



ROADS AGENCY
LIMPOPO
TOGETHER FOR BETTER ROADS

CIDB Class Grading 6CE to 9CE

**RAL/T1056A/2024: TENDER TO APPOINT A PANEL OF CIVIL ENGINEERING
ROADS CONTRACTORS AT CIDB LEVEL 6CE to 9CE FOR A PERIOD OF THREE
(03) YEARS IN THE LIMPOPO PROVINCE.**

NAME OF TENDERER:

CSD Number

**The Chief Executive Officer
Roads Agency Limpopo SOC Ltd
Private Bag X9554
Polokwane
0700**

Tel: (015) 284 4600

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THE TENDER

PART T1: TENDERING PROCEDURES

PART T2: RETURNABLE DOCUMENTS

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PART T1: TENDERING PROCEDURES

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T1.1 INVITATION TO BID

Bidders are hereby invited from contractors registered with the Construction Industry Development Board (CIDB) for **RAL/T1056A/2024: A panel of civil engineering roads contractors CIDB 6CE to 9CE; for a period of three (03) years.**

The employer is the **Roads Agency Limpopo SOC Ltd.**

Tender documents can be downloaded from the following: - RAL website: www.ral.co.za; www.cidb.co.za and www.etenders.gov.za.

Queries related to the issues of these documents may be addressed to Mr K Nkoana, Tel No: 082 857 6851, e-mail: nkoanak@ral.co.za or Mr MR Dinala, Tel No. (015) 284 4600, email dinalamr@ral.co.za.

There is **No** clarification meeting.

The closing time for receipt of tender is **11:00 hrs on Tuesday 19 March 2024**. Telegraphic, telephonic, telex, facsimile and late tenders will not be accepted.

Tenders, completed as prescribed, shall be sealed in an envelope marked **“RAL/T1056A/2024: A Tender to Appoint A Panel of Civil Engineering Roads Contractors at CIDB Level 6CE to 9CE; for a period of three (03) years”**, and deposited in the **box located in the entrance foyer (ground floor) of RAL Towers, 26 Rabe Street (c/o Biccard Street), Polokwane.**

Pre- qualification criteria for this tender.

In terms of the Preferential Procurement Policy Framework Act, 2000: Preferential procurement regulations, 2022, the Roads Agency Limpopo will be applying the pre-qualifying criteria as per section 4. (1) (a) of regulation, 2022.

4. (2) A tender that fails to meet the pre-qualifying criteria stipulated in the tender document is an unacceptable tender.

Tenderers shall have a **CIDB** class grading of:

6CE to 9CE.

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SBD 1

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)				
BID NUMBER:	RAL/T1056A/2024	CLOSING DATE: 19 MARCH 2024		CLOSING TIME: 11:00
DESCRIPTION	A PANEL OF CIVIL ENGINEERING ROADS CONTRACTORS AT CIDB LEVEL 6CE TO 9CE FOR A PERIOD OF THREE (03) YEARS IN THE LIMPOPO PROVINCE			
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)				
ROADS AGENCY LIMPOPO				
RAL TOWERS				
26 RABE STREET				
POLOKWANE 0700				
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:	
CONTACT PERSON	DINALA MATSOBANE		CONTACT PERSON	MANKGA M
TELEPHONE NUMBER	015 284 4600		TELEPHONE NUMBER	015 284 4600
FACSIMILE NUMBER	015 291 2433		FACSIMILE NUMBER	015 291 2433
E-MAIL ADDRESS	dinalamr@ral.co.za		E-MAIL ADDRESS	nmankgapm@ral.co.za
SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	

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E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?			☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

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SBD1

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA .
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

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

DATE:

.....

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T1.2 TENDER DATA

The conditions of tender are the Standard Conditions of Tender as contained in Annex F of SANS 294:2004.

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

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

Subclause	Data
F.1.1	The employer is the Roads Agency Limpopo SOC Limited
F.1.2	The Project Document issued by the employer consists of the following: THE TENDER Part T1: Tendering procedures: T1.1 Tender notice and invitation to tender T1.2 Tender Data Part T2: Returnable document T2.1 List of returnable schedules
F.1.4	The employer's agent is: Name: Mr M Mokgala Address: 26 Rabe Street Polokwane Tel: (015) 284 4600 e-mail: MokgalaM@ral.co.za
F.2.1	Only those tenderers who are registered with the CIDB, equal to or higher than a contractor grading designation between 6CE to 9CE class of construction work, in terms of these Regulations at a contractor grading designation, one level lower than the contractor's registered grading designation, provided that the client (a) is satisfied that such a contractor has the potential to develop and qualify to be registered in that higher grade; and (b) ensures that financial, management or other support is provided to that contractor to enable the contractor to successfully execute that contract are eligible to submit tenders. Joint ventures are eligible to submit tenders provided that: 1. every member of the joint venture is registered with the CIDB or can provide proof of having registered;

