure to comply with this, will automatically results in the non-awarding of points for B-BBEE.(This will not disqualify bidders but points for B-BBEE will not be allocated) • Submit Joint Venture agreement in the case of joint venture. • Fully completed Compulsory Returnable Documents for JV 5. Valid Proof of good standing with the Compensation for Occupational Injuries and Diseases (COID). Bidders who do not have the valid Compensation for Occupational Injuries and Diseases (COID) must submit a letter form Department of Labour stating that the bidder has applied for COID specifically for this project, in such case appointment will be subject to bidder submitting a Valid COID. 6. The Tenderer must demonstrate that he will have in his employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work: a) Project Manager/Contracts Manager should have a minimum qualification of NQF Level 7 in Quantity Surveying/Civil Engineering/Architect/Project Management and minimum 5 years' experience in Building construction or maintenance projects. b) Site Agent/Construction Manager should have a minimum qualification of NQF Level 6 in Building/Quantity Surveying/Civil Engineering and minimum 5 years in building construction and maintenance; c) Foremen/Supervisor should have a minimum of NQF Level 4 "National Certificate": minimum of 7 years' experience supervising construction and maintenance of building works; 7. The tenderer must provide three (3) contactable client references for the construction or maintenance of buildings (Public Amenities) with a cumulative value of at least R5 million and which has been satisfactorily completed with completion certificates. The municipality will conduct an intense due diligence which will include inspection of the claimed experience of the five (5) highly preferred bidders. 8. Directors or company is not in the Treasury's database of restricted suppliers 9. Directors of the company are not in the employ in the organ of state. The Tenderer can demonstrate that he possesses the necessary professional and technical qualifications and competence, financial resources, equipment and other physical facilities, managerial capability, personnel, experience and reputation to perform the contract.
2.2	• Tenderer must submit one (1) hard copy of the original tender document in the prescribed format at tender submission deadline failure to do so, the tenderer will be disqualified. Bidders are encouraged to make electronic copies of the bid submission in a form of USB / CD as a precautionary backup. • Tender document must be in the original format, not tempered with and must be only purchased at the Elundini Local Municipality • Bidders must submit their offer on the prescribed tender document as purchased at R250. • Proof of payment for tender document must be attached • Should bidder fail to submit as per prescribed bid document, bidder will be disqualified. All bids must be submitted on the official forms (not to be re-typed/ reproduced) Bids must be completed in black ink

2.3	The tenderer accepts that, unless otherwise stated in the tender data, the employer does not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer comply with requirements.
2.4	It is the responsibility of the tenderer to check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.
2.5	The tenderer must record and reference all information submitted contained in other documents for example cover letters, brochures, catalogues, etc. in the returnable schedule titled "List of Other Documents Attached by Tenderer" .
2.6	Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.
2.7	The tenderer shall obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are incorporated into the tender documents by reference.
2.8	If necessary, the employer shall issue addenda in writing that may amend or amplify the tender documents to each tenderer during the period from the date the tender documents are available until Five (5) working days before the tender closing time stated in the Tender Data. The Employer reserves its rights to issue addenda less than Five (5) working days before the tender closing time in exceptional circumstances. If, as a result a tenderer applies for an extension to the closing time stated on the front page of the tender document, the Elundini Municipality may grant such extension and, shall then notify all tenderers who drew documents. Notwithstanding any requests for confirmation of receipt of notices issued, the tenderer shall be deemed to have received such notices if the Elundini Municipality can show proof of transmission thereof via electronic mail, facsimile or registered post. Acknowledge receipt of addenda to the tender documents, which the employer may issue, and, if necessary, apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.
2.9	The arrangements for a compulsory clarification and inspection meeting are as follows: Where compulsory briefing is applicable, tenderers will be obligated to sign the attendance list in the name of the tendering entity. In that case, any Addenda issued to tenders will be received only from those tendering entities appearing on the attendance list.
2.10	Tenderers must request clarification on the tender documents, if necessary, by notifying the employer at least 5 (Five) working days before the closing time stated in the tender data. No clarifications that will require issue of an addendum will be entertained after this period. Bidders shall not contact the Elundini Municipality on any matter relating to their bid from the time of the opening of the bid to the time the contract is awarded for additional information or amendments of bids. Any effort by the firm to influence the Elundini Municipality in the bid evaluation, bid comparison or contract award decisions may result in the rejection of the bid
2.11	Tenderers are required to state the rates and currencies in Rands. Include in the rates, prices, and the tendered total of the prices (if any), all duties, taxes which the law requires to be paid [except value added tax (VAT)], and other levies payable by the successful tenderer, that are applicable 14 days before the closing time stated in the tender data. Show the VAT payable by the employer separately as an addition to the tendered total of the prices. Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data. State the rates and prices in monetary value of the contract unless otherwise instructed in the tender data
2.12	If after the commencement of the Contract, the cost or duration of the services is altered as a result of changes in, the amount of the main contractor or contract amount from which estimate were based, or amounts or additions to, any statute, regulation or by-laws, or the requirements of any authority having jurisdiction over any matter in respect of the Project, then the Contract Price and time for completion shall be adjusted in order to reflect the impact of those changes, provided that, within 90 days of first having become aware of the change, the Contractor furnished the Employer with detailed justification to the Price or Period of the Performance (or both).
2.13	Alterations to the documents Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer or to correct errors made by the tenderer and ensure that all signatories to the tender offer initial all such alterations. Do not make erasures using masking fluid. No unauthorised alteration of this set of bid documents will be allowed after the closing date. Any unauthorised alteration will disqualify the proposal automatically. Any ambiguity has to be cleared with contact person for the bid before the closure date.
2.14	No alternative tender offers will be considered
2.15	Parts of each tender offer communicated on paper shall be submitted as an original. No copies are required

