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Mandela Bay Development Agency NPC (Reg No. 2003/017900/08)
The MBDA is an entity of the Nelson Mandela Bay Municipality

REQUEST FOR PROPOSALS

PROFESSIONAL SERVICES IN RELATION TO THE VUYISILE MINI SQUARE NODE UPGRADE - PHASE 2 (MBDA VMS 04/23)

NAME OF BIDDER :

CSD SUPPLIER NO. : MAAA.....

COMPANY REGISTRATION NO.:

CONTACT PERSON :

TELEPHONE NO. :

EMAIL ADDRESS :

PHYSICAL ADDRESS :

.....

.....

.....

.....

Bid Advertisement

REQUEST FOR PROPOSALS (RFP)**PROFESSIONAL SERVICES IN RELATION TO THE VUYISILE MINI SQUARE NODE UPGRADE –
PHASE 2 (MBDA VMS 04/23)**

The Mandela Bay Development Agency (MBDA), a Municipal Entity of the Nelson Mandela Bay Municipality (NMBM), hereby calls for interested parties to submit a costing proposal for the provision of professional services in relation to the Vuyisile Mini Square Node Upgrade – Phase 2.

The electronic RFP document, outlining the requirements is available for download by prospective bidders from the MBDA website. Alternatively, the electronic RFP document, outlining the requirements will be provided to interested bidders upon an emailed request to publictenders@mbda.co.za quoting the bid reference number in the subject line as well as company contact details, from Wednesday 30 August 2023. Closing of queries is Friday 22 September 2023.

A compulsory briefing session will be held at the Mandela Bay Development Agency Offices, Corner Lower Valley Road & South Union Street, Gqeberha on **Thursday 07 September 2023 at 14:00**. The onus is on bidders to ensure that they arrive on time. **No attendee(s) joining after 14:15 will be allowed to tender.**

The closing date and time is Friday 29 September 2023 at 12h00; where after tenders will be publicly opened via Microsoft Teams. Proposals **MUST** be submitted on one (1) original hard copy placed in a sealed envelope and clearly marked with “PROFESSIONAL SERVICES IN RELATION TO THE VUYISILE MINI SQUARE NODE UPGRADE- PHASE 2 (MBDA VMS 04/23)”. One (1) electronic copy must be uploaded onto the MBDA Vendor Portal by Friday 29 September 2023 by 12h00.

FAILURE TO SUBMIT AN ORIGINAL HARD COPY WILL DEEM THE BID NON-RESPONSIVE. IN ADDITION BIDDERS MUST UPLOAD THE ELECTRONIC COPY ON THE MBDA VENDOR. PER THE MBDA SCM POLICY CLAUSE 22 (4): “Where bids are requested in electronic format, such bids must be supplemented by sealed hard copies”. All responses must be placed in the MBDA tender box marked MBDA VMS 04/23 on the 1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Central, Port Elizabeth. Bids may only be submitted on bid documentation provided by the MBDA.

MBDA Office hours are Monday to Friday 08h00 to 16h30.

No late, incomplete, email or facsimile bids will be accepted for consideration. The only or lowest bid received shall not necessarily be accepted. MBDA reserves the right to accept part or the full bid.

For further information contact Pamela Govender during office hours at tel. 041 811 8200 or email publictenders@mbda.co.za (please quote reference number MBDA VMS 04/23 on subject line).

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INVITATION TO BID (MBD 1)

YOU ARE HEREBY INVITED TO SUBMIT A PROPOSAL FOR RENDERING PROFESSIONAL SERVICES IN RELATION TO THE VUYISILE MINI SQUARE NODE UPGRADE- PHASE 2 (MBDA VMS 04/23).

BID NUMBER: MBDA VMS 04/23

CLOSING DATE: 29 September 2023

CLOSING TIME: 12h00

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM

BID DOCUMENTS TOGETHER WITH THE ELECTRONIC COPY MUST BE DEPOSITED IN THE CORRECT BID BOX SITUATED AT:

MBDA tender box on the 1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Central, Gqeberha

THE ELECTRONIC BID DOCUMENT MUST BE UPLOADED ON THE MBDA VENDOR PORTAL VIA <https://remote.mbda.co.za/>

Bidders should ensure that bids are delivered timeously to the correct address and placed in the **CLEARLY MARKED MBDA VMS 04/23** bid box. If the bid is late, or if it is deposited in the incorrect bid box it will not be accepted for consideration.

The physical bids may be submitted during office hours, namely 08H00 to 16H30 Monday to Friday.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL TENDER DOCUMENTATION PROVIDED BY THE MBDA.

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (*as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations*)

PART 1

INTERPRETATION AND DEFINITIONS:

- 2.1 In this Request for Proposals–
 - 2.1.1 Clause headings are for convenience and are not to be used in its interpretation;
 - 2.1.2 unless the context indicates a contrary intention and expression which denotes –
 - 2.1.2.1 Any gender includes the other genders;
 - 2.1.2.2 a natural person includes a juristic person and visa versa;
 - 2.1.2.3 the singular includes the plural and visa versa.
- 2.2 Unless the context clearly indicates otherwise, the following words shall have the following meanings in this Agreement –
 - 2.2.1 **“Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000)
 - 2.2.2 **“Applicable Legislation”** means any other legislation applicable to municipal supply chain management, including –
 - 2.2.2.1 the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and the Preferential Procurement Regulations, 2017 promulgated thereunder;
 - 2.2.2.2 the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
 - 2.2.2.3 the Construction Industry Development Board Act, 2000 (Act No.38 of 2000);
 - 2.2.2.4 the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
 - 2.2.2.5 the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and the Municipal Supply Chain Management Regulations promulgated thereunder;
 - 2.2.3 **“Applicant”** means any person or entity, who receives and/or responds to this Request for Proposals;
 - 2.2.4 **“B-BBEE”** means broad-based black economic empowerment as defined in Section 1 of the Broad-Based Black Economic Empowerment Act;

- 2.2.5 **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment issued in terms of Section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.2.6 **“black people”** has the meaning assigned to it in Section 1 of the Broad-Based Black Economic Empowerment Act namely Africans, Coloureds and Indians:
- 2.2.6.1 who are citizens of the Republic of South Africa by birth or decent; or
 - 2.2.6.2 who became citizens of the Republic of South Africa by naturalization before 27 April 1994, or on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;
- 2.2.7 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.2.8 **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.2.9 **“EME”** means an exempted micro-enterprise in terms of a code of good practice on black economic empowerment issued in terms of Section 9(1) of the Broad-Based Black Economic Empowerment Act and, for the purposes hereof, an enterprise with an annual Total Revenue of R10 million or less;
- 2.2.10 **“in the service of the state”** means to be –
- 2.2.10.1 a member of –
 - 2.2.10.1.1 any municipal council;
 - 2.2.10.1.2 any provincial legislature; or
 - 2.2.10.1.3 the National Assembly or the National Council of Provinces.
 - 2.2.10.2 a member of the board of directors of any municipal entity;
 - 2.2.10.3 an official of any municipality or municipal entity;
 - 2.2.10.4 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);

- 2.2.10.5 an executive member of the accounting authority of any national or provincial public entity; or
- 2.2.10.6 an employee of Parliament or a provincial legislature;
- 2.2.11 **“Request for Proposals”** means this Request for Proposals;
- 2.2.12 **“MBDA”** means the Mandela Bay Development Agency and all its managed sites as a municipal entity established by the NMBMM;
- 2.2.13 **“NMBMM”** means the Nelson Mandela Bay Metropolitan Municipality;
- 2.2.14 **“proof of B-BBEE status level of contributor”** means:
 - 2.2.14.1 The B-BBEE status level certificate issued by an authorised body or person; or
 - 2.2.14.2 A sworn Affidavit as prescribed in the B-BBEE Codes of Good Practice in respect of an EME or QSE.
- 2.2.15 **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of Section 9(1) of the Broad-Based Black Economic Empowerment Act and, for the purposes hereof, a Measured Entity with an annual Total Revenue of between R10 million and R50 million;
- 2.2.16 **“SCMP”** means the Supply Chain Management Policy of the MBDA;
- 2.2.17 **“Services”** means the services reflected on Annexure “A” hereto.
- 2.2.18 **“accredited authority”** means the South African National Accreditation System established by section 3 of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006);

THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER.....

POSTAL ADDRESS

STREET ADDRESS.....

CONTACT NAME:

TELEPHONE NUMBER:

CELL PHONE NUMBER:

FACSIMILE:

E-MAIL ADDRESS:

VAT REGISTRATION NUMBER.....