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	The combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the CIDB level for a 6CE to 9CE class of construction work. NB: Bidders will be evaluated based on the CIDB grading they are applying for.
F.2.13	SUBMITTING A TENDER OFFER
F2.13.1	Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data
F.2.13.3	a) Submit only one properly bound tender document, (no emailed tenders will be accepted) b) Additional documentation including certificates shall be submitted in a separate, properly bound, document
F.2.13.5	The employer's address for delivery of tender offers and identification details to be shown on each tender offer package are: Location of tender box: In the entrance foyer (ground floor) of RAL Towers, at 26 Rabe Street (c/o Biccard Street), Polokwane. Identification details: RAL/T1056A/2024: Tender to Appoint a panel of civil engineering roads contractors at CIDB Level 6CE to 9CE for a period of three (03) years
F.2.13. & F.3.5	A two-envelope procedure will not be followed.
F.2.15	Closing time for submission of tender offers is: 11H00 on Tuesday 19 March 2024. Telephonic, telegraphic, telex, facsimile, electronic, e-mailed or postal tender offers will not be accepted.
F.2.16	TENDER OFFER VALIDITY 2. 16.1a) Tenders shall remain valid for a period of 120 days from the time set for the closing of Tenders and no Tender may be withdrawn during this period. 2.16.1b) Should a Tenderer amend (other than according to F 3.9) or withdraw his Tender after the time set for the receipt and opening of Tenders or during the period of its validity, but prior to his being notified of the acceptance of his original Tender, or after having been notified that his Tender has been accepted: a) give notice of his inability to execute the Agreement / Contract in terms of his tender; or

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	b) fail to sign an Agreement / Contract or furnish the security within the period fixed in the conditions reflected in the form of Tender or any extended period fixed by the Employer; or c) fail to execute the Agreement / Contract according to the documents. He shall pay either the difference between his Tender and a less favourable Tender accepted in terms of the provisions of Tender sub Condition 3.1(d), or if the Employer decides to invite fresh Tenders, all additional expenses which the Employer has to incur in this regard, as well as any difference between his Tender and the accepted new Tender; provided that the Employer fully or partly exempt a Tenderer from the provisions of this sub condition if he is of the opinion that the circumstances justify the exemption. 2.16.1c) When, in the circumstances mentioned in Tender sub-condition 3.10(c) it is not deemed desirable to invite fresh Tenders, the Employer may accept another Tender from those already received provided the offer is market related.
F2.24	TENDER WITHDRAWAL OR MODIFICATION PRIOR TO CLOSING DATE Any Tenderer has the right to withdraw, modify or correct his Tender after it has been delivered, provided that written request for such withdrawal, modification, or correction, together with full details of such modification or correction is received at the address given for the submission of Tenders before the closing date and set for the receipt of Tenders. The original Tender as amended by such written or facsimile communication shall be considered the relevant Tenderer's offer.
F.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 date and time stated in the tender data, in order to take the addenda into account. All addenda will be uploaded RAL website www.ral.co.za/tender . All addenda, if any, will be uploaded at least five working days prior to the closing date.
F.2.8	SEEK CLARIFICATION Request clarification of the tender documents, if necessary, by notifying the employer at least five working days before the closing time stated in the tender data.
F.3.4	The time and closing date for tender offers: Time: 11h00 on Tuesday 19 March 2024 Location: Entrance foyer (ground floor) of the RAL Towers, 26 Rabe Street (c/o Biccard Street), Polokwane
F.3.11	Evaluation Methodology Tenders will be evaluated for compliance with the legislative / regulatory requirements, functionality as well as special conditions for this tender. It is important