2.16	Tenderer must put initials at the bottom of each page of the tender document as proof that the bidder has reviewed and agreed to the contents of the tender data. This also prevents and ensures that various parties involved do not change and / or replace any page and modify the contents after the submission of the tender. Tenderer must sign the original and all copies of the tender offer where required in terms of the tender data. NOTE: The employer holds all authorized signatories liable on behalf of the tenderer.
3.	Tax Clearance Certificate Bidder must submit a valid SARS Tax Clearance Certificate or/and a tax compliance status document reflecting the pin for the Employer to verify that the tenderer is in good standing. Certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Elundini Local Municipality and/or their CSD profile / CSD number) . Foreign suppliers (even those with no deemed footprint in South Africa) must still complete the relevant section in Part A of the MBD1 document, however, no proof of tax compliance is required if the supplier answers “no” to all questions. If they answer “yes” to any of the questions, however, they are required to register and be tax compliant as per Part B- section 2 of the MBD 1 document and relevant legislation governing tax compliance. Upon submission of a bid/quote/proposal the bidder automatically grants confirmation that SARS may, on an ongoing basis during the contract term disclose the bidders Tax Compliance status to the municipality. Each party to a Consortium/Joint Venture shall submit a separate valid Tax Clearance Certificate and must be compliant with SARS Prices must always be VAT inclusive where applicable.
4.	Registration on Accredited Supplier Database It is expected of all prospective service providers who are not yet registered on the Central Supplier Database to register online (www.csd.gov.za) and verify their company information Elundini Municipality Database Department. The Elundini Municipality reserves the right not to award proposals to prospective suppliers who are not registered on the CSD (Central Supplier Database).
5.	BBBEE Certificate For the proof of B-BBEE status level of contributor the bidder must submit an original or certified copy of a valid verification certificate from a verification agency accredited by SANAS and recognized as an Accredited B-BBEE Verification Agencies (www.sanas.co.za/afdirectory/bbbee_list.php) or original or certified completed AFFIDAVIT downloaded from www.thedti.gov.za/economic_empowerment/bee_codes.jsp
6.	Municipal Rates, Taxes and Charges The bidder to provide their municipal account of rates and taxes of both the Bidding entity and its directors’ in its Bid Document submission. Any bidder which is or whose directors are in arrear with their municipal rates and taxes due to any Municipality within South Africa for more than three months and have not made an arrangement for settlement of or same before the bid closure date will be disqualified. If the bidder is renting the office a Lease Agreement must be attached to the bid document OR Affidavit from SAPS stating that the bidder is not obliged to pay municipal rates with a letter from a ward Councilor is submitted with the tender document.

7.	The employer's details and address for delivery of tender offers and identification details that are to be shown on each tender offer package are: Location of tender box: Elundini Local Municipality Finance Department Physical address: 1 Sella Street Nqanqarhu 5480 Identification details : Tender no, Title of Tender and the closing date and time for tenders Closing Date : Wednesday, 18 September 2024 Closing Time : 12H00 The tender box is only open on weekdays between 08:00 and 16:00
8.	Where a two-envelope system is required in terms of the tender conditions, place and seal the returnable documents listed in the tender conditions in an envelope marked "financial proposal" and place the remaining returnable documents in separate envelope marked "technical proposal". Each envelope shall state on the outside the Elundini Municipality's address and identification details of the bid, as well as the tenderer's name and contact address. Accept that the Elundini Municipality shall not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated. Where stated in the tender conditions that a two-envelope system is to be followed, open only the technical proposal of tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender conditions and announce the name of each tenderer whose technical proposal is opened. Employer shall evaluate the quality of the technical proposals offered by tenderers, then advise tenderers who have submitted responsive technical proposals of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who have submitted responsive technical proposals in accordance with the requirements as stated in the tender conditions, and announce the total price and any preferences claimed. Return unopened financial proposals to tenderers whose technical proposals were non-responsive.
9.	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.
10.	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.
11.	The tender offer validity period is 12 weeks . The validity of bids may be further extended by a period of not more than six months upon approval by the Accounting Officer.
12.	The tenderer shall provide clarification of a tender offer during the evaluation of tender offers, in response to a request from the employer to do so. Such clarifications can include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted. Note: This clause does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Elundini Municipality elect to do so. Failure, or refusal, to provide such clarification or additional information within the time for submission stated in the Elundini Municipality's written request may render the tender non-responsive.
13.	The employer shall grant during working hours to premises for inspections, tests and analysis, as provided for in the tender data.

	A tenderer may request in writing, after the closing date, that the tender offer be withdrawn. Such withdrawal will be permitted or refused at the sole discretion of the Elundini Municipality after consideration of the reasons for the withdrawal, which shall be fully set out by the tenderer in such written request for withdrawal. Should the tender offer be withdrawn in contravention hereof, the tenderer agrees that: it shall be liable to the Elundini Municipality for any additional expense incurred or losses suffered by the Elundini Municipality in having either to accept another tender or, if new tenders have to be invited, the additional expenses incurred or losses suffered by the invitation of new tenders and the subsequent acceptance of any other tender; the Elundini Municipality shall also have the right to recover such additional expenses or losses by set-off against monies which may be due or become due to the tenderer under this or any other tender or contract or against any guarantee or deposit that may have been furnished by the tenderer or on its behalf for the due fulfilment of this or any other tender or contract. Pending the ascertainment of the amount of such additional expenses or losses, the Elundini Municipality shall be entitled to retain such monies, guarantee or deposit security for any such expenses or loss.
14.	Samples, Inspections, tests and analysis Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender conditions or specifications. If the Specification requires the tenderer to provide samples, these shall be provided strictly in accordance with the instructions set out in the Specification. If such samples are not submitted as required in the bid documents or within any further time stipulated by the Elundini Municipality in writing, then the bid concerned may be declared non-responsive. The samples provided by all successful bidders will be retained by the Elundini Municipality for the duration of any subsequent contract. Bidders are to note that samples are requested for testing purposes therefore samples submitted to the Elundini Municipality may not in all instances be returned in the same state of supply and in other instances may not be returned at all. Unsuccessful bidders will be advised by the Project Manager or dedicated ELM Official to collect their samples, save in the aforementioned instances where the samples would not be returned.
15.	Compliance with Occupational Health and Safety Act, 85 of 1993 Tenderers are to note the requirements of the Occupational Health and Safety Act, 85 of 1993. The Tenderer shall be deemed to have read and fully understood the requirements of the above Act and Regulations and to have allowed for all costs in compliance therewith. In this regard the Tenderer shall submit upon written request to do so by the Elundini Municipality, a Health and Safety Plan in sufficient detail to demonstrate the necessary competencies and resources to deliver the goods or services all in accordance with the Act, Regulations and Health and Safety Specification.