CENTRAL SUPPLIER DATABASE (CSD) NUMBER: MAAA

NELSON MANDELA BAY SUPPLIER DATABASE REFERENCE NUMBER:

**BIDDERS MUST BE SUCCESSFULLY REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD)
PRIOR TO SUBMITTING THE BID.**

**FOR REGISTRATION ON THE CSD BIDDERS CAN GO TO THE FOLLOWING WEBSITE:
www.csd.gov.za.**

1. HAS A VALID MUNICIPAL BILLING CLEARANCE BEEN ATTACHED **YES / NO**

2. HAS PROOF OF REGISTRATION WITH THE CONSTRUCTION INDUSTRY DEVELOPMENT
BOARD BEEN ATTACHED? **YES / NA**

3. HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE OR SWORN
AFFIDAVIT BEEN ATTACHED? **YES / NO**

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

- ☐ ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
- ☐ A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL
ACCREDITATION SYSTEM (SANAS)
- ☐ A REGISTERED AUDITOR
- ☐ COMMISSIONER OF OATH

(Tick applicable box)

A CERTIFIED VALID COPY OF A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE OR SWORN AFFIDAVIT MUST BE SUBMITTED. FAILURE TO SUBMIT WILL RESULT IN ZERO (0) POINTS SCORED.

5. BIDS WITH A VALUE OF MORE THAN R10 MILLION (VAT INCLUDED) ARE REQUIRED TO SUBMIT FINANCIAL STATEMENTS FOR THE PAST THREE YEARS OR SINCE ESTABLISHMENT, IF ESTABLISHED DURING THE PAST THREE YEARS.
6. BIDS MAY BE CONSIDERED NON-RESPONSIVE IF THE BID HAS NOT BEEN COMPLETED IN FULL. BIDS SHALL BE CONSIDERED NON-RESPONSIVE IF ALL THE COMPULSORY DOCUMENTS HAVE NOT BEEN INCLUDED IN THE BID SUBMITTED.
7. ALL PAGES OF THE BID DOCUMENT MUST BE INITIALED BY THE BIDDER.
8. ALL PRICES WILL BE EVALUATED EXCLUSIVE OF VAT.

SIGNATURE OF BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

.....

TOTAL BID PRICE – PLEASE REFER TO THE PRICING SCHEDULE (SCHEDULE C)

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Supply Chain Management

Contact Person: Mrs Pamela Govender

Tel: 041 811 8200

Email: publictenders@mbda.co.za

PROJECT MANAGER:

Ms. Thandie Mafu

PART 2 - CONDITIONS OF BID

1. GENERAL REQUIREMENTS

- 1.1 The MBDA wishes to invite service providers to submit proposals for the **PROFESSIONAL SERVICES IN RELATION TO THE VUYISILE MINI SQUARE NODE UPGRADE- PHASE 2 (MBDA VMS 04/23)**.
- 1.2 The bidder is required to furnish full details requested on the bid forms. All prices shall be exclusive of Value Added Tax.
- 1.3 The bidder is requested to furnish all relevant information not entertained on the form of bids under separate cover which shall form part of the bid.

2. CONTACT PERSON FOR QUERIES

Name : Mrs. Pamela Govender
Telephone: 041 811 8200
Email : publictenders@mbda.co.za

3. TERMS AND CONDITIONS

3.1 Confidentiality

All materials, specifications, service level requirements detailed information and everything else supplied with this request for the bid remains the property of the MBDA and may be recalled if deemed necessary.

With reference to the POPI Act that came into effect, please note MBDA is in the process of ensuring compliance to the POPI Act. At this point, any and all personal information will be treated with the strictest confidentiality and will not be used for any unnecessary processing not related to the tender in question. All information is stored in a locked and access-controlled room with access to a few staff. The premises are monitored by cameras.

3.2 Contractual obligations

The request for bid does not constitute a contract nor does it create an obligation on the part of the MBDA to purchase services, products or equipment from any vendor submitting a bid.

3.4 Response to Questions

Where appropriate, questions should be answered explicitly by providing specific details requested. Bidders selecting to omit any of the required information or who do not follow the specified format will be disqualified from the bid process.

Should additional information be required by MBDA, bidders may be approached to provide more details, including aspects not specifically covered in this request for bids.

Please ensure that the documentation required is completed in full and signed, **failure to complete the RFP document in full, placement of signature where required, and commissioning may render the bid non-responsive.**

3.5 Ambiguities

It must be noted that if there are any ambiguities found in this bid document, it is the responsibility of the Main Applicant to clarify any such ambiguities before the closing of queries.

PART 3

THE REQUIRED SERVICES AND SCOPE OF WORK

1. BACKGROUND

The Mandela Bay Development Agency (MBDA), an entity of the Nelson Mandela Bay Metropolitan Municipality (NMBMM) is an agile, special purpose, transdisciplinary implementing agent for programmes, projects and events within the Nelson Mandela Bay Municipality.

2. VUYISILE MINI SQUARE

The Vuyisile Mini Square project requires reworking of the existing parking that occupies the square and returning it to one of the most important spaces in the City. This will include improving the public space with greenery, shade, creating a human scale of surrounding buildings and public space elements, creating a flexible space for events and incorporating Vuyisile Square as part of the series of public art exhibits on Route 67, it is important to commemorate the heritage of the square.

The boundaries of the project area are Govan Mbeki Avenue pavement and the southern edge of Mall and the western edge of Traduna Mall. The Town Hall is also included within the site.

The aim is to ensure the success of the project by reviving and upgrading of the surrounding area, special efforts to promote and facilitate the private sector and NMBMM activities, to the undertaken responsive action and projects. As well as to activate additional complementary commercial, office and retail uses that bring 'feet' to the area could be retrofitted into existing buildings.

While market studies suggest limited demand for conventional commercial development, there is the potential to generate demand for a range of niche offerings.

3. THE MBDA WAY – PRINCIPLES

1. To deploy stakeholder engagement as a means to grow consensus
2. To deploy stakeholder engagement and public participation with the aim of establishing co-ownership
3. To deploy the same approach in-house, with parent body, and all external stakeholders
4. To foster collaboration instead of competition amongst stakeholders
5. To deploy as people empowerment, working with instead of for people
6. To leverage the MBDA Way as enabler of mutual learning and experience sharing

7. Always working from bottom up instead of top-down
8. MBDA as a people-centred development agency driven by Batho-Pele principles

4. PROFESSIONAL TEAM REQUIRED:

1. Professional registered Civil Engineer (Principal Agent) – must be ECSA registered (active registration)
2. Professional registered Electrical Engineer or Professional registered Electrical Technologist – must be ECSA registered (active registration)
3. Professional registered Architect or Professional registered Architect Technologist – must be SACAP registered (active registration)
4. Resident Engineer – level 3 supervision (ECSA guidelines should be used as a guideline).
5. Registered Construction Health and Safety Agent – must have SACPMP Registration (active registration)
6. Heritage Specialist – must be registered with the Association of Professional Heritage Practitioners (APHP) (active registration)
7. Professional registered Traffic Engineer or Professional Traffic Engineer Technologist – must be ECSA registered (active registration)

5. OBJECTIVES

The objective of this Request for Proposals is for the MBDA to acquire the services of a suitably qualified Professional Team for development of the Phase 2 of the Vuyisile Mini Squar node, over a period of **30-months** for planning and construction implementation.

6. SITE DEFINITION

The spatial definition of the project site is indicated below.



7. SCOPE OF WORK

7.1 PROFESSIONAL SERVICES WILL INCLUDE ALL SERVICES REQUIRED FOR EACH OF THE 6 WORK STAGES INCLUDING THE FOLLOWING:

1. Inception
2. Concept and viability
3. Design, Development and all Approval Processes
4. Documentation and procurement
5. Construction Contract Administration
6. Close out

7.2 DETAILED SCOPE OF WORK - WHICH MUST BE PRICED UNDER ANNEXURE C – PRICING PROPOSAL

7.2.1 STAGE 1 – INCEPTION

- a) Assist in developing a clear project brief.
- b) Attend project initiation meetings.
- c) Advise on procurement policy for the project.
- d) Advise on the rights, constraints, consents and approvals.
- e) Define the scope of services and scope of work required.
- f) Conclude the terms of the agreement with the client.
- g) Inspect the site and advise on the necessary surveys, analyses, tests and site or
- h) Other investigations where such information will be required for Stage 2 including the availability and location of infrastructure and services.

- i) Determine the availability of data, drawings and plans relating to the project.
- j) Advise on criteria that could influence the project life cycle cost significantly
- k) Provide necessary information within the agreed scope of the project to other consultants involved.
- l) Stakeholder engagement and community consultation processes and engagements – A total of 10 engagements.

7.2.2 STAGE 2 – CONCEPT AND VIABILITY - WHICH MUST BE PRICED UNDER ANNEXURE C – PRICING PROPOSAL

- a) Prepare documentation programme with the client.
- b) Attend design and consultant team meetings.
- c) Establish the concept design criteria.
- d) Prepare initial concept design and related documentation.
- e) Advise the client regarding further surveys, analyses, tests and investigations that may be required.
- f) Establish regulatory authorities' requirements and incorporate into the design.
- g) Refine and assess the concept design to ensure conformance with all regulatory requirements and consents.
- h) Establish access, utilities, services and connections required for the design.
- i) Participate in coordinated design interfaces with architect or other consultants involved.
- j) Prepare process designs (where required), preliminary designs, and related documentation for approval by authorities and client and suitable for costing.
- k) Provide cost estimates and life cycle costs, as required.
- l) Liaise, co-operate and provide necessary information to the client, principal consultant and other consultants involved.

