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**APPOINTMENT OF ENGINEERING PROFESSIONALS TO SERVE ON A
PANEL OF EXPERT ADVISORS FOR A PERIOD OF 60 MONTHS**

Bid Number:	20/2020/PMID/ENGINEERING PROFESSIONALS/RFB
Briefing Session:	Optional Briefing session
Briefing Session Date and Time:	27/08/2021 at 10h00 AM.
Briefing Session Venue:	Online: Microsoft Teams NB: Send an e-mail to tenders01@tcta.co.za to preregister and receive an invite.
Clarifications Deadline:	NB: Kindly send all clarification questions or enquiries to the receiving officers on or before 20/09/2021 at tenders01@tcta.co.za .
Closing Date and Time:	24/09/2021 at 14h00 PM.
Bid Validity Period:	120 calendar days
Bid Submission Physical Address:	Proposals must be hand delivered at TCTA's offices located at the address indicated below and addressed to The Receiving Officer and marked RFB No: 20/2020/PMID/ENGINEERING PROFESSIONALS/RFB on or before the closing date and time. 265 West Avenue Tuinhof Building Stinkhout Wing Centurion
Communication/ Enquiries	All communication relating to the RFB must be addressed to the following e-mail address: tenders01@tcta.co.za . TCTA shall not be held responsible for any eventuality resulting from the sending of RFB related communication to a different e-mail address.
Bid submission	1 x Original 1 x Copy
Electronic Copy	USB

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ANNEXURES	SBD	DESCRIPTION
<i>A</i>	<i>N/A</i>	<i>PERSONNEL EXPERIENCE</i>
<i>B</i>	<i>1</i>	<i>REQUEST FOR BID</i>
<i>C</i>	<i>4</i>	<i>DECLARATION OF INTEREST</i>
<i>D</i>	<i>6.1</i>	<i>IN TERMS OF PPR 2017</i>
<i>E</i>	<i>7.2</i>	<i>CONTRACT FORM – RENDERING OF SERVICES</i>
<i>F</i>	<i>8</i>	<i>DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES</i>
<i>G</i>	<i>9</i>	<i>CERTIFICATE OF INDEPENDENT BID DETERMINATION</i>

1. DEFINITIONS, ACRONYMS AND ABBREVIATIONS

AMD	Acid Mine Drainage
B-BBEE	Broad Based Black Economic Empowerment in terms of the Broad Based Black Economic Empowerment Act 53 of 2003 (B-BBEE Act).
B-BBEE STATUS LEVEL OF CONTRIBUTOR	The B-BBEE status received by a measured entity issued in terms of section 9(1) of the B-BBEE Act.
BID SUBMISSION	A bidder's written proposal in response to an Invitation for Bids (Request for Bids/Quotations/ Information etc.)
BLACK PEOPLE	Africans, Coloureds and Indians as defined in the Broad Based Black Economic Empowerment Act 53 of 2003
CONSORTIUM OR JOINT VENTURE OR CONSORTIUM	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;
CONSULTANT	A professional person appointed to provide technical and specialist advice or to assist with the design and implementation of projects. The legal status of this person can be an individual, a partnership, a corporation or a company.
CONTRACT	A legal agreement or National Treasury issued Standard Bid Document Number 7 signed by TCTA and a successful bidder. This term does not refer to the actual bid process.
CONTRACT MANAGER	A representative from the Requesting Department that will be responsible for monitoring the day-to-day activities related to the contract
DESIGNATED SECTORS	Sectors, sub-sectors or industries that have been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content.
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
FIDIC	<i>Federation Internationale des Ingenieurs-Conseils</i> , the international federation of consulting engineers.
PROCUREMENT SPECIALIST	Any person in the Procurement Unit who is responsible for managing a bid process from start to finish
PO	A Purchase Order generated by the Procurement Unit after the conclusion of a successful bid process authorizing the expenditure against an awarded contract.
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;
RD	A requesting department withing TCTA or its representative
SUPPLIER	A juristic person or legal entity that provides goods or services to TCTA.

2. PREPARATION OF BID SUBMISSIONS

- 2.1. Bidders are required to comply fully with this Request for Bid including annexures during submission to TCTA;
- 2.2. For a Bid Submission to be acceptable, it must:
 - 2.2.1. Not be late and delivered to the address stated on the front page. TCTA shall not accept nor be obliged to accept Bid Submissions after the stipulated closing date and time, notwithstanding that such late submission is as a result of circumstances beyond the Bidder's control;
 - 2.2.2. Clearly reflect the Bid description and bid number on the outer packaging;
 - 2.2.3. Contain a firm and unconditional price; and
 - 2.2.4. Contain all signed and completed Annexures.
 - 2.2.5. Annexures must be reproduced if provided spaces is to enough
- 2.3. TCTA reserves the right to reject bids that are not acceptable and to not evaluate them. This section is subject to the provisions of the Conditions of Bid.
- 2.4. Bidders must provide 2 (two) copies of the Bid submission and one electronic copy of USB.
- 2.5. This Bid has 4 stages of evaluation summarized in the document below. Each stage reflects the process of evaluation. Bid submissions must be neat and legible and prepared in the same order as the stages of evaluation. Each stage must be clearly marked.

