

TENDER NOTICE AND INVITATION TO TENDER

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

Bid ref.	PROJECT NAME	Contract Number	CIDB Grading and Closing Date	Technical Enquires contacts
1.	Electricity Network Upgrade and Maintenance	ELM-3/014/2024-2025	Valid Grade 4EP and above Wednesday, 23 October 2024	Ms P. Malotana Tel. 045 932 8216 E-mail: portiam@elundini.gov.za
2.	Provision of Construction Plant Hire and Maintenance of Gravel Roads	ELM-3/015/2024-2025	Valid Grade 7CE and above Wednesday, 23 October 2024	Mr P. Gqamane Tel. 045 932 8216 E-mail: phumlanig@elundini.gov.za
3.	Supply, Deliver and Erect Hawker Stalls	ELM-6/006/2024-2025	CIDB not applicable Tuesday, 15 October 2024	Mr V. Madolo Tel. 045 932 8216 E-mail: athinib@elundini.gov.za

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

1. Framework contract with three (3) experience service provider to provide materials, labour, equipment to install, test and commission and handover to the municipality in good serviceable condition new and upgraded electrical infrastructure which supplies various areas within Ugie, Nqanqarhu and Tlokoeng Town for a period of three (3) years on and as when instructed without a guarantee to any quantum of work.

2. Framework contract with three (3) service providers to be added to the existing framework contract for provision of Construction Plant Hire and Maintenance of gravel roads infrastructure within Elundini Local Municipality area for a period of three (3) years, as and when the specific package order is issued to the contractor.

3. A service provider to supply, deliver and erect hawker stalls in Ugie.

Bids no. 1 and 2 contracts will be based on Contract will be based on NEC3 Engineering and Construction Contract (Option B Priced contract with Bill of Quantities) Bid no.3 Contract will be based on the National Treasury General Condition of Contracts.

The bids will be evaluated on the basis of the Preferential Procurement Policy Framework Act, 2022, the Elundini Local Municipality's Supply Chain Management Policy and the 80/ 20 preferential procurement point system for acquisition of goods or services with Rand value equal to or below R50 million will be applied. Bid no. 3 will be evaluated based on minimum threshold for local production and content, only locally produced goods/products with a (100% on Steel galvanised products) stipulated minimum threshold will be considered. Stage one (1) of evaluation process will be in terms of the minimum threshold for local production and content required in accordance with the SABS approved standard SANS 1286:2017

Stage 1 of Evaluation: Eligibility Criteria

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

Bid no.	Eligibility Criteria and Objective Criteria	Evidence
ELM-3/014/2024-2025 And ELM-3/015/2024-2025	Eligibility Criteria for this project will be available on Tender Data that will be uploaded on ELM Website. www.elundini.gov.za and will be also attached in the tender document	Required evidence
ELM-6/006/2024-2025	Objective criteria in line with RDP document and ELM SCM Policy to strengthen Local economy , all bids will be evaluated on Local production content threshold for Stell galvanised products is 100%	Completed MBD 6.2 and Annexure C

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

Stage 2 of Evaluation: Functionality

ELM-3/014/2024-2025		ELM-3/015/2024-2025		ELM-6/006/2024-2025	
Evaluation Criteria	Maximum Points Allocated	Evaluation Criteria	Maximum Points Allocated	Evaluation Criteria	Maximum Points Allocated
Company Experience	35	Company Experience	40	Company Experience	40
Expertise	55	Expertise	40	Delivery	10
Methodology	10	Methodology	20		
Total Points	100	Total Points	100	Total Points	50

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

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

Price = 80 points

Specific goals = 20 points

Specific Goals:

The specific goals allocated points in terms of this tender	Number of points claimed (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the organ of state)	Proof to claim points
Bid No.	ELM-3/014/2024-2025	ELM-3/015/2023-2025	ELM-6/006/2024-2025	
Tender Price	80			
EME or QSE which is at least 51% owned by black people who are Women-Equity ownership	= 5 Points			Company Registration Document and Certified ID Copy
EME or QSE which is at least 51% owned by black people local business within: Elundini Local Mun. Joe Gqabi District Outside region			= 8 Points = 4 Points = 2 Points	Proof of business operation within Elundini Municipality Jurisdiction or within JOE Gqabi District or outside region along with CSD report
EME or QSE which is at least 51% owned by black people	= 15 Points	= 20 Points	= 12 Points	Company Registration Document and Certified BBBEE Certificate or Original Sworn Affidavit
Total (Specific Goals)	20 Points			

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

PURCHASING AND SUBMISSION OF TENDER DOCUMENTS.