16.	Claims arising from submission of tender The tenderer warrants that it has: - inspected the Specifications and read and fully understood the Conditions of Contract. - read and fully understood the whole text of the Specifications and Price Schedule and thoroughly - acquainted himself with the nature of the goods or services proposed and generally of all matters which may influence the Contract. - visited the site(s) where delivery of the proposed goods will take place, carefully examined existing conditions, the means of access to the site(s), the conditions under which the delivery is to be made, - and acquainted himself with any limitations or restrictions that may be imposed by the Municipal or other Authorities in regard to access and transport of materials, plant and equipment to and from the site(s) and made the necessary provisions for any additional costs involved thereby. - requested the Elundini Municipality to clarify the actual requirements of anything in the Specifications and Price Schedule, the exact meaning or interpretation of which is not clearly intelligible to the Tenderer - Escalations and escalations rates are clearly disclosed. - received any notices to the tender documents which have been issued in accordance with the Elundini Municipality's Supply Chain Management Policy. The Elundini Municipality will therefore not be liable for the payment of any extra costs or claims arising from the submission of the tender.
17.	Employer's Undertaking
18.	The employer will respond to requests for clarification received up to Five (5) working days before the tender closing time.
19.	The employer shall issue addenda until before tender closing time If necessary, the employer shall issue addenda in writing that may amend or amplify the tender documents to each tenderer during the period from the date the tender documents are available until Five (5) working days before the tender closing time stated in the Tender Data. The Employer reserves its rights to issue addenda less than Five (5) working days before the tender closing time in exceptional circumstances. If, as a result a tenderer applies for an extension to the closing time stated on the front page of the tender document, the Elundini Municipality may grant such extension and, shall then notify all tenderers who drew documents. Notwithstanding any requests for confirmation of receipt of notices issued, the tenderer shall be deemed to have received such notices if the Elundini Municipality can show proof of transmission thereof via electronic mail, facsimile or registered post.
20.	Tenders will be opened immediately after the closing time for tenders as stated in the Tender Notice and Invitation to Tender. If requested by any bidder present, names of the bidders, and if practical the total amount of each bid and of any alternative bids will be read out loud. Bids received in time recorded and entered in a register which is open for public inspection.
21.	Late bids will be registered and returned unopened unless the bidder did not clearly specify their address at the back of the envelope.
22.	The employer or any of its employees must not disclose to tenderers, or to any person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer
23.	Make available a record of the details announced at the tender opening meeting on the Elundini Municipality's website (www.elundini.gov.za)
24.	Bids must be evaluated in terms of their responsiveness to the bid specifications, requirements as well as criteria as set out in the bid document. Any additional criteria as per communicated addendum shall be considered.

	The Elundini Municipality reserves the right to withdraw any invitation to submit a bid and/or to re-advertise or to reject any bid or to accept a part of it. The Elundini Municipality does not bind itself to accepting the lowest bid
25.	Determine, after opening and before detailed evaluation, whether each tender offer that was properly received a) complies with the requirements of the standard conditions of tender in this part b) has been properly and fully completed and signed, and c) is responsive to the other requirements of the tender documents. <u>A responsive tender</u> is one that conforms to all the terms, conditions, and scope of work of the tender documents, without material deviation or qualification. A <u>material deviation or qualification</u> is one which, in the employer's opinion, would a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the scope of work, b) significantly change the employer's or the tenderer's risks and responsibilities under the contract, or c) affect the competitive position of other tenderers presenting responsive tenders if it were to be rectified. Reject a non-responsive tender offer, and do not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

Pricing**Arithmetical errors, omissions and discrepancies**

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

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

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

Consider the rejection of a tender offer if the tenderer does not correct or accept the correction of the arithmetical error in the manner described above.

Other

For Vat related discrepancies, National and Provincial Treasury prescripts in relation to VAT procedures apply.

Unconditional discounts must be taken into account for evaluation purposes

The Employer must evaluate whether tender has offered a market related offer. If the offer is believed not to be market related, the Municipality through its Supply Chain Management bid committees will attempt to negotiate the offer with identified bidder/s to a reasonable amount. Bidders are not allowed to increase their tender offers during this process

In the event of tendered rates or lump sums being declared by the Elundini Municipality to be unacceptable to it because they are not priced, either excessively low or high, or not in proper balance with other rates or lump sums, the tenderer may be required to produce evidence and advance arguments in support of the tendered rates or lump sums objected to. If, after submission of such evidence and any further evidence requested, the Elundini Municipality is still not satisfied with the tendered rates or lump sums objected to, it may request the tenderer to amend these rates and lump sums along the lines indicated by it.

The tenderer will then have the option to alter and/or amend the rates and lump sums objected to and such other related amounts as are agreed on by the Elundini Municipality, but this shall be done without altering the tender offer in accordance with this clause. Should the tenderer fail to amend his tender in a manner acceptable to and within the time stated by the Elundini Municipality, the Elundini Municipality may declare the tender as non-responsive.

Bidder must comply with all pricing instructions as stated on the Price Schedule and tender conditions.

All prices must include VAT where applicable

The Elundini Municipality may, after the closing date, request additional information or clarification from tenderers, in writing on any matter affecting the evaluation of the tender offer or that could give rise to ambiguity in a contract arising from the tender offer, which written request and related response shall not change or affect their competitive position or the substance of their offer. Such request may only be made in writing by the delegated official using any means as appropriate and such communication must be approved by the Accounting Officer.

EVALUATION OF TENDER OFFERS**STAGE 1: TEST FOR RESPONSIVENESS****a) PHASE 1 OF STAGE ONE: MANDATORY DOCUMENTS AND REQUIREMENTS**

Bidders' proposals must meet the following minimum requirements and supporting documents must be submitted with the completed bid document in a sealed envelope in the bid box at the closing date and time. Failure to comply with the following conditions shall lead to bidder being non-responsive.

1. Bid Document (This Document) must be purchased at a prescribed amount only at Elundini Local Municipality and must be submitted in its original format and not retyped.
2. Bids which are late, incomplete, unsigned or submitted by facsimile or electronically, will not be accepted.
3. Bidders must submit a copy of the Central Supplier Database report showing, amongst other things, that tax matters of the service provider are in order with the South African Revenue Services OR CSD Supplier number in order for the municipality to be able to verify CSD registration.
4. Proof of good standing with the Compensation for Occupational Injuries and Diseases (COID) Bidders who do not have the valid Compensation for Occupational Injuries and Diseases (COID) must submit a letter from Department of Labour stating that the bidder has applied for COID specifically for this project, in such case appointment will be subject to bidder submitting a Valid COID.
5. A copy of valid Construction Industry Development Board (CIDB) for Grading 5 GB and above
6. Form of offer and Acceptance (fully completed and signed) where applicable
7. Invitation to bid must be completed and signed. MBD 1
8. Declaration of Interest (fully completed and signed) MBD 4
9. Preference Points Claim form in terms of the Preferential Procurement Regulations 2022 (fully completed and signed) MBD 6.2
10. Declaration of Bidder's past Supply Chain Management Practices. (Completed and signed) MBD 8
11. Certificate of Independent Bid Determination. (Completed and signed) MBD 9
12. Authority of Signatory (Completed and signed)
13. Where applicable a proof of attendance of clarification meeting, an attendance register will be circulated for record purposes.
14. On financial Proposal: All Items listed in the Bills of Quantities or Pricing schedule must be priced for failure to do so will increase commercial risk of the bid and may lead to elimination or passing over of the bidder.
15. If the offer (any of the items quoted for) is "Vat Inclusive", the VAT registration number of service provider must be indicated. Bidders are not entitled to claim the VAT if they are not VAT registered.

