


REFUSE COLLECTION AND STREET CLEANING IN VARIOUS WARDS WITHIN ETHEKWINI MUNICIPALITY

NO	CONTRACT NO	Supplier Name	Registration Numbers	EBBEE Level	BBB-EE Expiry Date	Tax Status	Tax Expiry Date	CSD Number	CIPC STATUS	Restricted Supplier	Municipal Fees	Certificate of Independent Determination	Declaration of Interest	Audited Financial Statements	Comments
1	WS 6864U	LABHECELIBOMVU TRADING	200511606423	1	13/12/2024	COMPLIANT	14/12/2024	MAAA0392423	IN BUSINESS	NO	DID NOT DECLARE	14/10/2024	14/10/2024	2022, 2023 & 2024	
2	WS 6865U	ONE VISION INVESTMENT 293	200701186407	1	21/11/2024	COMPLIANT	26/03/2025	MAAA0392423	IN BUSINESS	NO	CLEAR	10/10/2024	10/10/2024	2021, 2022 & 2023	
3	WS 6872U	KHABZO TIA ASEMO	200408278523	1	15/09/2025	COMPLIANT	04/01/2025	MAAA0120721	IN BUSINESS	NO	CLEAR	10/10/2024	10/10/2024	2022, 2023 & 2024	Financial statements
4	WS 6873U	NOPHETHU TRADING	201108835123	1	15/10/2025	COMPLIANT	13/06/2025	MAAA0748374	IN BUSINESS	NO	R923.77	15/10/2024	15/10/2024	2022 & 2023 only	
5	WS 7158U	TITAS BUILDING RENOVATIONS AND MAINTENANCE	2008113423523	1	01/09/2025	COMPLIANT	03/11/2024	MAAA0392007	IN BUSINESS	NO	CLEAR	10/10/2024	10/10/2024	2022, 2023 & 2024	
6	WS-6862U	TZDN TRAINING	200803647523	1	10/10/2025	NON-COMPLIANT	10/05/2025	MAAA0331479	IN BUSINESS	NO	R3,780.72	11/10/2024	11/10/2024	2022, 2023 & 2024	
7	WS-6863U	GEZINSILA LABOUR	199805265123	1	10/12/2025	COMPLIANT	05/07/2025	MAAA0374945	IN BUSINESS	NO	LEASING	10/10/2024	10/10/2024	2022, 2023 & 2024	
8	WS-6870U	SBONISWE INVESTMENTS	200102202723	1	10/10/2025	COMPLIANT	25/04/2025	MAAA0489908	IN BUSINESS	NO	LEASING	10/10/2024	10/10/2024	2022, 2023 & 2024	
9	WS-6871	LELANGUKA TRADING	200911291023	1	25/09/2025	COMPLIANT	25/09/2025	MAAA0201715	IN BUSINESS	NO	LEASING	10/10/2024	10/10/2024	2021, 2022 & 2023	
10	WS-6878	AMADWALA TRADING 75	200401953923	1	11/09/2025	COMPLIANT	04/04/2025	MAAA0392422	IN BUSINESS	NO	CLEAR	11/10/2024	11/10/2024	2021, 2022 & 2023	PAID (proof attached)
11	WS 6788U	GS ZUMA TIA POWER CLEANING	7612275316088	1	24/01/2025	COMPLIANT	04/10/2025	MAAA0143432	IN BUSINESS	NO	CLEAR	10/10/2024	10/10/2024	2022, 2023 & 2024	SOLE PROPRIETY
12	WS 6874U	ONE VISION INVESTMENT	200701186407	1	20/11/2024	COMPLIANT	26/03/2025	MAAA0375985	IN BUSINESS	NO	RENTING	10/10/2024	10/10/2024	2021, 2022 & 2023	
13	WS 6876U	WASTENG	199601382907	1	25/09/2025	NON COMPLIANT	10/06/2025	MAAA0024354	IN BUSINESS	NO	RENTING	10/10/2024	10/10/2024	2022 & 2023	
14	WS 6966U	WASTENG	199601382907	1	25/09/2025	NON COMPLIANT	10/06/2025	MAAA0024354	IN BUSINESS	NO	RENTING	15/10/2024	15/10/2024	2023 & 2023	
15	WS 6867U	TITAS BUILDING RENOVATIONS AND MAINTENANCE	2008113423523	1	01/09/2025	COMPLIANT	03/11/2024	MAAA0392007	IN BUSINESS	NO	CLEAR	10/10/2024	10/10/2024	2022, 2023 & 2024	
16	WS 6868 U	MASHALOFU BUSINESS ENTERPRISE	200309796023	1	30/09/2025	COMPLIANT	30/09/2025	MAAA0126706	YES	NO	INVALID ACCOUNT	11/10/2024	11/10/2024	2021, 2022 & 2023	
17	WS 6868 U	GABHISA SERVICES	199504577023	1	02/05/2025	COMPLIANT	30/04/2025	MAAA0431643	YES	NO	CLEAR	10/10/2024	10/10/2024	2022, 2023 & 2024	
18	WS 6878 U	TZDN TRAINING	200803647523	1	10/10/2025	NON COMPLIANT	10/05/2025	MAAA0331479	YES	NO	R3,780.72	11/10/2024	11/10/2024	2022, 2023 & 2024	
19	WS 6877 U	LS IMHLABA TIS INANDA REFUSE REMOVAL	200208388023	Not submitted	Not submitted	NON COMPLIANT	Not submitted	MAAA0227326	IN BUSINESS	NO	R 2170.06 & R295.26	11/10/2024	11/10/2024	not provided	IN ARREARS WITH RMS
VERIFIED BY		WONDERBY NIKOSI													
DATE		29/10/2024													
SIGN															
DISCLAIMER		Committee to note: S 56 (1) (a) (v) reports. Vote and FC numbers are provided. Supporting documents : BEC ,BAC decisions , Adverts and a signed authority to request appointment of 19 contractors under S 36													



