



PHUMELELA LOCAL MUNICIPALITY

TENDER DOCUMENT

**APPOINTMENT OF CIVIL, MECHANICAL AND ELECTRICAL ENGINEERING CONTRACTORS
TO SERVE ON THE MUNICIPALITY'S PANEL FOR A PERIOD OF 36 MONTHS**

BID NUMBER: PLMT 24-25/09

TENDER:

ISSUED BY:

MUNICIPAL MANAGER

GPN Mhlongo-Ntshangase

Phumelela Local Municipality

P O Box x5

Vrede

9835

Tel: 058-913-8300

Fax:058-913-3601

NAME OF TENDERER: _____

TENDER SUM : _____

CRS NUMBER : _____

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CONTRACT NO.

**ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S
PANEL**

PART T.1.1.

TENDER NOTICE AND INVITATION TO TENDER

T1.1 Tender Notice and Invitation to Tender

Bid Number	Bid Description	Functionality		CIDB Grading	Compulsory Briefing Session	Closing Date
Bid No: PLMT 24-24/09	APPOINTMENT OF CIVIL ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL FOR A PANEL FOR A PERIOD OF 36 MONTHS	Experience of Company	30	1CE to 9 CE	N/A	18 June 2025 @12H00 52 Kuhn Street, Vrede
		Experience of Site Personnel	10			
		Site Agent (SA)	10			
		General Foreman	5			
		Health & Safety Officer (OHS)	5			
		Plant and Equipment	35			
		Financial Status (Bank Rating)	5			
		TOTAL	100			

Bidders are to note that a Pre-Qualification evaluation will be undertaken. A minimum of 70 points out of 100 must be scored to proceed to the Financial Evaluation.

Technical Queries: Mr. NF Ralebenya at (058) 913 8300 email address: cfo@phumelela.gov.za
SCM enquiries: Ms N. Senokwane: 058 913 8300, Email: acquisition.officer@phumelela.gov.za

Completed sealed bids and supporting documents, addressed to the Municipal Manager and marked with “**Description of the project and the bid number**” must be deposited in the Bid box situated at SCM office Phumelela Municipal offices 52 Kuhn Street, Vrede, 9835 not later than 18 June 2025, @ 12H00. at which the tenders will be opened in public.

The following compulsory supporting documents shall accompany your submissions:

- All pages must be signed where necessary failure to do so will lead disqualification.
- Additional annexure(s) is/are accepted only if cross reference has been done and the page signed.
- Latest Full CSD Report (Not Older than Three Months)
- Fully Completed and Signed MBD 1 to 9 (attached on the tender document)
- SARS Tax Compliance Verification Pin
- CIDB Proof of registration
- Letter of Good Standing
- **Bid documents must remain intact.**
- Municipal billing clearance certificates or Statement (not older than 3 months)/ a lease agreement signed by both parties lesser and lessee in the case of a tenancy or accompanied by municipal rates (not council proof of residence)/services certificate/ statement indicating that the owner not the tenant is responsible and that no dispute exists between such bidder and the municipality concerned in respect of any such arrear amounts. Bidders who reside within the Phumelela Local Municipality jurisdiction will be verified with Phumelela Local Municipality Revenue Section.
- Use of Tippex will render the bid non-responsive.
- Joint Ventures/consortiums must provide signed copies of such agreements by both parties and all other returnable documents for each partner to the Joint Venture.
- All copies of supporting documents must be originally certified and not older than three (3) months.
- Failure to complete ALL the supplementary information may result in the bid being deemed non-responsive.

NB: Failure to meet the above conditions of the bid will lead to automatic disqualification.

The Bidders shall also take note of the following conditions of the bid:

- The Phumelela Local Municipality does not bind itself to accept the lowest tender or any other tender and reserves the right to accept the whole or part of the tender thereof.

- Late, faxed, e-mailed and/or un-signed documents will not be considered.
- Bids submitted are to hold good for a period of 90 days.
- No tenderers will be considered from the persons in the service of the state.
- The Phumelela Municipality Supply Chain Management Policy will apply.