b) BIDDERS MUST ALSO CONSIDER ADHERING TO THE FOLLOWING CONDITIONS OF BID :-

1. Bidders must be a registered legal entity or partnership or consortia or joint ventures with a signed agreement in place with a consolidated BBBEE Certificate.
2. Bidders must submit Elundini Municipality Ethics Commitment form for Suppliers (Completed and signed)
3. A valid original or certified copy of B-BBEE certificate must be submitted with the bid OR a valid original or certified copy of a Sworn Affidavit attested by a Commissioner of Oaths prepared and issued in terms of the amended B-BBEE Construction Sector Codes (CSC000) must be submitted in order to qualify for preference points for B-BBEE. Failure to comply with this, will automatically results in the non-awarding of points for B-BBEE. (This is not an Elimination factor).
4. A Resolution of signatory form has been completed and signed by director/s or a letter bearing a letterhead of the tenderer has been attached (specific to this bid) to the bid submission; it must be duly signed by all directors and submitted the bid. Only a duly authorized official can sign the bid.
5. Bidders must complete and sign Elundini Municipality Supplier Declaration Form
6. Bidders must complete past experience form.

PHASE 2 : OF STAGE ONE: ELIGIBILITY CRITERIA

BIDDERS WHO ARE NON-COMPLIANT WITH THE FOLLOWING ELIGIBILITY CRITERIA WILL BE DISQUALIFIED AND NOT BE CONSIDERED FOR FURTHER EVALUATION

Quality Criteria	Evidence
Bidder must be restricted to banks registered in terms of the Banks Act, 1990 (Act No. 94 of 1990)	Bidders must submit certificate confirming registration

STAGE 2 OF EVALUATION: FUNCTIONALITY**Scoring Quality**

The quality criteria and maximum score in respect of each of the criteria are as follows:

No.	Quality criteria	Sub-criteria	Maximum number of points
1.	Experience of the tenderer in construction or maintenance of buildings (Public Amenities) and which has been satisfactorily completed	Experience of the tenderer in construction (Public Amenities): - Three (3) appointment letters and completion certificates of the same project (30 Points) - Two (2) appointment letters and completion certificates of the same project (20 Points) - One (1) appointment letter and completion certificate of the same project (10 Points)	30
2.	Key Persons Experience of Personnel		50
2.1	Project Manager/Contracts Manager	Project Manager/Contracts Manager should have a minimum qualification of NQF Level 7 in Quantity Surveying/Civil Engineering/Architect/Project Management and minimum 5 years' experience in Building construction or maintenance projects = 20 points	20
2.2	Site Agent/Construction Manager	Site Agent/Construction Manager should have a minimum qualification of NQF Level 6 in Building/Quantity Surveying/Civil Engineering and minimum 5 years in Building construction and maintenance projects = 20 points	20
2.3	Foremen	Foremen/Supervisor at NQF Level 4 "National Certificate" of 7 years' experience supervising construction and maintenance of building works	10
3.	Approach paper	Approach paper to include: - Company Organogram showing the Personnel provided on Personnel experience (10 Points) - Company Plant & Equipment relating to the project (5 points) - Construction & Maintenance of buildings Methodology (5 points)	10
	Maximum possible score for quality (M₂)		100

Quality shall be scored by not less than three evaluators in accordance with the following schedules:

- Schedule 1: Experience of the tenderer
- Schedule 2: Experience of key persons
- Schedule 3: Approach

The minimum number of evaluation points for quality is **70**

The quality criteria and maximum score in respect of each of the criteria in accordance with 5.11.9 are as follows:

A minimum number of evaluation points for quality is **70 Points**. Any bidder who fails to meet the minimum qualifying score will not be considered further for evaluation on Price and Preference.

NB: Only bidders who achieved the minimum qualifying score of 70% are opened and evaluated further for price and specific goals

STAGE 3 OF EVALUATION: PRICE AND PREFERENCE IN TERMS OF PPR 2022 .**APPLICABLE PREFERENCE POINT SYSTEMS 80/20**

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

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

SPECIFIC GOALS

The specific goals allocated points in terms of this tender		Number of points allocated (80/20 system) (To be completed by the organ of state)	Proof to claim Points	Number of points claimed (80/20 system) (To be completed by the tenderer)
Tender Price		80		
EME or QSE which is at least 51% owned by black people who are Youth - Enterprise (18-35)		= 3 Points	Company Registration Document and Certified ID Copy	
EME or QSE which is at least 51% owned by black people who are Women-Equity ownership		= 5 Points	Proof of business operation within the Elundini municipal Jurisdiction along with CSD Report	
EME or QSE which is at least 51% black owned by Local Business within the Elundini Geographic Area		= 2 Points	Company Registration Document and Certified ID Copy	
EME or QSE which is at least 51% owned by black people		= 10 Points	Company Registration Document and Certified BBBEE Certificate or Original Sworn Affidavit and CSD Report	
Specific Goals Total		20		
Bidder that fail to submit proof of specific goal as stipulated below will not be allocated points.				
30.	Each evaluation criteria will be assessed in terms of five indicators – no response, poor, satisfactory, good and very good. Scores of 0, 40, 70, 90 or 100 will be allocated to no response, poor, satisfactory, good and very good, respectively. The scores of each of the evaluators will be averaged, weighted and then totalled to obtain the final score for quality.			
31.	The number of paper copies of the signed contract to be provided by the employer is one.			