7.2.3 STAGE 3 – DESIGN DEVELOPMENT - WHICH MUST BE PRICED UNDER ANNEXURE C – PRICING PROPOSAL

- a) Review documentation programme with Client.
- b) Attend design and consultant team meetings.
- c) Incorporate client's and authorities' detailed requirements into the design.
- d) Incorporate other team members designs and requirements into the design.
- e) Prepare design development drawings including draft technical details and specifications.
- f) Review and evaluate design and outline specification and exercise cost control.
- g) Prepare detailed estimates of construction cost.
- h) The Professional Team will liaise, co-operate and provide necessary information to the principal consultant and other consultants involved.
- i) Submit the necessary design documentation to local and other authorities for approval.

7.2.4 STAGE 4 – DOCUMENTATION AND PROCUREMENT - WHICH MUST BE PRICED UNDER ANNEXURE C – PRICING PROPOSAL

- a) Attend design and consultant team meetings.
- b) Prepare specifications and preambles for the works.
- c) Accommodate services design.
- d) Check cost estimates and adjust designs and documents, if necessary, to remain within budget.
- e) Formulate the procurement strategy for contractors or assist the principal consultant where relevant.
- f) Prepare documentation for contractor procurement.
- g) Review designs, drawings and schedules for compliance with approved budget.
- h) Review and approval of procurement documentation and drawings by the Client.
- i) Call for tenders and/or negotiation of prices and/or assist the principal consultant or quantity surveyor where relevant.
- j) The Professional Team will Liaise, co-operate and provide necessary information to the principal consultant and the other consultants as required.
- k) Evaluate tenders.
- l) Prepare contract documentation for signature.
- m) Assess samples and products for compliance and design intent.
- n) Assist in pricing, documentation and tender evaluation as required when the detailed services for these activities are provided by others.

7.2.5 STAGE 5 – CONTRACT ADMINISTRATION AND INSPECTION - WHICH MUST BE PRICED UNDER ANNEXURE C – PRICING PROPOSAL

- a) Attend site handover
- b) Issue construction documentation in accordance with the documentation schedule including, in the case of structural engineering, reinforcing bending schedules and detailing, and specifications of structural steel sections and connections.
- c) Carry out contract administration procedures in terms of the contract.
- d) Prepare schedules of predicted cash flow.
- e) Prepare pro-active estimates of proposed variations for client decision-making.
- f) Attend regular site, technical and progress meetings.
- g) Inspect the works for conformity to contract documentation.
- h) Review the outputs of quality assurance procedures and advise the contractor and client on adequacy and need for additional controls, inspections and testing.
- i) Adjudicate and resolve financial claims by contractors.
- j) Assist in the resolution of contractual claims by the contractor.
- k) Establish and maintain a financial control system.
- l) Clarify details and descriptions during construction as required.

- m) Prepare valuations for payment certificates to be issued by the principal agent.
- n) Witness and review of all tests and mock-ups carried out on site.
- o) Check and approve contractor drawings for compliance with contract documents.
- p) Update and issue drawings register.
- q) Issue contract instructions as and when required.
- r) Review and comment on operation and maintenance manuals, guarantee certificates and warranties.
- s) Inspect the works and issue practical completion and defects lists.
- t) Arranging for the delivery of all test certificates, including any Certificates of Compliance, statutory and other approvals, and record drawings and operating Manuals.
- u) Supervision by Resident Engineer at a Level 3 as per ECSA guidelines

7.2.6 STAGE 6 – CLOSE-OUT - WHICH MUST BE PRICED UNDER ANNEXURE C – PRICING PROPOSAL

- a) Inspect and verify the rectification of defects.
- b) Receive, comment and approve relevant payment valuations and completion certificates.
- c) Prepare and/or procure operations and maintenance manuals, guarantees and warranties.
- d) Prepare and/or procure as-built drawings and documentation.
- e) Conclude the final accounts where relevant.

7.3 ADDITIONAL SCOPE OF WORK - WHICH MUST BE PRICED UNDER ANNEXURE C – PRICING PROPOSAL:

1. Ensure the establishment of an information sharing platform portal for duration of the project shared between the Client and the successful bidder.
2. Attend to all SMME related matters/disputes limited to a maximum of two (2) meetings per month over the estimated implementation period of eighteen (18) months.
3. Undertake one (1) site meeting and one (1) technical meeting per month.
4. Employ one (1) x unemployed graduate in the Built Environment – Civil Engineer or Civil Technologist sourced from the NMBM (Stages 1-6). The graduate is to be selected in consultation with the MBDA. The graduate must have a minimum of a 4 year qualification with less than 5 years' experience at R20 000 per month.
5. Appointed Team to prepare a detailed project implementation plan indicating milestones, activities, cash flow budget, risks and any other information deemed relevant.
6. Making arrangements for wayleaves, servitudes or expropriations.
7. Topographical and environmental surveys, analysis, tests and site or foundation or other investigations, model tests, laboratory tests and analysis carried out on behalf of the Client.

8. If for any reason an evaluated member of the Professional Team is to be replaced, it is the responsibility of the Main applicant to ensure that the new incumbent submits their competencies as per functionality criteria to be evaluated and approved by the Client **BEFORE** commencement.

8. THE MAIN APPLICANT

- 8.1 The Main applicant / Principal Agent will be a Professional registered Engineer (Principal Agent) – must be ECSA registered with a minimum 15 years' experience. Proof of active Professional Registration with the ECSA must accompany the submission. **Failure to submit proof will result in the proposal being non-responsive.**
- 8.2 The nominated Professional must be the Main Applicant or in the permanent employ of the Main Applicant. Such proof must be submitted. Should the nominated Professional be replaced for any reason, the replacement candidate's experience and registration must be submitted to the client for written approval. The MBDA reserves the right to reject the proposed replacement professionals if the experience of the individual is not similar to the original candidate.
- 8.3 The Main applicant must be resident in the Nelson Mandela Bay for the duration of the project.
- 8.4 Professional team must attach their CV and relevant legislated registration(s) and copies of qualification(s).
- 8.5 The Main applicant must submit an organogram of nominated professionals who will be actively involved in the project only.
- 8.6 Professional team experience must be listed on **Annexure B1.**
- 8.7 All submissions to be made by the Main Applicant must clearly demonstrate appropriate skills, past experience and ability to deliver the scope of work as described above.
- 8.8 All compulsory documents must be submitted.
- 8.9 The Professional Registered Civil Engineer whose experience has been submitted to score this category MUST be the professional permanently engaged and available in this project, which will include meetings, approvals and correspondence etc.
- 8.10 **The project will be led by the MBDA professional team, which will include:**
- a) Project Manager
 - b) Social Facilitator
 - c) Project Manager: Creative Industry

- 8.11 The successful team MUST have the capacity and capability to deliver on the desired timeline in respect of agreed deadlines and/or timeframes, failure to meet the agreed deadline or timeframe will result in penalties of R 2, 000.00 per day being imposed.
- 8.12 The successful applicant must have and maintain professional indemnity insurance of R10 million rand per claim
- 8.13 The successful team shall on a monthly basis undergo a performance review by the MBDA that will assess the service provider's performance. If the successful Applicant is underperforming on a continuous basis, or not meeting the service level required as per the contract, the service provider will be issued with a written notification of such poor service.
- 8.14 The MBDA shall be entitled to retain 10% of the monthly cost and only once the service delivery levels are as per the required standards set by the MBDA, will the MBDA release the retained 10%. Continued poor performance could result in the termination of the contract.

9. COSTING PROPOSAL

- 9.1 A contingency sum of 15% will be allowed for additional services that may need to be contracted. This amount is for use at the sole discretion of the MBDA to use or omit and should not be considered as part of any contractual obligation. The use of the contingency must be agreed on in writing by the MBDA.
- 9.2 The costing proposal shall make allowance of R 20 000 per month for the unemployed Built Environment – Civil Engineer or Civil Technologist graduate sourced from the NMBM. The graduate is to be selected in consultation with the MBDA. The graduate must have a minimum of a 4 year qualification with less than 5 years' experience for the duration of the consultants appointment.

10. GENERAL

- 10.1 The appointed Team must take into account the NMBM drought challenges as well as green building elements in the designs.
- 10.2 Professional team meetings are to be held once a month with the MBDA team.
- 10.3 The successful team is to work closely with the MBDA Project Manager and team. No decisions are to be taken without the written approval of the relevant Project Manager.
- 10.4 All designs should be in coherence with the SANS, National Building Standards, the NMBM building regulations and any other regulations applicable to the nature of the design.
- 10.5 Regular written progress reports and other ad hoc reports will be required.
- 10.6 A detailed close out report will be required upon completion of the project. This should include a digital copy of all drawings (including AutoCAD, Revit, Sketchup etc), reports and other documentation as well as a maintenance manual(s), if any.

- 10.7 The nominated Principal Agent, the Professional registered Civil Engineer must reside within NMBM for the duration of the project.
- 10.8 Professional indemnity insurance to be made available within 14 days after receiving the appointment letter
- 10.9 Where more than 25% of the scope of work will be subcontracted, through a JV or consortium the Main applicant must submit a consolidated BBBEE certificate as well as all compulsory documentation of each subcontracted JV member or Consortium member.