MRS GPN MHLONGO-NTSHANGASE
MUNICIPAL MANAGER

**PART A-
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (PHUMELELA LOCAL MUNICIPALITY)					
BID NUMBER:	PLMT 24-25/09	CLOSING DATE:	18 JUNE 2025	CLOSING TIME:	12h00
DESCRIPTION	APPOINTMENT OF CIVIL, MECHANICAL AND ELECTRICAL ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL FOR A PERIOD OF 36 MONTHS				

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX
SITUATED AT (STREET ADDRESS)

Phumelela Local Municipality					
52 Kuhn Street, Vrede					
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					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	☐ Yes ☐ No	
[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]					
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]	
TOTAL NUMBER OF ITEMS OFFERED			TOTAL AMOUNT		
TOTAL AMOUNT IN WORDS					
SIGNATURE OF BIDDER			DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	Supply Chain		DEPARTMENT	Financial Services	
CONTACT PERSON	Nelly Senokwane		CONTACT PERSON	Francis Ralebenya	
TELEPHONE NUMBER	(058) 913 8300		TELEPHONE NUMBER	(058) 913 8300	
FACSIMILE NUMBER	(058) 913 3601		FACSIMILE NUMBER	(058) 913 3601	
E-MAIL ADDRESS	Acquisition.officer@phumelela.gov.za		E-MAIL ADDRESS	cfo@phumelela.gov.za	

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:	
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.	
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE	
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER 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 THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.	
2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.	
2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.	
2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.	
2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.	
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES ☐ NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

MBD 2

1. TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
6. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

SARS APPLICATION FOR TCC MBD



CONTRACT NO.

**ENGINEERING CONTRACTORS TO SERVE ON THE
MUNICIPALITY'S PANEL**

PART T.1.2.

TENDER DATA

**ENGINEERING CONTRACTORS TO SERVE ON THE
MUNICIPALITY'S PANEL**

Tender Data (T1.2)

The conditions of tender are the standard conditions of tender as contained in Annexure F of the CIDB Standard for Uniformity in Construction Procurement as published in Board Notice 12 of 2009, Government Gazette No 31823 of 30 January 2009 of Construction Industry Development Board (CIDB) Standard for Uniformity in construction Procurement

The standard Conditions of tender make several references to the tender Data for details that apply specifically to this tender. The tender data make shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard conditions of tender. Each item of Data given below is cross- referenced to the clause in the standard conditions of Tender to which it mainly applies.

The following variations, amendments and additions to the Standard conditions of tender as set out in the Tender Data below shall apply to this tender.

Clause number			
F.1.1	The Client is: MUNICIPAL MANAGER PHUMELELA LOCAL MUNICIPALITY (PLM) P.O. Box X5 VREDE 9835		
F.1.2	The Bid documents issued by the Client comprise: Part T1- Tendering procedures T1.1 BID NO PLMT 24-25/09 notice and invitation to tender T1.2 Bid data Part T2- Returnable documents T2.1 List of returnable documents T2.2 Bid Schedules (Included in T2.1) Part C1: Site Information C1 Site Information		
F.1.4	<table border="1"> <tr> <td>The Client's representative is: Name: Mr. NF Ralebenya Tel: 058 913 8300 Chief Financial Officer</td> <td>Address: 52 Kuhn Street; Vrede 9835</td> </tr> </table>	The Client's representative is: Name: Mr. NF Ralebenya Tel: 058 913 8300 Chief Financial Officer	Address: 52 Kuhn Street; Vrede 9835
The Client's representative is: Name: Mr. NF Ralebenya Tel: 058 913 8300 Chief Financial Officer	Address: 52 Kuhn Street; Vrede 9835		
F.1.5	The lowest or any bid will not necessarily be accepted. The Client reserves the right to award the contract for different projects to different bidders.		
F.2.1	1) Only bidders who score a minimum of 70% points for functionality are deemed to be acceptable bids - see F3.11 below.		

Bidder

Witness 1

Witness 2

Employer

Witness 1

Witness2

F2.5	The service provider is deemed to be in possession and have knowledge of the documents referred to in these documents but not attached.
F.2.12	No alternative bid offer will be considered
F.2.13.5	The client's address for delivery of bid offers and identification details to be shown on the bid offer package are: Location of Bid box: -- PHUMELELA LOCAL MUNICIPALITY, VREDE, 9835; BID NO PLMT 24-25/09. Physical address: 52 Kuhn, Vrede, 9835
F 2.13.3	Bids may only be submitted on the Bid documentation issued by the PLM.
F2.14	Take particular note of this clause and ensure that you have provided all the data, information and documents requested and completed all documents/forms/schedules required.
F.2.15	The closing time for submission of bids is 18 June 2025 at 12:00.
F.2.16	Tender validity period of 90 days from closing date and no late, faxed, e-mailed or other form of tender than physical will be accepted.
F.2.23	The bidder is required to <i>submit with his bid</i>. (1) a Copy of a Confirmation Pin issued by the South African Revenue Services;
F.3.11.5	The following steps will be followed during evaluation. 1. Determination of whether or not tenders are complete. 2. Determination of whether or not tenders are responsive. 3. Determination of functionality of tenderers. 4. Determination of the reasonableness of the tenders. 5. Awarding of points. 6. Ranking of tenderers according to the total points accumulated. The evaluation of Tenders will be conducted in the following two stages as follows; (a) Stage 1: Compliance This stage determines on whether or not Tenders received are compliant and responsive (b) Stage 2: Functionality Secondly, the assessment of functionality will be done in terms of the functionality evaluation criteria and the minimum threshold be set at 80 points. A bid will be disqualified if it fails to meet the minimum threshold for functionality as per the request to submit tenders and functionality points will be allocated as follows:

Bidder

Witness 1

Witness 2

Employer

Witness 1

Witness 2

(i) Civil Engineering Contractors

DETAILS	Total Max	Item Max Points
Criteria 1: Experience of company (30)	30	
3 or more appointment letters and completion certificates		30
2 appointment letters and completion certificates		20
1 or more appointment letter and completion certificates		10
Tenderer has NOT completed a similar project		0
Note: Tenderers should attach Letters of Appointment and Completion Certificates for completed projects in order to qualify for points for experience. Similar projects are: Roads Projects (surfaced or unsurfaced) and/or bridge construction/ rehabilitation projects with project value of R500 000 or more completed in the last 5 years for any Local, Provincial & National Authority.		
Criteria 2: Experience of Site Personnel (30)		
2.1 Project Manager	10	
If PM has 10 years postgrad experience and has relevant qualifications		10
If PM has 7 years postgrad experience and has relevant qualifications		8
If PM has 5 years postgrad experience and has relevant qualifications		6
If PM does not have required qualification, or has less than 5 years' experience, regardless of qualifications		0
Note: The CV and certified copies of Academic Qualifications of the proposed PM must be submitted. (The required minimum qualification for the Project Manager is a Degree/ NQF 7 or better qualification in any of the following disciplines Engineering or Construction Management)		
2.1 Site Agent (SA)	10	
If SA has 10 years post grad experience and has relevant qualifications		10
If SA has 7 years post grad experience and has relevant qualifications		8
If SA has 5 years post grad experience and has relevant qualifications		6
If SA does not have required qualification, or has less than 5 years' experience, regardless of qualifications		0
Note: Tenderers must submit profiles of 1 site agent for the project. The CV and certified copies of Academic Qualifications of the proposed site agent must be submitted. (The required minimum qualification for the Site Agent is a National Diploma/ NQF 6 or better in any of the following disciplines (Engineering or Construction Management))		
2.2 General Foreman (GF)	5	
If GF has proven site experience on Engineering projects for 10 years or more		5
If GF has proven site experience on Engineering projects for 7 years or more		4
If GF has proven site experience on Engineering projects for 5 years or more		2

If GF has proven site experience on Engineering projects for less than 5 years		0
Note: Tenderers must submit profile of a foreman for the project. The CV and certified copies of Academic Qualifications (Min Std 8 / Grade 10) and experience of the proposed GF must be submitted		
2.2 Health & Safety Officer (OHS)	5	
If OHS Officer has an NQF 6 qualification in safety management or better, registration with SAMTRAC and 10 years of experience in Construction Projects		5
If OHS Officer has an NQF 5 qualification in safety management or better, registration with SAMTRAC and 7 years of experience in Construction Projects		4
If OHS Officer has an NQF 5 qualification in safety management or better, registration with SAMTRAC and 5 years of experience in Construction Projects		3
If OHS Officer is not registered with SAMTRAC, or does not have the required qualifications and experience		0
Note: The CV showing experience and certified copies of Academic Qualifications and Professional Registrations of the proposed OHS officer must be submitted		
Criteria 3: Approach (35)		
Plant and equipment	35	
Note: Full points will be allocated for plant and equipment owned by the Tenderer, and which will be available for the project should the Tenderer be successful. If the contractor does not own some or any of the plants listed below and chooses to hire some or all of the required plant, then the points indicated above will be awarded at 70% of the stated points for any of the relevant items of plant or equipment hired. Points for hire plant will be allocated if an original letter of Intent signed by both parties is attached from a Plant Hire Company.		
Tenderers are to attach certified e-Natis proof of ownership for plant owned or hired, as proof of ownership.		
Details of owned and hired plant and equipment are to be submitted.		
1 x Grader		7
1 x Water truck		4
4 x 10m ³ Tipper trucks (2x each truck)		8
1 x 20t Excavator		8
1 x Grid-roller and 4x4 Tractor or 1 x self –propelled vibrator pad-foot roller (15t)		3
1 x TLB		3
1 x Concrete mixer		2

