



**REQUEST FOR PROPOSALS**

**CONTRACT NO: WMM LM 31/05/22/06 MDP**

**MULTI DISCIPLINE PANEL OF CONSULTANTS A PERIOD OF 3 YEARS (2023/2024, 2024/2025 AND 2025/2026)**

**NAME OF BIDDER** : \_\_\_\_\_

**PHYSICAL ADDRESS** : \_\_\_\_\_

\_\_\_\_\_

**TELEPHONE NO.** : \_\_\_\_\_

**EMAIL ADDRESS.** : \_\_\_\_\_

**CONTACT PERSON** : \_\_\_\_\_

**BID PRICE (Incl. VAT)** : \_\_\_\_\_



**CONTRACT NO: WMM LM 31/05/22/06 MDP**

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**INVITATION TO BID FOR THE “MULTI DISCIPLINE PANEL OF CONSULTANTS A PERIOD OF 3 YEARS (2023/2024, 2024/2025 AND 2025/2026)”**

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Bid proposals are hereby invited from suitably qualified and accredited service providers who are interested in being appointed to a **MULTI DISCIPLINE PANEL OF CONSULTANTS A PERIOD OF 3 YEARS (2023/2024, 2024/2025 AND 2025/2026)**

The Scope of work entails the preparation of Feasibility Studies, EIAs, Technical Reports or Business Plans, Preliminary Designs, Detailed Designs, Tender Documentation, Contract Documentation and Management, Progress Reports, and Close out Reports

Bid documents with the necessary terms of reference may be obtained on e-tender portal website

Proposals will be evaluated on functionality as follows:

| CRITERIA                         | MAXIMUM POSSIBLE SCORE |
|----------------------------------|------------------------|
| Company Experience               | 25                     |
| Personnel Experience & Expertise | 30                     |
| Sound Methodology                | 20                     |
| Professional Registration        | 25                     |
| <b>TOTAL</b>                     | <b>100 (MPS)</b>       |

Bids should score a minimum of 70% for functionality in order to be considered for further evaluation.  
The bids will be evaluated on the **80/20** preferential points

## PART A

## INVITATION TO BID

|                                                                                                                                                                       |                                                                                    |               |                                                                                                           |               |                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------|---------------|---------------------------------------------------------------------------------------|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)</b>                                                                 |                                                                                    |               |                                                                                                           |               |                                                                                       |
| BID NUMBER:                                                                                                                                                           | <b>WMM LM</b><br><b>31/05/22/06 MDP</b>                                            | CLOSING DATE: |                                                                                                           | CLOSING TIME: |                                                                                       |
| DESCRIPTION                                                                                                                                                           | <b>MULTI DISCIPLINE PANEL OF CONSULTANTS A PERIOD OF 3 YEARS</b>                   |               |                                                                                                           |               |                                                                                       |
| <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>                                                                     |                                                                                    |               |                                                                                                           |               |                                                                                       |
| BID RESPONSE DOCUMENTS MAY BE EMAILED TO :                                                                                                                            |                                                                                    |               |                                                                                                           |               |                                                                                       |
| <a href="mailto:tenders.scm@mbizana.gov.za">tenders.scm@mbizana.gov.za</a>                                                                                            |                                                                                    |               |                                                                                                           |               |                                                                                       |
| <b>SUPPLIER INFORMATION</b>                                                                                                                                           |                                                                                    |               |                                                                                                           |               |                                                                                       |
| NAME OF BIDDER                                                                                                                                                        |                                                                                    |               |                                                                                                           |               |                                                                                       |
| POSTAL ADDRESS                                                                                                                                                        |                                                                                    |               |                                                                                                           |               |                                                                                       |
| STREET ADDRESS                                                                                                                                                        |                                                                                    |               |                                                                                                           |               |                                                                                       |
| TELEPHONE NUMBER                                                                                                                                                      | CODE                                                                               |               | NUMBER                                                                                                    |               |                                                                                       |
| CELLPHONE NUMBER                                                                                                                                                      |                                                                                    |               |                                                                                                           |               |                                                                                       |
| FACSIMILE NUMBER                                                                                                                                                      | CODE                                                                               |               | NUMBER                                                                                                    |               |                                                                                       |
| E-MAIL ADDRESS                                                                                                                                                        |                                                                                    |               |                                                                                                           |               |                                                                                       |
| VAT REGISTRATION NUMBER                                                                                                                                               |                                                                                    |               |                                                                                                           |               |                                                                                       |
| TAX COMPLIANCE STATUS                                                                                                                                                 | TCS PIN:                                                                           |               | OR                                                                                                        | CSD No:       |                                                                                       |
| B-BBEE STATUS LEVEL<br>VERIFICATION CERTIFICATE<br>[TICK APPLICABLE BOX]                                                                                              | <input type="checkbox"/> Yes<br><br><input type="checkbox"/> No                    |               | B-BBEE STATUS<br>LEVEL SWORN<br>AFFIDAVIT <input type="checkbox"/> Yes<br><br><input type="checkbox"/> No |               |                                                                                       |
| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b> |                                                                                    |               |                                                                                                           |               |                                                                                       |
| <b>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b>                                                                  | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF] |               | <b>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b>                           |               | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER PART B:3] |
| TOTAL NUMBER OF ITEMS OFFERED                                                                                                                                         |                                                                                    |               | TOTAL BID PRICE                                                                                           |               | R                                                                                     |
| SIGNATURE OF BIDDER                                                                                                                                                   | .....                                                                              |               | DATE                                                                                                      |               |                                                                                       |
| CAPACITY UNDER WHICH THIS BID IS SIGNED                                                                                                                               |                                                                                    |               |                                                                                                           |               |                                                                                       |

| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b> |  | <b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b> |  |
|--------------------------------------------------------|--|--------------------------------------------------|--|
| DEPARTMENT                                             |  | CONTACT PERSON                                   |  |
| CONTACT PERSON                                         |  | TELEPHONE NUMBER                                 |  |
| TELEPHONE NUMBER                                       |  | FACSIMILE NUMBER                                 |  |
| FACSIMILE NUMBER                                       |  | E-MAIL ADDRESS                                   |  |
| E-MAIL ADDRESS                                         |  |                                                  |  |