3. BACKGROUND

Trans-Caledon Tunnel Authority (TCTA) is a public sector entity, established in terms of Notice No. 2631 published in Government Gazette No. 10545 dated 12 December 1986, as amended by Notice No. 277 published in Government Gazette No. 21017 dated 24 March 2000 and listed in Schedule 2 of the Public Finance Management Act of 1999. TCTA implements large infrastructure projects ("Projects") for the supply of bulk raw water on behalf of the Department of Water and Sanitation (DWS) through Directives issued by the Minister of Human Settlements, Water and Sanitation ("The Minister"). The technical complexity and diversity of engineering variables applicable to TCTA's projects warrant dynamic support of these functions.

In reinforcing its Project Implementation Methodology, TCTA establishes professional panels, comprising experts/specialists in the Engineering to enable it to benchmark design of its projects,

implementation, operations and management activities across its project portfolio against international best practice. The Panel of Expert (PoE) advisors independently advise, review, verify, optimise the designs and give assurance that the general designs, optimisation and construction supervision of major projects including electromechanical, operations and maintenance as well as the contracting strategies, procurement and contracting documentation including dispute resolution aspects of the project are implemented in accordance with international standards and best practice guidelines. Furthermore, a member or members of the PoE can also be expected to act as peer-reviewer(s) of associated knowledge management products.

This RFB seeks to appointment individual Experts in *inter-alia* the following engineering disciplines Dams, Tunnels, Electro-Mechanical, Geotechnical, Process, Chemical, Control and Instrumentation and Operations and Maintenance with experience in the design, construction, operation and maintenance of bulk water supply and water treatment (specifically AMD) infrastructure, to serve on the PoE advisors. It further seeks to appoint a Contractual Expert with experience in the compilation of related construction contract documents, contract administration, claims management and dispute resolution based on the *FIDIC* suite of contracts as PoE advisor.

Individual may submit their respective bids in their personal capacity. Companies on the other hand may submit more than one individual resource, but the resources will be evaluated on individual basis.

Individual(s) applying via registered entities.

Tenders submitted by registered entities are based on the services of specified individual(s) for the duration of their association with the registered entity. Only the credentials of the proposed individual(s) will be evaluated. Should the individual(s) leave the services of the entity, the entity shall replace the individual(s) with another of equal or better qualifications, experience and other evaluated indicators to be approved by TCTA or contract with the registered entity may be terminated in respect of that individual(s). Readmission of the individual(s) on an independent basis will be subject to successful negotiations and compliance with mandatory requirements.

Individuals appointed on the PoE advisors may be conscripted from time-to-time to assess, advise, review and give assurance on subject matter performance on TCTA's Projects.

TCTA requires a panel of high level, industry-recognised expert strategic and technical advisors to enable effective fulfilment of TCTA's project implementation quality assurance and risk identification and management in accordance with international best practice including knowledge management.

TCTA Projects

Current projects that TCTA has been directed to implement include:

- **Projects at Preparation Phase:**
 - Berg River Voëlvei Augmentation Scheme (BRVAS)
 - uMkhomazi Water Project – Phase 1 (uMWP-1)

- **Projects at Implementation Phase:**

- Mokolo And Crocodile River Water Augmentation Project - Phase 2A (MCWAP-2A)

- **Projects at Close-out Phase:**

- Olifants River Water Resources Development Project - Phase 2C (ORWRDP-2C)

- **Maintenance and operations**

- Acid Mine Drainage (AMD)
- Delivery and transfer tunnels of the Lesotho Highlands Water Project (LHWP)

- **Advisory:**

- Programme Management Services to DWS in relation to Water Infrastructure Projects
- Mzimvubu Water Project (MWP)

4. SCOPE OF WORK

4.1 Detailed Description of Services Required

The duties of the expert advisors include but not limited to providing technical advisory services to enable TCTA to effectively fulfil its quality and risk assurance requirements, design review and optimisation, construction and operations and maintenance of bulk water supply infrastructure and AMD water treatment, *FIDIC* advise, recommendations and expert assistance in the execution of related task covering procurement and contracting strategy based on *FIDIC* Suite of Contracts, claims management, dispute resolution etc.

Services may be required within the project management and implementation function.