Criteria 4: Financial Resources (5)		
4.1 Financial Status (Bank Ratings)	5	
Note: Tenderers are required to attach a Bank Rating Certificate from a Registered Financial Institution:		
Undoubted for the amount of your enquiry (Code A)		5
Good for the amount of your enquiry (Code B)		4
Good for the amount quoted, if strictly in the way of business (Code C)		3
Fair trade risk for the amount of your enquiry (Code D)		2
Figures considered too high (Code E)		0
TOTAL POINTS FOR QUALITY	100	

	<i>Restricted bidders List</i> Thereafter, tenderers will be checked against the list of restricted bidders at National Treasury. The Municipality is not required by Treasury to award tenders to bidders who are on the restricted bidders list.
F. 3.13	Acceptance of Tender Offers The employer will accept the tender, if it is in the opinion of the employer, it does not present any unacceptable commercial risk and only if the tenderer; a) Is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement, b) Can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract, c) Has the legal capacity to enter into the contract, d) Is not insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing, e) Complies with the legal requirements, if any, stated in the tender data, and f) Is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

Bidder

Witness 1

Witness 2

Employer

Witness 1

Witness2



CONTRACT NO.

**CIVIL ENGINEERING CONTRACTORS TO SERVE ON THE
MUNICIPALITY'S PANEL**

PART T.1.3.1

STANDARD CONDITIONS TO TENDER



**PHUMELELA LOCAL MUNICIPALITY
TENDER NO.**

**CIVIL ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL FOR A PERIOD
OF 36 MONTHS**

T1.3 STANDARD CONDITIONS OF TENDER

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F.1 General

F.1.1 Actions

F.1.1.1 The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in F.2 and F.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.

F.1.1.2 The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict, and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

Note:

- 1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.
- 2) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.

F.1.1.3 The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract.

F.1.2 Tender Documents

The documents issued by the employer for the purpose of a tender offer are listed in the tender data.

F.1.3 Interpretation

F.1.3.1 The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender.

F.1.3.2 These conditions of tender, the tender data and tender schedules which are only required for tender evaluation purposes, shall not form part of any contract arising from the invitation to tender.

F.1.3.3 For the purposes of these conditions of tender, the following definitions apply:

- a) **conflict of interest** means any situation which:
 - i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfil his or her duties impartially;
 - ii) an individual or organisation is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
 - iii) incompatibility or contradictory interests exist between an employee and the organisation which employs that employee.
- b) **comparative offer** means the tenderer's financial offer after all tendered parameters that will affect the value of the financial offer have been taken into consideration in order to enable comparisons to be made between offers on a comparative basis
- c) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process; and

- d) **fraudulent practice** means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels
- e) **organization** means a company, firm, enterprise, association or other legal entity, whether incorporated or not, or a public body
- f) **quality (functionality)** means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs

F.1.4 Communication and employer's agent

Each communication between the employer and a tenderer shall be to or from the Chairperson of the Evaluation Committee and in a form, that can be readily read, copied and recorded. Communications shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data.

F.1.5 The employer's right to accept or reject any tender offer

F.1.5.1 The employer may accept or reject any variation, deviation, tender offer, or alternative tender offer, and may cancel the tender process and reject all tender offers at any time before the formation of a contract. The employer shall not accept or incur any liability to a tenderer for such cancellation and rejection, but will give written reasons for such action upon written request to do so.

F.1.5.2 The employer may not subsequent to the cancellation or abandonment of a tender process or the rejection of all responsive tender offers re-issue a tender covering substantially the same scope of work within a period of six months unless only one tender was received and such tender was returned unopened to the tenderer.

F.1.6 Procurement procedures

F.1.6.1 General

Unless otherwise stated in the tender data, a contract will, subject to F.3.13, be concluded with the tenderer who in terms of F.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.

F.1.6.2 Competitive negotiation procedure

F.1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of F.3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of F.3.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.

F.1.6.2.2 All responsive tenderers, or not less than three responsive tenderers that are highest ranked in terms of the evaluation method and evaluation criteria stated in the tender data, shall be invited in each round to enter into competitive negotiations, based on the principle of equal treatment and keeping confidential the proposed solutions and associated information. Notwithstanding the provisions of F.2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

F.1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to make a fresh tender offer, based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer.

- F.1.6.2.4** The contract shall be awarded in accordance with the provisions of F.3.11 and F.3.13 after tenderers have been requested to submit their best and final offer.
- F.1.6.3 Proposal procedure using the two stage-system**
- F.1.6.3.1 Option 1**
- Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender.
- F.1.6.3.2 Option 2**
- F.1.6.3.2.1** Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents.
- F.1.6.3.2.2** The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data, and award the contract in terms of these conditions of tender.
- F.2 Tenderer's obligations**
- F.2.1 Eligibility**
- F.2.1.1** Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer.
- F.2.1.2** Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders.
- F.2.2 Cost of tendering**
- Accept that, unless otherwise stated in the tender data, the employer will 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 complies with requirements.
- F.2.3 Check documents**
- Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.
- F.2.4 Confidentiality and copyright of documents**
- 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.
- F.2.5 Reference documents**
- Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.
- F.2.6 Acknowledge addenda**
- Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.