**PART B**  
**TERMS AND CONDITIONS FOR BIDDING**

|                                                                                                                                                                                                                                          |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <b>1. BID SUBMISSION:</b>                                                                                                                                                                                                                |                                                          |
| 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.                                                                                                             |                                                          |
| 1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – (NOT TO BE RE-TYPED) OR ONLINE</b>                                                                                                                                   |                                                          |
| 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |                                                          |
| <b>2. TAX COMPLIANCE REQUIREMENTS</b>                                                                                                                                                                                                    |                                                          |
| 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.                                                                                                                                                                           |                                                          |
| 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.                                                          |                                                          |
| 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.         |                                                          |
| 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.                                                                                                                                                             |                                                          |
| 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.                                                                                                                                                             |                                                          |
| 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.                                                                                       |                                                          |
| 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.                                                                                                        |                                                          |
| <b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>                                                                                                                                                                                     |                                                          |
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?                                                                                                                                                                     | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?                                                                                                                                                                                           | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?                                                                                                                                                                          | <input type="checkbox"/> YES <input type="checkbox"/> NO |

3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

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

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

DATE: .....

Failure to submit the following document(s) may render the bid null and void:

- A copy of Entity Registration Documents.
- Detailed Company Profile (with relevant past experience)
- Certified ID Copy(ies) of Director(s) (not older than 3 months)
- Entity Tax Compliance Status PIN & Entity Tax Reference Number (in writing, either on the company profile or any entity document with a letterhead or as issued by SARS)
- Declaration of Interest MBD1, MBD4, MBD6.1, MBD 8 and MDB 9
- Billing Clearance Certificate or Statement of Municipal Accounts
- A certified copy or Original BBBEE Status Level Certificate or original affidavit
- Proof of Professional Registration
- Completed data base registration form (if not currently registered with Winnie Madikizela Mandela Local Municipality)
- In case of a joint venture, a signed joint venture agreement by both parties should be submitted
- It should be noted that failing to attach the BBBEE Status Level Certificate will result in the 20 preference points not being awarded
- Registration on the Central Supplier Database (CSD) is compulsory
- The provisions of Preferential Procurement Regulations 2017 will apply

The only or lowest bid received shall not necessarily be accepted. Winnie Madikizela Mandela Local Municipality reserves the right to accept part or full bid.

For Technical Enquiries, please contact Mr. V. V. O Nontanda at 066 260 9162, email: nontandav@mbizana.gov.za, during working hours. For Supply Chain Management related enquiries, please contact Mr. Z. Khala at 079 886 0942, email: khalaz@mbizana.gov.za during working hours

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**MR. L. MAHLAKA**  
**MUNICIPAL MANAGER**  
**WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY**  
**51 WINNIE MADIKIZELA MANDELA STREET**  
**BIZANA, 4800**

## **RETURNABLES AND COMPLIANCE**

**BID NAME: MULTI DISCIPLINE PANEL OF CONSULTANTS A PERIOD OF 3 YEARS (2023/2024, 2024/2025 AND 2025/2026)**

1. Bid proposals are hereby invited from suitably qualified and accredited professional service providers to assist the municipality in preparing designs, construction supervision and monitoring as well as EIA Applications for the above-mentioned projects;
2. The conditions contained in the General Conditions of Contract (GCC 2015), Latest Guidelines for ECSA, South African Council for Project and Construction Management Professionals and/or Project Management Institute;
3. The work procedure, the bidder proposes to follow in order to obtain the required result must be clearly outlined and its terms may not conflict with those contained in the New Engineering Contract (NEC 3);
4. All documents accompanying this invitation must be completed in detail where applicable, be emailed to tenders.scm@mbizana.gov.za before the closing date and time;
5. Duly completed and signed original bid document will be required for submission upon appointment.

| PROJECT NAME                                                                                      | TENDER CLOSING DATE |
|---------------------------------------------------------------------------------------------------|---------------------|
| MULTI DISCIPLINE PANEL OF CONSULTANTS A PERIOD OF 3 YEARS<br>(2023/2024, 2024/2025 AND 2025/2026) |                     |

**Name of bid: "BUILT ENVIRONMENTAL PROFESSIONALS (CIVIL AND ENVIRONMENT) FOR WINNIE MM LM FOR MTEF PERIOD"**

6. The Winnie Madikizela Mandela Local Municipality reserves the right to accept any bid in whole or in part and does not bind itself to accept the lowest or any bid at all.
7. Bid Requirements
  - 7.1 Only suitably qualified professional service providers (i.e. **Civil Engineers and Environmentalists**) outlined hereunder will be eligible for evaluation:
    - if a sole practitioner, the firm must have a professionally registered person as a principal; and
    - If a partnership / close corporation / company, the firm must have at least 50% of its partners, members or directors professionally registered/ eligible to register.
    - If the company has under its employment a professionally registered person or a sub- consultant that has professionally registered person/eligible to register. Proof of thereof must be attached.
  - 7.2 Late bids/proposals will not be accepted. Please note that bids are late if they are received at the address given in the invitation after the bid closing date and time, and will be returned unopened.
  - 7.3 Bids / proposals will be valid for a period of 90 days after the closing date.
  - 7.4 All bid prices must be quoted in South African currency, including VAT and must be in terms of the ECSA, SACPCMP, SACNASP, PMI fee scale for professionals.
  - 7.5 All relevant documents attached to this bid must be completed and signed in black ink by an authorized representative of the business.
  - 7.6 Please ensure that you submit and attach the following documents:
    - 7.6.1 Completed and signed applicable Municipal bid documents (MBD) and preference claim forms in terms of the Preferential Procurement Regulations;
    - 7.6.2 SARS Pin;
    - 7.6.3 In the case of a Joint Venture, a signed joint venture agreement should be submitted;
    - 7.6.4 7.6.5 Proof of qualifications of key personnel and appropriate professional registration with relevant Professional Council, Body and Association;
    - 7.6.6 Proof of valid Professional Indemnity Insurance cover;
    - 7.6.7 Compensation for Occupational Injuries and Diseases Act (COIDA);
    - 7.6.8 Filling of all Municipal Bid Documents (MBD) forms 1, 4, 6.1, 8 and 9;
    - 7.6.9 A record of relevant previous projects managed and completed in the last five years by the firm and key personnel including contact details of client references; and
    - 7.6.10 Certified copies of Identity Documents of main members / directors of the firm.