32.	Risk Analysis Notwithstanding compliance with regard to any requirements of the tender, the Elundini Municipality will perform a risk analysis in respect of the following: a) reasonableness of the financial offer b) reasonableness of unit rates and prices c) the tenderer's ability to fulfil its obligations in terms of the tender document, that is, that the tenderer can demonstrate that he/she possesses the necessary professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, capacity, experience, reputation, personnel to perform the contract, etc.; the Elundini Municipality reserves the right to consider a tenderer's existing contracts with the Elundini Municipality in this regard. d) any other matter relating to the submitted bid, the tendering entity, matters of compliance, verification of submitted information and documents, etc. e) there is any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any Organ Of the State and where there are notices of poor performance issued thereof. [Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the <i>Audi alteram partem</i> rule was applied]. f) tenderer/s(or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector [Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied]. The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za). g) tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) h) tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years? i) the tenderer/s employees/directors are also employees/contractors/consultants or directors in the organ of state. The conclusions drawn from this risk analysis will be used by the Elundini Municipality in determining the acceptability of the tender offer. No tenderer will be recommended for an award unless the tenderer has demonstrated to the satisfaction of the Elundini Municipality that he/she has the resources and skills required.
33.	The number of paper copies of the signed contract to be provided by the employer is one.
34.	Incorrect Information Where a contract has been awarded on the strength of the information furnished by the bidder which, after the conclusion of the relevant agreement, is proved to have been incorrect, the Elundini Municipality may, in addition to any other legal remedy it may have, recover from the contractor all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract
35.	If after the commencement of the Contract, there is any amendment in the key personnel from which bid evaluation was based, within 90 days of first having become aware of the change, the Contractor must furnish the Employer with detailed justification to change of key personnel, which might be accepted or not accepted by the employer depending on its discretion and the level of skill of personnel used for the replacement.
36.	Acceptance or Rejection of a Bids The Elundini Municipality reserves the right to withdraw any invitation to submit a bid and/or to re-advertise or to reject any bid or to accept a part of it. The Elundini Municipality does not bind itself to accepting the lowest bid.
37.	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.
38.	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.

39.	The tender offer validity period is 12 weeks . The validity of bids may be further extended by a period of not more than six months upon approval by the Accounting Officer.									
40.	The tenderer shall provide clarification of a tender offer during the evaluation of tender offers, in response to a request from the employer to do so. Such clarifications can include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted. Note: This clause does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Elundini Municipality elect to do so. Failure, or refusal, to provide such clarification or additional information within the time for submission stated in the Elundini Municipality's written request may render the tender non-responsive.									
41.	The employer shall grant during working hours to premises for inspections, tests and analysis, as provided for in the tender data.									
42.	The financial offer derived from the bill of quantities will only be used for comparative basis.									
43.	The procedure for the evaluation of responsive tenders is Method 4: Financial offer, quality and preferences The total number of tender evaluation points (T_{EV}) shall be determined in accordance with the following formula. $T_{EV} = 0,6 (N_{FO} + N_P) + 0,4 N_Q$ N_{FO} is the number of tender evaluation points awarded for the financial offer made in accordance with 5.11.7 where the score for financial offer is calculated using Formula 2 and $W1$ equals 80. N_P is the number of tender evaluation points awarded for preferences claimed in accordance with the Preferencing Schedule N_Q is the number of tender evaluation points awarded for quality offered in accordance with 5.11.9 where, $W2 = 100$. Up to 100 minus $W1$ tender evaluation points will be awarded to tenderers who complete the preferencing schedule and who are found to be eligible for the preference claimed.									
44.	Scoring financial Offers Score the financial offers using the following formula: $N_{FO} = W1 \times A$ where N_{FO} is the number of tender evaluation points awarded for the financial offer. $W1$ is the maximum possible number of tender evaluation points awarded for the financial offer as stated in the tender data. A is the number calculated using the relevant formula described in Table 1, as stated in the tender data. Table 1 — Formulae for calculating the value of A^a <table><tr><th>Formula number</th><th>Basis for comparison</th><th>Formula</th></tr><tr><td>1</td><td>Highest price or discount</td><td>P/P_m</td></tr><tr><td>2</td><td>Lowest price or percentage commission or fee</td><td>P_m/P</td></tr></table> ^a P_m is the comparative offer of the most favourable comparative offer. P is the comparative offer of the tender offer under consideration.	Formula number	Basis for comparison	Formula	1	Highest price or discount	P/P_m	2	Lowest price or percentage commission or fee	P_m/P
Formula number	Basis for comparison	Formula								
1	Highest price or discount	P/P_m								
2	Lowest price or percentage commission or fee	P_m/P								
45.	a) The Municipality reserves the right not to award the bid to the most favourable tenderer, if any of the situations occur if:- - the bidder has been awarded a considerable number of projects by the Municipality. - as performed unsatisfactorily in the past. - Does not meet objective criteria b) Reject a bid where a tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium. c) Reject a bid where thee tender submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. Where a bidder or its directors has previously failed to perform in the previous order where notices of poor performance were issued or application for restriction has been lodged with National Treasury in terms of SCM Regulation 38.									

46.	DUE DILIGENCE The municipality will conduct intense due diligence which must include inspection of the claimed experience of the preferred bidder(s). The municipality will provide due diligence form which will be used for the assessment purposes of the claimed project experience.
47.	Risk Analysis Notwithstanding compliance with regard to any requirements of the tender, the Elundini Municipality will perform a risk analysis in respect of the following: j) reasonableness of the financial offer k) reasonableness of unit rates and prices l) the tenderer's ability to fulfil its obligations in terms of the tender document, that is, that the tenderer can demonstrate that he/she possesses the necessary professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, capacity, experience, reputation, personnel to perform the contract, etc.; the Elundini Municipality reserves the right to consider a tenderer's existing contracts with the Elundini Municipality in this regard. m) any other matter relating to the submitted bid, the tendering entity, matters of compliance, verification of submitted information and documents, etc. n) there is any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any Organ Of the State and where there are notices of poor performance issued thereof. [Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the <i>Audi alteram partem rule</i> was applied]. o) tenderer/s (or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector [Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the <i>audi alteram partem rule</i> was applied]. The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za). p) tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) q) tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years? r) the tenderer/s employees/directors are also employees/contractors/consultants or directors in the organ of state. The conclusions drawn from this risk analysis will be used by the Elundini Municipality in determining the acceptability of the tender offer. No tenderer will be recommended for an award unless the tenderer has demonstrated to the satisfaction of the Elundini Municipality that he/she has the resources and skills required.
48.	The number of paper copies of the signed contract to be provided by the employer is one.
49.	Incorrect Information Where a contract has been awarded on the strength of the information furnished by the bidder which, after the conclusion of the relevant agreement, is proved to have been incorrect, the Elundini Municipality may, in addition to any other legal remedy it may have, recover from the contractor all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract

	If after the commencement of the Contract, there is any amendment in the key personnel from which bid evaluation was based, within 90 days of first having become aware of the change, the Contractor must furnish the Employer with detailed justification to change of key personnel, which might be accepted or not accepted by the employer depending on its discretion and the level of skill of personnel used for the replacement.
50.	Acceptance or Rejection of a Bids The Elundini Municipality reserves the right to withdraw any invitation to submit a bid and/or to re-advertise or to reject any bid or to accept a part of it. The Elundini Municipality does not bind itself to accepting the lowest bid.