F.2.7 Clarification meeting

Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.

F.2.8 Seek clarification

Request clarification of the tender documents, if necessary, by notifying the employer at least five working days before the closing time stated in the tender data.

F.2.9 Insurance

Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

F.2.10 Pricing the tender offer

F.2.10.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable 14 days before the closing time stated in the tender data.

F.2.10.2 Show VAT payable by the employer separately as an addition to the tendered total of the prices.

F.2.10.3 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.

F.2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

F.2.11 Alterations to documents

Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations. Erasures and the use of masking fluid are prohibited.

F.2.12 Alternative tender offers

F.2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.

F.2.12.2 Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.

F.2.13 Submitting a tender offer

F.2.13.1 Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.

F.2.13.2 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.

F.2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.

- F.2.13.4** Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.
- F.2.13.5** Seal the original of the tender offer as separate packages marking the packages as "ORIGINAL". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.
- F.2.13.6** Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.
- F.2.13.7** Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.
- F.2.13.8** Accept that the employer will 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.
- F.2.13.9** Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.
- F.2.14** **Information and data to be completed in all respects**
- Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.
- F.2.15** **Closing time**
- F.2.15.1** Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery.
- F.2.15.2** Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.
- F.2.16** **Tender offer validity**
- F.2.16.1** Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.
- F.2.16.2** If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.
- F.2.16.3** Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted.
- F.2.16.4** Where a tender submission is to be substituted, submit a substitute tender in accordance with the requirements of F.2.13 with the packages clearly marked as "SUBSTITUTE".
- F.2.17** **Clarification of tender offer after submission**
- Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may 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: Sub-clause F.2.17 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Employer elect to do so.

F.2.18 Provide other material

F.2.18.1 Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment. Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.

F.2.18.2 Dispose of samples of materials provided for evaluation by the employer, where required.

F.2.19 Inspections, test and analysis

Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.

F.2.20 Submit securities, bonds, policies, etc.

If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

F.2.21 Check final draft

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

F.2.22 Return of other tender documents

If so instructed by the employer, return all retained tender documents within 28 days after the expiry of the validity period stated in the tender data.

F.2.23 Certificates

Include in the tender submission or provide the employer with any certificates as stated in the tender data.

F.3 The employer's undertakings

F.3.1 Respond to requests from the tenderer

F.3.1.1 Unless otherwise stated in the tender Data respond to a request for clarification received up to five working days before the tender closing time stated in the Tender Data and notify all tenderers who drew procurement documents.

F.3.1.2 Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

- a) an individual firm, or a joint venture as a whole, or any individual member of the joint venture fails to meet any of the collective or individual qualifying requirements;
- b) the new partners to a joint venture were not prequalified in the first instance, either as individual firms or as another joint venture; or
- c) in the opinion of the Employer, acceptance of the material change would compromise the outcome of the prequalification process.

F.3.2 Issue addenda

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify all tenderers who drew documents.

F.3.3 Return late tender offers

Return tender offers received after the closing time stated in the Tender Data, unopened, (unless it is necessary to open a tender submission to obtain a forwarding address), to the tenderer concerned.

F.3.4 Opening of tender submissions

F.3.4.3 Make available the record of the submitted bids after the closing time and date.

F.3.5 Two-envelope system

F.3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

F.3.5.2 Evaluate the quality of the technical proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the quality evaluation more than the minimum number of points for quality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any preferences claimed. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for quality.

F.3.6 Non-disclosure

Not disclose to tenderers, or to any other 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.

F.3.7 Grounds for rejection and disqualification

Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.

F.3.8 Test for responsiveness

F.3.8.1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:

- a) complies with the requirements of these Conditions of Tender,
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the tender documents.

F.3.8.2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification 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 not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

F.3.9 Arithmetical errors, omissions and discrepancies

F.3.9.1 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.

F.3.9.2 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with F.3.11 for:

- a) the gross misplacement of the decimal point in any unit rate;
- b) omissions made in completing the pricing schedule or bills of quantities; or
- c) arithmetic errors in:
 - i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
 - ii) the summation of the prices.

F.3.9.3 Notify the tenderer of all errors or omissions that are identified in the tender offer and either confirm the tender offer as tendered or accept the corrected total of prices.