10. Should all the documents stated in paragraph 7.6 above not be attached, your bid / proposal will be declared invalid.

11. EVALUATION CRITERIA TO BE USED

All responsive bid proposals will be evaluated and adjudicated based on the 80/20 preference point system wherein 20 points for preference is structured as follows.

| BBBEE level of Contributor | Points |
|----------------------------|--------|
| 1                          | 20     |
| 2                          | 18     |
| 3                          | 14     |
| 4                          | 12     |
| 5                          | 8      |
| 6                          | 6      |
| 7                          | 4      |
| 8                          | 2      |
| Non- Contributor           | 0      |

**NB: Winnie Madikizela Mandela Local Municipality Supply Chain Policy will be applicable.**

MBD 4

### DECLARATION OF INTEREST

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

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

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number: .....

3.3 Position occupied in the Company (director, trustee, hareholder<sup>2</sup>):.....

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars. ....

.....

<sup>1</sup>MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
- (i) any municipal council;
- (ii) any provincial legislature; or

- (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

<sup>2</sup> Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

3.9 Have you been in the service of the state for the past twelve months? ..... **YES / NO**

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? ..... **YES / NO**

3.10.1 If yes, furnish particulars.

.....

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? ..... **YES / NO**

3.11.1 If yes, furnish particulars

.....

.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? ..... **YES / NO**

3.12.1 If yes, furnish particulars.

.....  
 .....

3.13 Are any spouse, child or parent of the company's directors  
 trustees, managers, principle shareholders or stakeholders  
 in service of the state?

**YES / NO**

3.13.1 If yes, furnish particulars.

.....  
 .....

3.14 Do you or any of the directors, trustees, managers,  
 principle shareholders, or stakeholders of this company  
 have any interest in any other related companies or  
 business whether or not they are bidding for this contract.

**YES / NO**

3.14.1 If yes, furnish particulars:

.....  
 .....

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

| Full Name | Identity Number | State Employee Number |
|-----------|-----------------|-----------------------|
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |

## CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

.....  
Signature

.....  
Date

.....  
Capacity

.....  
Name of Bidder

**MBD 6.1****PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

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

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

1.2

a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the ..... preference point system shall be applicable; or

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

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

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

## 2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

### 3. POINTS AWARDED FOR PRICE

#### 3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

**80/20**                      **or**                      **90/10**

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

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

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

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

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

| B-BBEE Status Level of Contributor | Number of points (90/10 system) | Number of points (80/20 system) |
|------------------------------------|---------------------------------|---------------------------------|
| 1                                  | 10                              | 20                              |
| 2                                  | 9                               | 18                              |
| 3                                  | 6                               | 14                              |
| 4                                  | 5                               | 12                              |
| 5                                  | 4                               | 8                               |
| 6                                  | 3                               | 6                               |
| 7                                  | 2                               | 4                               |
| 8                                  | 1                               | 2                               |
| Non-compliant contributor          | 0                               | 0                               |

**5. BID DECLARATION**

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

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

6.1 B-BBEE Status Level of Contributor:..... = .....(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

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

(*Tick applicable box*)

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

7.1.1 If yes, indicate:

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

(*Tick applicable box*)

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

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

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

|         |  |  |
|---------|--|--|
| Any QSE |  |  |
|---------|--|--|

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

**Municipality where business is situated:** .....

**Registered Account Number:** .....

**Stand Number:**.....

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

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

WITNESSES

1. ....

2. ....

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

DATE: .....

ADDRESS .....

.....

.....

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

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

**CERTIFICATION**

I, THE UNDERSIGNED (FULL NAME).....CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT. I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

**MBD 9**

### **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;

**MBD 9**

5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
- (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

<sup>3</sup> 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.

**MBD 9**

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

## A. General Information

### ***Purpose***

Winnie Madikizela Mandela Local Municipality is soliciting proposals from Professional Services Providers in built environment to assist the municipality in engineering designs, construction supervision and monitoring, planning, contract management and administration. This is to promote planning and improve municipal information with accurate cost estimates based on investigated analogy. **WMMLM intends to appoint 5 civil engineering professional companies for all civil engineering type of works. WMMLM also looks to appoint 3 environmental companies that shall be appointed for environmental related affairs.** All professional service providers will be appointed for 3 years for MTEF period of 2023/24 financial year to 2025/26 financial year.

### ***Type of contract (Construction Management)***

Engineering professionals will use **Design and Construct** (NEC 3) in line with the latest Guideline Scope of Services and Tariff of fees for persons working in terms of the ECSA gazette dated 04 December 2015 no 39480 or new gazette issued during project implementation.

Environmental Professionals contract is **Term service contract** as per NEC 3 (Professional contract). Tariff and fees will be guided by SACNASP guidelines applicable during project implementation

**Design and Construct:** this contract is implemented across 4 phases of project management which are planning, design, construction, and handover/commissioning. Professional team will be appointed by Winnie Madikizela Mandela Local Municipality (WMMLM) and a brief will be provided by client to professional team for the expected outcomes of the project. Professional service team will therefore provide feasibility studies after investigations, preliminary designs, detailed designs, business plan or technical report, monthly reports, contract management, close out reports.

**Term Service Contract:** Environmental professionals will be engaged and be provided with a brief by client to assess all projects that are on capital plan of WMMLM. Reports shall be submitted to PMU Manager and copied to Senior Manager Engineering Services on all processes engaged upon until record of decision is attained.

**NB: No project will be stopped when the period lapse whilst the commitment on the project has already been engaged and implemented. This means the contract will expire at the completion of project if appointment period of 3 year MTEF lapses prior completion of the project**

### ***Submission of proposals***

- The project proposal must be emailed to [tenders.scm@mbizana.gov.za](mailto:tenders.scm@mbizana.gov.za) with the technical proposal clearly marked **Bid Name “MULTI DISCIPLINE PANEL OF CONSULTANTS A PERIOD OF 3 YEARS (2023/2024, 2024/2025 AND 2025/2026)”** on or before the closing date of **04 July 2022 at 12h00**.

Proposals must be signed by an authorized agent to bind the company on what it proposes to offer. .

***Addenda to the Request for Proposals (RFP)***

If it becomes necessary to revise any part of the RFP, addenda will be provided to the consultants.

