

MHLATHUZE WATER

TERMS OF REFERENCE APPOINTMENT OF A SERVICE PROVIDER ON RATES BASE FOR THE CRAFTING AND EXECUTION OF A HOLISTIC ENTERPRISE DEVELOPMENT SOLUTION FOR EMERGING CONTRACTORS



RFQ-MW/36/1/2022/2023

APPOINTMENT OF A SERVICE PROVIDER ON RATES BASE FOR THE CRAFTING AND EXECUTION OF A HOLISTIC ENTERPRISE DEVELOPMENT SOLUTION FOR EMERGING CONTRACTORS

PROPOSAL SUBMITTED BY:

Company Name: _____

Physical Address: _____

Contact details: _____

Contact Person: _____

Closing date: 10 February 2023 @12h00

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PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE MHLATHUZE WATER				
BID NUMBER:	RFQ-MW/36/1/2022/2023	CLOSING: 10 February 2023	CLOSING TIME: 12:00	
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER ON RATES BASE FOR THE CRAFTING AND EXECUTION OF A HOLISTIC ENTERPRISE DEVELOPMENT SOLUTION FOR EMERGING CONTRACTORS			
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT <i>(STREET ADDRESS)</i>				
MHLATHUZE WATER				
SECOND SECURITY GATE (TENDER BOX)				
CRN BATTERY BANK AND SOUTH CENTRAL ARTERIAL				
ALTON, RICHARDS BAY, 3900				
SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER				
FACSIMILE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
		TCS PIN:		OR CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]		☐ Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT
		☐ No		
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?				
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		☐	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)	
		☐	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)	
		☐	A REGISTERED AUDITOR	
		NAME:		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]				

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER		DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY	MHLATHUZE WATER	CONTACT PERSON	
CONTACT PERSON	Sihle Mndaweni	TELEPHONE NUMBER	
TELEPHONE NUMBER	035 902 1037	FACSIMILE NUMBER	
E-MAIL ADDRESS: simndaweni@mhlathuze.co.za	N/A		
E-MAIL ADDRESS	tenders@mhlathuze.co.za		

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

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- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. **BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.**
- 1.4. **WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.**
- 1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) 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 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?
☐ YES ☐ NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?
☐ YES ☐ NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
☐ YES ☐ NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?

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☐ YES ☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE 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

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BID NOTICE AND INVITATION TO TENDER

Responses to this RFP [hereinafter referred to as a **Bid** or a **Proposal**] are requested from persons, companies, close corporations or enterprises [hereinafter referred to as an **entity, Respondent, Tenderer** or **Bidder**] for the provision of: **APPOINTMENT OF A SERVICE PROVIDER ON RATES BASE FOR THE CRAFTING AND EXECUTION OF A HOLISTIC ENTERPRISE DEVELOPMENT SOLUTION FOR EMERGING CONTRACTORS**

80/20 Preference Point Scoring System in terms of PPPFA 2022

A compulsory clarification meeting, will be held via Microsoft Team on **Day, 02 February 2023** starting at **10h00**. [Click here to join the meeting](#)

Submissions must be placed in the Mhlathuze Water tender box situated at the Second Security Gate before **12h00** noon, on **10 February 2022**. Submission must be in sealed envelopes clearly marked.

APPOINTMENT OF A SERVICE PROVIDER ON RATES BASE FOR THE CRAFTING AND EXECUTION OF A HOLISTIC ENTERPRISE DEVELOPMENT SOLUTION FOR EMERGING CONTRACTORS and addressed to Mhlathuze Water–Supply Chain Management.

BIDDERS ARE ENCOURAGED TO REGISTER ON NATIONAL TREASURY CENTRAL SUPPLIER DATABASE.

Mhlathuze Water is not bound to accept the lowest bid or furnish any reason for the acceptance or part rejection of any bid and reserves the right to accept any bid or part thereof. Mhlathuze Water reserves the right to award in full or partly award this bid.

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BID DATA

ACQUAINTANCE WITH RFP, SLA & APPLICABLE DOCUMENTS

By signing this certificate the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with, and agrees with all the conditions governing this RFP. This includes those terms and conditions contained in any printed form stated to form part hereof, including but not limited to the documents stated below. As such, Mhlathuze Water Ltd will recognise no claim for relief based on an allegation that the Respondent overlooked any such term or condition or failed properly to take it into account for the purpose of calculating tendered prices or any other purpose:

General Bid Conditions

SLA attached

Note: Should a Respondent be successful and awarded the bid, they will be required to complete a Supplier Declaration Form for registration as a vendor onto the Mhlathuze Water vendor master database.

Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in the RFQ unacceptable, it should indicate which conditions are unacceptable and offer alternatives by written submission on its company letterhead, attached to its submitted Bid. Any such submission shall be subject to review by Mhlathuze Water Legal Counsel who shall determine whether the proposed alternative(s) are acceptable or otherwise, as the case may be. A material deviation from any term or condition may result in disqualification.

Bidders accept that an obligation rests on them to clarify any uncertainties regarding any bid to which they intend to respond on, before submitting the bid. The Bidder agrees that he/she will have no claim or cause of action based on an allegation that any aspect of this RFQ was unclear but in respect of which he/she failed to obtain clarity.

The bidder understands that his/her Bid will be disqualified if the Certificate of Acquaintance with RFQ documents included in the RFQ as a returnable document, is found not to be true and complete in every respect.

SIGNED at _____ on this _____ day of _____ 20____

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

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SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

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T2.2.1: COMPULSORY ENTERPRISE QUESTIONNAIRE

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.

Section 1: Name of Enterprise

Section 2: VAT registration number, if any

Section 3: CIDB registration number, if any

Section 4: CSD number

Section 5: Particulars of sole proprietors and partners in a partnership

Name	Identity Number	Personal Income Tax Number*

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

Section 6: Particulars of companies and close corporations

Company registration number: _____

Close corporation number: _____

Tax reference number: _____

Section 7: SBD4 issued by National Treasury must be completed for each tender and be attached as a tender requirement.

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

- i) authorizes the employer to verify the tenderers tax clearance status from the South African Revenue Services that it is in order;
- ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- v) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

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Signed on behalf of Bidder: _____ **Date:** _____

Name: _____ **Position:** _____

Enterprise Name: _____

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T2.2.2: AUTHORITY OF SIGNATORY

Tenderers shall submit with their tenders the following information:

- 1 The full First Names and Surnames of their partners and/or directors:
.....
.....
.....

- 2 The names and addresses of the local agents, firms, or representatives who are involved in any manner whatsoever in the Tender
.....
.....
.....

- 3 In the case of a tender being submitted on behalf of a Company, Close Corporation or Partnership; assurance shall be given at the time of submission of the tender that the tender has been signed by someone properly authorised thereto by resolution of the Directors, Members or Partners. Signatories for companies shall confirm their authority by attaching to this form a copy of the relevant resolution of the board of directors, duly signed and dated.
By resolution of the board of directors taken on (*Date*)
Mr/Ms (*Print Name*)
has been duly authorized to sign all documents in connection with this tender / contract on behalf of :
(*Print Company Name*)
.....
.....

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Signed on behalf of Company:

In his/her capacity as:

Date:

SIGNATURE OF SIGNATORY:

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Compulsory Returnable

T2.2.3: CERTIFICATE OF ATTENDANCE AT SITE MEETING

This is to certify that (bidder) _____
of (address) _____
_____ was represented by the person
named below at the compulsory meeting held for all tenderers at (location) _____
_____ on (date) _____ starting at (time) _____

I acknowledge that the purpose of the meeting was to acquaint myself with the site of the works and / or matters incidental to doing the work specified in the bid documents in order for me to take account of everything necessary when compiling our rates and prices included in the bid.

Particulars of person attending the meeting:

Name: _____ Signature: _____

Capacity: _____

NOTE! Attendance Certificate to be signed by at least two representatives of Mhlathuze Water and to be stamped with Mhlathuze Water Supply Chain Management stamp.

The above person meeting attendance is confirmed by the Employer's representative, namely:

1. Name: _____ Capacity: _____

Signature: _____ Date: _____

2. Name: _____ Capacity: _____

Signature: _____ Date: _____

SCM STAMP:

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Company (Client) Name and Contact Details	Experience of the company as a SERVICE PROVIDER ON RATES BASE FOR THE CRAFTING AND EXECUTION OF A HOLISTIC ENTERPRISE DEVELOPMENT SOLUTION FOR EMERGING CONTRACTORS	Contract Value	Contract Duration Start and End Dates

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T2.2.5: BIDDER BANK DETAILS

The Bidder shall append hereto his/her banking details accompanied by a BANK CANCELLED CHEQUE or a SIGNED LETTER FROM THE BANK ON THE BANK'S LETTERHEAD.

