

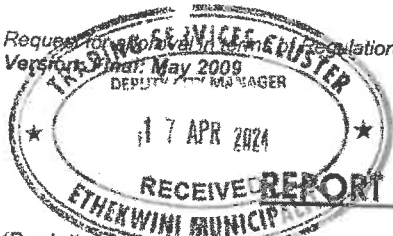
DESCRIPTION - REFUSE COLLECTION AND STREET CLEANING WITHIN ETHEKWINI MUNICIPALITY AREAS

NO	CONTRACT NUMBER	Supplier Name	Registration Numbers	BBEE Level	BBE Expiry Date	Tax Status	Tax Expiry Date	CSD Number	CIPC STATUS	Restricted Supplier	Municipal Fees	Certificate of Independent Determination	Declaration of Interest	Signed form of offer	Comments
1	WS 6789T	POWER CLEANING SERVICES	7512275316088	LEVEL 1	25/01/2025	TAX COMPLIANT	29/08/2024	MAAA0143432	IN BUSINESS	NO	CLEAR	12/03/2024	12/03/2024	Letter by bidder accepting the use of previous rates attached.	Compliant
2	WS 6962T	TZDN TRAINING CONSTRUCTION	2008/036475/23	LEVEL 1	24/11/2024	NON-COMPLIANT	18/12/2024	MAAA0331479	IN BUSINESS	NO	CLEAR	14/03/2024	14/03/2024	Letter by bidder accepting the use of previous rates attached.	Bidder is CSD Tax Non-Compliant
3	WS 6963T	GEZINSILA LABOUR AND PROTECTION SERVICES	1998/052551/23	LEVEL 1	10/12/2024	TAX COMPLIANT	03/07/2024	MAAA0374945	IN BUSINESS	NO	LEASE	13/03/2025	13/03/2025	Letter by bidder accepting the use of previous rates attached.	Compliant
4	WS 6964T	LABHECELBOMVU TRADING ENTERPRISE	2005/116064/23	LEVEL 1	13/12/2024	NON-COMPLIANT	14/12/2024	MAAA0392423	IN BUSINESS	NO	CLEAR	15/03/2024	15/03/2024	Letter by bidder accepting the use of previous rates attached.	Bidder is CSD Tax Non-Compliant
5	WS 6965T	ONE VISION INVESTMENT 293	2007/011864/07	LEVEL 1	20/11/2024	TAX COMPLIANT	08/03/2024	MAAA0375285	IN BUSINESS	NO	CLEAR	12/03/2024	12/03/2024	Letter by bidder accepting the use of previous rates attached.	Compliant
6	WS 6966T	WASTENG PTY LTD	1996/013829/07	LEVEL 1	14/02/2025	TAX COMPLIANT	10/05/2024	MAAA0024354	IN BUSINESS	NO	RENTING	15/03/2024	15/03/2024	Letter by bidder accepting the use of previous rates attached.	Compliant
7	WS 6967T	TITIAS BUILDING RENOVATIONS	2009/134235/23	LEVEL 1	04/09/2024	TAX COMPLIANT	03/11/2024	MAAA0382037	IN BUSINESS	NO	CLEAR	14/03/2024	14/03/2024	Letter by bidder accepting the use of previous rates attached.	Compliant
8	WS 6968T	MASHALOFU BUSINESS ENTERPRISE	2003/097960/23	ATTACHED	NOT ATTACHED	TAX COMPLIANT	19/03/2025	MAAA0126706	IN BUSINESS	NO	CLEAR	14/03/2024	14/03/2024	Letter by bidder accepting the use of previous rates attached.	Compliant
9	WS 6969T	GABHISA SERVICES	1995/045770/24	LEVEL 1	04/05/2024	NON-COMPLIANT	04/05/2024	MAAA0431643	IN BUSINESS	NO	RENTING	13/03/2024	13/03/2024	Letter by bidder accepting the use of previous rates attached.	Bidder is CSD Tax Non-Compliant