***Oral presentation***

Short listed service professional providers may be invited to a further interview prior to finalizing the award.

**B. Background and Demographics**

Main offices for Winnie Madikizela Mandela Local Municipality (WMMLM) are situated in Bizana town. WMMLM has identified a gap on planning of projects hence it intends to identify professional service providers that shall assist the municipality in planning for civil engineering and environmental services for a period of 3 years for projects planned for 2023/24 to 2025/26 financial years. Service providers will assist municipality in developing cost estimates and credible feasibility studies that inform IDP budget for the Mid-Term Expenditure Framework (MTEF).

Winnie Madikizela Mandela Local Municipality has 61383 households (Stats SA) that depends on services provided by the municipality. Population of households is approximately 5 people per household and the municipality is dominated by rural growth with just 2% of households in the town of Bizana.

Projects planned for MTEF period will be allocated for civil works to 5 civil engineering professional service providers based on clusters that are to be defined to appointed service providers for implementation. 3 Environmental professionals will be appointed for proper sustainable development to also be allocated clusters for implementation.

## **C. Scope of Works**

The duties to be performed by the consulting engineer shall be as detailed in the Government Gazette 39480 of 04 December 2015.

### **2.1.1 Intended Services from Professional Service Provider**

*IT IS IMPORTANT TO NOTE THAT THE PROJECTS ARE INTENDED TO CONSTRUCT FOLLOWING THE 'LABOUR INTENSIVE CONSTRUCTION METHOD', HENCE THE PROFESSIONAL SERVICE PROVIDER HAS TO DESIGN, PREPARE THE CONSTRUCTION TENDER DOCUMENT AND GUIDE AND SUPERVISE THE CONTRACTOR IN CONSTRUCTING THE PROJECT FOLLOWING THE SAME METHOD.*

**The General Conditions of Construction would be the 'General Conditions of Contract for Construction Works, Second Edition, 2015 ('GCC 2015)' by SAICE.**

The following are primarily identified services; the professional service provider has to offer under this contract without limiting him to offer required services for the successful completion of the projects.

#### **A. Normal Services**

The 'Normal Services' will be as per Clause 3.2 of ECSA Guideline (Ref: No. 39480, Government Gazette, 04 December 2015; ECSA Board Notice 138 of 2015) and construction contract would be according to the latest GCC for Construction by SAICE along with CIDB Guide Line for Professional Services including reporting and certifications) to fulfil the project requirement as explained in the tender documents and will follow the stages mentioned below:

- Stage 1: Inception (Ref: Clause 3.2.1 of above-mentioned ECSA Guideline);
- Stage 2: Concept and Viability (Preliminary Design), (Ref: Clause 3.2.2 of above-mentioned ECSA Guideline);
- Stage 3: Design Development (Detail Design), (Ref: Clause 3.2.3 of above-mentioned ECSA Guideline);
- Stage 4: Documentation (Ref: Clause 3.2.4 of above-mentioned ECSA Guideline);
- Stage 5: Contract Administration and Inspection (Ref: Clause 3.2.5 of above-mentioned ECSA Guideline);
- Stage 6: Close-Out (Ref: Clause 3.2.6 of above-mentioned ECSA Guideline).

***Bidders are to note that deliverables according to the stages and reporting are mandatory and part of normal services; no payment will be made for services without receipt of acceptable deliverable(s) and reports in time.***

#### **B. Additional Services**

The 'Additional Services' will be as per Clause 3.3 of ECSA Guideline (Ref: No. 39480, Government Gazette, 04 December 2015; ECSA Board Notice 138 of 2015) to fulfil the project requirement as explained in the tender documents and will follow/ categorised as below:

- i. Survey and setting out: referred to Clause 3.3.1 (8) and (9) of above-mentioned ECSA Guideline;
- ii. Testing and Investigation: referred to Clause 3.3.1 (8) of above-mentioned ECSA Guideline;

- iii. Occupational Health and Safety (Act, 1993; Act No. 85 of 1993) up to the completion of the project: referred to Clause 3.3.3 of above-mentioned ECSA Guideline;

#### **C. Reimbursable Services/ Disbursement**

- i. Environmental Impact Assessment (EIA) and Environmental Impact Management (EIM): To fulfil the requirement of Environmental Impact Assessment (EIA) and Environmental Impact Management (EIM) relevant to the projects under the group according to the NEMA Act No. 107 of 1998 and subsequent amendments and to arrange the necessary authorization from DEDEA and DME, the Professional Services Provider should have to appoint an individual or a company or a firm professionally qualified and registered to take care of the issues of EIA and EIM and independent of the Service provider.
- ii. Travelling: Travelling or conveyance of Consulting Engineer or a member of Consulting Engineer's staff should be according to Clause 4.5 (2) of above-mentioned ECSA Guideline would be deemed to cover all cost on lump-sum basis and be reimbursed on the basis of progress of project.

#### **D. Project Set up**

- i. Establishment of a project implementation programme and time frame in consultation with the Employer;
- ii. Ensuring that community participation at all the level of project implementation is maximised;
- iii. Establishing of project steering committee and that the community endorses the proposed project.

#### **E. Deliverables**

Following are the deliverables at various stages of services to be provided by the Professional Service Provider according to the Clause 3.2 of ECSA Guideline (Ref: No. 39480, Government Gazette, 04 December 2015; ECSA Board Notice 138 of 2015) and tender documents without limiting requirement of any other reports or documents may be deemed necessary during the course of the projects implementation:

##### **Stage 1: Inception**

- i. Signed Agreement/ Contract
- ii. Signed Cession Agreement with the EIA Services Provider
- iii. Inception Report covering
  - ✓ Report on project, site and functional requirement
  - ✓ Agreed scope of services and work
  - ✓ Consultants Team with Organogram and responsibilities
  - ✓ Schedule of required surveys, analyses, site and other investigation
  - ✓ Schedule of Consent and Approvals (Project Implementation Time Frame)

##### **Stage 2: Concept and Viability (Preliminary Design)**

- i. Preliminary Design Report covering
  - ✓ Design concept
  - ✓ Construction Specifications
  - ✓ Result/ analyses/ report of Survey and investigations

- ✓ Road alignment, cross-sections including proposed storm-water drainage (design drawings)
- ✓ Cost estimates in the form of bill of quantities along with cost analyses and life cycle costs
- ✓ Alternatives if envisaged
- ii. EIA and EIM reports