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	that the relevant information is included to enable the bid to be evaluated in accordance with the procedure outlined below. All supporting information must be submitted in a separate properly bound document. Tampering with the original tender document will render the tender non-responsive. Failure to comply with the above requirements will result in the Tender being disqualified. In addition to the mandatory pre-qualifying requirements, the service provider will be evaluated as per criteria set out in the relevant section of this document. Each must acquire the minimum points for the tender to be considered responsive. The Tender evaluation will be conducted as follows: 1(a) Step 1 – Prequalification evaluation The tenderer's will be verified against a pre-qualifying criterion in terms of the Preferential Procurement Policy Framework Act, 2000: Preferential procurement regulations, 2022. Tenderers must be registered with Construction Industries Development Board (CIDB). 1(b) Step 2 – Administrative Responsiveness Tender documents shall be submitted as downloaded and printed from the website without any alterations. Any alterations will render your tender null and void and will be disqualified outright. All documents listed as returnable will be verified against an approved checklist and signatory of the tender documents verified as the authorised person to sign the relevant documentation. All forms, certificates and schedules shall be completed and signed in black ink. Mistakes made by tenderers shall not be removed by using correcting fluid (Tippex or similar) but shall be cancelled by drawing a line through the incorrect entry and initial each correction or amendment. 1(c) Step 3 – Substantive Responsiveness Tenders will be checked for compliance with Tender Conditions and the mandatory documents / returnable verified for completeness and correctness. Non-compliance with any of the requirements will render the tender non- responsive and it will not be carried forward to the next stage. (refer to 2(a) below) 1(d) Step 4 – Technical / Functional Evaluation The Tenderer's company and staff experience will be evaluated as per the Evaluation matrix in this RFP. Each tender will be assessed and awarded points for Functionality.
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	Failure to achieve 70 points out of the 100 for Functionality will render the tender non-responsive. Only tenders that score the specified minimum number of points for Functionality will be deemed to be acceptable and carried forward to the next stage. 1(e) Step 5 – Final stage The tenders that have scored a minimum of 70 points out of 100 for functionality will be shortlisted to form part of the panel. The successful contractors will be included in the panel for CIDB 6CE to 9CE 2(a) Compliance with Tender Conditions and other Requirements The tenders will be checked to ensure that they comply with the Tender Conditions and all other requirements of the project document. In particular, the following documentation must be completed, signed, and included in the tender: Form T2.1 A - Certificate of Authority for Signature. For JV's, a JV Agreement shall be provided (if applicable) Form T2.1 B - Record of addenda to tender documents ((Attachment and implementation of issued addenda) Form T2.1 C - Certificate of non- collusive tender Form T2.1 E – Compliance with Occupational Health and Safety Act Form T2.1 F – Financial Information and Bank Rating Form T2.1 G – Construction Industries Development Board registration. Form T2.1 H – Compulsory Enterprise questionnaire. Form T2.1 J – Bidder's disclosure Form T2.1 M - Requirements in terms of government's reconstruction and development programme Form T2.1 N – Client' reference for the Bidder Failure to comply with the Tender Conditions or to supply the mandatory information at tender closure WILL result in the tender being rejected. 2(b)Second Stage in Evaluation: Functionality: Points System A brief description of the scoring system is given below. A tabulated score sheet which will be used in the evaluation is as shown below. Tenderers' submissions will be evaluated based on compliance with the following criteria to determine the responsiveness to the bid requirements: I. CVs of key personnel
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	II. Capability statement of the company with regard to this type of work in general. Provide project descriptions of similar completed road projects. Highlight experience with similar projects in South Africa for similar roads authorities in the past 10 years. Provide contact details of employers for these projects. Points will be awarded for each project completed that is at least one grading lower than the CIDB grading called for this project. Points will be allocated for each qualifying project. III. Bank rating: Tenderer's bank to complete Form T2.1 F. It is important that the tenderer provides information as requested as this information will be used for functionality in which a minimum of 70 points must be scored to move to the next stage of evaluation. The scoring will be according to the table below:			
	PROJECT TEAM (Key Personal) (Ppt) The Construction Manager MUST have a minimum National Diploma in Civil Engineering or higher. Experience in road construction projects must be demonstrated and clearly indicated in the CV. (The Tenderer will be evaluated based on the personnel submitted. If during implementation one of the submitted personnel is no longer available, they should be replaced with personnel with the similar qualification or higher)			
	Key Personal FOR CIDB LEVEL 6CE TO 9CE Construction Manager in road construction within relevant CIDB grading. National Diploma or Higher In Civil Engineering	Experience in Years Experience below five (05) years Experience of five (05) years and less than ten (10) years Experience of ten (10) years and above	Points 0 10 15	Maximum Points 15
	COMPANY EXPERIENCE (Pce) Provide a maximum of 5 relevant road construction projects completed in the past 10 years (appointment letter and completion certificate must be attached). Form T2.10 must also be completed by the client (contractor to duplicate the form) Provide contact details of employers for these projects. Points will be awarded for each project completed that is at least one grading lower than the CIDB grading called for this project. Points will be allocated for each qualifying project.			
	Number of Projects	Points	Maximum	