The letter should also reflect bank rating.

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T2.2.6: ADDENDA / NOTICE(S) ISSUED TO BIDDERS

I/We confirm that the following communication / Information / Notice(s), issued to Bidders, was received from the Employer before the submission of this bid offer and has been taken into consideration in this bid:

(NB: Addendum/Addenda shall only be made available to Bidders who attended the Site Clarification Meeting.)

Addendum / Notice Reference Number	Date of Issue	Subject Matter of Addendum / Notice

NB: Evidence of such addenda must be attached to this Schedule.

Specify number of sheets appended to this schedule _____ (if none, enter NONE)

SIGNATURE: _____
 (On behalf of the Bidder)

DATE: _____

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T2.2.7: ALTERATIONS / AMENDMENTS BY BIDDER

The Bidder shall record and attach to this page any deviation or alteration he/she may wish to make to the bid document.

Page No.	Clause / Description

Specify the number of sheets appended to this schedule _____ (if none, enter NONE)

SIGNATURE: _____
(On behalf of the Bidder)

DATE: _____

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T2.2.8: PROPOSED SUBCONSULTANTS

I/We hereby notify you that it is my/our intention to employ the following sub consultant(s) for work in this contract.

If I/we am/are awarded a contract I/we agree that this notification does not change the requirement for me/us to submit the names of proposed sub consultant(s) in accordance with requirements of the contract for such appointments. If there are no such requirements in the contract, then your written acceptance of this list shall be binding between us.

I/We confirm that all sub consultant(s) who are contracted to consult are registered with relevant professional body e.g. ECSA.

NAMES AND ADDRESSES OF PROPOSED SUBCONSULTANTS	COMPANY REGISTRATION No AND ECSA NUMBER	DESCRIPTION OF WORK TO BE EXECUTED BY SUBCONSULTANT

NOTE: It is a requirement of this contract that the names of proposed sub consultant(s) for the work listed above must be provided with the Tender.

SIGNATURE: _____
(on behalf of the Tenderer)

DATE: _____

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T2.2.9: BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. BIDDER'S DECLARATION

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

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

- 2.2.1 If so, furnish particulars:

.....

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

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.....

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

- 2.3.1 If so, furnish particulars:

.....
.....

3. DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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

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

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penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....

SIGNATURE

.....

DATE

.....

POSITION

.....

NAME OF BIDDER

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

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
BBBEE	20
Total points for Price and SPECIFIC GOALS	100

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

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \mathbf{Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} \end{array}$$

Where

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

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4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that 80/20 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

The 80/20 preference point system is applicable, corresponding points must also be indicated as such.

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)

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DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

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<u>H :DETAILS OF SIGNATORY ABOVE</u>	
Full Names : _____	
Capacity : _____	
Landline : _____	Cell phone : _____
Email : _____	

COMPANY STAMP: REFEREE

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PART C1

AGREEMENTS AND CONTRACT DATA

C1.1 Form of Offer and Acceptance

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FORM OF OFFER AND ACCEPTANCE

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract for the procurement of:

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The tenderer, identified in the Offer signature block below, has examined the TOR document 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 authorised, signing this part of this Form of Offer and Acceptance, the tenderer offers to perform all of the obligations and liabilities of the Service Provider 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 VALUE ADDED TAX IS

.....

..... (in words); R..... (in figures) and

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 Service Provider in the conditions of contract identified in the Contract Data.

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Signatures _____

Name(s) _____

Capacity _____

for the Tenderer _____
(Name and address of organisation)

Date _____

Name & signature of witness

Signature _____

Name _____

Date _____

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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 Service Provider 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 TOR document and any addenda thereto 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 Agreement.

The Tenderer shall within two weeks after receiving a completed copy of this Agreement, including the Schedule of Deviations (if any), contact the Employer's Agent (whose details are given in the Contract Data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the, Conditions of Contract identified in the Contract Data at, or just after, the date of this Agreement comes into effect. Failure to fulfil 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 Service Provider) 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.

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Signatures _____

Name(s) _____

Capacity _____

for the Employer _____
(Name and address of organisation)

Date _____

Name & signature of witness

Signature _____

Name _____

Date _____

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SCHEDULE OF DEVIATIONS

Notes:

1. The extent of deviations from the TOR document issued by the Employer prior to the TOR closing date is limited to those permitted in terms of the conditions of tender;
2. A Tenderer's covering letter shall not be included in the final contract document. Should any matter in such letter, which constitutes a deviation as aforesaid become the subject of agreements reached during the process of, offer and acceptance, the outcome of such agreement shall be recorded here;
3. Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the tender documents and which it is agreed by the Parties becomes an obligation of the contract shall also be recorded here;
4. Any change or addition to the tender documents arising from the above agreements and recorded here, shall also be incorporated into the final draft of the Contract.