The duty of the expert advisors is to provide technical advisory services to enable TCTA to effectively fulfil its quality assurance and risk management function during the planning, design and implementation stages of the Project. The scope of services includes *inter-alia* the following tasks

- Provide a measure of independent assurance to TCTA of the technical validity and quality of designs, and other reports.
- Provide assurance to TCTA that reports would be able to stand up to arbitration, expert and judicial court scrutiny.
- Identify risks to TCTA with recommendations for avoidance, limitation and mitigation.
- Advise TCTA on technical matters pertaining to the implementation and safety of the Project.
- Review and provide an independent assessment of the rigour and suitability of the baseline information, environmental management planning, monitoring and mitigation processes.
- Review and provide an independent assessment of the rigour and suitability of electromechanical systems, operation, and maintenance processes.

- Review monitoring data to determine confidence in monitoring results, trends, potential sources of impact and provide advice on improvement of the O&M programmes and related outputs and requirements.
- Review, comment and advise on the developed operations and maintenance plans including assistance with procurement documentation.
- Process Safety assurance on Water and Wastewater treatment plants.
- Operation and Maintenance audits for HDS Water and Wastewater Treatment Plants and Desalination plants.
- Critical review and comment on the contract document (Contract conditions, specifications, tender conditions).
- Review the monitoring data to determine confidence in monitoring results, trends, potential sources of impact and provide advice on improvement of the monitoring programmes and related outputs and requirements.
- Provide expert opinion on the likely impacts caused by construction activities.
- Advise on areas for improvement and the capture of lessons for future projects or activities.
- To assess, advice and conduct reviews related to TCTA policies and systems for management assurance in the environmental, social and engineering management fields.

The above is undertaken only on written instructions and/or directions to be issued by TCTA in respect of focus areas for each member of the panel. Such instructions and/or directions are given by TCTA as and when necessary

Qualifying individuals, including those affiliated to registered entities will be included in the PoE advisors for a period of five years, from the date of contract. From this panel resources may be sourced, to deliver long and / or short-term services, which will be formalised through specific contracts between TCTA and the entity/individual.

4.2 Personnel Experience Required

The required experts must be Pr Eng. registered with ECSA and have relevant minimum of 15 years practical work experience within area of specialization for the specialist role they are submitting the bid in the implementation of large-scale projects, preferably raw bulk water supply (Dams, Tunnels etc) and/or water treatment (specifically AMD) projects in *inter-alia* the following engineering disciplines, Electro-Mechanical, Geotechnical, Process, Chemical, Control & Instrumentation, Operations & Maintenance or *FIDIC* suite of contracts.

Engineering / Operation and maintenance with experience in *inter alia*:

- Design, Installations, Commissioning, Testing, Operation and Maintenance Optimisation and simulation of High-Density Sludge (or Water and Wastewater Treatment Plants) and Desalination Plants. DS and Desalination plants.
- Transformers Medium Voltage (MV) and High Voltage (HV) Motor switchgear; Motor Control Centres (MCCs) and Variable Speed Drives (VSDs).
- Design, Installations, Commissioning, Testing, Operation and Maintenance Optimisation of Electrical and Mechanical installations of equipment in Pump Stations and pipelines above the diameter of 600mm.
- Experience in cathodic and corrosion protection systems of pipelines
- Process Safety Assurance (Experience in Facilitation or has training on of HAZOP) on Water and Wastewater treatment plants.
- Root Cause Analysis techniques.
- Operation and Maintenance audits for HDS Water and Wastewater Treatment Plants and Desalination plants.
- Exposure in Reliability engineering (Predictive and Preventative Maintenance)
- Familiar with Computerised Maintenance Management Systems (CMMS)

FIDIC Specialist Practitioner with experience in *inter alia*:

- Framework for the development of a construction procurement strategy i.e. systematic and strategic approach to match resources and objectives (both primary and secondary) to the choices made regarding the manner in which needs are to be met and the range of contracting and procurement options that are available including construction supervision and as well as dispute resolution.

4.3 Deliverables

The duty of the expert advisors is to provide technical advisory services to enable TCTA to effectively fulfil its quality assurance and risk management functions with respect the projects implementation. The deliverables may entail *inter alia* the following depending on the nature of the assignment:

Engineering / Operation and Maintenance

- Provide a measure of independent assurance to TCTA of the technical validity and quality of designs, reports, policy, governance structures and management systems related to electromechanical systems and operation.
- Provide assurance to TCTA that the above would be able to stand up to arbitration, expert and judicial court scrutiny.