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			Points
	1 x Qualifying project	13	65
	2 x Qualifying projects	26	
	3 x Qualifying projects	39	
	4 x Qualifying projects	52	
	5 x Qualifying projects	65	
	BANK RATING (Pbr) Tenderers are required to provide confirmation of Bank ratings		
	Bank Rating	Points	Maximum Points
	A	20	20
	B	16	
	C	12	
	D	8	
	E	4	
	F	2	
	G	0	
	Total		
	2(c) Final Stage in Evaluation: Calculation of Final Total Points The final score or final total points for each tender will be calculated by adding the scores. $P = Ppt + Pce + Pbr$ P = Final Total Points Ppt = Points for Project Team		

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	Pce = Points for Company Experience Pbr = Points for Bank rating The tenders who have scored a minimum of 70 points out of 100 for functionality will be shortlisted to form part of the panel. Successful suppliers will form the category of successful contractors who will be included in the panel for CIDB grading of 6CE to 9CEPE. Once a tenderer has passed both compliance and functionality, they will form part of the panel. Service Providers in the panel will then be required to bid for specific projects as and when required through a request for proposals.
RAL Special No.1	SMME's: It is a requirement of this contract that participation in the contract must be granted to sub-contract local SMME companies. Local is defined as "having their head office within the boundaries of South Africa, however preference will be given to local businesses within the vicinity of the project". A SMME company should be a registered company, but not necessarily be registered with CIDB, although it is preferred. The minimum target for participation is thirty percent (30%) for upgrading and ten (10%) for maintenance of the tendered sum including VAT. This can be achieved through either one or more SMME.
RAL Special No.2	Local Labour Content: The minimum Local Labour content for this project shall be 10% (upgrading) project or 5% (maintenance) of the tendered sum excluding VAT.

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PART T2: LIST OF RETURNABLE DOCUMENTS

The tenderer must complete the following returnable documents:

T2.1 LIST OF RETURNABLE SCHEDULES..... T.17

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T2.1 LIST OF RETURNABLE SCHEDULES

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T2.1 J	BIDDER'S DISCLOSURE SBD 4.....	T.30
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T2.1 M	REQUIREMENTS IN TERMS OF GOVERNMENT'S RECONSTRUCTION AND DEVELOPMENT PROGRAMME	T.35
T2.1 N	CLIENT'S REFERENCE FOR THE BIDDER	T.58

NB. Additional documentation including certificates shall be submitted in a separate, properly bound, document.

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T2.1 A CERTIFICATE OF AUTHORITY

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

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

A. Certificate for company

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

As witness

1.....
Chairman

2.....
Date

B. Certificate of partnership

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

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

NAME	ADDRESS	SIGNATURE	DATE

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

C. Certificate for Joint Venture

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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 for Contract.....and any other contract resulting from it on our behalf.

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

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME & CAPACITY
Lead partner		

D. Certificate for sole proprietor

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

As Witness:

1.....
Signature: Sole owner

2.....
Date

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E. Certificate for Close Corporation

We, the undersigned, being the key members in the business trading
as.....hereby authorise Mr/Mrs.....

Acting in the capacity of....., to sign all documents
in connection with the tender for Contract.....and any
contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

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

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T2.1 B RECORD OF ADDENDA TO TENDER DOCUMENTS

We confirm that the following communications received from the employer before the submission of this tender offer, amending the tender documents, have been considered in this tender offer:

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

Attach additional pages if more space is required.

Signed..... Date

Name..... Position.....

Tenderer.....

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T2.1 C CERTIFICATE OF NON-COLLUSIVE TENDER

1 IN THE CASE OF A SINGLE CONSTRUCTION CONCERN:

I/We certify that this is a bona fide tender.

I/We also certify that I/We have not done, and I/We undertake not to do any of the following at any time before the hour and date specified for the closure of submission of tenders for this contract.