10	WS 6970T	SBONISIWE INVESTMENT	2001/022027/23	LEVEL 1	13/03/2025	NON-COMPLIANT	23/03/2024	MAAA0499908	IN BUSINESS	NO	RENTING	13/03/2024	13/03/2024	Letter by bidder accepting the use of previous rates attached.	1. Bidder is CSD Tax Non-Compliant 2. BBEEE Certificate not attached.
11	WS 6971T	LELANGUKA TRADING	2009/112910/23	LEVEL 1	05/03/2025	NON-COMPLIANT	25/07/2024	MAAA0201715	IN BUSINESS	NO	RENTING	15/03/2024	15/03/2024	Letter by bidder accepting the use of previous rates attached.	Bidder is CSD Tax Non-Compliant
12	WS 6972T	ASEMBO ENGINEERS AND SURVEYIN T/A KHAZZO	2004/092785/23	LEVEL 1	14/03/2025	TAX COMPLIANT	10/11/2024	MAAA0120721	IN BUSINESS	NO	CLEAR	13/03/2024	13/03/2024	Letter by bidder accepting the use of previous rates attached.	Compliant
13	WS 6973T	NOPHETHU TRADING	2011/089351/23	LEVEL 1	4/03/2025	NON-COMPLIANT	22/09/2024	MAAA0743774	IN BUSINESS	NO	R614,46	14/03/2024	14/03/2024	Letter by bidder accepting the use of previous rates attached.	1. Bidder is CSD Tax Non-Compliant. 2. Municipal fees in arrears R 614,46
14	WS 6974T	ONE VISION INVESTMENTS 293	2007/011864/07	LEVEL 1	20/11/2024	TAX COMPLIANT	08/03/2024	MAAA0375285	IN BUSINESS	NO	CLEAR	12/03/2024	12/03/2024	Letter by bidder accepting the use of previous rates attached.	Compliant
15	WS 6975T	WASTENG	1996/013829/07	LEVEL 1	24/11/2024	TAX COMPLIANT	10/05/2024	MAAA0024354	IN BUSINESS	NO	LEASING	15/03/2024	15/03/2024	Letter by bidder accepting the use of previous rates attached.	Compliant
16	WS 6976T	TZDN TRAINING	2008/036475/23	LEVEL 1	23/11/2024	NON-COMPLIANT	18/12/2024	MAAA0331479	IN BUSINESS	NO	CLEAR	14/03/2024	14/03/2024	Letter by bidder accepting the use of previous rates attached.	Bidder is CSD Tax Non-Compliant
17	WS 6977T	INANDA REFUSE	2022/210309/07	LEVEL 1	19/03/2024	NON-COMPLIANT	12/05/2024	MAAA1205514	IN BUSINESS	NO	R1,807.55	20/03/2024	20/03/2024	Letter by bidder accepting the use of previous rates attached.	1. Bidder is CSD Tax Non-Compliant. 2. Municipal fees in arrears R 1807.55
18	WS 6978T	AMADWALA TRADING 73	2004/019638/23	LEVEL 1	30/08/2024	NON-COMPLIANT	26/01/2024	MAAA0392422	IN BUSINESS	NO	R5,221.38	03/04/2024	03/04/2024	Letter by bidder accepting the use of previous rates attached.	1. Bidder is CSD Tax Non-Compliant. 2. Municipal fees in arrears R 5221.38
19	WS 7158T	TITIAS BUILDING	2009/134235/23	LEVEL 1	04/09/2024	TAX COMPLIANT	03/11/2024	MAAA0382037	IN BUSINESS	NO	CLEAR	04/09/2024	04/09/2024	Letter by bidder accepting the use of previous rates attached.	Compliant