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

The tender documents will be available on **Friday, 20 September 2024**. NB: For EFT payment bidders must pay using this account: First National Bank (FNB) cheque account No: 62159933772, Ref No. 020114350000. Bid document may be emailed to the bidder upon receiving and confirming proof of payment. Bidders must allow at least 24 hours after sending POP for the municipality to be able to confirm payment.

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

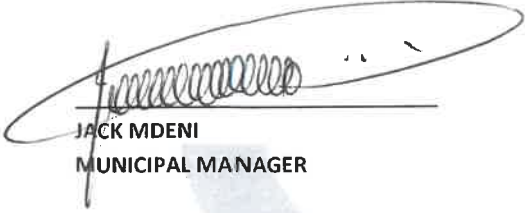
Bidders are encouraged to make electronic copies of the bid submission in a form of USB / CD as a precautionary backup. Enquiries relating to SCM may be addressed to Ms. H. Mduzulwana, Tel NO. 045 932 8125 or email: hlubikazi@elundini.gov.za. Telegraphic, telephone, telex, facsimile, e-mail and late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

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

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

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

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



JACK MDANI
MUNICIPAL MANAGER

BID CONDITIONS AND INFORMATION

Clause number	Tender Data
1	The employer is the Elundini Local Municipality
1.2	The tender documents issued by the employer comprise the following documents: THE TENDER Part T1: Tendering procedures T1.1 – Tender notice and invitation to tender T1.2 – Tender data Part T2: Returnable documents T2.1 – List of returnable documents T2.2 – Returnable schedules THE CONTRACT Part C1: Agreements and Contract data C1.1 – Form of offer and acceptance C1.2 – Contract data Part 1 – Data by the <i>Employer</i> Part 2 – Data by the <i>Contractor</i> Part C2: Pricing data C2.1 – Pricing assumptions C2.2 – Pricing schedule Part C3: Scope of work C3.1 – Scope of work Part C4: Site information C4.1 – Site Information
1.4	The employer's representative is: Name: Mr V. Madolo Elundini Local Municipality 1 Seller Street, Nqanqarhu, 5480. Tel No.: 045 932 8104 Fax No.: 045 932 1094 E-mail: viwem@elundini.gov.za
1.5	The language for communications is English
1.6	Elundini Local Municipality bidding process in the context of this bid is administered by ELM Supply Chain Management Policy , MFMA Act 56 of 2003 , MFMA SCM Regulations , POPI Act and shall act in accordance with the said legislative prescripts including other relevant legislative framework governing SCM. The General Conditions of Contract as well as any Special Conditions of Contract that may form part of this set of bid documents will be applicable to this bid in addition to the conditions of bid.
1.7	The successful bidder will be expected to sign the service Level agreement within 30 days from the date of notification by the Elundini Municipality that his/her bid has been accepted.
2	Tenderer's Obligations