- Identify risks to TCTA, its projects and stakeholders, and propose measures for the avoidance, limitation, and mitigation of identified risks.
- Advise TCTA on technical matters, including safety, pertaining to TCTA operations and projects.
- Review and provide an independent assessment of the rigour and suitability of electromechanical systems, operation, and maintenance processes.
- Review monitoring data to determine confidence in monitoring results, trends, potential sources of impact and provide advice on improvement of the O&M programmes and related outputs and requirements.
- Provide expert opinion on the likelihood, extent, and impact potential of corporate and/or project activities.
- Advise on opportunities for improvement and the capture of lessons for future projects or activities.
- Review, comment and advise on the developed operations and maintenance plans.
- Review and appraise knowledge-related products in the relevant engineering fields.
- The above is undertaken only on written instructions and/or directions to be issued by TCTA in respect of focus areas for each member of the panel. Such instructions and/or directions are given by TCTA as and when necessary and may entail inter alia the following depending on the nature of the assignment:
 - Site visits during the construction monitoring period (typically 1 to 3 days duration per visit).
 - Compilation of Power Point presentations of observations and preliminary comments to TCTA and the Engineering Consultant as well as other Engineering PoEs.
 - Formal comprehensive review reports on the subject matter including key findings together with advice and guidance on the appropriate mitigation measures, where necessary, and present this to TCTA within fourteen (14) days of the assignment, or such extended periods as may be agreed in writing with TCTA.
 - A peer review of completed knowledge management products (reports, booklets, manuals, etc.).

FIDIC Practitioner

- Provide expert opinion on the likelihood, extent, and impact potential of procurement and contracting strategies on the project, claims settlement including settlement strategies.
- Participation and advice regarding dispute and arbitration hearings.

- Critical review and comment on relevant contractual documentation (Contract conditions, specifications, tender conditions).
- Identify contracts management risks to TCTA, its projects and stakeholders, and propose measures for the avoidance, limitation, and mitigation of identified risks.
- Compilation of Power Point presentations of observations and preliminary comments to TCTA and the Engineering Consultant as well as other Engineering PoEs.
- Formal comprehensive review reports on the subject matter including key findings together with advice and guidance on the appropriate mitigation measures, where necessary, and present this to TCTA within fourteen (14) days of the assignment, or such extended periods as may be agreed in writing with TCTA.
- Review and appraise knowledge-related products in the relevant fields.
- Site visits during the construction monitoring period (typically 1 to 3 days duration per visit).
- Advise on opportunities for improvement and the capture of lessons for future projects or activities.
- A peer review of completed knowledge management products (e.g., reports, booklets, manuals, etc.).

Note: The appointment of an individual expert will be based on the business requirement at a specific time i.e. every assignment will require a separate appointment with specific Terms of Reference

5. PANEL TERMS OF REFERENCE

The panel will be in line with the terms of reference attached as Appendix A.

6. ATTENDANCE OF OPTIONAL BRIEFING SESSION

Optional briefing session will be held online via Microsoft Teams. Bidders are to send an e-mail to tenders01@tcta.co.za to preregister to receive an invitation to the meeting. The link to the briefing will also be provided as part of the bid documents.

7. STAGE 1: RETURNABLES

ALL RETURNABLES ARE REQUIRED FOR PURPOSES OF EVALUATION IRRESPECTIVE OF WHETHER THEY ARE DESIGNATED MANDATORY OR NOT.

7.1. Mandatory

The bidder shall be disqualified should they fail to submit the following:

TABLE 1: Mandatory Submissions

No.	Document Type	Description	Action Required
1.	Functionality	Experts Experience - Completed - Forms 1 and 5, as well as - Either Form 2, or 3 or 4 - Copies of academic qualifications [Forms 5]. - Membership certificate(s) or registration number(s) of professional organisations [Forms 5]. - Government Certificate of Competence (GCC) for Operations and Maintenance specialist [Forms 5].	Complete Forms 1 and Form 5 which have been provided in MSWord format, as part of this bid as well as either Form 2, or 3 or 4. Attach copies of qualifications. Attach copies of current professional membership OR registration number Provide copy of GCC [O&M submission].
2.	Price, Administrative, Compliance & Commercial.	Hourly billing rate for proposed Specialist/s	Submit proposed rate

Any bidder who fails to submit a mandatory document shall be disqualified at this stage and not evaluated further.

7.2. Non-mandatory

The bidder may be disqualified should they fail to submit the following:

TABLE 2: Non- Mandatory Submissions

No.	Document Type	Description	Action Required
1.	Administrative & Compliance	Standard Bidding Documents	Complete Annexures B – H
2.	Administrative & Compliance	Certified Copy of BBBEE Certificate issued by a Verification Agency accredited by SANAS or a Sworn Affidavit for EMEs and QSEs OR In case of Joint Ventures, a consolidated BBBEE certificate issued by a Verification Agency accredited by SANAS, or a Sworn Affidavit for EMEs and QSEs	Attach Copy
3.	Administrative & Compliance	Tax Compliance Status Pin	Attach Copy
4.	Administrative & Compliance	Proof of registration on National Treasury Central Supplier Database	Attach Copy
5.	Administrative & Compliance	Declaration by proposed Resource	Complete FORM 6

Any bidder who fails to submit a non-mandatory document will receive 0 where that document is linked to specific functionality criteria.