SCHEDULE 1:**EXPERIENCE OF THE TENDERER**

The tenderer must have been the main contractor not subcontracting and must provide three (3) contactable client references for the construction or maintenance of buildings (Public Amenities) with a cumulative value of at least R5 million and which has been satisfactorily completed with completion certificates. The municipality will conduct an intense due diligence which will include inspection of the claimed experience of the five (5) highly preferred bidders.

Tenderers must list building construction or maintenance projects or maintenance projects undertaken in the past with documented proof of appointment and completion certificates.

The municipality will conduct an intense due diligence which must include inspection of the claimed experience of the five (5) highly preferred bidders

Tenderers should very briefly describe his or her experience in this regard, emphasising the details¹ nature of the works and complexity and attach this to this schedule. The description should be put in tabular form with the following headings:

Employer, and	Description of contracts relating to:	Contract value of the works inclusive of VAT (Rand)	Date	
			Start	Completion
Employer: Contact person: Telephone number: Email address:	Title of the project: Brief description:			
Employer: Contact person: Telephone number: Email address:	Title of the project: Brief description:			
Employer: Contact person: Telephone number: Email address:	Title of the project: Brief description:			

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

0	Tenderer has submitted no information or inadequate information to determine scoring level.
Poor (score 10)	Limited experience. Contractor <u>has only one (1) building construction or maintenance project experience (appointment letter and completion certificate of the same project)</u>
Satisfactory (score 20)	Average experience. Contractor <u>has only two (2) building construction or maintenance projects experience (appointment letters and completion certificates of the same projects)</u>
Good (score 30)	Above average experience. Contractor <u>has three (3) building construction or maintenance projects experience (appointment letters and completion certificates of the same projects)</u>

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed

Date

Name

Position

Tenderer

Schedule 2.1: Experience of key persons Project Manager/Contracts Manager

The experience of the key person who will be responsible for the managing of building or maintenance of construction or maintenance projects. Implementing construction processes, project management, coordination, administration, reporting to client and management of resources, will be evaluated in relation to the scope of work from two different points of view.

Person must have an experience in managing of building construction or maintenance projects, coordination, administration, reporting to client and management of resources in the last five years with contactable references to confirm the claimed experience.

- 1) General experience (total duration of work activity), level of education and training and positions held.
- 2) The education, training, skills and experience and knowledge of issues which are pertinent to the scope of work, and stakeholders.

A CV of the key person of not more than 4 pages needs to be attached to this schedule. A letter of undertaking from the person on the CV must be attached and the very same person must sign in the space provided below:

Key Person Name: _____ Signature /ID Number: _____

The CV should be structured under the following headings:

- 1 Personal particulars
 - name
 - date and place of birth
 - place (s) of tertiary education and dates associated therewith
 - professional awards
- 2 Qualifications* (Key Person (Project Manager/Contracts Manager) with qualification of NQF Level 7 in Quantity Surveying/Civil Engineering/Architect/Project Management and minimum 5 years' experience in Building construction or maintenance projects in a supervisory level).
- 3 Name of current employer and position in enterprise
- 4 Overview of work experience (year, organization and position)
- 5 Outline of recent assignments / experience that has a bearing on the scope of work (in the past five (5) years)

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

	General experience and qualifications in relation to the service	Adequacy for the contract
Score 0	Tenderer has submitted insufficient information to score the schedule	
Poor (score 5)	Key person must have NQF Level 7 in Quantity Surveying/Civil Engineering/Architect/Project Management	Key person has reasonable (1 - 2 years' experience in building construction or maintenance projects at supervisory level) , levels of project specific education, training and experience that are pertinent to the scope of work
Satisfactory (score 10)	Key person must have NQF Level 7 in Quantity Surveying/Civil Engineering/Architect/Project Management	Key person has reasonable (3 - 4 years' experience in building construction or maintenance projects at supervisory level) , levels of project specific education, training and experience that are pertinent to the scope of work
Good (score 20)	Key person must have NQF Level 7 in Quantity Surveying/Civil Engineering/Architect/Project Management	Key persons ha extensive (5 years and above experience in building construction or maintenance projects) , training and experience that are pertinent to the scope of work

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed

Date

Name

Position

Tenderer

Schedule 2.2 Experience of key persons Site Agent/Construction Manager

Site Agent/Construction Manager should have a minimum qualification of NQF Level 6 in Building/Quantity Surveying/Civil Engineering and minimum 5 years in Building construction or maintenance projects with contactable references

A CV of the key person of **not** more than 3 pages together with required proof of qualifications(Certificates must be attached to this schedule and the very same person must sign in the space provided below:

Key Person Name: _____ Signature : _____

The CV may be structured under the following headings:

- 1 Personal particulars
 - name & surname
 - date of birth or ID number
- 2 Qualifications: NQF Level 6 in Building/Quantity Surveying/Civil Engineering
- 3 Name of current employer and position in enterprise
- 4 Overview of work experience (year, organization and position)
- 5 Outline of recent assignments / experience that has a bearing on the scope of this project in the past Three (3) years)

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

	General experience and qualifications	Adequacy for the contract
Score 0	Tenderer has submitted insufficient information to score the schedule	
Poor (score 5)	Key person must NQF Level 6 in Building/Quantity Surveying/Civil Engineering	Key person has limited (1 - 2 years' experience in building construction or maintenance projects), levels of project experience that are pertinent to the scope of work with contactable references to confirm the claimed experience
Satisfactory (score 10)	Key person must NQF Level 6 in Building/Quantity Surveying/Civil Engineering	Key person has limited (3 - 4 years' experience in building construction or maintenance projects), levels of project experience that are pertinent to the scope of work with contactable references to confirm the claimed experience
Good (score 20)	Key person must NQF Level 6 in Building/Quantity Surveying/Civil Engineering	Key person has limited (5 years and above experience in building construction or maintenance projects), levels of project experience that are pertinent to the scope of work with contactable references to confirm the claimed experience