Stage 3: Design Development (Detail Design)

- i. Detail Design Report covering
  - ✓ Design concept, final and accepted
  - ✓ Construction Specifications, final and accepted
  - ✓ Result/ analyses/ report of Survey and investigations, final and accepted
  - ✓ Road alignment, cross-sections including proposed storm-water drainage (detail design drawings), final and accepted
  - ✓ Cost estimates in the form of bill of quantities, final and accepted
- ii. EIA and EIM letter of authorization from DEDEA and DME

Stage 4: Documentation

- i. Tender Documents covering
  - ✓ Specifications
  - ✓ Working drawings
  - ✓ Bill of quantities
- ii. Project budget, final estimates

Stage 5: Contract Administration and Inspection

- i. Schedule of predicted cash flow
- ii. Construction documentation
- iii. Drawing register
- iv. Estimates of proposed variation with recommendation, if any
- v. Contract administration and inspection according to GCC for Construction Works, SAICE
- vi. Financial control reports
- vii. Progressive and draft final accounts
- viii. Valuation and recommendation of payment certificates
- ix. Practical completion certificate and defects list

Stage 6: Close-Out

- i. Valuations and recommendations for payment certificates
- ii. Final Completion Certificate and close-out reports
- iii. As-built drawings and documentation
- iv. Operation and maintenance manuals, guarantees and warranties

- v. Final accounts

#### Other Routine Reports and documentation

Following are other routine reports and documentations that are foreseen to be submitted by Professional Services Provider without limiting any necessary of preparing other reports and documentations:

- i. Project progress reports within the prescribed timeframes and in agreed formats.
- ii. All reports and information according to MIG (MIG 1, MIG 4, MIG 5, MIG 6, MIG 8, MIG 9 and MIG 10)
- iii. Site meeting and technical committee meeting minutes

#### PROJECT IMPLEMENTATION TIMEFRAME

The Professional Service Provider shall work within the timeframes as agreed and approved by the Municipality. The detail implementation schedule shall be discussed and agreed in between the Employer and the successful bidder. **The stages mentioned would be considered completed only at submission/ concluding all the deliverables of any stage.** As the start the following pro-forma time would be utilised to give tentative dates as to program intact.

| Mile Stone/ Stage of Work                           | Days | Start Date | End Date |
|-----------------------------------------------------|------|------------|----------|
| Commencement of Work                                |      |            |          |
| Stage 1: Inception                                  |      |            |          |
| Stage 2: Concept and Viability (Preliminary Design) |      |            |          |
| Stage 3: Design Development (Detail Design)         |      |            |          |
| Stage 4: Documentation and Procurement              |      |            |          |
| Stage 5: Contract Administration and Inspection     |      |            |          |
| Stage 6: Close-Out                                  |      |            |          |

## **2.1.2 Deliverables for Environmental works**

### **ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL IMPACT MANAGEMENT**

Bidders are required to fulfil the requirement of Environmental Impact Assessment (EIA) and Environmental Impact Management (EIM) relevant to the projects assigned to perform according to the NEMA Act No. 107 of 1998 and subsequent amendments and to arrange the necessary authorization from DEDEA and DME, the PSP must be qualified and registered to take care of the issues of EIA and EIM.

#### **Stage 1: Inception**

- iv. Signed Agreement/ Contract
- v. Inception Report covering
  - ✓ Report on project, site and functional requirement
  - ✓ Agreed scope of services and work
  - ✓ Schedule of Consent and Approvals (Project Implementation Time Frame)

#### **Stage 2: Concept and Viability (Preliminary Design)**

- ✓ Preliminary application form to the relevant authority
- ✓ Submission of final application forms to the relevant authority.
- ✓ Follow up on the submitted application form for approval with relevant department and therefore approval.

#### **Stage 3: Contract Administration and Inspection**

- ✓ Perform site audits at least twice a week
- ✓ Submit Monthly audit reports with recommendations

#### **Stage 4: Close-Out**

Prepare closeout report related to environmental related scope of works.

Service Providers are to update the HOD and/or PMU Manager: Engineering Services Section or his/her representative on an ongoing basis, along with written monthly progress reports which will clearly reflect progress, time lines, and budget expenditures. The monthly progress reports will be required with submission of each invoice.

## **D. Information Required from the Consultant**

### **1. Technical Proposal**

Provide a description of the methodology, work product, and schedule for completing each element of the scope of work. A proposal should be prepared simply and economically, providing a straight forward, concise description of the consultant's ability to meet the requirements. Fancy bindings, colored displays, promotional material, and similar ornamental features should not be included. Emphasis should be on completeness and clarity of content.

- **Business organization**

State the full name and address of the organization and, if applicable the branch office or subordinate element that will perform or assist to perform the works.

- **Consultant qualifications and past experience**

Include in the proposal a brief statement of the past experience of the persons from the firm that will be actively involved in the project. Not the firm's experience unless persons that will work in the project participated in that experience and clearly state his/her role.

According to the Municipal Supply Chain Management Policy, bidders must provide particulars of:

- a) All consultancy services provided to an organ of state in the last five years; and
- b) Any similar consultancy services provided to an organ of state in the last five years.

***NB: Specialist skills in the relevant service must be demonstrated.***

Demonstrate through a brief statement of the firm's past experience in handling and implementing of such specialist projects.

Provide details of persons to be involved in the project who have completed or are registered for training towards the following skills programmes:

- NQF Level 7 unit standard "Develop and Promote Labour Intensive construction Strategies.
- NQF Level 5 unit standard "Manage Labour Intensive Construction Projects".
- Project Management

Provide a detailed project plan that shows the milestones and deliverables. Include the number of hours allocated for each staff person for each task for the duration of the contract.

#### **D.1.1 SCHEDULE OF WORK CARRIED OUT BY TENDERER**

Provide the following information on relevant previous experience (indicate specifically projects of similar or larger size and/or specifically bridge construction of the similar size or more. This information is material to the award of the Contract.

| <b>Project Description</b> | <b>Value in Rand</b> | <b>Year Completed</b> | <b>Client Representative and</b> | <b>Contact No</b> |
|----------------------------|----------------------|-----------------------|----------------------------------|-------------------|
|                            |                      |                       |                                  |                   |
|                            |                      |                       |                                  |                   |
|                            |                      |                       |                                  |                   |
|                            |                      |                       |                                  |                   |

This information is material to the assessment of company's capabilities to handle a project of this magnitude.