- a) Fix or adjust the amount of this tender by or under or in accordance with any agreement or arrangement with any other person.
- b) communicate to a person other than the person calling for these tenders the amount or approximate amount of the proposed tender, except when the confidential disclosure of the approximate amount of the tender is necessary to obtain the insurance-premium quotations required for preparation of the tender.
- c) cause or induce any other person to communicate to me/us the amount or approximate amount of any rival tender for this contract.
- d) enter into any agreement or arrangement with any other person to induce him to refrain from tendering for this contract, or to influence the amount of any tender or the conditions of any tender to be submitted, nor cause or induce any other person to enter into any such agreement or arrangement.
- e) offer or pay or give or agree to pay or to give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any tender or proposed tender for this contract, any action similar to those described above.

In this certificate the term "person" includes juristic or natural persons, body of persons or association, whether corporate or not, and the term "agreement or arrangement" includes any agreement or arrangement, whether formal or informal and whether legally binding or not.

SIGNED ON BEHALF OF TENDERER:

**RAL/T1056A/2024: TENDER TO APPOINT A PANEL OF CIVIL ENGINEERING
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T2.1 C: CERTIFICATE OF NON-COLLUSIVE TENDER (continued)

2 IN THE CASE OF A CONSORTIUM OF CONSTRUCTION CONCERNS:

We certify that this is a bona fide tender.

We also certify that we have not done, and we undertake not to do any of the following at any time before the hour and date specified for the closure of submission of tenders for this contract:

- a) Fix or adjust the amount of this tender by or under or in accordance with any agreement or arrangement with any person outside this consortium.
- b) communicate to a person outside this consortium other than the person calling for these tenders, the amount or approximate amount of the proposed tender, except when the confidential disclosure of the approximate amount of the tender is necessary to obtain insurance premium quotations required for preparation of the tender.
- c) cause or induce any person outside this consortium to communicate to us the amount or approximate amount of any rival tender for this contract.
- d) enter into any agreement or arrangement with any person outside this consortium to induce him to refrain from tendering for this contract, or to influence the amount of any tender or the conditions of any tender to be submitted, nor cause or induce any person outside this consortium to enter into any such agreement or arrangement.
- e) offer or pay or give or agree to give any sum of money or valuable consideration directly or indirectly to any person outside this consortium for doing or having done or causing or having caused to be done in relation to any tender or proposed tender for this contract, any action similar to those described above.

In this certificate the term “person” includes juristic or natural persons , body of persons or association, whether corporate or not, the term “agreement or arrangement” includes any agreement or arrangement, whether formal or informal and whether legally binding or not, and the term “person outside this consortium” means, when the consortium is a partnership, a person other than a partner or an employee of a partner or the partnership, or when the consortium is a company, a person other than a person or company holdings shares in the consortium, or any employee of such a person, company or the consortium.

SIGNED ON BEHALF OF TENDERER:

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**T2.1 E COMPLIANCE WITH OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 AND
CONSTRUCTION REGULATIONS, 2003**

The tenderer shall attach evidence that he is registered and in good standing with a compensation insurer who is approved by Department of Labour in terms of section 80 of the Compensation for Injury and Disease Act (COID)(Act 130 of 1993).

The tenderer is required to disclose, by also attaching documentary evidence, all inspections, investigations, and their outcomes conducted by the Department of Labour into the conduct of the tenderer at any time during the 36 months preceding the date of this tender.

Attach a valid letter of good standing from the Compensation Commissioner or FEMA

SIGNED ON BEHALF OF THE TENDERER:

Note to tenderer:

Discovery that the tenderer has failed to make proper disclosure may result in RAL terminating a contract that flows from this tender on the ground that it has been rendered invalid by the tenderer's misrepresentation.

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T2.1 F FINANCIAL DETAILS, STATEMENTS AND BANK REFERENCES

1. FINANCIAL STATEMENTS

I/We agree, if required, to furnish a copy of the latest audited set of financial statement together with my/our Director's and Auditor's report for consideration by the RAL.

**2. DETAILS OF TENDERER'S BANK ACCOUNT
MUST BE COMPLETED BY TENDERER'S BANK**

- a) Account Holder Name:
- b) Name of Bank:
- c) Branch of Bank
- d) Town/city/suburb where bank is situated.....
- e) Contact Person at the Bank:
- f) Telephone number of Bank: Code: Number:
- g) Account Number:
- h) Bank rating:

SIGNED ON BEHALF OF THE BANK

NAME OF BANK OFFICIAL:

DESIGNATION:

SIGNATURE:

DATE:



BANK STAMP

- 3. I/We hereby authorise the Employer to approach the above Bank for confirmation.**

SIGNED ON BEHALF OF THE TENDERER:

DATE:.....