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

2.8	If necessary, the employer shall issue addenda in writing that may amend or amplify the tender documents to each tenderer during the period from the date the tender documents are available until Five (5) working days before the tender closing time stated in the Tender Data. The Employer reserves its rights to issue addenda less than Five (5) working days before the tender closing time in exceptional circumstances. If, as a result a tenderer applies for an extension to the closing time stated on the front page of the tender document, the Elundini Municipality may grant such extension and, shall then notify all tenderers who drew documents. Notwithstanding any requests for confirmation of receipt of notices issued, the tenderer shall be deemed to have received such notices if the Elundini Municipality can show proof of transmission thereof via electronic mail, facsimile or registered post. Acknowledge receipt of addenda to the tender documents, which the employer may issue, and, if necessary, apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.
2.9	The arrangements for a compulsory clarification and inspection meeting are as follows: Where compulsory briefing is applicable, tenderers will be obligated to sign the attendance list in the name of the tendering entity. In that case, any Addenda issued to tenders will be received only from those tendering entities appearing on the attendance list.
2.10	Tenderers must request clarification on the tender documents, if necessary, by notifying the employer at least 5 (Five) working days before the closing time stated in the tender data. No clarifications that will require issue of an addendum will be entertained after this period. Bidders shall not contact the Elundini Municipality on any matter relating to their bid from the time of the opening of the bid to the time the contract is awarded for additional information or amendments of bids. Any effort by the firm to influence the Elundini Municipality in the bid evaluation, bid comparison or contract award decisions may result in the rejection of the bid
2.11	Tenderers are required to state the rates and currencies in Rands. Include in the rates, prices, and the tendered total of the prices (if any), all duties, taxes which the law requires to be paid [except value added tax (VAT)], and other levies payable by the successful tenderer, that are applicable 14 days before the closing time stated in the tender data. Show the VAT payable by the employer separately as an addition to the tendered total of the prices. Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data. State the rates and prices in monetary value of the contract unless otherwise instructed in the tender data
2.12	If after the commencement of the Contract, the cost or duration of the services is altered as a result of changes in, the amount of the main contractor or contract amount from which estimate were based, or amounts or additions to, any statute, regulation or by-laws, or the requirements of any authority having jurisdiction over any matter in respect of the Project, then the Contract Price and time for completion shall be adjusted in order to reflect the impact of those changes, provided that, within 90 days of first having become aware of the change, the Contractor furnished the Employer with detailed justification to the Price or Period of the Performance (or both).
2.13	Alterations to the documents Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer or to correct errors made by the tenderer and ensure that all signatories to the tender offer initial all such alterations. Do not make erasures using masking fluid. No unauthorised alteration of this set of bid documents will be allowed after the closing date. Any unauthorised alteration will disqualify the proposal automatically. Any ambiguity has to be cleared with contact person for the bid before the closure date.
2.14	No alternative tender offers will be considered
2.15	Parts of each tender offer communicated on paper shall be submitted as an original. No copies are required
2.16	Tenderer must put initials at the bottom of each page of the tender document as proof that the bidder has reviewed and agreed to the contents of the tender data. This also prevents and ensures that various parties involved do not change and / or replace any page and modify the contents after the submission of the tender. Tenderer must sign the original and all copies of the tender offer where required in terms of the tender data. NOTE: The employer holds all authorized signatories liable on behalf of the tenderer.
3.	Tax Clearance Certificate Bidder must submit a valid SARS Tax Clearance Certificate or/and a tax compliance status document reflecting the pin for the Employer to verify that the tenderer is in good standing. Certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Elundini Local Municipality and/or their CSD profile / CSD number) . Foreign suppliers (even those with no deemed footprint in South Africa) must still complete the relevant section in Part A of the MBD1 document, however, no proof of tax compliance is required if the supplier answers “no” to all questions. If they answer “yes” to any of the questions, however, they are required to register and be tax compliant as per Part B- section 2 of the MBD 1 document and relevant legislation governing tax compliance. Upon submission of a bid/quote/proposal the bidder automatically grants confirmation that SARS may, on an ongoing basis during the contract term disclose the bidders Tax Compliance status to the municipality. Each party to a Consortium/Joint Venture shall submit a separate valid Tax Clearance Certificate and must be compliant with SARS Prices must always be VAT inclusive where applicable.