6. STAGE 2: FUNCTIONALITY

TCTA will evaluate the submissions for functional capacity and capability, in terms of the functional criteria set out below.

The functionality will be evaluated out of 20 points. Bidders who do not meet the threshold of 15 points out of the 20 points will be disqualified at the end of this stage and not evaluated further.

TCTA reserves the right to engage with references or referees provided as part of the technical submission.

TABLE 3: Technical Evaluation Criteria

PART 1	FUNCTIONAL REQUIREMENTS	EVALUATION CRITERIA
1.1	In order to demonstrate specialist knowledge and involvement, the bidder shall respond to the disciplines below in the appropriate respective forms. Assignments should be within a specific discipline and not cover several disciplines e.g., submission to be considered for geo-tech POE should only reflect geo-tech assignments and not chemical or electrical or process • Engineering discipline the bidder wishes to be considered for, • Operations and Maintenance of water treatment plants, • <i>FIDIC</i> specialization with track record on procurement and contracting strategies (use of different <i>FIDIC</i> colour Books), construction supervision claims settlement and dispute resolution. Where the bidder is interested in applying for more than one area of specialisation, separate forms must be completed per area of specialization and respective experience gained NOT lumped with an intention to maximize the points scored. ENGINEERING Pr Eng. registered with ECSA and minimum of 15 years practical work experience within area of specialization the submission is made, 10 years of which must be as senior specialist or advisor on a LARGE bulk water supply system or AMD treatment. NOTE: (1) Form 2 will be used to evaluate the minimum of 15 years' experience. (2) LARGE means: • Major Pump Stations (PS) of $\geq 1\text{m}^3/\text{s}$; or	12

PART 1	FUNCTIONAL REQUIREMENTS	EVALUATION CRITERIA
	- Pipelines (P) of ≥800mm Diameter and /or distance over ≥50km, 3 points per assignment to a max of 12 points OPERATIONS AND MAINTENANCE Pr Eng. registered with ECSA and minimum of 15 years practical work experience within area of specialization, 10 years of which must be as senior specialist or advisor on a LARGE bulk water supply system or AMD treatment. NOTE: (1) Form (3) (2) LARGE means: - High Density Sludge plants (>10ML/day); or - Desalination plants (>10ML/day). 3 points per assignment to a max of 12 points FIDIC SPECIALIST Professional registration with relevant professional institution e.g., institute of arbitrators/project management etc. and minimum of 15 years practical work experience as a <i>FIDIC</i> practitioner, 10 years of which must be as senior specialist or advisor on a LARGE bulk water supply system or AMD treatment. Note: (1) Form 4 will be used to calculate the minimum of 15 years' experience. (2) LARGE means contract award amount equalling, or more than R 500 million / per project and not cumulative contracts amounts. 3 points per assignment to a max of 12 points	
PART 2	FUNCTIONAL CRITERIA FOR EVALUATION	MAX POINTS
2.1	Evidence of being an acknowledged leader or specialist in the area(s) of expertise and/or on similar (PoE) assignments. Please specify details of the assignment, including dates and role. See examples below. - Provision of technical advisory services at Ministerial level, organisations such as The World Bank, DBSA, SOEs, or Water Institutions, as well as other government entities - Committee member of professional association, external review panel, advisory committee, reference group, or similar - Lecturer/presenter at technical workshops or courses as either expert advisor/mediator/adjudicator/ arbitrator /expert witness/<i>FIDIC</i> Practitioner/Specialist	5

PART 1	FUNCTIONAL REQUIREMENTS	EVALUATION CRITERIA
	These only serves as guide; individuals can give other evidence that indicate expertise that is similar to PoE assignment. 1 point per assignment to a max of 5 points Complete Form 1	
2.2	Relevant Post Graduate Qualifications in the specialized field. 1 point per qualification up to a max of 3 points Copy of qualification must be provided. Complete Form 5	3
TOTAL FUNCTIONAL SCORES		20

A Bidder who does not meet the threshold of 15 points out of the 20 points will not be considered further for evaluation i.e. their Price and B-BBEE will not be evaluated and will be excluded.

7. STAGE 3: PRICE AND B-BBEE

The Bidder must submit an hourly billing rate for every proposed individual. TCTA will use the billing rate and BBEE to rank the Bidders, i.e bidders will be ranked according to the results of the price and BBEE evaluation in terms of PPPFA Regulations, 2017.