**D.1.2 PROPOSED KEY PERSONNEL**

The Tenderer shall list below the key personnel (including first nominee and the second choice alternate), whom he proposes to employ on the project should his Tender be accepted, both at his headquarters and on the Site, to direct and for the execution of the work, together with their qualifications, mentoring experience, experience on building and structural projects **(Offices and Workshop)** similar nature, positions held and their qualifications.

| Name | Qualification | Designation | HDI Status | PR Number |
|------|---------------|-------------|------------|-----------|
|      |               |             |            |           |
|      |               |             |            |           |
|      |               |             |            |           |
|      |               |             |            |           |

*(Provide more details on the CV'S on personnel proposed)*

**D.1.3. SCHEDULE OF INFRASTRUCTURE AND RESOURCES**

Provide information on the following:

**Infrastructure and resources available**

**Physical facilities and Buildings.**

| Description | Address | Area (m <sup>2</sup> ) |
|-------------|---------|------------------------|
|             |         |                        |
|             |         |                        |
|             |         |                        |
|             |         |                        |
|             |         |                        |

**Equipment**

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

| Description: Hardware: Printers and Plotters | Number of units |
|----------------------------------------------|-----------------|
|                                              |                 |
|                                              |                 |
|                                              |                 |
|                                              |                 |
|                                              |                 |
| Description :Personal Computers              | Number of units |
|                                              |                 |

|                                                      |                        |
|------------------------------------------------------|------------------------|
|                                                      |                        |
|                                                      |                        |
| <b>Description: Software: Design and Draughting.</b> | <b>Number of units</b> |
|                                                      |                        |

**D.1.4. Size of enterprise and current workload**

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

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

**List your current contracts and obligations**

| <b>Description</b> | <b>Value (R)</b> | <b>Start date</b> | <b>Duration</b> | <b>Expected date completed</b> |
|--------------------|------------------|-------------------|-----------------|--------------------------------|
|                    |                  |                   |                 |                                |
|                    |                  |                   |                 |                                |
|                    |                  |                   |                 |                                |
|                    |                  |                   |                 |                                |
|                    |                  |                   |                 |                                |

**Staffing Profile**

Provide information on the staff that you have available to execute this contract (attach a separate list if the space provided is insufficient)

| <b>Permanently employed staff</b> | <b>Gender and Race</b> | <b>Number of staff</b> |
|-----------------------------------|------------------------|------------------------|
|                                   |                        |                        |
|                                   |                        |                        |
|                                   |                        |                        |

| <b>Temporary staff to be employed for the project</b> | <b>Gender and Race</b> | <b>Number of staff</b> |
|-------------------------------------------------------|------------------------|------------------------|
|                                                       |                        |                        |
|                                                       |                        |                        |
|                                                       |                        |                        |
|                                                       |                        |                        |

**SCHEDULE OF PROPOSED SUBCONSULTANT**

The Tenderer shall, in accordance with the provisions of condition of tender, list below the subcontractors s/he proposes to employ for part(s) of the work.

The naming of any proposed sub consultant/s hereunder shall not be deemed to constitute a qualification of the Tender, and acceptance of a Tender shall not be construed as approval of any or all of the listed sub consultant/s, neither shall it in any way limit or detract from the powers of the Engineer and the obligations of the Contractor pertaining to subcontracting as stated in the Contract, nor shall it prevent the Tenderer from deviating In any way during the Contract from the list of proposed sub consultant/s hereunder if the Tender is accepted

If any or all of the sub consultant/s listed hereunder are not approved subsequent to acceptance of the Tender, it shall in no way invalidate the Tender or the Contract, and the Tendered unit rates for the respective items of work shall remain final and binding even if a sub consultant/s not listed below is approved by the Client.

| Part or Type of Work | Proposed Sub-Consultant | Work Recently Executed by Sub-consultant |
|----------------------|-------------------------|------------------------------------------|
|                      |                         |                                          |
|                      |                         |                                          |

## 2. Price Proposal

The price proposal must be divided into the proposed deliverables. For each proposed deliverable there must be a separate cost for:

- **Professional fees** - persons working on the project must be listed, their hourly rate provided and the estimated time spent working on the deliverable
- **Training of students** - provision of in-service training or internship for students that are graduates or students that require experience for graduation compliance.
- **Disbursements** – estimated expenses to be incurred which are recoverable.
- **Constraints studies**-should there be any constraint studies required, related costs and name should be indicated.
- **Assumptions**-the service provider must clearly state assumptions and it must be based on the inexistence of data.

## **2.1 PRICING INSTRUCTIONS**

- 2.1.1 The Standard for Uniformity, the Guidelines for scope of Services and Tariffs of Fees, the Contract Data, the Specifications (including the Project Specifications) shall be read in conjunction with the Bill of Quantities.
- 2.1.2 The Bill comprises items covering the Consulting Engineer's profit and costs of general liabilities and of the professional services rendered for the planning, design and contract supervision.
- 2.1.3 The amounts and rates to be inserted in the Bill of Quantities shall be the full inclusive amounts to the Employer for the work described under the several items. Such amounts shall cover all the costs and expenses that may be required in and for the planning, design and contract supervision of the work described, and shall cover the costs of all general risks, profits, taxes (but excluding value-added tax), liabilities and obligations set forth or implied in the documents on which the Bid is based.
- 2.1.4 The professional fees shall be based on the estimated construction amount stated in the bill and it should include all additional services such as working on waste water treatment plant, civil, mechanical and electrical, concrete work, and alteration to the existing work and landfill site.
- 2.1.5 An amount or rate shall be entered against each item in the Bill of Quantities, whether or not quantities are stated. An item against which no amount or rate is entered will be considered to be covered by the other amounts or rates in the Bill.
- The Bidder shall also fill in a rate against the items where the words "**rate only**" appears in the amount column. Although no work is foreseen under these items and no quantities are consequently given in the quantity column, the bidder rates shall apply should work under these items actually be required.
- 2.1.6 The quantities of work as measured and accepted and certified for payment in accordance with the Conditions of Contract, and not the quantities stated in the Bill of Quantities, will be used to determine payments to the Consulting Engineer. The validity of the Contract shall in no way be affected by differences between the quantities in the Bill of Quantities and the quantities certified for payment.
- 2.1.7 A price or rate is to be entered, in **BLACK INK** and no erasing fluid can be used. When a mistake has been made, you must put a line across the figure and initial next to it before putting a new figure.
- 2.1.8 Bidders should complete the whole Bill of Quantity whether the bidder is bidding for Civil Engineering or Environmental Consulting services. Bidder wishing to bid for both Civil Engineering or Environmental services should submit a bid for each service and indicate on the form of offer the service tendered for.