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed

Date

Name

Position

Tenderer

Schedule 2.3 Experience of Foreman/Supervisor

Foremen/Supervisor at NQF Level 4 "National Certificate": minimum of 7 years' experience supervising construction and maintenance of building works

	General experience and qualifications in relation to the service.	Adequacy for the contract
Score 0	Tenderer has submitted insufficient information to score the schedule	
Poor (score 5)	NQF Level 4 "National Certificate	Foreman/Supervisor with a minimum of 1-2 years' experience supervising construction or maintenance of building works
Satisfactory (score 7)	NQF Level 4 "National Certificate	Foreman/Supervisor with a minimum of 3-6 years' experience supervising construction or maintenance of building works
Good (score 10)	NQF Level 4 "National Certificate	Foreman/Supervisor with a minimum of 7 and above years' experience supervising construction or maintenance of building works

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed _____ Date _____
Name _____ Position _____
Tenderer

Schedule 3 : Approach Paper

The approach paper must respond to the scope of work, the nature of the contract, the required resources and outline the proposed approach /methodology including that relating to the programming and management of key processes.

The approach paper as such needs to:

- Company Organogram showing the Personnel provided on Personnel experience
- Company Plant & Equipment relating to the project
- Construction & Maintenance of buildings Methodology
- Demonstrate SMME development strategy

The tenderer should as such explain his / her understanding of the objectives of the project, highlight the issues of importance and explain the strategic approach they would adopt to address them. The approach paper should explain the methodologies which are to be adopted, demonstrate the compatibility of those methodologies with the proposed approach. The approach should also include a high level quality plan which outlines processes, procedures and associated resources, applied by whom and when, to meet the requirements and indicate how risks will be managed and what contribution can be made regarding value management.

The approach paper must respond to the scope of work, the required resources and outline the proposed approach / methodology bearing in mind that outages will be applicable, so strategy of minimizing customer power interruptions will be needed. The approach paper as such needs to:

- Systems which will be employed to manage subcontractors appointed.
- Articulate what value add the tenderer will provide in achieving the stated and implied objectives for the project including the secondary objectives.

The approach should also include a high level quality plan which outlines processes, procedures and associated resources, applied when, to meet the requirements and indicate how risks will be managed and what contribution can be made regarding value management. Plus an Organogram showing the personnel stated on the key persons. The approach should also show the tenderers available plant to execute the project, the methodology of executing such projects and SMME development strategy that the tenderer will employ. **NB: Failure to submit an Approach with an Organogram showing the personnel that are stated as key persons on the personnel experience, the Tenderer will be deemed non-responsive for this item.**

	Delivering projects as the main contractor	Strategy for delivering secondary (developmental) objectives
Score 0	Tenderer has submitted insufficient information to score the schedule	
Poor (score 8)	The technical approach and / or methodology is poor / is <u>unlikely to satisfy project objectives or requirements</u> . The approach paper only has an Organogram showing the Personnel provided on Personnel experience	The tenderer's strategy is poor because the approach paper does addresses one of the required aspects.
Satisfactory (score 13)	The technical approach and / or methodology is fair but <u>unlikely to satisfy project objectives or requirements</u> . The approach paper only has an Organogram showing the Personnel provided on Personnel experience and company plant and equipment relating to the project.	The tenderer's strategy is reasonable; however the approach paper addresses only two of the required aspects.
Good (score 18)	The approach is <u>specifically tailored</u> to address the specific project objectives and methodology and is sufficiently flexible <u>to accommodate changes</u> that may occur during execution. The approach paper has an Organogram showing the Personnel provided on Personnel experience, company plant and equipment relating to the project and Construction and maintenance of buildings methodology.	The tenderer's strategy is well thought through and the quality plan outlines the detailed processes, procedures and associated resources, however how SMMEs will be developed is not outlined clearly.
Very good (score 20)	Besides meeting the "good" rating, the important issues are approached in an <u>innovative and efficient way</u> , indicating that the tenderer has <u>outstanding knowledge of state-of-the-art approaches</u> . The approach paper has an Organogram showing the Personnel provided on Personnel experience, company plant and equipment relating to the project, construction and maintenance of buildings methodology. And further demonstrate the SMME development strategy that will be utilised	The tenderer's strategy is innovative and the quality plan outline processes, procedures and associated resources and clearly indicates how risk will be managed which is likely to yield outstanding outcomes and improvements over time.

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed

.....

Name

.....

Tenderer

.....

Date

.....

Position

.....

C3: Scope of Work

C3.1 Framework Information

1. Project Background

Framework contract for a pool of maximum five (5) service providers with CIDB Grade 5 GB and above for the Construction and maintenance of municipal buildings and facilities within the Elundini Local Municipality: (NEC3 option B) for a period of three (3) years was established with the following:

2.1 Vision

To have a panel of service providers for a period of time without a guarantee of quantum of work. This will provide efficient turnaround time in attending to infrastructure development and maintenance.

2.2 Mission

- To promote economic empowerment for developing construction entities;
- To promote local employment (temporary and permanent) through the delivery of the infrastructure;
- To develop small enterprise capacity in order to undertake the portions of the work as subcontractors
- To retain as much of the project expenditure within the Elundini Local Municipality; and,
- To Support skills development by increasing the number of people who have part qualifications, national qualifications and professional designations awarded by statutory councils.

2.3 Objectives

- The Employer's primary objective in entering into this framework contract over a 3 year framework term for Construction and maintenance of municipal buildings within the Elundini Municipal area of jurisdiction, on an as and when instructed basis without a guarantee to a quantum of work, is to secure the services of a limited number of suitably qualified contractors to serve the Employer's current and emerging needs.
- The secondary or developmental objectives of the Employer are to provide employment and business opportunities to persons residing or located within the Elundini Municipal Area.

2.4 Specific

- The Contractor is required to provide all required personnel, materials, equipment and plant required for the construction and maintenance of buildings and associated works as instructed through a Package Order issued by the Elundini Local Municipality.
- The Contractor will furthermore be required to subcontract up-to 30% of the Works to local businesses in order to develop them over the specified Package Order period to enable them to rise their CIDB grading.
- Each Package Order will specify its own Works Information with the necessary details applicable for the construction of that Work Package. This will include but not limited to reporting, invoicing, technical details training, interpretation training of working drawings, construction project management training as well as people employment requirements.

The Employer is Elundini Local Municipality, which is located under the jurisdiction of Joe Gqabi District, in the north eastern portion of the Province of the Eastern Cape.