4.	Registration on Accredited Supplier Database It is expected of all prospective service providers who are not yet registered on the Central Supplier Database to register online (www.csd.gov.za) and verify their company information Elundini Municipality Database Department. The Elundini Municipality reserves the right not to award proposals to prospective suppliers who are not registered on the CSD (Central Supplier Database).
5.	BBBEE Certificate For the proof of B-BBEE status level of contributor the bidder must submit an original or certified copy of a valid verification certificate from a verification agency accredited by SANAS and recognized as an Accredited B-BBEE Verification Agencies (www.sanas.co.za/afdirectory/bbbee_list.php) or original or certified completed AFFIDAVIT downloaded from www.thedti.gov.za/economic_empowerment/bee_codes.jsp
6.	Municipal Rates, Taxes and Charges The bidder to provide their municipal account of rates and taxes of both the Bidding entity and its directors' in its Bid Document submission. Any bidder which is or whose directors are in arrear with their municipal rates and taxes due to any Municipality within South Africa for more than three months and have not made an arrangement for settlement of or same before the bid closure date will be disqualified. If the bidder is renting the office a Lease Agreement must be attached to the bid document OR Affidavit from SAPS stating that the bidder is not obliged to pay municipal rates with a letter from a ward Councilor is submitted with the tender document.
7.	The employer's details and address for delivery of tender offers and identification details that are to be shown on each tender offer package are: Location of tender box: Elundini Local Municipality Finance Department Physical address: 1 Seller Street Nqanqarhu 5480 Identification details : Tender no, Title of Tender and the closing date and time for tenders Closing Date : Tuesday, 15 October 2024 Closing Time : 12H00 The tender box is only open on weekdays between 08:00 and 16:00
8.	Where a two-envelope system is required in terms of the tender conditions, place and seal the returnable documents listed in the tender conditions in an envelope marked "financial proposal" and place the remaining returnable documents in separate envelope marked "technical proposal". Each envelope shall state on the outside the Elundini Municipality's address and identification details of the bid, as well as the tenderer's name and contact address. Accept that the Elundini Municipality shall not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated. Where stated in the tender conditions that a two-envelope system is to be followed, open only the technical proposal of tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender conditions and announce the name of each tenderer whose technical proposal is opened. Employer shall evaluate the quality of the technical proposals offered by tenderers, then advise tenderers who have submitted responsive technical proposals of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who have submitted responsive technical proposals in accordance with the requirements as stated in the tender conditions, and announce the total price and any preferences claimed. Return unopened financial proposals to tenderers whose technical proposals were non-responsive.
9.	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.
10.	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.
11.	The tender offer validity period is 12 weeks . The validity of bids may be further extended by a period of not more than six months upon approval by the Accounting Officer.

12.	The tenderer shall provide clarification of a tender offer during the evaluation of tender offers, in response to a request from the employer to do so. Such clarifications can include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted. Note: This clause does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Elundini Municipality elect to do so. Failure, or refusal, to provide such clarification or additional information within the time for submission stated in the Elundini Municipality's written request may render the tender non-responsive.
13.	The employer shall grant during working hours to premises for inspections, tests and analysis, as provided for in the tender data.
	A tenderer may request in writing, after the closing date, that the tender offer be withdrawn. Such withdrawal will be permitted or refused at the sole discretion of the Elundini Municipality after consideration of the reasons for the withdrawal, which shall be fully set out by the tenderer in such written request for withdrawal. Should the tender offer be withdrawn in contravention hereof, the tenderer agrees that: it shall be liable to the Elundini Municipality for any additional expense incurred or losses suffered by the Elundini Municipality in having either to accept another tender or, if new tenders have to be invited, the additional expenses incurred or losses suffered by the invitation of new tenders and the subsequent acceptance of any other tender; the Elundini Municipality shall also have the right to recover such additional expenses or losses by set-off against monies which may be due or become due to the tenderer under this or any other tender or contract or against any guarantee or deposit that may have been furnished by the tenderer or on its behalf for the due fulfilment of this or any other tender or contract. Pending the ascertainment of the amount of such additional expenses or losses, the Elundini Municipality shall be entitled to retain such monies, guarantee or deposit security for any such expenses or loss.
14.	Samples, Inspections, tests and analysis Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender conditions or specifications. If the Specification requires the tenderer to provide samples, these shall be provided strictly in accordance with the instructions set out in the Specification. If such samples are not submitted as required in the bid documents or within any further time stipulated by the Elundini Municipality in writing, then the bid concerned may be declared non-responsive. The samples provided by all successful bidders will be retained by the Elundini Municipality for the duration of any subsequent contract. Bidders are to note that samples are requested for testing purposes therefore samples submitted to the Elundini Municipality may not in all instances be returned in the same state of supply and in other instances may not be returned at all. Unsuccessful bidders will be advised by the Project Manager or dedicated ELM Official to collect their samples, save in the aforementioned instances where the samples would not be returned.
15.	Compliance with Occupational Health and Safety Act, 85 of 1993 Tenderers are to note the requirements of the Occupational Health and Safety Act, 85 of 1993. The Tenderer shall be deemed to have read and fully understood the requirements of the above Act and Regulations and to have allowed for all costs in compliance therewith. In this regard the Tenderer shall submit upon written request to do so by the Elundini Municipality, a Health and Safety Plan in sufficient detail to demonstrate the necessary competencies and resources to deliver the goods or services all in accordance with the Act, Regulations and Health and Safety Specification.