REPORT TO BID ADJUDICATION COMMITTEE

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



To:	Bid Adjudication Committee
Contract Description:	REFUSE COLLECTION AND STREET CLEANING IN INANDA – GLEBE, SOWETO, MAPULAZINI, AMATIKWE, GOQOKAZI AND ETAFULENI- WARDS 42, 44, 56 AND 108
Date:	14 October 2024

Contract no:	WS.6969U	Unit:	CSW
Project Manager:	Siphiwe Makhanya	Department:	Strategic & New Development
E-mail:	siphiwe.makhanya@durban.gov.za	Cellular phone no:	-
Telephone number:	031 311 8343	Fax no:	N/A

Project Objective/s:	The purpose of this report is to seek authority from the Bid Adjudication Committee to approve the appointment of the service provider under Section 36 (1) (a) & (v) of the SCM regulations.
Scope of Works:	<p>This specification applies to the provision of refuse collection services in Inanda – Glebe, Soweto, Mapulazini, Amatikwe, Goqoza and Etafuleni incorporating the following:</p> <ul style="list-style-type: none"> • On-going collection of refuse from occupied premises in formal areas, including disposal. • On-going collection of refuse and the disposal thereof, from occupied premises and open areas in informal areas. • On-going litter picking in road reserves and clearing out open stormwater channels. • Ad-hoc sundry services including litter picking of selected open areas, removal of rubbish piles, and servicing of refuse drums

1. CATEGORY:

Goods		Professional Services (Built Environment)	
Services	X	Professional Services (Other)	
Engineering & Construction Works		Movable Asset Disposal	
Leases		Immovable Asset Disposal	