FUNCTIONALITY CRITERIA SCORE SHEET

FUNCTIONALITY CRITERIA	POINTS	
1. Experience and Appropriate Skills of the nominated Professional registered Civil Engineer (Principal Agent) – must be ECSA registered The Applicant has relevant experience in its field of expertise as follows: a) more than 14 years b) 10 - 14 years c) 5 – 9 years The nominated Professionals Comprehensive CV, qualifications, list of projects undertaken, appointment or reference letters with proof or name(s) of traceable reference and contact details must be provided. Failing to submit such proof including Annexure B1.1 will result in zero points scored. Please complete Annexure B.1.1	30 30 25 15	
2. Implementation of similar projects of the nominated Professional registered Civil Engineer who will be the Principal Agent for the project The Main Applicant is able to demonstrate direct involvement in previous projects. a) More than 9 projects worked on b) 5 to 9 projects worked on c) 3 – 4 projects worked on The nominated Professionals Comprehensive CV, qualifications, list of projects undertaken, appointment or reference letters with proof or name(s) of traceable reference and contact details must be provided. Failing to submit such proof including Annexure B1.1 will result in zero points scored. Please complete Annexure B.1.1	20 20 15 10	
3. Experience and Appropriate Skills of the nominated Professional Registered Architect or Professional registered Architect Technologist - must be SACAP registered The Applicant has relevant experience in its field of expertise as follows: a) more than 14 years b) 10 - 14 years	30 30 25 15	

c) 5 – 9 years The nominated Professionals Comprehensive CV, qualifications, list of projects undertaken, appointment or reference letters with proof or name(s) of traceable reference and contact details must be provided. Failing to submit such proof including Annexure B1.2 will result in zero points scored. Please complete Annexure B.1.2		
4. Implementation of similar projects of the nominated Professional Registered Architect or Professional registered Architect Technologist - must be SACAP registered The Main Applicant is able to demonstrate direct involvement in previous projects. a) More than 9 projects worked on b) 5 to 9 projects worked on c) 3 – 4 projects worked on The nominated Professionals Comprehensive CV, qualifications, list of projects undertaken, appointment or reference letters with proof or name(s) of traceable reference and contact details must be provided. Failing to submit such proof including Annexure B1.2 will result in zero points scored. Please complete Annexure B.1.2	20 20 15 10	
5. Experience of the nominated Professional registered Electrical Engineer or Professional registered Electrical Technologist – must be ECSA registered The Applicant (s) has relevant experience in its field of expertise as follows: a) more than 9 years b) 5 – 9 years The nominated Professionals Comprehensive CV, qualifications, list of projects undertaken, appointment or reference letters with proof or name(s) of traceable reference and contact details must be provided. Failing to submit such proof including Annexure B1.3 will result in zero points scored. Please complete Annexure B.1.3	30 30 20	
6. Experience of the nominated Resident Engineer – level 3 supervision The Applicant (s) has relevant experience in its field of expertise as follows: a) more than 9 years b) 5 – 9 years	30 30 20	

The nominated Professionals Comprehensive CV, qualifications, list of projects undertaken, appointment or reference letters with proof or name(s) of traceable reference and contact details must be provided. Failing to submit such proof including Annexure B1.4 will result in zero points scored. Please complete Annexure B.1.4		
7. Experience of the nominated Registered Construction Health and Safety Agent – must have SACMP Registration The Applicant (s) has relevant experience in its field of expertise as follows: c) more 5 years d) 3 – 5 years The nominated Professionals Comprehensive CV, qualifications, list of projects undertaken, appointment or reference letters with proof or name(s) of traceable reference and contact details must be provided. Failing to submit such proof including Annexure B1.5 will result in zero points scored. Please complete Annexure B.1.5	30 30 20	
8. Experience and Appropriate Skills of the nominated Heritage Specialist – must be registered with the Association of Professional Heritage Practitioner (APHP) The Applicant (s) has relevant experience in its field of expertise as follows: a) more 9 years b) 5 – 9 years The nominated Professionals Comprehensive CV, qualifications, list of projects undertaken, appointment or reference letters with proof or name(s) of traceable reference and contact details must be provided. Failing to submit such proof including Annexure B1.6 will result in zero points scored. Please complete Annexure B.1.6	30 30 20	
9. Experience and Appropriate Skills of the nominated Professional registered Traffic Engineer or Professional Traffic Engineer Technologist – must be ECSA registered The Applicant (s) has relevant experience in its field of expertise as follows: a) more 9 years b) 5 – 9 years The nominated Professionals Comprehensive CV, qualifications, list of projects undertaken, appointment or reference letters with proof or	30 30 20	

name(s) of traceable reference and contact details must be provided. Failing to submit such proof including Annexure B1.7 will result in zero points scored. Please complete Annexure B.1.7		
TOTAL	250	

The minimum functionality score is 180/250.

ANNEXURE "B1.1"

INFORMATION REQUIRED FOR FUNCTIONALITY EVALUATION

The information required must be submitted in the following format:

COMPANY EXPERIENCE:

1. Number of years' service provider has been operating and providing similar services in respect of Professional Registered Civil Engineer (Principal Agent) as requested by the MBDA

No of years

List of relevant or similar of a similar nature in respect of Professional Registered Civil Engineer (Principal Agent) rendered by the service provider.

	Project Name and Description of services provided	Project Value in R	Contract period (Start – end date)	Institution	Contact person and number for reference purposes
RELATED SERVICES RENDERED: PROFESSIONAL REGISTERED CIVIL ENGINEER (PRINCIPAL AGENT)					
1.					  
2.					  
3.					  
4.					  
5.					  
6					  

7.					
					
					
8.					
					
					
9.					
					
					
10.					
					
					

INFORMATION REQUIRED FOR FUNCTIONALITY EVALUATION

The information required must be submitted in the following format:

COMPANY EXPERIENCE:

1. Number of years' service provider has been operating and providing similar services in respect of Professional Services as requested by the MBDA

No of years

2. List of relevant or similar of a similar nature in respect of Professional Services rendered by the Professional Architect

	Project Name and Description of services provided	Project Value in R	Contract period (Start – end date)	Institution	Contact person and number for reference purposes
RELATED SERVICES RENDERED: PROFESSIONAL SERVICES IN RELATION TO THE PROFESSIONAL ARCHITECT OR TECHNOLOGIST					
1.					  
2.					  
3.					  
4.					  
5.					  
6					  

7.					
					
					
8.					
					
					
9.					
					
					
10.					
					
					

ANNEXURE "B1.3"

INFORMATION REQUIRED FOR FUNCTIONALITY EVALUATION

The information required must be submitted in the following format:

COMPANY EXPERIENCE:

1. Number of years' service provider has been operating and providing similar services in respect of Professional Services as requested by the MBDA

No of years

2. List of relevant or similar of a similar nature in respect of Professional Services rendered by the Electrical Engineer/Technologist

	Project Name and Description of services provided	Project Value in R	Contract period (Start – end date)	Institution	Contact person and number for reference purposes
RELATED SERVICES RENDERED: PROFESSIONAL SERVICES IN RELATION TO THE PROFESSIONAL REGISTERED ELECTRICAL ENGINEER OR PROFESSIONAL REGISTERED ELECTRICAL TECHNOLOGIST					
1.					  
2.					  
3.					  
4.					  
5.					  
6					  

7.					
					
					
8.					
					
					
9.					
					
					
10.					
					
					

ANNEXURE "B1.4"

INFORMATION REQUIRED FOR FUNCTIONALITY EVALUATION

The information required must be submitted in the following format:

COMPANY EXPERIENCE:

1. Number of years' service provider has been operating and providing similar services in respect of Professional Services as requested by the MBDA

No of years

2. List of relevant or similar of a similar nature in respect of Professional Services rendered by the Resident Engineer – level 3 supervision.

	Project Name and Description of services provided	Project Value in R	Contract period (Start – end date)	Institution	Contact person and number for reference purposes
RELATED SERVICES RENDERED: PROFESSIONAL SERVICES IN RELATION TO THE RESIDENT ENGINEER – LEVEL 3 SUPERVISION					
1.					  
2.					  
3.					  
4.					  
5.					  
6					  

7.					
					
					
8.					
					
					
9.					
					
					
10.					
					
					

INFORMATION REQUIRED FOR FUNCTIONALITY EVALUATION

The information required must be submitted in the following format:

COMPANY EXPERIENCE:

1. Number of years' service provider has been operating and providing similar services in respect of Professional Services as requested by the MBDA

No of years

2. List of relevant or similar of a similar nature in respect of Professional Services rendered by the Registered Construction Health And Safety Agent

	Project Name and Description of services provided	Project Value in R	Contract period (Start – end date)	Institution	Contact person and number for reference purposes
RELATED SERVICES RENDERED: PROFESSIONAL SERVICES IN RELATION TO THE REGISTERED CONSTRUCTION HEALTH AND SAFETY AGENT					
1.					  
2.					  
3.					  
4.					  
5.					  
6					  

7.					
					
					
8.					
					
					
9.					
					