F.3.9.4 Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows:

- a) If bills of quantities or 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 quoted shall govern, and the unit rate shall be corrected.
- b) 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 bills of quantities apply) to achieve the tendered total of the prices.

F.3.10 Clarification of a tender offer

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.



BID NO PLMT 24-25/09

**ENGINEERING CONTRACTORS TO SERVE ON THE
MUNICIPALITY'S PANEL**

PART T.2

RETURNABLE SCHEDULES

PHUMELELA LOCAL MUNICIPALITY

BID NO PLMT 24-25/09.

**ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL FOR A PERIOD
OF 36 MONTHS**

Returnable Documents and Schedules

T2.1 List of Returnable documents

T2.2 Returnable Documents

T 2.1 List of Returnable Documents and Schedule

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**SECTION A: FORMS TO BE COMPLETED FOR
EVALUATION AND COMPLIANCE PURPOSES AND MAY
CARRY AUTOMATIC DIQUALIFICATION IF NOT FULLY
COMPLETED.**

PHUMELELA LOCAL MUNICIPALITY

BID NO PLMT 24-25/09.

ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL

T2.2 RETURNABLE DOCUMENTS

RETURNABLE DOCUMENT REQUIRED FOR TENDER EVALUATION AND COMPLIANCE PURPOSES AND
MAY CARRY AUTOMATIC DISQUALIFICATION IF NOT FULLY COMPLETED

FORM A: COMPULSORY ENTERPRISE QUESTIONNAIRE

Indicate the type of the entity tendering with X;

Sole Proprietary	
Close Corporation	
Company	
Joint Venture	

1. Name of Tendering Entity:
2. Particulars of sole proprietors, partners in partnership or members enterprise of JV:

(a) For Sole Proprietors or partners in partnership

No	Name and Surname	Identity Number	% Owned	Black or Non-Black
1				
2				
3				
4				

(b) For Joint Ventures

No	Name of Members of JV	% Owned	Black or Non-Black
1			
2			
3			
4			

3. Particulars of Tendering Entity (Sole Proprietors or Partnership)

Company Registration Number:

Close Corporation Number:

Tax reference Number:

% Owned By Black people:

4. Particulars of Tendering Entity (JV)

Member 1

Company Registration Number:

Close Corporation Number:

Tax reference Number:

% Owned By Black people:

Member 2

Company Registration Number:

Close Corporation Number:

Tax reference Number:

% Owned By Black people:

Member 3

Company Registration Number:

Close Corporation Number:

Tax reference Number:

% Owned By Black people:

Member 4

Company Registration Number:

Close Corporation Number:

Tax reference Number:

% Owned By Black people:

ATTACH THE FOLLOWING DOCUMENTS

For Closed Corporations

- CK1 or CK2 as applicable (Founding Statement)
- Certified ID Copies of Members of Tendering Entity

For JV's

- JV Agreement
- CK 1 or CK 2 for Close Corporation

For Companies

- Audited Shareholder's Certificate
- Certified ID Copies for members of the tendering entity
- All shareholders of the tendering entity.

Name of Tenderer: Date:

Signature:..... Position:

Full name of signatory:

PHUMELELA LOCAL MUNICIPALITY

BID NO PLMT 24-25/09.

ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL

T2.2 RETURNABLE DOCUMENTS

**RETURNABLE DOCUMENT REQUIRED FOR TENDER EVALUATION AND COMPLIANCE PURPOSES AND
MAY CARRY AUTOMATIC DISQUALIFICATION IF NOT FULLY COMPLETED**

FORM B: DECLARATION OF INTEREST

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*.
 2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.
 3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.
 - 3.1 Full Name:
 - 3.2 Identity Number:
 - 3.3 Company Registration Number:
 - 3.4 Tax Reference Number:
 - 3.5 VAT Registration Number:
 - 3.6 Are you presently in the service of the state* **YES / NO**
 - 3.6.1 If so, furnish particulars:
 - 3.7 Have you been in the service of the state for the past twelve months? **YES / NO**
-

* MSCM Regulations: "in the service of the state" means to be –

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

3.7.1 If so, furnish particulars.

.....
.....

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

3.8.1 If so, furnish particulars.

.....
.....

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

3.9.1 If so, furnish particulars

.....
.....

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

3.10.1 If so, furnish particulars.

.....
.....

3.11 Are any spouse, child or parent of the company's directors, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.11.1 If so, furnish particulars.

.....
.....

CERTIFICATION

I, the undersigned (name) certify that the information furnished on this declaration form is correct and I accept that the state may act against me should this declaration prove to be false.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

PHUMELELA LOCAL MUNICIPALITY

BID NO PLMT 24-25/09.