The Employer's mission is to operate a rural municipality that delivers excellent services to its people who remain its priority in everything that it does; is financially viable; has good governance in place; is transformed and developmental; and is clean, green and sustainable.

3. Scope

The scope of this Framework Contract is the Construction and maintenance of municipal buildings over a 3-year framework term, as and when the specific Package Order is issued to the Contractor. A generic BOQ has been provided for competitive purposes but pricing can be done for additional items as per market related prices at the time of issuing the package order.

The Contractor is required to provide all required personnel, materials, equipment and plant required for the Construction and maintenance of municipal buildings and associated works as instructed through a Package Order within the Elundini Local Municipality

The Contractor will furthermore be required to subcontract at least 30% of the Works with local businesses to develop them over the framework period to enable them to raise their CIDB grading.

Each Package Order will specify its own Works Information with the necessary details applicable for the Construction and maintenance of municipal buildings of that Work Package. This will include but not be limited to reporting, invoicing, technical details, drawings, location, Site Information as well as people employment requirements.

4. Management of the agreement

The Employer and Contractor will meet to discuss the management of this agreement at least on a monthly basis and when either Party requests such a meeting.

The contact person for the Employer for these meetings will be Mr. S Mrengqwa or the senior accounting officer of the Municipality.

The Contractor will report on a quarterly basis to the Employer the status of the local business development as required in section 2 above.

5. The quotation procedure

The Employer will specify the specific requirements that the selected Contractor needs to adhere to for the quotation for a specific Package Order.

- a) The quotation request will at least consist of:
 - The quotation instructions.
 - The completed Package Order Contract Data for the specific package order.
 - The detailed Works Information and Site Information for the specific package order; and

- Any other relevant information.
- b) The quotation instructions will at least indicate:
 - The time and place for submission of a quotation;
 - The information required as part of the quotation;
 - The proposed timeline for the execution of the Package Order;
 - The intended appointment date; and
 - The person who can be contacted.

- c) After submission of the quotation by the Contractor/s, the Employer may
 - 1) Accept the quotation by issuing a Package Order to the successful Contractor;
 - 2) Revise the Work Package and request a revised quotation; or
 - 3) Decides that the Work Package should not be carried out.

6 Issuing of Package Orders

- 6.1 The Employer will issue Package Orders in accordance with the provisions of the Elundini Local Municipality Local Government Framework for Infrastructure Delivery and Procurement Management (LGFIDPM) Policy.
- 6.2 Performance in achieving and exceeding developmental targets and undertakings may form part of the justifiable reasons for awarding a Package Order to a particular framework contractor.

7 General specifications for materials

The Contractor shall only incorporate in the works materials (substances that can be incorporated into the works), products (item manufactured or processed for incorporation into the works), components (products manufactured as distinct units to serve a specific function or functions) and assemblies (set of related components attached to each other) which are:

- a) fit for their intended purpose; and
- b) capable of fulfilling required functions under intended use conditions or when in use, with planned maintenance, under the influence of the environmental actions or a result of a self-ageing process for a period of time within industry accepted norms.

8 Title to objects and materials within the site

Earth, stone, gravel and sand, and all other materials existing on, excavated from or obtained by the removal of vegetation or demolition of structures on the site, shall be at the Contractor's disposal in so far as they are required for incorporation into the works.

9 Promotion of developmental procurement objectives

9.1 Local direct employment goal

- 9.1.1 The Contractor shall achieve or exceed in the performance of the Package Order the contract local direct employment goal (CLDEG) established in Scope of Work associated with a Package Order where:

- a) contract local direct employment goal (CLDEG) means the percentage of the total number of equivalent person days worked by people employed by the Contractor or a Subcontractor for the performance of the works who are local people;
- b) equivalent person-days means the total time worked by people within the Working Area divided by 8 hours;
- c) local people means people who reside in the Elundini Municipal areas, within 20 km of the site

- 9.1.2 Credits towards the contract local direct employment goal shall be assessed and granted by the Employer's delegate, based on information provided by the Contractor whenever the amount due to the Contractor in terms of the contract is assessed.

- 9.1.3 The Contractor shall submit to the Employer's delegate in a format acceptable to the Employer's delegate the name, identity number, gender, youth, residential address, occupation and equivalent-person days employment in respect of each and every employee of the Contractor and subcontractors whenever the amount due to a Contractor in terms of the contract is assessed.

- 9.1.4 Credits towards the contract local direct employment goal shall be denied where:

- a) sectoral determinations made by the Minister of Labour or, in the absence of any applicable bargaining council or sectoral determination, the local wages and conditions of employment for unskilled workers; and
- b) people work outside of the site.

9.1.5 Expanded Public Works Programme

The bidder is required to ensure that the minimum targets of employment is achieved during the course of the project. Labour, training and employment of people may be done at any time the contract, i.e. during the engineering and construction part of the project. Reporting on this must be completed as per the prescribed reporting structure within this document or as instructed by the client. The calculation of minimum labour employed is found in the tender section of this document

- 9.1.6 The contractor shall also commit to sub-goals for women and youth (persons 16 – 35 years of age)

9.2 Development of local subcontractors

- 9.2.1 The Contractor shall at least subcontract 30% of the Works with local businesses to develop them over the framework period to enable them to rise their CIDB grading.

- 9.2.2 A local subcontractor is an enterprises who has the skill and expertise to provide services and the responsibility for the management and supervision relating thereto, in the discharge of a contractual obligation, from a building together with its land and outbuildings located within the Elundini Local Municipality and which can provide proof of ownership of such premises or a valid rental agreement with the owner of such premises.
- 9.2.2.1. The Contractor will be responsible to transfer skills and monitor the Local Sub-Contractor work done on site and check the quality of work done on site by the Sub-Contractor.
- 9.2.3 The Contractor shall provide the Employer with a proposed strategy and method statement for the development of local subcontractors whenever the contractor submits a quotation for a Package Order.
- 9.2.4 The Contractor shall report on a quarterly basis to the Employer the progress made in developing subcontractor

The conditions of tender are the latest edition of SANS 10845-3:2015, *Construction and maintenance Procurement – Part 3: Standard conditions of tender*.

SANS 10845-3:2015 makes several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the provisions of SANS 10845-3:2015.

Each item of data given below is cross-referenced to the clause in SANS 10845-3:2015 to which it mainly applies. These standards should be read in conjunction with the Local Government Framework for Infrastructure Procurement and Delivery Management (LGFIPDM) and CIDB Conditions of tender.

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