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

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

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

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

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

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

Other

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

Unconditional discounts must be taken into account for evaluation purposes

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

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

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

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

All prices must include VAT where applicable

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

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

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

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

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

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

PHASE 2 : OF STAGE ONE: ELIGIBILITY CRITERIA

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

Quality Criteria	Evidence
Objective criteria in line with RDP document and ELM SCM Policy to strengthen Local economy , all bids will be evaluated on Local production content threshold for Steel galvanised products is 100%	Completed MBD 6.2 and Annexure C

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

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

FUNCTIONALITY CRITERIA	TOTAL Points
Quality criteria	
EXPERIENCE	40
Bidder must have an experience in Supply and Delivery of Hawker Stalls and must provide proof in a form of at least 2 signed reference letters with an accumulative value of R300 000.00 or more. Less than 2 reference letters = 0 Points 2 Reference Letters = 40 points (Reference letter must be in an institutional letter head, signed and must stipulate the amount of appointment)	
DELIVERY	10
Lead times and turnaround times Bidder must provide confirmation of lead times which must be three weeks after receipt of purchase order from the Municipality. 6 weeks = 10 10 weeks = 05 Above 10 weeks = 0	
Total	50

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

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

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

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

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

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

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

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

Where

- P_s** = Points scored for price of tender under consideration
P_t = Price of tender under consideration
P_{min} = Price of lowest acceptable tender

SPECIFIC GOALS

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Proof to claim Points	Number of points claimed (80/20 system) (To be completed by the tenderer)
Tender Price	80		
EME or QSE which is at least 51% owned by black people local business within: Elundini Local Mun. Joe Gqabi District Outside region	= 8 Points = 4 Points = 2 Points	Proof of business operation within Elundini Municipality Jurisdiction or within JOE Gqabi District or outside region along with CSD report	
EME or QSE which is at least 51% owned by black people	= 12 Points	Company Registration Document and Certified BBBEE Certificate or	

			Original Sworn Affidavit and CSD Report	
	Specific Goals Total	20		
	Bidder that fail to submit proof of specific goal as stipulated below will not be allocated points.			
30.	Each evaluation criteria will be assessed in terms of five indicators – no response, poor, satisfactory, good and very good. Scores of 0, 40, 70, 90 or 100 will be allocated to no response, poor, satisfactory, good and very good, respectively. The scores of each of the evaluators will be averaged, weighted and then totalled to obtain the final score for quality.			
31.	The number of paper copies of the signed contract to be provided by the employer is one.			
32.	Risk Analysis Notwithstanding compliance with regard to any requirements of the tender, the Elundini Municipality will perform a risk analysis in respect of the following: a) reasonableness of the financial offer b) reasonableness of unit rates and prices c) the tenderer's ability to fulfil its obligations in terms of the tender document, that is, that the tenderer can demonstrate that he/she possesses the necessary professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, capacity, experience, reputation, personnel to perform the contract, etc.; the Elundini Municipality reserves the right to consider a tenderer's existing contracts with the Elundini Municipality in this regard. d) any other matter relating to the submitted bid, the tendering entity, matters of compliance, verification of submitted information and documents, etc. e) there is any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any Organ Of the State and where there are notices of poor performance issued thereof. [Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the <i>Audi alteram partem</i> rule was applied]. f) tenderer/s (or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector [Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied]. The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za). g) tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) h) tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years? i) the tenderer/s employees/directors are also employees/contractors/consultants or directors in the organ of state. The conclusions drawn from this risk analysis will be used by the Elundini Municipality in determining the acceptability of the tender offer. No tenderer will be recommended for an award unless the tenderer has demonstrated to the satisfaction of the Elundini Municipality that he/she has the resources and skills required.			
33.	The number of paper copies of the signed contract to be provided by the employer is one.			
34.	Incorrect Information Where a contract has been awarded on the strength of the information furnished by the bidder which, after the conclusion of the relevant agreement, is proved to have been incorrect, the Elundini Municipality may, in addition to any other legal remedy it may have, recover from the contractor all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract			
35.	If after the commencement of the Contract, there is any amendment in the key personnel from which bid evaluation was based, within 90 days of first having become aware of the change, the Contractor must furnish the Employer with detailed justification to change of key personnel, which might be accepted or not accepted by the employer depending on its discretion and the level of skill of personnel used for the replacement.			