CIVIL ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL

T2.2 RETURNABLE DOCUMENTS

**RETURNABLE DOCUMENT REQUIRED FOR TENDER EVALUATION AND COMPLIANCE PURPOSES AND
MAY CARRY AUTOMATIC DISQUALIFICATION IF NOT FULLY COMPLETED**

**FORM C: 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
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

- 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:

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

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

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

3.2.1. POINTS AWARDED FOR PRICE

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

$$P_S = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}}\right) \quad \text{or} \quad P_S = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, 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 either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system.

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 specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Required document to claim preference points

LOCALITY

Locality of supplier	Number of Points for Preference (80/20)

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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.

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

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

FORM D: CONTRACT FORM - PURCHASE OF GOODS/SERVICES

1. CONTRACT FORM - PURCHASE OF GOODS/SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

2. PART 1 (TO BE FILLED IN BY THE BIDDER)

3. I hereby undertake to supply all or any of the goods and/or services described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
4. The following documents shall be deemed to form and be read and construed as part of this agreement:
- (i) Bidding documents, viz
 - Invitation to bid;
 - Proof of Tax Compliance Status;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
5. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
6. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
7. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
8. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2.

FORM E: CONTRACT FORM - RENDERING OF SERVICES

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I..... in my capacity as.....
accept your bid under reference numberdated.....for
the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions
of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

--

WITNESSES

1

....

2

PHUMELELA LOCAL MUNICIPALITY

BID NO PLMT 24-25/09.

ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL

T2.2 RETURNABLE DOCUMENTS

**RETURNABLE DOCUMENT REQUIRED FOR TENDER EVALUATION AND COMPLIANCE PURPOSES AND
MAY CARRY AUTOMATIC DISQUALIFICATION IF NOT FULLY COMPLETED**

FORM D: PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audit alter am partem</i> rule was applied).	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature:.....

Date:.....

Position:

Name of the Bidder.....

PHUMELELA LOCAL MUNICIPALITY

BID NO PLMT 24-25/09.

ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL

T2.2 RETURNABLE DOCUMENTS

**RETURNABLE DOCUMENT REQUIRED FOR TENDER EVALUATION AND COMPLIANCE PURPOSES AND
MAY CARRY AUTOMATIC DISQUALIFICATION IF NOT FULLY COMPLETED**

FORM E: CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Form must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This Form serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

PHUMEELA LOCAL MUNICIPALITY BID

NO PLMT 24-25/09.

ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL

T2.2 RETURNABLE DOCUMENTS

**RETURNABLE DOCUMENT REQUIRED FOR TENDER EVALUATION AND COMPLIANCE PURPOSES AND
MAY CARRY AUTOMATIC DISQUALIFICATION IF NOT FULLY COMPLETED**

FORM F: AUTHORITY OF SIGNATORY

Details of person responsible for tender process:

Name :	
Contact number :	
Office address :	

Signatories for Tendering Entity shall confirm their authority to do so by attaching a **duly signed and dated original or certified copy on the Company Letterhead** of the relevant resolution of their members or their board of directors, as the case may be.

--

FORM G: FINANCIAL REFERENCES

1. DETAILS OF TENDERERS BANKING INFORMATION

I/We hereby authorize the Employer to approach all or any of the following banks for the purposes of obtaining a financial reference:

BANK NAME:										
ACCOUNT NAME: (e.g. ABC Civil Consulting)										
ACCOUNT TYPE: (e.g. Savings, Cheque etc)										
ACCOUNT NO:										
ADDRESS OF BANK:										
CONTACT PERSON:										
TEL. NO. OF BANK / CONTACT:										
How long has this account been in existence:	<table border="1" style="display: inline-table; vertical-align: top;"> <tr> <td style="padding: 2px;">0-6 months</td> <td style="width: 40px; text-align: center;"> </td> </tr> <tr> <td style="padding: 2px;">7-12 months</td> <td style="text-align: center;"> </td> </tr> <tr> <td style="padding: 2px;">13-36 MONTHS</td> <td style="text-align: center;"> </td> </tr> <tr> <td style="padding: 2px;">More than 36 MONTHS</td> <td style="text-align: center;"> </td> </tr> </table> (Tick which is appropriate)		0-6 months		7-12 months		13-36 MONTHS		More than 36 MONTHS	
0-6 months										
7-12 months										
13-36 MONTHS										
More than 36 MONTHS										

2. Authorised bank account details

I/We hereby authorise the Employer to process all payments due to us through EFT direct to the banking details provided above.

Name of Tenderer:Date:

Signature:Full name of signatory:.....