1. **Subject:**
Details:
.....
2. **Subject:**
Details:
.....
3. **Subject:**
Details:
.....
4. **Subject:**
Details:
.....
5. **Subject:**
Details:
.....
6. **Subject:**
Details:
.....

By the duly authorised representatives signing this Schedule of Deviations, the Employer and the tenderer agree to and accept the foregoing Schedule of Deviations as the only deviations from the amendments to the TOR document and addenda thereto as listed in the Returnable Schedules, as

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well as any confirmation, clarification or change to the terms of the offer agreed by the Tenderer and the Employer during this process of Offer and Acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the Tenderer of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this Agreement.

FOR THE TENDERER:

Signatures

Name(s)

Capacity

For the Tenderer

_____ (Name and address of organisation)

Date

Name & signature of witness

Signatures

Name(s)

Date

FOR THE EMPLOYER:

Signatures

Name(s)

Capacity

for the Employer

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_____ (Name and address of organisation)

Name & signature of witness

Signature _____ _____

Name _____ _____

Date _____ _____

- END OF SECTION -

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PART C1

AGREEMENTS AND CONTRACT DATA

C1.2 Contract Data

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1. SCOPE OF WORK

1. Background

Mhlathuze Water (MW) is a water board, established in terms of the Water Services Act, 1997 (Act No. 108 of 1997). Its core operations concern the supply of bulk water and the disposal of bulk waste water. It is a State Owned Entity listed in Schedule 3B of the Public Finance Management Act, 1999 (PFMA) (Act No. 1 of 1999).

The Mhlathuze Water Enterprise and Supplier Development function is responsible for driving business transformation, as part of supporting establishment and participation of black players in the economy in line with BBBEE Act, in order to stimulate economic growth and creation of jobs in communities.

It is also responsible for implementation and monitoring of the five pillars of enterprise and supplier development strategy as approved by the board. The five pillars are as follows:

- Strengthening institutional arrangement – partnering with companies that are operating within SMME space;
- Incubation support system;
- Investigating establishment of ESD Development Fund;
- Structured joint venture; and
- Targeted payment system.

The engagement of the Enterprise Development consultants must ensure that the following outcomes are achieved;

- i. Job creation,
- ii. Skills development,
- iii. Development of SMMEs.

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The tasks to be carried out on appointment are as follows but not limited to:

- i. Stakeholder Engagement
- ii. Recruitment and selection of beneficiaries
- iii. Profile and develop targeted beneficiaries
- iv. Conduct a training needs analysis and determine skills and competency gaps on targeted groups
- v. Plan, Organise and coordinate the training logistics such as, training material, venue, transportation, accommodation where applicable
- vi. All training equipment and tools, training material or hands out, visual enhancements and stationary shall be supplied by a training Service Provider for the purpose of teaching and learning
- vii. Offer mentorship and coaching to SMME's who have received tenders
- viii. Offer training in the form of skills programmes or qualifications to designated groups on 'as and when required basis' aligned to projects under implementation

2. Deliverables

- i. Stakeholder Mapping and Engagement
- ii. Community Awareness
- iii. Recruitment and selection of project participants
- iv. Local Contractor or potential contactors database identification, compilation, verification and business registration to compliance for potential contactors.
- v. Development of an Enterprise Development Plan
- vi. Delivery of training as per scope
- vii. Production and delivery of periodic training reports (weekly/monthly) and post each training session or programme detailing the outcome of the session or programme, any issues, concerns, action items, etc.