36.	Acceptance or Rejection of a Bids The Elundini Municipality reserves the right to withdraw any invitation to submit a bid and/or to re-advertise or to reject any bid or to accept a part of it. The Elundini Municipality does not bind itself to accepting the lowest bid.									
37.	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.									
38.	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.									
39.	The tender offer validity period is 12 weeks . The validity of bids may be further extended by a period of not more than six months upon approval by the Accounting Officer.									
40.	The tenderer shall provide clarification of a tender offer during the evaluation of tender offers, in response to a request from the employer to do so. Such clarifications can include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted. Note: This clause does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Elundini Municipality elect to do so. Failure, or refusal, to provide such clarification or additional information within the time for submission stated in the Elundini Municipality's written request may render the tender non-responsive.									
41.	The employer shall grant during working hours to premises for inspections, tests and analysis, as provided for in the tender data.									
42.	The financial offer derived from the bill of quantities will only be used for comparative basis.									
43.	The procedure for the evaluation of responsive tenders is Method 4: Financial offer, quality and preferences The total number of tender evaluation points (T_{EV}) shall be determined in accordance with the following formula. $T_{EV} = 0,6 (N_{FO} + N_P) + 0,4 N_Q$ N_{FO} is the number of tender evaluation points awarded for the financial offer made in accordance with 5.11.7 where the score for financial offer is calculated using Formula 2 and $W1$ equals 80. N_P is the number of tender evaluation points awarded for preferences claimed in accordance with the Preferencing Schedule N_Q is the number of tender evaluation points awarded for quality offered in accordance with 5.11.9 where, $W2 = 100$. Up to 100 minus $W1$ tender evaluation points will be awarded to tenderers who complete the preferencing schedule and who are found to be eligible for the preference claimed.									
44.	Scoring financial Offers Score the financial offers using the following formula: $N_{FO} = W1 \times A$ where N_{FO} is the number of tender evaluation points awarded for the financial offer. $W1$ is the maximum possible number of tender evaluation points awarded for the financial offer as stated in the tender data. A is the number calculated using the relevant formula described in Table 1, as stated in the tender data. Table 1 — Formulae for calculating the value of A^a <table><tr><th>Formula number</th><th>Basis for comparison</th><th>Formula</th></tr><tr><td>1</td><td>Highest price or discount</td><td>P/P_m</td></tr><tr><td>2</td><td>Lowest price or percentage commission or fee</td><td>P_m/P</td></tr></table> ^a P_m is the comparative offer of the most favourable comparative offer. P is the comparative offer of the tender offer under consideration.	Formula number	Basis for comparison	Formula	1	Highest price or discount	P/P_m	2	Lowest price or percentage commission or fee	P_m/P
Formula number	Basis for comparison	Formula								
1	Highest price or discount	P/P_m								
2	Lowest price or percentage commission or fee	P_m/P								