**STAMPED AND SIGNED BANK LETTER (NOT OLDER THAN 3 MONTHS) CONTAINING
THE ABOVE INFORMATION WILL BE ACCEPTED.**

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T2.1 G CONSTRUCTION INDUSTRIES DEVELOPMENT BOARD REGISTRATION

The tenderer is to submit either:

- Written proof of his registration with the CIDB with the relevant grade as indicated/specified in the tender document.

Or

- Written proof of his application to the CIDB for registration as a contractor in the category listed above.

Note:

1. Failure to submit such documentation as prescribed shall result in this tender not being further considered for the award of the contract.
2. Should this tender be considered for award of the contract, based on proof of submission of application for registration in the appropriate category with the CIDB, and should proof of such subsequent registration not be forthcoming to the employer by the time of award of the contract, then this tender will no longer be considered for the award of the contract.

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T2.1 H COMPULSORY ENTERPRISE QUESTIONNAIRE

THE FOLLOWING PARTICULARS **MUST** BE FURNISHED IN THE CASE OF A JOINT VENTURE, SEPARATE ENTERPRISE QUESTIONNAIRES IN RESPECT OF EACH PARTNER **MUST** BE COMPLETED AND SUBMITTED OTHERWISE THE TENDER WILL BE DECLARED NON-RESPONSIVE

Section 1: Name of enterprise:

Section 2: VAT registration number, if any:

Section 3: CIDB registration number, if any:

Section 4: Particulars of sole proprietors and partners in partnerships

Name*	Identity Number *	Personal income tax number*

* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners

Section 5: Particulars of companies and close corporations

Company registration number

Close corporation number

Tax reference number

Section 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 shareholder or stake holder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

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

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

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

* Insert separate page if necessary

Section 7: Record of spouses, children, and parents in the service of the state

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

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

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

* Insert separate page if necessary

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

- authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my/our tax matters are in order.
- confirms that neither the name of the enterprise or the name of any partner, manager, director, or other person, who wholly or partly exercises or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004.
- confirms that no partner, member, director, or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption.

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- | |
|--|
| <p>iv) confirms that I/we are not associated, linked, or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and</p> <p>v) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.</p> |
|--|

Signed Date

Name Position

Enterprise name

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T2.1 J BIDDER'S DISCLOSURE SBD 4

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

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

YES/NO

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

Full Name	Identity Number	Name of State institution

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

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2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?
YES/NO

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without

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consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.

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

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

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

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

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.....	
Signature	Date
.....	
Position	Name of Bidder

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 SHOULD THIS
DECLARATION PROVE TO BE FALSE.

.....	
Signature	Date
.....	
Position	Name of bidder

T2.1 K CURRICULUM VITAE OF KEY PERSONEL AND THE SITE AGENT

Tenderer to supply curriculum vitae of the key personnel and the site agent. This curriculum vitae shall provide evidence of relevant experience of the key personnel and the site agent. The personnel included here shall be used on the project unless otherwise agreed to by Roads Agency Limpopo (SOC) Ltd.

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T2.1: L COMPANY RELEVANT EXPERIENCE

The Tenderer shall enter in the spaces provided below **A LIST OF ROAD CONSTRUCTION PROJECTS CARRIED OUT IN THE LAST 10 YEARS.**

This information is deemed to be material to the award of the contract and is taken into account in the calculation of the Tender adjudication points. It is essential that full details of the projects and of the Employer references be provided in order for the projects to be evaluated and points awarded. An appointment letter, completion certificate and a Completed Form T2.1 O must be provided for each project.

If necessary, a separate form may be submitted.

Failure to provide the necessary information will compromise the Tender.

	Employer (Name, Tel. No. or Fax No.)	Details of Project	Value of Work (Incl. VAT)	CIDB Grade	Year Awarded	Year Completed
1						
2						
3						
4						
5						

SIGNED ON BEHALF OF THE TENDERER:

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T2.1 M REQUIREMENTS IN TERMS OF GOVERNMENT'S RECONSTRUCTION AND DEVELOPMENT PROGRAMME

K1 General

The employer requires the active participation of the contractor in this aspect of the contract.

Forms RDP 1 (E) to RDP 4 (E) applies to this section and must be completed and submitted with the tender.

The tenderer's submissions under this item will be taken into consideration when evaluating tenders received.

K2 Definitions

K2.1 Contract Participation Goal (CPG)

The value of goods, services and works, including VAT, for which the contractor proposes to engage labour and SMMEs.