2. EVALUATION CRITERIA

2.1 The evaluation for this bid will be carried out in four (4) phases:

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- a) Phase 1: Pre-Compliance & Initial Screening
- b) Phase 2: Mandatory Requirements
- c) Phase 3: Functionality Criteria
- d) Phase 4: Price and B-BBEE

2.2 Phase 1: Pre-Compliance & Initial Screening

- i. During this phase, bid documents will be reviewed to determine the compliance with SCM returnable documents, tax matters and whether proof of registration on Central Data Base (CSD) has been submitted with the bid documents at the closing date and time of the bid. Bids which do not satisfy the compliance criteria may not be evaluated further.
- ii. The bid proposal will be screened for compliance with administrative requirements as indicated below:

DOCUMENT NUMBER	ADMINISTRATIVE REQUIREMENTS	CHECK/ COMPLIANCE
1	Completed terms of reference (TOR) and SBD Forms with each page initialled for acknowledgement of information.	Completed and signed
2	Supplier's Banking Details (Stamped)	Bank Confirmation
3	Supplier's Bank Rating Letter (Not Older than 3 months)	Bank Rating Letter
4	Proof of Registration on National Treasury's Central Supplier Database (CSD)	Attached full CSD report
5	Valid original copy of B-BBEE Certificate or Sworn Affidavit if a company is a QSE or EME	Valid Certificate
6	Recent signed Annual Financial Statements (AFS)	Copy of 2021/22 AFS
7	In case of bids where Consortia / Joint Ventures, Consortia/ Joint Venture agreement signed by both parties must be submitted with bid proposal	JV agreement completed and signed, if applicable

2.3 Phase 2: Mandatory Requirements

- i. The following mandatory requirements will apply, and tenderers must submit all requirements indicated hereunder with the bid documents at the closing date and time of the bid. During this evaluation phase, bidder's responses will be evaluated based on the documents submitted under mandatory requirements.

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- ii. Tenderers who fail to comply with the mandatory requirements will be disqualified and will not be evaluated further on functionality criterion.

COMPANY ACCREDITATION	ATTACH VALID PROOF	
	YES	NO
Valid accreditation certificate for ALL of the following qualifications in the name of the Bidding Company. In the case of a Joint Venture all companies in the JV must have one or more of the qualifications stated below.		
• NC: Building & Civil Construction (SAQA ID 65409)		
• FETC: Plumbing (SAQA ID 58782) OR • OC: Plumbing (SAQA ID 91782)		
• NC: New Venture Creation (SAQA ID 49648)		

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2.4 Phase 3: Functionality Criteria

- i. Only bid proposals that meet pre-compliance, and the mandatory requirements above will be evaluated on functionality criteria.
- ii. The following functionality criteria will be applicable when evaluating this bid. A minimum threshold of 75% (seventy-five percent) must be attained by bidders. Bidders that fail to score this minimum threshold will be disqualified and not be evaluated further.

CRITERION	RATING SCALE	WEIGHTING
RECORD OF PREVIOUS EXPERIENCE RELEVANT TO THE CURRENT SCOPE/ WORK (WITH CONTACTABLE CLIENT & SIGNED REFERENCE LETTERS.)		30
5 and more Enterprise Development projects successfully completed	30	
4 Enterprise Development projects successfully completed	20	
3 Enterprise Development projects successfully completed	10	
HUMAN RESOURCE CAPACITY		20
Project Manager AND Enterprise Development Specialist AND Project Administrator. Project Manager to have Post Graduate Qualification in Entrepreneurship/Finance/Business Management. Provide CVs.		
>10 Years Experience	20	
5-9 Years Experience	10	
1-4 Years Experience	5	
METHODOLOGY		
Define a clear methodology for the Enterprise Development.		50
i. Outline a clear recruitment & selection process (10) ii. Contractor Profiling & Development Approach (10) iii. Clear articulation of the training process (15) iv. Reporting (5) v. Risk Management (10)		
Scoring in terms of the above criteria		
Excellent	50	
Good	25	
Poor	10	

2.5 Phase 4: Price and B-BBEE

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PRICING

Pricing in the form of rates per hour must be provided in the schedule below.

	RATE PER HOUR
1. Project Manager	
2. Enterprise Development Specialist	
3. Project Administrator	
TOTAL	

B-BBEE

- i. Scoring will be from the highest points on rates and B-BBEE on condition that they have met all the three (3) phases above and complied with the tender requirements set out in the tender document.
- ii. The **80/20 Preferential point system shall apply to this bid.**
- iii. Subject to sub-regulation 6(2), points will be awarded to a tenderer for attaining B-BBEE status contributor in accordance with the table below:

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

- iv. The points scored by a tenderer in respect of the level of B-BBEE contribution contemplated in sub-regulation must be added to the points scored for price as calculated in accordance with sub-regulation 6(1) respectively.
- v. Subject to regulation 11(1), the contract must be awarded to the tenderer who scores the highest total number of points.

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- vi. A contract may be awarded to a tenderer that did not score the highest total number of points, only in accordance with section 2(1) (f) of the Act.