Name Thami Ntshabela

Date 24/04/2024

Signature 



(Deviations from and rectification of minor breaches of, procurement processes: Regulation 36 of the Municipal Supply Chain Management Regulations)

To:	Bid Adjudication Committee
Contract Description:	REFUSE COLLECTION AND STREET CLEANING IN SJ SMITH, GLEBELANDS, JACOBS, KWAMAKHUTHA AND UMLAZI COMMUNITY RESIDENTIAL UNITS- WARDS 75, 76, 89 AND 94
Date:	02 April 2024

Contract no:	WS.6978T	Unit:	CSW
Project Manager:	Siphiwe Makhanya	Department:	Strategic & New Development
E-mail:	siphiwe.makhanya@durban.gov.za	Cellular phone no:	-
Telephone number:	031 311 8343	Fax no:	N/A

Project Objective/s:	The purpose of this report is to seek authority from the Bid Adjudication Committee to approve the appointment of the service provider under Section 36 (1) (a) & (v) of the SCM regulations.
Scope of Works:	This specification applies to the provision of refuse collection services in SJ Smith, Glebelands, Jacobs, KwaMakhutha and Umlazi Community Residential Units incorporating the following: - On-going collection of refuse from occupied premises in formal areas, including disposal. - On-going collection of refuse and the disposal thereof, from occupied premises and open areas in informal areas. - On-going litter picking in road reserves and clearing out open stormwater channels. - Ad-hoc sundry services including litter picking of selected open areas, removal of rubbish piles, and servicing of refuse drums

1. CATEGORY:

Goods	
Services	X
Engineering & Construction Works	
Leases	

Professional Services (Built Environment)	
Professional Services (Other)	
Movable Asset Disposal	
Immovable Asset Disposal	



2. ELEMENT OF REGULATION 36 APPLICABLE:

1(a) (i).	An emergency	
(ii)	The goods or services are produced or available from a single provider only	
(iii)	The acquisition of special works of art or historical objects where specifications are difficult to compile	
(iv)	The acquisition of animals for zoos; or	
(v)	Exceptional case where it is impractical or impossible to follow the official procurement processes; and	X
1(b)	To ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature	

Motivation overleaf

3. MOTIVATION FOR APPLICABILITY OF REGULATION 36

BACKGROUND

- 3.1 The Cleansing and Solid Waste Unit has been utilizing the services of WS. 6978 major contract to provide street sweeping and refuse removal services in SJ Smith, Glebelands, Jacobs, Kwamakhutha and Umlazi Community Residential Units- Wards 75, 76, 89 And 94. The approval of the contract award for WS.6978 was made by the Bid Adjudication Committee on 20 December 2018. A copy of the BAC decision is attached as **Annexure A**. Contract WS. 6978 commenced on 01 July 2019 and the completion date was on 30 June 2022.
- 3.2 An extension of four (4) months (01 July 2022- 31 October 2022) report number, (SW2022/042) was granted through the Bid Adjudication Committee in June 2022 and its completion date is 31 October 2022. A copy of the BAC decision is attached as **Annexure B**.
- 3.3 A Section 36 appointment of six (6) months (01 November 2022 to 30 April 2023), report (SW2022/074) was granted through the Bid Adjudication Committee in October 2022. The BAC decision is attached as **Annexure C**.
- 3.4 Another Section 36 appointment was granted through Bid Adjudication Committee for a period of six (6) months (1 May 2023- 31 October 2023). The BAC decision is attached as **Annexure D**.



- 3.5 The current Section 36 appointment was granted by the Bid Adjudication Committee for a period of six (6) months (1 November 2023- 30 April 2024). The BAC decision is attached as **Annexure E**.

4. STATUS OF THE REPLACEMENT AND ADVERTISED CONTRACTS

- 4.1 The Unit advertised replacements contracts, WS.7496, WS.7497, WS.7498, WS.7499, WS.7500, WS.7501, WS.7502, WS.7503, WS.7504, WS.7505, WS.7506 and WS.7563 on 08 July 2022 and closed on 12 August 2022, refer to **Annexure F**. **It must be noted that WS.7505 is a replacement contract for WS.6978.** All twelve (12) replacement contracts were advertised simultaneously. The total number of applications received in respect of these tenders were about **865**.

The evaluation reports for the 12 contracts were initially submitted to SCM on 16 January 2024 for reviewing. Between 23 January 2024 and 29 February 2024, SCM provided feedback highlighting concerns and corrections that required attention from the Unit. From 25 January 2024 to 29 February 2024, the Unit addressed queries as and when they were received. Additionally, several concerns were conveyed to the bidders, who promptly provided responses as well to SCM e.g., updated tax clearance pin, Annual Financial Statements etc.

The evaluation reports for the 12 contracts were tabled at the Bid Evaluation Committee (BEC) on 13 March 2024 and was deferred by the Committee. The Unit is currently in the process of drafting addendums addressing the raised concerns by the committee.

- 4.2 Again, the Unit advertised replacements contracts, WS.7558, WS.7559, WS.7560, WS.7561, and WS.7562 on 16 September 2022 and closed on 21 October 2022, refer to **Annexure G**. All five (05) replacement contracts were advertised simultaneously. The total number of applications received in respect of these tenders were about **549**.

The evaluation team is currently in the finalization stage, and it is anticipated that the report will be presented at the Bid Evaluation Committee (BEC) by May/ June 2024.