2. ELEMENT OF REGULATION 36 APPLICABLE:

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

Motivation overleaf

3. MOTIVATION FOR APPLICABILITY OF REGULATION 36

BACKGROUND

- 3.1 The Cleansing and Solid Waste Unit has been utilizing the services of WS. 6969 major contract to provide street sweeping and refuse removal services in Inanda – Glebe, Soweto, Mapulazini, Amatikwe, Goqokazi and Etfuleni– Wards 42, 44, 56 And 108. The approval of the contract award for WS.6969 was made by the Bid Adjudication Committee on **20 December 2018**. A copy of the BAC decision is attached as **Annexure A**. Contract WS. 6969 commenced on 01 July 2019 and the completion date was on 30 June 2022.
- 3.2 An extension of four (4) months (01 July 2022- 31 October 2022), report number (SW2022/033) was granted through the Bid Adjudication Committee in June 2022. A copy of the BAC decision is attached as **Annexure B**.
- 3.3 A Section 36 appointment of six (6) months (01 November 2022 to 30 April 2023), report (SW2022/065) was granted through the Bid Adjudication Committee in October 2022. The BAC decision is attached as **Annexure C**.
- 3.4 Another Section 36 appointment was granted through Bid Adjudication Committee for a period of six (6) months (1 May 2023- 31 October 2023). The BAC decision is attached as **Annexure D**.



- 3.5 A Section 36 appointment was approved by the Bid Adjudication Committee for a period of six (6) months (1 November 2023- 30 April 2024). The BAC decision is attached as **Annexure E**.
- 3.6 The current Section 36 appointment was granted by the Bid Adjudication Committee for a period of six (6) months (1 May 2023- 31 October 2024). The BAC decision is attached as **Annexure F**.

4. STATUS OF THE REPLACEMENT AND ADVERTISED CONTRACTS

- 4.1 The Unit advertised replacements contracts, WS.7496, WS.7497, WS.7498, WS.7499, WS.7500, WS.7501, WS.7502, **WS.7503**, WS.7504, WS.7505, WS.7506 and WS.7563 on 08 July 2022 and closed on 12 August 2022, refer to **Annexure G**. **It must be noted that WS.7503 is a replacement contract for WS.6969**. All twelve (12) replacement contracts were advertised simultaneously. The total number of applications received in respect of these tenders were about **865**.

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

The evaluation reports for the 12 contracts were tabled at the Bid Evaluation Committee (BEC) and was deferred by the Committee, **refer to Annexure H**. The Unit drafted addendums addressing the concerns raised by the committee and submitted them to the committee.

Unsuccessful letters, dated 08/ 08/ 2024, were issued and emailed to the respective bidders, providing a 14-day appeal period, which expired on 26/ 08/ 2024. However, to date, the Unit continues to receive requests from the Legal Department for reasons behind the elimination, along with objections from bidders regarding the responses.



These objections still need to be referred to the Appeals Authority, and it appears that the process will take additional time due to the large number of appeals received.

- 4.2 Again, the Unit advertised five (5) replacements contracts, WS.7558, WS.7559, WS.7560, WS.7561, and WS.7562 on 16 September 2022 and closed on 21 October 2022, **refer to Annexure I**. All five (05) replacement contracts were advertised simultaneously. The total number of responses received in respect of these tenders were about **549**.

The evaluation reports for the five (5) contracts were tabled at the Bid Evaluation Committee (BEC) and was deferred by the Committee, **refer to Annexure J**.

The addendums were drafted addressing the concerns raised by the committee and submitted. On 21 August 2024 these contracts were approved excluding WS. 7561 which was later approved after submitting an addendum.

Unsuccessful letters for these contracts have been issued to the bidders, each with a 14-day appeal period, and some of these appeals have already been emailed to the Unit for responses regarding the reasons for elimination.

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

The evaluation reports for the six (6) contracts were tabled at the Bid Evaluation Committee (BEC) and was deferred by the Committee, **refer to Annexure L**. The Unit prepared an addendum for the concerns that were raised by the committee and was submitted.

On 02 May 2024, three (3) contracts (WS. 7622, WS. 7624 and WS. 7625) were deferred while two (2) were approved (WS. 7623 and WS. 7627), **refer to Annexure M**. An addendum for the deferred contracts was prepared and submitted to the committee.



No unsuccessful letters have been issued for these contracts, and the Unit is still awaiting their releases.

5. REASON FOR DEVIATION

The reasons for deviation are based on the following factors:

- **The high volume of applications received:** The documents are now available for free download and printing, leading to increased interest from bidders and a rise in bid responses.
- **The number of contracts advertised simultaneously:** The evaluation of 1945 applications are time-consuming and voluminous.
- **The strain on resources due to the need to evaluate these applications comprehensively,** e.g., availability of personnel, equipment's etc.

We are also uncertain about the timeline for the finalization of the appeals.