					
10.					
					
					

INFORMATION REQUIRED FOR FUNCTIONALITY EVALUATION

The information required must be submitted in the following format:

COMPANY EXPERIENCE:

1. Number of years' service provider has been operating and providing similar services in respect of Professional Services as requested by the MBDA

No of years

2. List of relevant or similar of a similar nature in respect of Professional Services rendered by the Heritage Specialist

	Project Name and Description of services provided	Project Value in R	Contract period (Start – end date)	Institution	Contact person and number for reference purposes
RELATED SERVICES RENDERED: PROFESSIONAL SERVICES IN RELATION TO THE HERITAGE SPECIALIST					
1.					  
2.					  
3.					  
4.					  
5.					  
6					  

7.					
					
					
8.					
					
					
9.					
					
					
10.					
					
					

INFORMATION REQUIRED FOR FUNCTIONALITY EVALUATION

The information required must be submitted in the following format:

COMPANY EXPERIENCE:

1. Number of years' service provider has been operating and providing similar services in respect of Professional Services as requested by the MBDA

No of years

2. List of relevant or similar of a similar nature in respect of Professional Services rendered by the Professional registered Traffic Engineer or Professional Traffic Engineer Technologist

	Project Name and Description of services provided	Project Value in R	Contract period (Start – end date)	Institution	Contact person and number for reference purposes
RELATED SERVICES RENDERED: PROFESSIONAL SERVICES IN RELATION TO THE PROFESSIONAL REGISTERED TRAFFIC ENGINEER OR PROFESSIONAL TRAFFIC ENGINEER TECHNOLOGIST					
1.					  
2.					  
3.					  
4.					  
5.					  
6					  

7.						
						
						
8.						
						
						
9.						
						
						
10.						
						
						

- 1. Where more space is required, the Applicant to provide additional information on a separate page, using the above format, with their proposal and reference it accordingly.**

AUTHORITY FOR SIGNATORY

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

A Company	B Partnership	C Joint Venture	D Sole Proprietor	E Close Corporation	F Other (Specify)

A. CERTIFICATE FOR COMPANY

I,, Chairperson of the board of directors of hereby confirm that by resolution of the board (copy attached) taken on, Mr/Ms

acting in the capacity of (Position in the Enterprise), and who will sign as follows: be, and is hereby, authorized to sign the Bid/Tender, and any and all documents and/or correspondence in connection with this tender and any contract resulting from it on behalf of the company.

Witness 1 Signature:

Witness 2 Signature:

Chairperson's Signature:

Date:

Name	Capacity	Signature	Date

Note:

This resolution must be signed by all the Directors/Members/Partners of the Bidding Enterprise.

Should the number of Directors/Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

B. CERTIFICATE FOR PARTNERSHIP

We, the undersigned, being the key partners in the business trading as:
 hereby authorize
 Mr/Ms, acting in the capacity of
 (Position in the Enterprise), and who will sign as follows: be, and
 is hereby, authorized to sign the Bid/Tender, and any and all documents and/or correspondence in
 connection with this tender and any contract resulting from it on behalf of the partnership.

Name	Capacity	Signature	Date

Note:

This resolution must be signed by all the Directors/Members/Partners of the Bidding Enterprise.

Should the number of Directors/Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

C. CERTIFICATE FOR JOINT VENTURE OR CONSORTIA

We, the undersigned, are submitting this tender offer in Joint Venture/Consortium and hereby authorize Mr/Ms, acting in the capacity of (Position in the Enterprise), and who will sign as follows: be, and is hereby, authorized to sign the Bid/Tender, and any and all documents and/or correspondence in connection with this tender and any contract resulting from it on behalf of the Joint Venture/Consortium.

This authorisation is evidenced by the **attached power of attorney** signed by legally authorized signatories of all the partners to the Joint Venture/Consortium.

Name of firm	Address	Percentage of contract value	Authorising signature, name and capacity

D. CERTIFICATE FOR SOLE PROPRIETOR

I,, hereby confirm that I am the sole owner of the business trading as:

Witness 1 signature: _____

Witness 2 signature: _____

Sole proprietor's signature: _____

Date: _____

E. CERTIFICATE FOR CLOSE CORPORATION

We, the undersigned, being the key members in the business trading as: hereby authorize Mr/Ms acting in the capacity of (Position in the Enterprise), and who will sign as follows: be, and is hereby, authorized to sign the Bid/Tender, and any and all documents and/or correspondence in connection with this tender and any contract resulting from it on behalf of the Close Corporation.

Name:	Address:	Signature:	Date:

NOTE:

This resolution must be signed by all the Directors/Members/Partners of the Bidding Enterprise.

Should the number of Directors/Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

F. OTHER (SPECIFY)

We, the undersigned, being the key members in the business trading as:

..... hereby authorize

Mr/Ms acting in the capacity of

..... (Position in the Enterprise), and who will sign as follows:

..... be, and is hereby, authorized to sign the Bid/Tender, and

any and all documents and/or correspondence in connection with this tender and any contract

resulting from it on behalf of the _____.

Name:	Address:	Signature:	Date:

NOTE:

This resolution must be signed by all the Directors/Members/Partners/Other of the Bidding Enterprise.

Should the number of Directors/Members/Partners/Other exceed the space available above, additional names and signatures must be supplied on a separate page.

**PART 4 –PRICING SCHEDULE
FIRM PRICES (PURCHASES) (MBD 3.1)**

Name of Bidder:
Closing Time: 12h00

Bid Number: MBDA VMS 04/23
Closing Date: 29 September 2023

TENDER WILL BE VALID FOR 120 CALENDAR DAYS

BID PRICE IN RSA CURRENCY

** (ALL APPLICABLE TAXES EXCLUDING)

Please include the detailed cost breakdown as part of your proposal.

PLEASE NOTE:

- This Annexure **must** be completed.
- All amounts in the table to exclude Value Added Tax

FEE PROPOSAL PROFESSIONAL SERVICES IN RELATION TO THE VUYISILE MINI SQUARE NODE UPGRADE- PHASE 2- MBDA VMS 04/23. Based on an indicative value of R 40 Million Construction Contract Value (excl. VAT)	
PROFESSIONS	FEE
Professional Registered Civil Engineer	R
Professional Registered Architect or Professional Registered Architect Technologist	R
Professional Registered Electrical Engineer or Professional Registered Electrical Technologist	R
Resident Engineer – Level 3 supervision	R
Construction Health and Safety Agent	R
Registered Heritage Specialist	R
Professional Registered Traffic Engineer or Professional Registered Traffic technologist	R
SUB TOTAL A	R
ADD: 1x unemployed Built Environment – Civil Engineer or Civil Technologist graduate sourced from the NMBM. The graduate	R 260 000.00

must have a minimum of a 4 year qualification with less than 5 years' experience.	
SUB TOTAL B	R
ADD: disbursements @ 5% (must include all gazette disbursements for all professions)	R
SUB TOTAL C	R
ADD: Contingency 15%	R
TOTAL FEE PROPOSAL	R
Percentage of discount of fees applied in the calculation of the above fees	%

NOTE: THE R40 MILLION (excluding VAT) INDICATIVE CONSTRUCTION CONTRACT VALUE IS AN INDICATIVE AMOUNT FOR EVALUATION PURPOSES, AND COULD VARY DEPENDENT UPON BUDGET AVAILABILITY.

HOURLY RATE FOR ADDITIONAL UNFORSEEN WORK RELATED TO PROFESSIONAL ENGINEERING SERVICES	SENIOR	JUNIOR
	R/HOUR	R/HOUR
Professional Registered Civil Engineer		
Professional Registered Architect or Professional Registered Architect Technologist		
Professional Registered Electrical Engineer or Professional Registered Electrical Technologist		
Resident Engineer – Level 3 supervision		
Construction Health and Safety Agent		
Registered Heritage Specialist		
Professional Registered Traffic Engineer or Professional Registered Traffic technologist		

Please note:

- Pricing for the duration of the contract cycle from concept to close-out will remain fixed.
- Payment of invoices shall be made within 30 days of receipt of a valid invoice.
- Prices are to be quoted exclusive of VAT.
- The successful applicant will on a monthly basis undergo a performance review by the MBDA that will assess the service provider's performance. If the successful Applicant is

underperforming on a continuous basis, or not meeting the service level required as per the contract, the service provider will be issued with a written notification of such poor service.

- e) The MBDA shall be entitled to retain 10% of the monthly cost and only once the service delivery levels are as per the required standards set by the MBDA, will the MBDA release the retained 10%. Continued poor performance will result in the termination of the contract.

PROOF OF B-BBEE STATUS LEVEL OF CONTRIBUTOR
FAILURE TO SUBMIT WILL RESULT IN ZERO (0) POINTS SCORED.