2.1.9 The construction supervision level proposed must be stated in the bill before pricing the item

**BILL OF QUANTITIES (Estimates based on 6 months construction period for projects below R10 million)**

| <b>MUNICIPAL FUNDED PROJECT: COST ESTIMATES TO BE DEVELOPED</b> |                                                                                                                                                                                        |             |            |             |               |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|------------|-------------|---------------|
| <b>ITEM</b>                                                     | <b>NORMAL SERVICES</b>                                                                                                                                                                 | <b>UNIT</b> | <b>QTY</b> | <b>RATE</b> | <b>AMOUNT</b> |
| <b>1.0</b>                                                      | <b>Professional Team of Engineers</b>                                                                                                                                                  |             |            |             |               |
| 1.1                                                             | Preliminary Design                                                                                                                                                                     | 20%         | <b>1</b>   |             |               |
| 1.2                                                             | Design and Tender                                                                                                                                                                      | 30%         | <b>1</b>   |             |               |
| 1.3                                                             | Working Drawings                                                                                                                                                                       | 15%         | <b>1</b>   |             |               |
| 1.4                                                             | Construction Supervision and Monitoring                                                                                                                                                | 30%         | <b>1</b>   |             |               |
| 1.5                                                             | Close up Report                                                                                                                                                                        | 5%          | <b>1</b>   |             |               |
| <b>1.6</b>                                                      | <b>Sub-total</b>                                                                                                                                                                       |             |            |             |               |
| <b>2.</b>                                                       | <b>Additional Services</b>                                                                                                                                                             |             |            |             |               |
| <b>2.1.</b>                                                     | <b>Survey</b>                                                                                                                                                                          |             |            |             |               |
| 2.1.1                                                           | Survey Data and Analysis                                                                                                                                                               | Prov. Sum   | <b>1</b>   |             |               |
| 2.1.2                                                           | Mark up for item 2.1.1                                                                                                                                                                 | %           |            |             |               |
| <b>2.2</b>                                                      | <b>Geotechnical</b>                                                                                                                                                                    |             |            |             |               |
| 2.2.1                                                           | Geotechnical investigation, Analysis and Report Development                                                                                                                            | Prov. Sum   | <b>1</b>   |             |               |
| 2.2.2                                                           | Mark up for item 2.2.1                                                                                                                                                                 | %           |            |             |               |
| <b>2.3</b>                                                      | <b>Environmental Management</b>                                                                                                                                                        |             |            |             |               |
| 2.3.1                                                           | Environmental Advisory and Compliance (Co-ordinate with Appointed Health and Safety Consultants)                                                                                       | Prov. Sum   | <b>1</b>   |             |               |
| 2.3.2                                                           | Mark up for item 2.3.1                                                                                                                                                                 | %           |            |             |               |
| <b>2.4</b>                                                      | <b>Occupational Health and Safety, and Training</b>                                                                                                                                    |             |            |             |               |
| 2.4.1                                                           | Occupational Health & Safety Management                                                                                                                                                | Sum         | <b>1</b>   |             |               |
| 2.4.2                                                           | Enforcement and Management of Health and Safety on site                                                                                                                                | Sum         | <b>1</b>   |             |               |
| 2.4.3                                                           | Civil Engineering Student Intern 12 months mentoring programme – Student or intern to be provided by Winnie Madikizela Mandela Local Municipality to the Professional Service Provider | Sum         | <b>1</b>   |             |               |
| 2.4.4                                                           | Mark up for item 2.4.1-3                                                                                                                                                               | %           |            |             |               |
| <b>2.5</b>                                                      | <b>Co-ordinate with Other Service Providers</b>                                                                                                                                        |             |            |             |               |

|            |                                                                                                                               |     |   |  |  |
|------------|-------------------------------------------------------------------------------------------------------------------------------|-----|---|--|--|
| 2.5.1      | Co-ordinate with identified service providers (ISD, Environment etc.)                                                         | Sum | 1 |  |  |
| 2.5.2      | Mark up for item 2.5.1                                                                                                        | %   |   |  |  |
| <b>2.6</b> | <b>Sub total</b>                                                                                                              |     |   |  |  |
| <b>3.0</b> | <b>Construction monitoring</b>                                                                                                |     |   |  |  |
| 3.1        | Additional 15 days/month site monitoring for category B individual for actual duration of the contract (assumed for 2 months) | Sum |   |  |  |
| <b>3.2</b> | <b>Sub total</b>                                                                                                              |     |   |  |  |
| <b>4.0</b> | <b>Expenses &amp; costs for actual duration of the contract</b>                                                               |     |   |  |  |
| 4.1        | Travel                                                                                                                        | Sum | 1 |  |  |
| 4.2        | Recoverable expenses                                                                                                          | Sum | 1 |  |  |
| <b>4.3</b> | <b>Sub-total</b>                                                                                                              |     |   |  |  |
| <b>5.0</b> | <b>Time basis</b>                                                                                                             |     |   |  |  |
| 5.1        | Category A                                                                                                                    | hr. |   |  |  |
| 5.2        | Category B                                                                                                                    | hr. |   |  |  |
| 5.3        | Category C                                                                                                                    | hr. |   |  |  |
| 5.4        | Category D                                                                                                                    | hr. |   |  |  |
| <b>6.0</b> | <b>TOTAL (sum of items (1.6; 2.6; 3.2; 4.3 )</b>                                                                              |     |   |  |  |
| 6.1        | Add: VAT (15%)                                                                                                                |     |   |  |  |
| <b>6.2</b> | <b>TENDER AMOUNT</b>                                                                                                          |     |   |  |  |

## E. EVALUATION AND ADJUDICATION CRITERIA

### Technical Proposals

All bid proposals received will firstly be evaluated on the following scoring criteria on the basis of functionality (100 points which is 100%). Prospective bidders must at least achieve a minimum score of 70 points in respect of functionality in order to be regarded as responsive and to qualify for further evaluation.