The Members will be remunerated as per rates submitted, however, if the rate proposed is higher than that of the Department of Public Services and Administration recommended hourly rates for consultants, the Department of Public Services and Administration rate will be rate used. These rates will be adjusted annually in line with the Consumer Price Index (CPI).

Costing during the contracting:

The costs for the POE members consist of time and disbursements as follows:

Time for professional time for site visits, meeting attendance, report writing

Time for specific expert services such assessments, review of documentation including specifications and policies, the provision of advice on the management and mitigation of specific risk etc.

Disbursement: accommodation, travelling and subsistence in line with the applicable TCTA policy provisions.

TABLE 4: Pricing Schedule

ITEM	SPECIALIST PROPOSED	ENGINEERING CATEGORY	RATE PER HOUR EXCL VAT	RATE PER HOUR INCL VAT
1.				
2.				
3.				
4.				
5.				
6.				
7.				

TCTA will evaluate all Bid Submissions in terms of the Preferential Procurement Policy Framework Act, No.5 of 2000 (PPPFA).

SIGNATURE: NAME OF BIDDER.....

(Of person authorised to sign on behalf of the Bidder)

a. B-BBEE

- i. A bidder who fails to submit proof of B-BBEE status level of contributor or a non-compliant bidder will not be disqualified at this stage but:
 1. May only score point out of 80 depending on which preference point system is applicable; and
 2. Scores 0 out of 20 depending on which preference point system is applicable.
- ii. A joint venture or consortium must submit a consolidated B-BBEE certificate in order to earn B-BBEE points.
- iii. All B-BBEE certificates must be obtained from verification agencies accredited by SANAS unless the bidder is an EME or QSE in which case they must submit a validly commissioned affidavit.

b. Price

- i. If the price offered by the highest scoring bidder is not market related, TCTA reserves the right not to award to that bidder in terms of the PPPFA.

- ii. Price must be reflected Excluding and Including VAT.
- iii. Prices must be firm and unconditional. Bids with conditional prices will be rejected at the bid opening as not meeting the conditions of bid.

c. Preferential Points Calculation

The weighting of the evaluation criteria is as follows:

Price	=	80
Preference Points	=	20
Total	=	100

NB: The top three highest ranked individuals per specialisation will be included in the Panel of Experts.

8. STAGE 4: OBJECTIVE CRITERIA

This bid is subject to objective criteria in terms of section 2(1)(f) of Preferential Procurement Policy Framework Act which states that “the contract must be awarded to the tenderer who scores the highest points unless objective criteria in addition to those contemplated in paragraphs (d).

In cases where there are more than one qualifying experts for the same category, TCTA will give preference to proposed resources who are black people.

Black people refer to the definition in the B-BBEE codes of Good Practice i.e., it is a generic term which means Africans, Coloureds and Indians;

a) who are citizens of the Republic of South Africa by birth or descent; or

b) who became citizens of the Republic of South Africa by naturalisation—

i) before 27 April 1994; or

ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date,

Declaration for all the resources to be made by completing FORM 5.

Objective Criteria will be applied after the evaluation of price and BBEE in order to prefer a Bidder who meets the criteria.

9. STAGE 5: SUPPLIER VETTING

TCTA reserves the right to disqualify a successful bidder who/whose:

- a. Submits fraudulent information or information that they do not have to authority to submit;

- b. Is listed on National Treasury's list of Blacklisted Suppliers or Defaulters or similar;
- c. Poses a risk in terms of any vetting process conducted either by TCTA internally or the National Intelligence Agency;
- d. Has a director and/or stakeholder who is employed by any organ of state; and
- e. Tax affairs are not in order at the time of award after being requested to resolve the non-compliance status with SARS within the prescribed period.

10. CONDITIONS OF BID

Any bid submission that does not meet the conditions of bid may be rejected and not evaluated at all. Such a bid submission will not be acceptable.

a. Costs of Bidding

- i. Bidders shall bear their own costs, disbursements and expenses associated with the preparation and submission of the Bid Submissions, including submission of any additional information requested by TCTA or attending the compulsory briefing session.
- ii. TCTA shall not under any circumstances be liable nor assume liability to any Bidder for costs, disbursements and/or expenses incurred by Bidders regardless of the outcome of the Bid process or by virtue of cancellation and/or postponement of the Bid process. Where applicable a non-refundable fee for documents may be charged.