4.3 Lastly, the Unit advertised replacements contracts, WS.7622, WS.7623, WS.7624, WS.7625, WS.7626, and WS.7627 on 06 April 2023 and closed on 12 May 2023, refer to **Annexure H**. All six (6) replacement contracts were advertised simultaneously. The total number of applications received in respect of these tenders were about **531**.

The evaluation reports for the six (6) contracts were tabled at the Bid Evaluation Committee (BEC) on 14 February 2024 and was deferred by the Committee. The Unit has prepared the addendum for the concerns that were raised by the BEC and are currently circulating for signatures.

5. REASON FOR DEVIATION

In terms of the policy, the evaluation process should be concluded within 120 days. However, due to the complexity of the submissions and the high volume of tenders received, the process has exceeded the anticipated timeframe.

The documents are now accessible for free to download and print, resulting in heightened interest from companies and a substantial increase in bids responses.

Due to the intricate nature of evaluating 1945 applications altogether, the Unit will not be able to finalize before 01 May 2024 for the replacement contracts to resume.

The evaluation process of these applications is time-consuming and voluminous.

As outlined in item 4 above, the award of the contracts has not been concluded pending completion of the Bid Evaluation Committee's due processes.

6. PROJECT ESTIMATES, FINANCIAL AUTHORITY & RECOMMENDED COMPANY:

	Excl. VAT	VAT	Incl. VAT
Estimated Contract Value	R 7 936 759.44	R 1 190 513.92	R 9 127 273.36
Total Cost to Council	R 7 936 759.44	R 1 190 513.92	R 9 127 273.36

Financial Provision has been made for the project as follows:

Vote No	Financial Year	Provision	Commitment	Available Amount
79630.10810.11.11300.0000.MRC01.0010	2023/ 2024 2024/ 2025	R 7 936 759.44		

FC No. (307- 366- 060)



ANTICIPATED EXPENDITURE

2023/ 2024	2024/ 2025	TOTAL
R 2 645 586.48	R 5 291 172.96	R 7 936 759.44

The signed Financial Certificate is attached as **Annexure I**.

7. CONSENT BY THE SUPPLIER

The committee must note that Amadwala Trading 73 cc has given consent for the Unit to use rates that were tendered under WS.6978. A letter of acceptance of appointment with original rate, **refer to Annexure J**.

8. COMPLIANT DOCUMENTS

The copies of the following compliant documents submitted by Amadwala Trading 73 cc are attached in **Annexure K**.

- i) Tax Compliance Pin
- ii) B-BBEE Affidavit
- iii) Declaration of Municipal Fees
- iv) Municipal Account Bill
- v) MBD 2
- vi) MBD 4
- vii) MBD 5
- viii) MBD 6.1
- ix) MBD 8
- x) MBD 9
- xi) Annual Financial Statements

9. APPROVAL BY ACTING HEAD (SCM) TO UTILISE SECTION 36:

Due to time taken in completing the evaluation reports of the replacement contracts, the Unit sought authority from Acting Head's (SCM) to utilise Section 36 appointment. **Refer to Annexure L** for the report with a signature of Acting Head's (SCM).



10. FORM OF CONTRACT & SURETY:

- ☐ **Government Procurement** General Conditions of Contract (From National Treasury for Goods & Services) (May 2007)
- ☐ **GCC (2004)** (General Conditions of Contract for Construction Works)
- ☐ **JBCC series Minor Works Agreement** - Edition 4.0 of August 2007
- ☐ **JBCC series 2000 Principal Building Agreement** - Edition 5.0 of July 2007
- ☐ **NEC Engineering and Construction Contract** 2nd Edition 1995 (ECC2)
- ☐ **FIDIC** (Conditions of Contract for Construction, Conditions of Contract for Plant and Design-Build, Conditions of Contract for FIDIC EPC/Turkey Projects or Short Form of Contract.)
- ☐ **Other form of contract: Specify**
- ☐ **Surety required: Y/N** or ☐ **Performance Guarantee required: Y/N**

11. RESPONSIVENESS REQUIREMENTS:

NB: Copies of each of the following must be attached to the report for the recommended company