**THE SUCCESSFUL APPLICANT WILL BE REQUIRED TO SUBMIT THE FOLLOWING
DOCUMENTATION PRIOR TO AWARD**

- 1. Municipal Billing Clearance Certificate OR Lease agreement OR Statement of account**
- 2. Valid Tax Clearance Compliance Status**
- 3. CSD Report**
- 4. MBDA e-tender supplier registration – www.mbda.co.za. Click on “Tenders”, Formal and scroll down to register on portal.**
- 5. Relevant Declarations and affidavits**

CENTRAL SUPPLIER DATABASE & MBDA VENDOR PORTAL**REGISTRATION INSTRUCTIONS**

In accordance with MBDA Supply Chain Management policy a Business, that wishes to do business with MBDA, must register on the National Treasury Central Supplier Database (CSD) and the MBDA E-tender system.

Below is the link to register on CSD:

<https://secure.csd.gov.za/Account/Register>

Click on “REGISTER” and follow the prompts.

REGISTER FOR E-TENDERS AND GET DOWN TO BUSINESS

Introducing the MBDA E-Tender system. A safe, convenient, and easily accessible opportunity to do business. The tender process is now pandemic proof!

Follow these steps to get started:



Go to **www.mbda.co.za** to register and view available tenders.



Once you have completed and submitted your tender you will receive a tracking number and confirmation. It's that simple.

For more info email publictenders@mbda.co.za or call 041 811 8200.

Take advantage of online E-Tenders for safe and secure access to the latest business opportunities in Nelson Mandela Bay.



AFFIDAVIT – NATURAL PERSON

I, the undersigned,

Identity Number:

do hereby make oath and state that:

1. I am the Applicant in respect of the attached Application and all information/documentation submitted on behalf of the Applicant in connection with the Application is true and correct.
2. I am not aware of any actual or likely conflict of interest which I may have in respect of the transaction to which the response pertains nor am I in the Service of the State as referred to in the MBDA's Supply Chain Management Policy. (delete if not applicable and furnish details of such conflict of interest)
3. My SARS Income Tax Reference Number is

4. My SARS VAT Registration Number is

5. I have no outstanding tax obligations, or I have made arrangements to meet my outstanding tax obligations to the South African Revenue Services and a certificate of the South African Revenue Services is attached hereto in this regard.
6. I have not been convicted for fraud or corruption within a 5 (five) year period prior to date hereof.
7. I am / am not **(delete whichever is not applicable)** engaged in any Government or Local Government contract awarded within 5 (five) years prior to date hereof.
8. I am / am not **(delete whichever is not applicable)** in arrears in respect of any charges payable in terms of Section 118 of the Municipal Systems Act. (If in arrears, a copy of a document evidencing satisfactory arrangements made with the NMBMM is to be annexed).
9. ***I acknowledge that should any information attested to herein be false, such false statement shall entitle the MBDA to terminate any agreement to which this submission relates.***

10. *The Applicant acknowledges that should any information attested to herein be false, such false statement shall entitle the MBDA to terminate any agreement to which this submission relates.*

APPLICANTS SIGNATURE

DATE

I CERTIFY that the Deponent has acknowledged that he/she knows and understands the contents of this Affidavit which was signed and sworn to before me at _____ this _____ day of _____ 20____.

COMMISSIONER OF OATHS

NOTE: ANY STATEMENT WHICH IS NOT APPLICABLE IS TO BE DELETED.

AFFIDAVIT – JURISTIC PERSON

I, the undersigned,

Identity Number:

do hereby make oath and state that:

I am a duly authorized representative of:

Entity Name: _____

Entity Registration No.: _____

the Applicant in respect of the attached Application.

1. All information/documentation submitted on behalf of the Applicant in connection with the Application is true and correct.
2. The Applicant's registered office is

3. The Applicant's principal place of business is

4. The Applicant has no actual or likely conflict of interest in respect of the transaction for which the response pertains nor is the Applicant in the Service of the State as referred to in the MBDA's Supply Chain Management Policy. (delete if not applicable and furnish details of such conflict of interest)
5. The Applicant's SARS Income Tax Reference Number is

6. The Applicant's SARS VAT Registration Number is

7. The Applicant has no outstanding tax obligations, or the Applicant has made arrangements to meet its outstanding tax obligations to the South African Revenue Services and a certificate of the South African Revenue Services is attached hereto in this regard.
8. The Applicant and/or its officials have not been convicted for fraud or corruption within a 5 (five) year period prior hereto.
9. The Applicant is / is not **(delete whichever is not applicable)** engaged in any Government or Local Government contract awarded within 5 (five) years prior to date hereof.
10. The Applicant is / is not **(delete whichever is not applicable)** in arrears in respect of any charges payable in terms of Section 118 of the Municipal Systems Act. (If in arrears, a copy

of a document evidencing satisfactory arrangements made with the NMBMM is to be annexed)

- 11. *The Applicant acknowledges that should any information attested to herein be false, such false statement shall entitle the MBDA to terminate any agreement to which this submission relates.***

APPLICANT SIGNATURE

DATE

I CERTIFY that the Deponent has acknowledged that he/she knows and understands the contents of this Affidavit which was signed and sworn to before me at _____ this _____ day of _____ 20____.

COMMISSIONER OF OATHS

NOTE: ANY STATEMENT WHICH IS NOT APPLICABLE IS TO BE DELETED.

Declaration of Interest (MBD4)

1. No Bid will be accepted from persons in the service of the state¹.
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.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the Bid.**

3.1. Full Name of Bidder or his or her representative:

3.2. Identity Number:

3.3. Position occupied in the Company (director, trustee, shareholder²):

3.4. Company Registration Number:

3.5. Tax Reference Number:

3.6. VAT Registration Number:

3.7. The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8. Are you presently in the service of the state? **YES / NO**

3.8.1. If yes, furnish particulars.

.....

¹MSCM 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.

² Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

3.9. Have you been in the service of the state for the past twelve months? **YES / NO**

3.9.1 If yes, furnish particulars.....

3.10 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**

3.10.1 If yes, furnish particulars.....

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other 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**

3.11.1 If yes, furnish particulars

.....

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

3.12.1 If yes, furnish particulars.....

.....

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

3.13.1 If yes, furnish particulars.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are Bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars.....

- 3.15 Are you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company an advisor or consultant contracted with the NMBMM or the MBDA **YES / NO**

3.14.1 If yes, furnish particulars.....

.....

4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

In the presence of:

1.

2.

CERTIFICATION OF CORRECTNESS

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE

Signature.....

Date.....

.....
Position

.....
Name of Bidder

**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**

- a) The applicable preference point system for this tender is the 80/20 preference point system.

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) **“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 PREFERENCE POINT SYSTEMS

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

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

B-BBEE Status Level of Contributor	Number of Points
1	10
2	9
3	7
4	6

5	4
6	4
7	2
8	1
Non-compliant Contributor	0

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 table 1 below**:

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

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

The specific goals allocated points in terms of this tender	Points allocation	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Required proof for specific goals claimed
B-BBEE status contributor	10			B-BBEE certificate confirming B-BBEE level status contribution
Enterprise located within the Nelson Mandela Bay municipal area	5			Detailed CSD registration report demonstrating supplier address information together with municipal statement of account or lease agreement or billing clearance certificate
Enterprise owned by women	3			Detailed CSD registration report / detailed B-BBEE certificate demonstrating women ownership

Enterprise owned by black youth	2			Detailed CSD registration report / detailed B-BBEE certificate demonstrating black youth ownership
TOTAL POINTS	20			

DECLARATION WITH REGARD TO COMPANY/FIRM

4.2. Name of company/firm.....

4.3. Company registration number:

4.4. 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]

4.5. 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:

.....

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MBD 8)

- 1 This Municipal Bid Document must form part of all Bid 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 Bid 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 of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the Bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Bid Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	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 Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD9)

I, the undersigned, in submitting the accompanying Proposal in relation to **PROFESSIONAL SERVICES IN RELATION TO THE VUYISILE MINI SQUARE NODE UPGRADE- PHASE 2** hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:
(Name of Applicant)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying Proposal will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the Applicant to sign this Certificate, and to submit the accompanying proposal, on behalf of the Applicant;
4. Each person whose signature appears on the accompanying Proposal has been authorized by the Applicant to determine the terms of, and to sign, the Proposal, on behalf of the Applicant;
5. For the purposes of this Certificate and the accompanying Proposal, I understand that the word "competitor" shall include any individual or organization, other than the Applicant, whether or not affiliated with the Applicant, who:
 - (a) has been requested to submit a Proposal in response to this RFP;
 - (b) could potentially submit a proposal in response to this RFP, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the Applicant and/or is in the same line of business as the Applicant.
6. The Applicant has arrived at the accompanying Proposal independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium 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) methods, factors or formulas used to calculate prices;
 - (c) the intention or decision to submit or not to submit, a Proposal;
 - (d) the submission of a Proposal which does not meet the specifications and conditions of the Proposal; or

- (e) submitting a Proposal with the intention not to win the award.
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 improvements to which this Proposal relates.
 9. The terms of the accompanying Proposal have not been, and will not be, disclosed by the Applicant, directly or indirectly, to any competitor, prior to the date and time of the official opening of proposals or the awarding of the contract.
 10. The Applicant (including any individual Applicant), and no member of the Applicant (if the Applicant is a Close Corporation), and no director and/or shareholder of the Applicant (if the Applicant is a Company), and no Trustee and/or beneficiary of the Applicant (if the Applicant is a Trust), and no person, including juristic persons (and including such juristic person's members, directors and/or shareholders, trustees and/or beneficiaries) having an interest in any Joint Venture Vehicle or Consortium constituting the Applicant has any interest in any competitor.
 11. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids, proposals and contracts, proposals 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

Name of Applicant

PART 5

GENERAL REQUIREMENTS

1. The service provider is required to furnish full details requested on the tender forms. All rates tendered shall be inclusive of Value Added Tax at the prevalent rate but will be evaluated exclusive of VAT.