6. PROJECT ESTIMATES, FINANCIAL AUTHORITY & RECOMMENDED COMPANY:

	Excl. VAT	VAT	Incl. VAT
Estimated Contract Value	R 5 382 696.95	R 807 404.54	R 6 190 101.49
Total Cost to Council	R 5 382 696.95	R 807 404.54	R 6 190 101.49

Financial Provision has been made for the project as follows:

Vote No	Financial Year	Provision	Commitment	Available Amt.
79276.10810.11.11300.0000.MRC01.0010	2024/ 2025	R 5 382 696.95		

FC No. (309- 366- 060)

ANTICIPATED EXPENDITURE

2024/ 2025	TOTAL
R 5 382 696.95	R 5 382 696.95

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



7. CONSENT BY THE SUPPLIER

The committee must note that Gabhisa Services has given consent for the Unit to use rates that were tendered under WS.6969. A letter of acceptance of appointment with original rate, **refer to Annexure O.**

8. COMPLIANT DOCUMENTS

The copies of the following compliant documents submitted by Gabhisa Services are attached in **Annexure P.**

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

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

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

10. FORM OF CONTRACT & SURETY:

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



Other form of contract: Specify

Surety required: Y/N or Performance Guarantee required: Y/N

11. RESPONSIVENESS REQUIREMENTS:

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

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

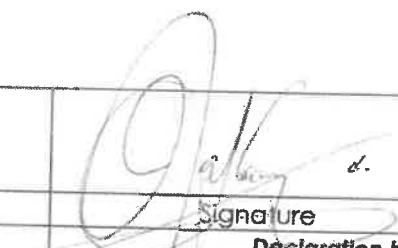
12. PROJECTED DATES:

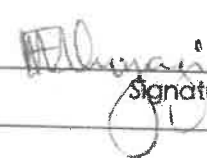
Steps	Projected Date
Submission to Tenders & Contracts Co-ordination for Bid Adjudication Committee	
Bid Adjudication Committee	
Contract Start Date	01/ 11/ 2024
Contract Completion Date	30/ 04/ 2025
Contract Duration	6 Months

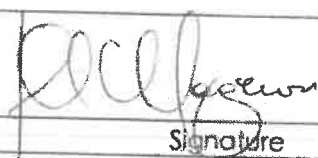
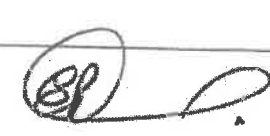


13. RECOMMENDATIONS:

1. It is therefore recommended that **Gabhisa Services** be awarded contract **WS. 6969U: Refuse Collection and Street Cleaning in Inanda – Glebe, Soweto, Mapulazini, Amatikwe, Goqokazi and Etafuleni– Wards 42, 44, 56 And 108** in terms of Regulation 36 of the Municipal Supply Chain Management Regulations.
2. Subject to the adoption of (i) above, an amount of **R 5 382 696.95** (excluding VAT), be authorized to cover the contractual cost to be incurred on a month-to-month basis for a maximum period of six (6) months with effect from 01 November 2024- 30 April 2025, or until the new contract is awarded, whichever period comes first,
3. Subject to the adoption of 1 & 2 above, the City Manager record the reasons for any deviations and report it to the next meeting of Council, or board of directors in the case of a Municipal Entity and include it as a note to the annual financial statements.

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

Xolani Mbuyazi		
Name of Admin. Manager (CSW) Strategic & New Dev.	Signature	Date
Contact Telephone Number		

Noluthando Magewu		
Name of Acting Head (CSW)	Signature	Date
Contact Telephone Number		
Ednick Mswell		21/10/2024
Name of Acting Deputy City Manager: Trading Services	Signature	Date



Contact Telephone Number		
Sandle Mguni	<i>Nelise Hwanga</i>	28/10/24
Name of CFO: Treasury	Signature	Date
Contact Telephone Number	confirming budget availability only	
Musa Ndaba	<i>Musa Ndaba</i>	29/10/2024
Name of Manager: SCM- Compliance & Monitoring	Signature	Date
Contact Telephone Number		

Submission of reports

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

Tel. 322-7015

Incomplete submissions will not be placed onto the meeting agenda.