☐	CIDB: Printout of CIDB Registration from www.cidb.org.za
☐	Tender offer must be properly received fully completed and signed in black ink (erasable pens not permitted)
☐	Submission of applicable Resolution by the Legal Entity, or consortium / joint venture, authorising a dedicated person(s) to sign documents on behalf of the firm / consortium / joint venture
☐	Registration on the Municipality's centralised supplier database – FP title
☐	ITC status checked
☐	Submission of Declaration of Interest
☐	Submission of Declaration of Municipal Fees
☐	Valid Original Tax Clearance Certificate ie. SARS has certified that the bidder's tax matters are in order or that arrangements have been made to the satisfaction of SARS that the outstanding tax obligations will be met
☐	Company/CC/Trust/Partnership registration certificates
☐	Joint Venture Agreement and Power of Attorney in case of Joint Ventures
☐	Workmen's Compensation Registration Certificate (or proof of payment of contributions in terms of the Compensation for Occupational Injuries and Diseases Act No. 130 of 1993)
☐	Insurance Instructions
☐	Other restrictive conditions peculiar to this contract eg. Vehicle, plant, etc. – be specific and provide detail of requirements together with motivation for such.



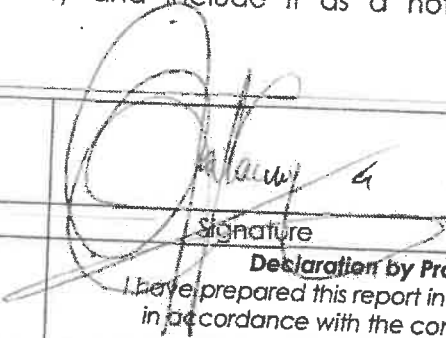
12. PROJECTED DATES:

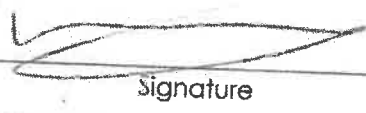
Steps	Projected Date
Submission to Tenders & Contracts Co-ordination for Bid Adjudication Committee	
Bid Adjudication Committee	
Contract Start Date	01/ 05/ 2024
Contract Completion Date	31/ 10/ 2024

Contract Duration	6	Months
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13. RECOMMENDATIONS:

- It is therefore recommended that **Amadwala Trading 73 cc** be awarded contract **WS. 6978T: Refuse Collection and Street Cleaning in SJ Smith, Glebelands, Jacobs, KwaMakhutha and Umlazi Community Residential Units- Wards 75, 76, 89 And 94** in terms of Regulation 36 of the Municipal Supply Chain Management Regulations.
- Subject to the adoption of (i) above, an amount of **R 7 936 759.44** (excluding VAT), be authorized to cover the contractual cost to be incurred on a month-to-month basis for a maximum period of six (6) months with effect from 01 May 2024- 31 October 2024, or until the new contract is awarded, whichever period comes first,
- Subject to the adoption of 1 & 2 above, the City Manager record the reasons for any deviations and report it to the next meeting of Council, or board of directors in the case of a Municipal Entity and include it as a note to the annual financial statements.

Siphiwe Makhanya		
Name of Project Manager		
031 311 8343	Signature	Date
Contact Telephone Number	Declaration by Project Manager: I have prepared this report in a fair and proper manner in accordance with the conditions of contract, and relevant Codes of Conduct	

Jimmy Ngcobo		
Name of Acting Deputy Head (CSW) Strategic & New Dev.		
Contact Telephone Number	Signature	Date



Noluthando Magewu	<i>[Signature]</i>	
Name of Acting Head (CSW)	Signature	Date
Contact Telephone Number		
Sibusiso Makhanya	<i>[Signature]</i>	
Name of Deputy City Manager: Trading Services	Signature	Date
Contact Telephone Number		

Sandile Mguni	<i>[Signature]</i>	<i>22-04-2024</i>
<i>PP</i> Name of CFO: Treasury	Signature	Date
Contact Telephone Number	<i>confirming budget availability</i>	
Musa Ndaba	<i>[Signature]</i>	<i>24/04/2024</i>
Name of Manager: SCM- Compliance & Monitoring	Signature	Date
Contact Telephone Number		

Submission of reports

All reports should be forwarded to Ms Bongiwe Nyandeni, Manager of the Tenders & Contracts Co-ordination Branch, 6th Floor, Engineering Building, 166 K E Masinga Road (formerly Old Fort Road), on or before the deadline dates for submission, together with accompanying documentation.

Tel. 322-7015

Incomplete submissions will not be placed onto the meeting agenda.