**FUNCTIONALITY BREAKDOWN AND WEIGHTS**

| <b>CRITERIA</b>                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>MAXIMUM POSSIBLE SCORE</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <p>Company Experience</p> <p>Previous relevant company experience on Civil engineering/ Environmental projects</p> <p><b>Attached appointment letters and completion certificates/reference letters of a minimum of three projects within the last five years</b></p>                                                                                                                                                                             | 25                            |
| <p>Experience &amp; Expertise Relevant of Personnel with minimum of four years post qualification experience</p> <p>B-Tech or Degree or higher qualification in Civil Engineering – 10 points</p> <p>National Diploma or higher qualification in Environmental Studies i.e. – 10 Points</p> <p>Project Management Certificate - 10 points</p> <p><b>Attach CV, Qualifications and certified copies of ID Documents of the above Personnel</b></p> | 30                            |
| <p>Sound Methodology &amp; Approach to cover the following</p> <p>Scope of Works - 05 points</p> <p>Project Management - 05 points</p> <p>Skills Transfers and Capacity Building - 05 points</p> <p>Business Plan Preparation - 05 points</p>                                                                                                                                                                                                     | 20                            |
| <p>Professional Registration of members with statutory institutions of built environment (ECSA, SACPCMP/PMP, SAS)</p> <p>At least One Director of the company registered with Professional body – 15 points</p> <p>One Employee registered with a Professional Body – 10 points</p> <p><b>Attach CV, Qualifications and certified copies of ID Documents of the above Personnel</b></p>                                                           | 25                            |

|              |                  |
|--------------|------------------|
|              |                  |
| <b>TOTAL</b> | <b>100 (MPS)</b> |

$$Ps = (So / Ms) \times Ap$$

Where

Ps = % scored for functionality by bid / proposal under consideration

So = total score of bid under consideration

Ms = maximum possible score

Ap = % allocated for functionality

### Financial Proposals

All bidders who have scored a minimum of 70% on functionality will be considered for further evaluation and all those who failed to achieve the minimum percentage (70% equivalent) will be disqualified.

The following formula will be used to calculate the percentage for price / financial proposals:

$$Ps = (Pmin / Pt) \times Ap$$

Where

Ps = % scored for price bid / proposal under consideration

Pmin = lowest acceptable bid / proposal

Pt = price of bid / proposal under consideration

Ap = % allocated for price

## EVALUATION CRITERIA

| Criteria          |                  | Project Rand Value<br>≤ R50 000 000.00 |                   |
|-------------------|------------------|----------------------------------------|-------------------|
|                   |                  | Maximum<br>Points Allocated            | Points<br>Claimed |
| Preference Points | Points for BBBEE | 20                                     |                   |
| Price             | Points for Price | 80                                     |                   |
| Total             |                  | 100                                    |                   |

## Scoring on Functionality

The criteria for functionality are kept to the essential so as not to render the evaluation a mechanical exercise but rather a professional assessment. A few pointers are, however, relevant:

- ❑ **Personnel Experience and Expertise** refers to previous experience in relevant projects. In this stage the evaluation is focusing on individuals that will play a role in the project (CVs to be attached).
- ❑ **Company Experience** refers to previous relevant projects and overall track record.
- ❑ **Methodology** considers the responsiveness to the *request for proposals*, the level of detail in the proposal, attention to project management and innovative approaches and ideas in preparation of business plan. Methodology proposed shall be in line with the scope of the works proposed for the project.
- ❑ **Team Qualifications and Capability** considers the technical and professional skills of the project team, regional knowledge if relevant and proven conceptual abilities (supported by other client references if needed). The qualifications of the proposed team to be delegated on the project will be primarily assessed for their capacity to

implement the project. Overall qualifications of the staff within the company and their minimum time allocation for the project will be secondary in assessing the qualifications.

#### **F. General**

Statutory compliance that may be used with this document during evaluation until completion of the project may be extracted from the following guidelines

- Engineering Guidelines (PMI, SACPCMP, ECSA);
- South African Council for Natural Scientists Professionals (SACNASP) for environmentalists;
- General Conditions of Contract for construction works 2015;
- Standard for Infrastructure Procurement and Delivery Management (SIPDM);
- New Engineering Contract (NEC 3);
- SAACE and/or National Society of Black Engineers;
- SABTACO;
- Municipal Supply chain Policy;
- Municipal Supply Chain Management regulations

**NB: On completion of projects all the drawings, designs and relevant documentation must be handed (2 Hard copies and 2 Soft copies) to the Winnie Madikizela Mandela Local Municipality on completion of the project and for processing of the final completion certificate which will be property of the Municipality.**

## G. Form of Offer and Acceptance

### Offer

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the procurement of: **MULTI DISCIPLINE PANEL OF CONSULTANTS: Civil Engineering/Environmental** (\*delete which is not applicable)

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

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

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF 15% VALUE ADDED TAX IS:

.....

..... (in words);

R ..... (in figures)

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

Signature(s) .....  
 Name(s) .....  
 Capacity .....  
 for the tenderer

(Name and .....  
 address of .....  
 organization/) .....  
 tenderer

.....  
 Name and  
 signature  
 of witness .....

Date .....

## Acceptance

By signing this part of this form of offer and acceptance, the employer identified below accepts the tenderer's offer. In consideration thereof, the employer shall pay the contractor the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the tenderer's offer shall form an agreement between the employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract are contained in:

Part C1: Agreements and contract data (which includes this agreement)  
 Part C2: Pricing data  
 Part C3: Scope of work  
 Part C4: Site information

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

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the returnable schedules as well as any changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this form of offer and acceptance. No amendments to or deviations from said documents are valid unless contained in this schedule.

The tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Employer (whose details are given in the contract data) to arrange the delivery of any securities, bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

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

Signature(s) .....

Name(s) .....

Capacity .....

for the Employer Winnie Madikizela-Mandela Local Municipality

Infrastructure Directorate

51 Winnie Madikizela Street

Bizana

4800

Name and .....

signature

of witness

Date .....

.....