45.	a) The Municipality reserves the right not to award the bid to the most favourable tenderer, if any of the situations occur if:- - the bidder has been awarded a considerable number of projects by the Municipality. - as performed unsatisfactorily in the past. - Does not meet objective criteria b) Reject a bid where a tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium. c) Reject a bid where thee tender submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. Where a bidder or its directors has previously failed to perform in the previous order where notices of poor performance were issued or application for restriction has been lodged with National Treasury in terms of SCM Regulation 38.
46.	DUE DILIGENCE The municipality will conduct intense due diligence which must include inspection of the claimed experience of the preferred bidder(s). The municipality will provide due diligence form which will be used for the assessment purposes of the claimed project experience.
47.	Risk Analysis Notwithstanding compliance with regard to any requirements of the tender, the Elundini Municipality will perform a risk analysis in respect of the following: j) reasonableness of the financial offer k) reasonableness of unit rates and prices l) the tenderer's ability to fulfil its obligations in terms of the tender document, that is, that the tenderer can demonstrate that he/she possesses the necessary professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, capacity, experience, reputation, personnel to perform the contract, etc.; the Elundini Municipality reserves the right to consider a tenderer's existing contracts with the Elundini Municipality in this regard. m) any other matter relating to the submitted bid, the tendering entity, matters of compliance, verification of submitted information and documents, etc. n) there is any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any Organ Of the State and where there are notices of poor performance issued thereof. [Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the <i>Audi alteram partem</i> rule was applied]. o) tenderer/s(or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector [Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied]. The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za). p) tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) q) tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years? r) the tenderer/s employees/directors are also employees/contractors/consultants or directors in the organ of state. The conclusions drawn from this risk analysis will be used by the Elundini Municipality in determining the acceptability of the tender offer. No tenderer will be recommended for an award unless the tenderer has demonstrated to the satisfaction of the Elundini Municipality that he/she has the resources and skills required.
48.	The number of paper copies of the signed contract to be provided by the employer is one.

49.	Incorrect Information Where a contract has been awarded on the strength of the information furnished by the bidder which, after the conclusion of the relevant agreement, is proved to have been incorrect, the Elundini Municipality may, in addition to any other legal remedy it may have, recover from the contractor all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract
	If after the commencement of the Contract, there is any amendment in the key personnel from which bid evaluation was based, within 90 days of first having become aware of the change, the Contractor must furnish the Employer with detailed justification to change of key personnel, which might be accepted or not accepted by the employer depending on its discretion and the level of skill of personnel used for the replacement.
50.	Acceptance or Rejection of a Bids The Elundini Municipality reserves the right to withdraw any invitation to submit a bid and/or to re-advertise or to reject any bid or to accept a part of it. The Elundini Municipality does not bind itself to accepting the lowest bid.

Terms of Reference for Supply, Delivery and Erect Hawker Stalls

Project Description

The Elundini Local Municipality (ELM) hereby seeks to appoint a service provider to Supply, Deliver and Erect 10 Hawker Stalls at Elundini LM - Ugie

Project Background

The informal economy has been prioritized in the local economic development strategy as a key contributor to employment creation and the reduction of poverty. The Informal Economy has a diverse combination of informal traders in different sectors that use different resources to generate revenue. Informal traders use different structures to conduct their businesses such as stalls, caravans and steel containers. In the current financial year, the municipality will provide 10 hawker stalls for Elundini LM Street Traders.

1. SPECIFICATIONS

Supply, Deliver and Erect of 10 hawker stalls in Ugie.

Hawker Stall size

1.8m long X 1.5 wide X 2.2m High (Flat Roof)

Materials

1. Main frame 32x32x2 square tube
2. Intermediate frame 32x32x2 square tubing
3. Floor frame 76x38 rectangular tube
4. Visible Floor interlocking Rubber tiles (500mmX500mmX5mm and weigh 1.2kg per tile)
5. 1.2mm galvanized steel counter top
6. Galvanized Xpanda lockable roll up door
7. 0.5 full hard IBR sheeting roof
8. Selected S5 PAR TRH3 treated timber for cladding and floor
9. Timber painted with 1x coat deep brown woodcock stabilizer
10. Sides, front and back to be covered with, 5 galvanized sheeting (weather proof)
11. All steel hot dipped galvanised
12. Stall numbers.

PRICING SCHEDULE

Quantity	Item	Unit	Amount Inclusive of VAT
1	Stall prices		
2	Delivery and installation in Ugie		
	TOTAL		

Picture of the Stall