b. Clarifications

- i. All questions or queries regarding the Request for Bid must be directed to the person stated on the front page of this document, stating the relevant Bid number in the subject field, at least five business days before the stipulated closing date and time of the Request for Bid. No e-mails, faxes and/or telephone calls should be directed to any other employees of TCTA.
- ii. TCTA shall not be liable nor assume liability for any failure to respond to any questions and/or queries raised by potential Bidders.
- iii. Should a Bidder fail to submit and/or complete statutory compliance annexures, TCTA may call upon the Bidder to complete and submit such annexures. TCTA reserves the right to request clarity to remove any ambiguities in the documents that have already been submitted. If a Bidder fails to submit any of the requested non-mandatory documents or schedules within 5 (five) working days of being called upon to do so, then the TCTA may disqualify the Bidder and no mandatory annexures, mandatory documents and/or mandatory schedules shall be requested after the tender closing date and time.

c. Amendments

- i. TCTA reserves the right, in its sole and absolute discretion, to amend any terms and conditions of the Request for Bid and/or to stipulate additional requirements, provided that such amended terms and conditions and/or additional requirements are placed on TCTA's website at least 3 (three) business days prior to the stipulated closing date and time.
- ii. Any amended terms and conditions and/or stipulation of additional requirements by TCTA shall be deemed to form part of this Request for Bid.
- iii. TCTA shall not be liable, nor assume liability of any nature whatsoever, for the failure of a Bidder to receive information if sent to the e-mail, fax or postal address supplied.
- iv. TCTA reserves the right to stipulate additional Bid requirements as it deems appropriate in its sole and absolute discretion.
- v. TCTA shall not be liable nor assume liability to any potential Bidder/s for any failure by such Bidder/s to receive any request for additional information.
- vi. In the event that TCTA amends its Bid requirements or requests additional information, any Bidder shall be entitled to withdraw its Bid Submission submitted by it prior to the stipulated closing date and time and re-submit a replacement Bid Submission by not later than the stipulated closing date and time.

d. Modification, Alteration or Substitution and/or Withdrawal of a Bid Submission

- i. Any Bidder shall be entitled to withdraw or modify its Bid Submission at any time prior to the stipulated closing date and time.
- ii. Any amendment or alteration to the Bid documents must be received before the closing date and time of the Bid as stipulated in the Special conditions of Bid. The words "Amendment to Bid" and the description of the Bid must be clearly reflected on the envelope containing the documents or courier packaging.
- iii. No modification, alteration or substitution of Bid Submissions will be permitted after the stipulated closing date and time.
- iv. TCTA reserves the right to request Bids for clarification needed to evaluate their Bids, however, such request for clarification shall not allow or entitle Bidders to change the substance or price of their Bids after Bid opening. Any request for clarification and the Bidder's responses will be made in writing.

e. **Validity Period**

- i. All Bid Submissions must remain valid from the stipulated closing date and time of the Request for Bid for the period stated in this Bid. Each Bid Submission will constitute an irrevocable offer which remains open for acceptance by TCTA during the validity period.
- ii. In the event that TCTA issues a request to extend the validity period, failure to respond to such a request shall be deemed to be an approval to extend the bid validity period on the same terms and conditions as per your original bid submission.
- iii. In the event that a bidder rejects the extension of validity period with no further comments. The bidder's rejection shall be accepted as a withdrawal from the bid process.
- iv. In the event that a bidder rejects the extension of the validity period and requests an adjustment to their bid price. Such adjustment has to be in line with the Consumer Price Index applicable at the time of request for extension and/or a recognised industry pricing guide. Adjustments outside of these parameters or for any other reason will not be acceptable and the bidders original bid price shall be deemed to be applicable for the extended validity period.

f. **Confidentiality**

All Bid Submissions received by TCTA will remain in TCTA's possession. Save as may be required by law or by any court of competent jurisdiction or similar body having appropriate jurisdiction, no information contained in or relating to any Bid Submissions will be disclosed to any other parties.

g. **Right Not to Award**

TCTA reserves the right, at its sole discretion, not to award to any of the Bidders or to cancel a Bid in line with regulation 13 of the Preferential Procurement Regulations, 2017:

- i. Due to changed circumstances; there is no longer a need for the goods, or the services specified in the invitation;
- ii. Funds are no longer available to cover the total envisaged expenditure;
- iii. No acceptable Bid is received; or
- iv. There are material irregularities in the Bid process

h. Terms and Conditions of Contract

i. Once the successful bidder is issued with a Letter of Award, a pre-liminary contract will be deemed to have been concluded between TCTA and the successful Bidder, which contract will include the following documents:

1. The contents of this Request for Bid, including all annexures hereto and any additional requirements as may have been stipulated by TCTA;
2. The relevant Bid Submissions;
3. The letter of acceptance to the successful Bidder/s; and
4. Any correspondence between TCTA and the relevant Bidder/s including all additional documents submitted by the relevant Bidder/s and accepted by TCTA for clarification purposes; and
5. The terms and conditions of any agreement/s proposed to be entered into by TCTA with the successful Bidder/s.