1.1. The company should employ suitably trained and qualified personnel, with proof of their qualifications.

1.2. The bidder is requested to furnish all the relevant information not entertained on the form of bid under separate cover which shall form part of the bid.

2. COMPETENCY REQUIREMENTS

The service provider should have expertise and experience in conducting studies of a similar nature to the services requested by the MBDA.

3. COMPLETENESS OF THE BID INFORMATION

The MBDA may request clarification or additional information regarding any aspect of the bid. The applicant must supply the requested information within 48 hours after the request has been made.

4. TERMINATION FOR DEFAULT

The client, without prejudice to any other remedy for breach of contract, by written notice of default sent to the service provider, may terminate this contract in whole or in part:

- a) if the service provider fails to deliver any or all of the goods within the period(s) specified in the contract, or within any extension thereof granted by the client;
- b) if the service provider fails to perform any other obligation(s) under the contract; or
- c) If the service provider, in the judgement of the client, has engaged in corrupt or fraudulent practices in competing for or in executing the contract.

In the event the client terminates the contract in whole or in part, the client may procure, upon such terms and in such manner as it deems appropriate, goods, works or services similar to those undelivered, and the service provider shall be liable to the client for any excess costs for such similar goods, works or services. However, the service provider shall continue performance of the contract to the extent not terminated.

5. EVALUATION CRITERIA

The evaluation of this Bid will be conducted in the following:

5.1 Assessment of functionality

The assessment of functionality will be done in terms of the evaluation criteria. A Bid will be disqualified if it fails to meet the minimum threshold of for functionality as per the Bid invitation and will not proceed to the 2nd stage of evaluation. All responses to this Request for Proposals shall be evaluated in terms of the Functionality Criteria Score Sheet annexed hereto marked Annexure

“B” which is to be completed by all Applicants and, documentation supporting each criteria in the relevant Annexure must be supplied.

Functionality Criteria

FUNCTIONALITY CRITERIA	POINTS
1. Experience and Appropriate Skills of the nominated Professional registered Civil Engineer (Principal Agent) – must be ECSA registered	30
2. Implementation of similar projects of the nominated Professional registered Civil Engineer who will be the Principal Agent for the project	20
3. Experience and Appropriate Skills of the nominated Professional Registered Architect or Professional registered Architect Technologist - must be SACAP registered	30
4. Implementation of similar projects of the nominated Professional Registered Architect or Professional registered Architect Technologist - must be SACAP registered.	20
5. Experience of the nominated Professional registered Electrical Engineer or Professional registered Electrical Technologist	30
6. Experience of the nominated Resident Engineer – level 3 supervision	30
7. Experience of the nominated Registered Construction Health and Safety	30
8. Experience and Appropriate Skills of the nominated Heritage Specialist – must be registered with the Association of Professional Heritage Practitioner (APHP)	30
9. Experience and Appropriate Skills of the nominated Professional registered Traffic Engineer or Professional Traffic Engineer Technologist – must be ECSA registered	30
TOTAL	250

The minimum functionality score is 180/250.

5.1 Preference points systems

Only those qualifying Bids will be evaluated in terms of the 80/20 preference points systems, where the 80 will be used for price (VAT inclusive) and the 20 for points awarded for specific goals as follows:

The following formula shall be used to calculate the points out of 80 for price inclusive of all applicable taxes:

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

Where

P_s = Points scored for price of tender under consideration;
 P_t = price of tender under consideration; and
 P_{min} = price of lowest acceptable tender.

B-BBEE Status Level of Contributor	Number of Points
1	10
2	9
3	7
4	6
5	4
6	4
7	2
8	1
Non-compliant Contributor	0

5.2 POINTS AWARDED FOR SPECIFIC GOALS

5.2.1 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 **table 1 below**:

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

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

The specific goals allocated points in terms of this tender	Points allocation	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Required proof for specific goals claimed
B-BBEE status contributor	10			B-BBEE certificate confirming B-BBEE level status contribution
Enterprise located within the Nelson Mandela Bay municipal area	5			Detailed CSD registration report demonstrating supplier address information together with municipal statement of account or lease agreement or billing clearance certificate
Enterprise owned by women	3			Detailed CSD registration report / detailed B-BBEE certificate demonstrating women ownership
Enterprise owned by black youth	2			Detailed CSD registration report / detailed B-BBEE certificate demonstrating black youth ownership
TOTAL POINTS	20			

5.3 An Applicant failing to submit proof of B-BBEE status level of contributor will score zero(0).

5.4 An Applicant will not be awarded points for B-BBEE status level of contributor if the response indicates that the Applicant intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the Applicant qualifies for, unless the intended subcontractor is an EME that has the capability to execute the subcontract.

5.5 The points scored by an Applicant for specific goals will be added to the points scored for price.

5.6 The points scored will be rounded off to the nearest two decimal places.

5.7 the contract shall be awarded to the Applicant scoring the highest points.

5.8 If the price offered by an Applicant scoring the highest points is not market related, the MBDA may not award the contract to that Applicant.

5.9 The MBDA may:

- 5.9.1 negotiate a market related price with the Applicant scoring the highest points or cancel the RFP;
- 5.9.2 if the Applicant does not agree to a market related price, negotiate a market related price with the Applicant scoring the second highest points or cancel the RFP;
- 5.9.3 if the Applicant scoring the second highest points does not agree to a market related price, negotiate a market related price with the Applicant scoring the third highest points or cancel the RFP.
- 5.9.4 If a market related price is not agreed, the MBDA will cancel the RFP.

6 COMPULSORY SUB-CONTRACTING

This Request for Proposals is not subject to subcontracting as a condition of tender as referred to in Regulation 9 of the Preferential Procurement Regulations, 2022.

7 SUBMISSION OF PROPOSALS

Proposals should be submitted in a sealed envelope, clearly marked **“PROFESSIONAL SERVICES IN RELATION TO THE VUYISILE MINI SQUARE NODE UPGRADE- PHASE 2 (MBDA VMS 04/23)”** on **Friday 29 September 2023 by 12h00. One (1) electronic copy must be uploaded onto the MBDA Vendor Portal on Friday 29 September 2023 by 12h00. Proposals are to be placed in the MBDA tender box on the 1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Central**, where after, Bids will be opened via Microsoft Teams. Late, telephonic, faxed and emailed electronic bids will not be accepted.

8 RETURNABLES:

The following documents must be submitted with the Applicant's Application:

8.1 Applications to be signed by an agent or consortium/joint venture member must be accompanied by a duly authorized power of attorney/resolution and those signed on behalf of a Company, Close Corporation or Trust, must be accompanied by a certified extract of the Company's, Close Corporation's or Trust's minutes in terms of which such signature is authorized.

8.2 Applications to be submitted by a Company require certified copies of:

8.2.1 The Company's Memorandum and Articles/MOI;

8.2.2 The Company's current CIPC Certificate reflecting the Company's current Directors;

8.3 Applications to be submitted by a Close Corporation require certified copies of:

8.3.1 The Close Corporation's Founding Statement and all amending Founding Statements; or

8.3.2 A currently dated CIPC Certificate reflecting the Members of the Close Corporation;

8.4 Applications to be submitted by a Trust require certified copies of:

8.4.1 The Trust Deed and any amendments thereto;

8.4.2 The Trust's Letters of Authority and endorsements thereto;

8.5 Applications to be submitted by a Partnership require certified copies of:

8.5.1 The applicable Partnership Agreement;

8.5.2 The Identity Document or Registration Document of each partner.

8.6 Applications to be submitted by a Natural Person require a certified copy of the persons ID.

8.6.1 Each Applicant shall note the functionality criteria score sheet annexed hereto marked Annexure "B" read with "B1.1 to B1.7" and, where applicable, documentation supporting each criteria in the relevant Annexure must be supplied. Failure to submit Annexure "B" and "B1.1 to B1.7" and such proof shall render an Application unacceptable.

8.6.2 Each Applicant will not be required to complete Annexures "C" hereto.

8.7 Each Applicant shall submit a certified copy of its proof of B-BBEE status level of contributor which shall be marked Annexure "D". Failure to submit will result in zero (0) points scored.

8.8 Each Applicant shall submit a sworn statement in accordance with either Annexure "E" (for natural persons) or "F" (for Juristic persons) hereto.