K2.2 Local Labour Maximisation

It is a requirement of this contract that participation in the contract must be granted to labour in order to maximize job creation as well as to maximize expenditure towards the unemployed.

The specified target value for local labour expenditure is **10% upgrading, 5% maintenance** of the tender sum. This labour content shall be from the LOCAL COMMUNITY where Local Community means those in the immediate vicinity of the project. Labour is defined as hourly paid personnel including the CLO.

It is a requirement that the Contractor plan for achieving these targets and that a planned programme for achieving each of the targets is submitted at the start of the project together with the clause 12 programme of construction.

Penalties: The penalties for not reaching the required labour target values will be calculated at **200 %** of the difference between the set target values and the actual target values achieved by the contractor at completion of the works. No bonuses for achieving the set target values are applicable. In the event that penalties are reversed, no interest will be claimable on the value of the penalty.

K2.3 SMME

SMME (According to the National Small Business Amendment Act, No. 29 of 2004):

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Definition: A “Small [business] Enterprise” means a separate and distinct business entity, together with its branches or subsidiaries, if any, including co-operative enterprises [and non-governmental organisations], managed by one owner or more [which, including its branches or subsidiaries, if any, is predominantly carried on in any sector or subsector of the economy, which can be classified as a micro-, a very small, a small or a medium enterprise by satisfying the criteria mentioned in columns 2, 3 and 4 of the Schedule opposite the smallest relevant size or class as mentioned in column 1 of the Schedule for the Construction category below:

Size of class	Total full time equivalent of paid employees	Total annual turnover	Total gross asset value(fixed property excluded)
Medium	200	R26m	R5m
Small	50	R6m	R1m
Very Small	20	R3m	R0,5m
Micro	5	R0,2m	R0,1m

It is a requirement of this contract that participation in the contract must be granted to local SMME companies. Local is defined as “having their head office within the Limpopo Province boundaries, however preference will be given to local businesses within the vicinity of the project”. A SMME company should be a registered company, but not necessarily be registered with CIDB, although it is preferred. The minimum target for participation is thirty percent **(30%)** for upgrading and ten (10%) for maintenance projects of the total contract value and this can be achieved through one or more sub-contractors. RAL reserves the right to terminate the contract should the contractor fail to honour the commitment as stipulated by the contractor on this page

Information in this regard needs to be provided by the contractor on Forms RDP 2 (E), RDP 2 (E1), RDP 2 (E2), etc. Commitment to these goals will be a condition of award.

It is a requirement that the Contractor plan for achieving these targets and that a planned programme for achieving each of the targets is submitted at the start of the project together with the clause 12 programme of construction.

Penalties: The penalties for not reaching the required SMME target values will be calculated at **200%** of the difference between the set target values and the actual target values achieved by the contractor at completion of the works. Penalties will be applied monthly, when the actual figures are less than **75%** of the planned monthly accumulative figures. No bonuses for achieving the set target values are applicable. In

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the event that penalties are reversed, no interest will be claimable on the value of the penalty.

K2.5 Target values

The values of the targets (including VAT) are expressed as follows:

- At Tender stage: As a percentage of the Tender Sum (i.e. excluding Contingencies, CPA and Rise and Fall, but inclusive of VAT) as proposed by the tenderer in his tender
- After Award: As a percentage of the certified work done (i.e. excluding savings, but inclusive of variation orders and VAT)

The monetary total of these values shall be the CPG.

In this project the minimum target values (as percentage of contract value) shall be as follows:

Local Labour Maximisation (wages)	:	10% upgrading or 5% maintenance of tender sum
SMME's	:	30% upgrading or 10% maintenance of tender sum

The tender of a tenderer whose proposed target values are below the minimum set by the employer may be disqualified.

K3 Contract Participation Performance (CPP)

K3.1 The Contractor's Participation Performance will be measured monthly in order to monitor the extent to which he is striving to reach the Contract Participation Goal (CPG) he proposed in his tender. Failure to reach the CPG will make the Contractor liable for penalties as described above.

K3.2 Monitoring of CPG

Regular returns will be required from the contractor, to be submitted with each payment certificate. The format should be confirmed with the Social Division of RAL at the time of site handover.

K4 Training

Provision will be made in the SCHEDULE OF QUANTITIES for structured training to be provided by the contractor.

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RDP1(E) SCHEDULE OF LOCAL LABOUR CONTENT

The Tenderer must complete the table below to reflect the labour force anticipated to be employed on this contract, including labour employed by sub-contractors.