PHUMELELA LOCAL MUNICIPALITY

BID NO PLMT 24-25/09

ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL

T2.2 RETURNABLE DOCUMENTS

**RETURNABLE DOCUMENT REQUIRED FOR TENDER EVALUATION AND COMPLIANCE PURPOSES AND
MAY CARRY AUTOMATIC DISQUALIFICATION IF NOT FULLY COMPLETED**

FORM H: MUNICIPAL ACCOUNT OR LEASE AGREEMENT

- a) Tenderers are required to submit a municipal account bearing the Tenderer's Entity's name as proof of payment of municipal services which is not older than 3 months at tender closure date.
- b) **For Joint Ventures**, Tenderers are requested to submit Municipal Statement Account for each member of the JV and conditions of Lease agreement are stipulated below (c)
- c) Conditions for Lease agreement;
 - (i) In case tenderers lease office space from the landlord via the estate agency, tenderers are requested to submit the said lease agreement together with the Municipal Statement Account bearing the Name of the Lessor.
 - (ii) The Same Lessor's Company name and the must appear on both the Lease Agreement and Municipal Statement Account.
 - (iii) The Lessee's Entity name must appear on the Lease Agreement.

Name of Tenderer:Date:

Signature : Full name of signatory:.....

PHUMELELA LOCAL MUNICIPALITY

BID NO PLMT 24-25/09.

ENGINEERING CONTRACTORSTO SERVE ON THE MUNICIPALITY'S PANEL

T2.2 RETURNABLE DOCUMENTS

**RETURNABLE DOCUMENT REQUIRED FOR TENDER EVALUATION AND COMPLIANCE PURPOSES AND
MAY CARRY AUTOMATIC DISQUALIFICATION IF NOT FULLY COMPLETED**

FORM I: DECLARATION OF GOOD STANDING REGARDING TAX

Tenderers taxes must be in order before they be considered for evaluation, tenderers are therefore requested to complete the attached form and submit it to SARS to enable SARS to issue original Tax Clearance certificate which must be submitted by the tenderer together with this tender.

For Joint Ventures, Tenderers are requested to submit Original Tax clearance Lease agreement for each member of the Joint Venture.

Only original Tax clearance certificate will be accepted by the employer.

Name of Tenderer:Date:

Signature: Full name of signatory:



**SECTION B: OTHER RETURNABLE DOCUMENTS
REQUIRED FOR EVALUATION AND SCORING
PURPOSES**

PHUMELELA LOCAL MUNICIPALITY

BID NO PLMT 24-25/09.

ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL

FORM A: TRACK RECORD, EXPERIENCE AND UNDERSTANDING MUNICIPAL ENVIRONMENT

1. Years of Experience

Tenderers must indicate the total number of years of experience in a Municipal Environment by completion the table below;

<i>Description</i>	<i>Number of years</i>
Total Number of Years' experience as a firm in a Municipal Environment	

2. Completed Projects

Tenderers are requested to provide 5 projects previously involved with in a municipal environment by completing the table below

No	Name and Description of the Project	Value in Rands R'000	Date		Employer		
			Assigned	Completed	Name of employer	Contact Person	
						Name and Surname	Tel. No
1.							
2.							
3.							
4.							
5.							

Tenderers must attach copies of completion certificates

Name of Tenderer :Date: Full name of signatory:.....

Signature :Position:



SECTION C: OTHER RETURNABLES REQUIRED FOR NON-EVALUATION PURPOSES

PHUMELELA LOCAL MUNICIPALITY

BID NO PLMT 24-25/09.

ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL

T2.2 RETURNABLE DOCUMENTS

RETURNABLE DOCUMENTS REQUIRED FOR TENDER EVALUATION PURPOSES

FORM B: RECORD OF ADDENDA TO TENDER

We confirm that the following communication received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:

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

Name of Tenderer :Date:

Signature :Position:

Full name of signatory:



BID NO PLMT 24-25/09.

**ENGINEERING CONTRACTORS TO SERVE ON THE
MUNICIPALITY'S PANEL**

PART C 1

SITE INFORMATION

PHUMELELA LOCAL MUNICIPALITY

BID NO PLMT 24-25/09.

**ENGINEERING CONTRACTORS TO SERVE ON THE MUNICIPALITY'S PANEL FOR A
PERIOD OF 36 MONTHS**

C 1 SITE INFORMATION

1 LOCATION

The Phumelela Municipality is a B1 municipality presiding over the towns of Vrede, Warden and Memel. The Municipality has the following Wards:

wards	
1	Memel/Zamani/Farms
2	Thembalihle
3	Vrede/Thembalihle
4	Thembalihle
5	Ezenzeleni/Farms
6	Ezenzeleni
7	Warden/Ezenzeleni
8	Zamani