8.9 Each Applicant must complete and submit either Annexure "G" hereto given Paragraph 44 of the Supply Chain Management Policy of the MBDA which provides that:

8.9.1 Irrespective of the procurement process followed, no award may be made to a person:

8.9.2 who is in the service of the state;

8.9.3 if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; or

- 8.9.4 a person who is an advisor or consultant contracted with the MBDA.
- 8.10 Each Applicant shall complete and submit the Certificate of Independent Bid Determination annexed hereto marked Annexure I.
- 8.11 Each Applicant shall submit proof that it is registered on the National Treasury Central Supplier Database (CSD) and verification that its information has been noted by the Supply Chain Management Unit of the NMBMM which is located in Harrower Road, Gqeberha.
- 8.12 Each Applicant shall submit a valid SARS Tax Clearance status issued in respect of Good Standing.
- 8.13 Proof of its VAT registration number.
- 8.14 All Applicants should furnish proof that all amounts due to the Nelson Mandela Bay Metropolitan Municipality by the Applicant, it's Directors, Members, Trustees or Partners are up to date or that arrangements have been made in respect thereof. Applicants whose address or registered office is not within the jurisdiction of the Nelson Mandela Bay Metropolitan Municipality should furnish proof that all amounts due to the local authority in whose jurisdiction their address or registered office is situated are up to date or that arrangements have been made in respect.
- 8.15 Have proof of registration of its SANAS/ The inspection body accreditation of South Africa, if applicable.
- 8.16 Have a certificate of registration in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993.
- 8.17 Details of services provided by the Applicant to any organ of state in the last five (5) years.

Part 6
Bid Form and Important Conditions

- 1 I/We hereby Bid to supply all of the supplies and/or to render all or any of the services described in the attached documents to the MANDELA BAY DEVELOPMENT AGENCY on the terms and conditions and in accordance with the specifications stipulated in the Bid documents (and which shall be taken as part of, and incorporated into, this Bid) at the prices and on the terms regarding time for delivery and/or execution inserted therein.
- 2 I/We agree that:
 - (a) the offer herein shall remain binding upon me/us and open for acceptance by the Bid Adjudication Committee during the validity period indicated and calculated from the closing time of the Bid;
 - (b) this Bid and its acceptance shall be subject to the terms and conditions contained in the General Conditions of contract and Preference Certificate with which I am/we are fully acquainted;
 - (c) if I/we withdraw my/our Bid within the period for which I/we have agreed that the Bid should remain open for acceptance, or fail to fulfill the contract when called upon to do so, the MBDA may without prejudice to its other rights, agree to the withdrawal of my/or Bid or cancel the contract that may have been entered into between me/us and the MBDA and I/we will then pay to the MBDA any additional expense incurred either to accept any less favorable Bid or fresh Bidders have to be invited, the additional expenditure incurred by the invitation of fresh Bid and by the subsequent acceptance of any less favorable Bid, the MBDA shall also have the right to recover such additional expenditure by set-off against moneys which may be due or become to me/us under this or any other Bid or contract or against any guarantee or deposit that have been furnished by me/us or on my/our behalf for the due fulfillment of this or any other Bid or contract and pending the ascertainment of the amount of such additional expenditure to retain such moneys, guarantee or deposit as security for any loss the MBDA may sustain by reason of my/our default;
 - (d) the law of the Republic of South Africa shall govern the contract created by the acceptance of my/our Bid and that I/we choose domicilium citandi et executandi in the Republic (full address).
- 3 I/We furthermore confirm that I/we have satisfied myself/ourselves as to the correctness and validity of my/our Bid, that the price(s) and rate(s) quoted cover all the work/items(s) in these documents; and that the price(s) and rate(s) cover all my/our obligations under a resulting contract. I/we accept that any mistakes regarding price(s) and calculations will be at my/our risk.
- 4 I/we hereby accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on me/us under this agreement as the Principal(s) liable for the due fulfillment of this contract.

5 I/We agree that any action from this contract in all respects be instituted against me/us and I/we hereby undertake to satisfy fully any sentence or judgment which may be pronounced against me/us as a result of such action.

6 I/We declare that I/we have participation / no participation in the submission of any other offer for the supplies/service described in the attached documents. If in the affirmative, state name(s) or Bid (s) involved.

.....

7 Are you duly authorized to sign the Bid?

***YES / NO**

8 Has the Declaration of Interest been duly completed and included with the other Bid forms?

***YES / NO**

****Delete whichever is not applicable***

SIGNATURE (S) OF BIDDER OR ASSIGNEE(S)

DATE:.....

Please complete the following in block letters

Capacity and particulars of the authority
under which this Bid is signed

.....

Name of Bidder

.....

Postal Address

.....

Telephone number(s)

.....

Facsimile number(s)

.....

Bid Number

.....

Name of contact person

.....

IMPORTANT CONDITIONS

1. Failure on the part of the Bidder to sign this Bid form and thus to acknowledge and accept the conditions in writing or to complete the attached forms, questionnaires and specifications in all respects, may invalidate the Bid.
2. Bids should be submitted on the official forms and should not be qualified by the Bidder's own conditions of Bid. Failure to comply with these requirements or to renounce specifically the Bidder's own conditions of Bid, when called upon to do so may invalidate the Bid.
3. If any of the conditions on this Bid form are in conflict with any special conditions, stipulations or provisions incorporated in the Bid, such special conditions, stipulations or provisions shall apply.
4. This Bid is subject to the Supply Chain Management Regulations and the General Conditions and Procedures and subsequent amendments thereto and re-issues thereof.
5. This Request for Proposals forms part of the official Supply Chain Management Processes of the MBDA and in the event of any conflict between the SCMP and the Applicable Legislation, the provisions of the Applicable Legislation shall prevail.
6. Late and incomplete Proposals will not be accepted. The only or lowest Proposal will not necessarily be accepted and the MBDA reserves the right to accept the whole or any portion of a Proposal, or not to make an award.
7. **Posted, e-mailed, or faxed applications will not be accepted.**
8. Receipt by the MBDA of the Applicant's response shall not in any manner whatsoever oblige the MBDA to enter into any negotiations or to enter into any contract with the Applicant and any award made in terms of this RFP shall be subject to an agreement being concluded between the Applicant and the MBDA on terms and conditions acceptable to the Accounting Officer of the MBDA.
9. MBDA accepts no liability for any loss incurred by any person(s) due to events or actions taken as a consequence of the preparation and dissemination of this Request for Proposals.
10. Any costs and/or expenses incurred by any Applicant in submitting its response shall be for the exclusive account of the Applicant and the MBDA shall not be liable in this respect whatsoever.
11. The Applicant acknowledges and agrees that it shall have no claim or claims whatsoever against the MBDA and/or the NMBMM, including claims for damages whether direct, indirect or consequential, arising from and/or pursuant to and/or in relation to the submission by the Applicant of its response pursuant to the Applicant having been invited

to submit same in terms of this documentation.

12. Any Applicant:

having a conflict of interest in respect of the transaction for which the response is submitted or in the Service of the State; and/or

having been convicted for fraud or corruption within a five-year period prior to the submission of its response; and/or

who has willfully neglected, reneged on or has failed to comply with a government or local government contract within a five-year period of the submission of its response; and/or

has outstanding tax obligations to the South African Revenue Services in respect of which arrangements have not been made; and/or

is in arrear in respect of charges payable to the NMBMM in terms of Section 118 of the Municipal Systems Act and has failed to make suitable arrangements to settle such arrears;

shall be barred from applying.

13. Failure to provide all information required in this Request for Proposals will result in the application not being considered.

14. The Applicant acknowledges that this Request for Proposals for it to submit a response to the MBDA as constituted by this document, does not confer on the Applicant any legal right or entitlement or legitimate expectation in relation to the MBDA and the Applicant acknowledges that this Request for Proposals similarly does not impose or create any obligation on the MBDA to be discharged in favour of the Applicant.

15. **No verbal and / or telephonic queries and clarifications will be entertained by the MBDA and must be made in writing and will be responded to accordingly. The MBDA reserves the right to circulate the questions and answers to all registered Applicants in the form of a bulletin. All queries and clarifications are to be addressed to publictenders@mbda.co.za, the tender reference number MBDA VMS 04/23 must clearly be stated subject line. The cut - off date for such queries and clarifications will be close of business on **Friday 22 September 2023.****

Bid Check List

MBDA Individual bid documents will have the typical bid check list as an attachment. This list is to assist all bidders to submit complete bids.

Bidders are to check the following points before the submission of their bid:

Tick

- | | |
|---|--------------------------|
| 1. All pages of the bid document have been read and initialed by the bidder. | ☐ |
| 2. All pages requiring information have been completed in black ink. | ☐ |
| 3. The Pricing Schedule has been checked for arithmetic correctness. | ☐ |
| 4. All sections requiring information have been completed. | ☐ |
| 5. The bidder has submitted the following documentation, e.g. | |
| - BBBEE Certificate or Sworn Affidavit (original or certified copy) | ☐ |
| - Valid Tax clearance status | ☐ |
| - Full CSD supplier report | ☐ |
| - Valid Municipal Billing Clearance Certificate (original or certified copy) | ☐ |
| - CIDB Certificate (if applicable) | ☐ |
| - Bids with a value of more than R10 million (VAT Incl.) are required to submit the financial statements for the past three years or since establishment, if established during the past three years. | ☐ |
| - MBDA e-tender supplier registration | ☐ |