The specified target value is **10% of the TENDER SUM excluding VAT for the Upgrading Projects and 5% of the TENDER SUM excluding VAT for rehabilitation, Maintenance & Disaster Projects.**

Note: This labour content shall be from the LOCAL COMMUNITY where Local Community means those in the immediate vicinity of the project. The minimum targets are tabled below:

Type of WORKS	Percentage	Local Labour offered
Upgrading Projects	10	%
Rehabilitation Maintenance and Disaster Projects	5	%

Notes to Tenderer:

- (1) Labour is defined as hourly paid personnel including the CLO.
- (2) Rates for labour should be in accordance with Sectorial Determination 2 of the Civil Engineering Sector.

Signed.....

Date.....

Name.....

Position.....

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RDP2(E) EMPLOYMENT OF SMME'S

It is a requirement of this contract that participation in the contract must be granted to **local SMME companies**. Local is defined as "having their head office within the Limpopo Province boundaries, however preference will be given to local businesses within the vicinity of the project". **The minimum target for participation is thirty (30%) of the tender sum including VAT on upgrading projects and minimum target for SMME participation of ten (10%) of the tender sum including VAT on Rehabilitation, Maintenance & Disaster projects** and this can be achieved through one or more sub-contractors. RAL reserves the right to **apply penalties to the value of 200% of the difference between the set target values and the actual values achieved when the contractor does not honour the commitment as stipulated by the contractor on this page.**

We notify you that it is our intention to employ subcontractors for work in this contract to comply with the stipulated **30% for Upgrading projects and 10% for rehabilitation, Maintenance & Disaster Projects requirement.**

If we are awarded a contract, we agree that this notification does not change the requirement for us to submit the name of proposed subcontractors in accordance with requirements in the contract for such appointments.

Total percentage of the tender sum committed to SMME companies on Upgrading Projects	30 %
Total percentage of the tender sum committed to SMME companies on Rehabilitation, Maintenance & Disaster projects	10 %

Signed.....

Date.....

Name.....

Position.....

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T2.1 CLIENT'S REFERENCE FOR THE BIDDER

Name of the Client: _____

Adress: _____

Name of the Contractor: _____

Project Name: _____

Project Scope: _____

Project Location: _____

Services Rendered: _____

Value of the Works: _____(VAT Included)

The Project Reached Completion? Yes or No

Provide any information deemed necessary about the service rendered by the Contractor

I certify that the above information is true and correct

Name Signature Date

CLIENT STAMP

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T2.2 A DEVIATIONS OR QUALIFICATIONS BY THE TENDERER

Note: Tenderers will be declared to be non-responsive should any proposed deviation or qualification, in the employer's opinion:

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
- b) 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.

PAGE	DESCRIPTION

SIGNED ON BEHALF OF TENDERER:

.....

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NOTE: SPECIFIC GOALS POINTS WILL APPLY AT THE TIME OF APPOINTING FROM THE PANEL. PLEASE ENSURE THAT POINTS CLAIMED ARE CLEARLY INDICATED IN SBD 6.1 TABLE BELOW.

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 The applicable preference point system for this tender is the **0/20** preference point system.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
 - (b) Specific Goals.
- 1.4 The maximum points for this tender are allocated as follows:

	POINTS
PRICE	0
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“highest acceptable tender”** means a tender that complies with all specifications and conditions of tender and that has the highest price compared to other tenders;
- (b) **“lowest acceptable tenders”** means a tender that complies with all the specifications and conditions of tender that has lowest price compared to other tenders;
- (c) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (d) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (e) **“specific goals”** means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in *Government Gazette* No. 16085 dated 23 November 1994;
- (f) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (g) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (h) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

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

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

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations 2022, preference points must be awarded for specific goals stated in the tender.
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Number of points claimed (80/20 system)	Required documents as a means of verification
Enterprises with ownership of 51% or more by person/s who are black person/s	10		- ID copies of company director/s - CSD report
Enterprises with ownership of 51% or more by person/s who are women	5		- ID copies of company director/s - CSD report
Enterprises with ownership of 51% or more by person/s who are youth	3		- ID copies of company director/s - CSD report
Enterprises with ownership of 51% or more by person/s with disability	2		- Medical certificate - CSD report
Total points for specific goals	20		

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

.....

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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- 4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:
- i) The information furnished is true and correct.
 - ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
 - iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.1, the contractor is be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
 - iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

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

SURNAME AND NAME:

DATE:

ADDRESS:

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