ii. The Bidder will be deemed to have accepted the terms and conditions of an agreement and/or terms of reference attached to and issued with this Request for Bid. The terms and conditions of the attached agreement are non-negotiable

iii. In the event that TCTA and the relevant Bidder are unable to reach consensus on the terms and/or conditions of the final written agreement, then TCTA reserves the right to cancel the award of the Bid, without liability of any nature, and to conclude an agreement with any other Bidder as may be necessary to meet TCTA's requirements.

iv. Variations

No variations to the contract price will be accepted within 6 months from the date of award, unless otherwise stipulated in the Letter of Award.

v. Performance Management

1. This contract shall be subject to performance management in line with TCTA's Contract Management Policy and Procedure as amended from time to time. Failure to provide satisfactory goods or services may result in the bidder's blacklisting within TCTA or other organs of state.
2. If the final signed contract between the parties does not stipulate the number of times performance management meetings shall be held, they must be held as outlined below.

More than 3 years		once every month;
1 year to 3 years		once every 3 (three) months
6 months to 1 year		at least twice in the contract's duration
Less than 6 months		at least once in the contract's duration

vi. Communication

The successful bidder must forward all communication in respect to this contract to the Contract Manager stipulated in the Letter to Award.

i. Subcontracting after award

The successful bidder:

- i. May only subcontract this scope of work no less than 6 (six) months after award;
- ii. May only subcontract with the prior written approval from the Contract Manager appointed by TCTA.
- iii. May only sub-contract more than 25% of the contract to a third party that has a B-BBEE status level that is more or equal to that of the successful bidder unless the third party is an EME capable of executing the contract.

j. Cession of Rights

- i. The successful bidder may cede their rights to a third-party provided that:
 1. The cession does not take place less than 6 (six) months from the date of award;
 2. The third-party is registered on the CSD;
 3. The third-party has a BBEE status level of contributor equal to or higher than that of the successful bidder;
 4. The parties prepare a draft a cession agreement that meets all the legal requirements on a template of their own choosing and at their own legal costs; and
 5. The cession agreement is submitted for vetting by TCTA prior to signature.

- ii. TCTA may reject the cession should it not meet the requirements set out above and provide reasons to the supplier.

k. Notification of Unsuccessful Bidders

In the event that no correspondence or communication is received from TCTA within the validity period, the relevant Bid Submissions submitted will be deemed to be unsuccessful.

l. Prohibition of Bribery, Fraudulent and Corrupt Practices

- i. No Bidders shall directly or indirectly commit, or attempt to commit, for the benefit of the Bidder or any other person, any of the following:
- ii. Influencing, or attempting to influence, any TCTA's employees or agents in respect of the award of a Bid or the outcome of the Bid process in relation to any contract for the provision of goods or services; and/or
- iii. Offering, or giving gratification to, and/or inducing, or attempting to induce, as defined in the Prevention and Combating of Corrupt Activities Act No. 12 of 2004, as amended from time to time, any of TCTA's employees or agents, in favour of or for the benefit of the Bidder and/or any other party; and/or
- iv. Bribing, or attempting to bribe, any TCTA's employees or agents in order to influence the outcome of a Bid process in favour of or for the benefit of the Bidder and/or any other party.
- v. TCTA shall be entitled to disqualify any Bidder/s if it has reason to believe that any conduct relating to that set out in Condition 16.1 above has occurred.

m. Fronting

- i. The TCTA supports the spirit of Broad-Based Economic Empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background TCTA condemns any form of fronting.
- ii. TCTA, in ensuring that Bidders conduct themselves in an honest manner will, as part of the bid evaluation process, conduct or initiate the necessary probity investigation to determine the accuracy of the representation made in the bid document. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry be established during such enquiry / investigation, the onus will be on the Bidder to prove that fronting does not exist.
- iii. Failure to do so within a period of 14 days from the date of notification may invalidate the Bid/contract and may also result in the restriction of the Bidder, by National Treasury, to conduct business with the public sector for a period not exceeding ten

years, in addition to any other remedies the National Treasury may have against the bidder concerned.

n. Joint venture or consortium

- i. TCTA encourages the formation of a joint venture or consortium as a condition for the award of a contract, in order to promote the participation of Black Owned Enterprises. In this case, the TCTA has both a moral obligation and a vested interest in ensuring that both the Black Owned Enterprises and its established joint venture or consortium partner are treated reasonably and equitably in terms of a sound, written agreement.
- ii. The members of a joint venture or consortium formed in response to transformation policies should share in at least the following aspects of the joint venture or consortium's activities in a meaningful and equitable manner:
 1. Control
 2. Management
 3. Operations
- iii. The joint venture or consortium agreement:
 1. Must clearly and comprehensively set out the contributions to be made by each member towards the activities of the joint venture or consortium in securing and executing the contract and should allocate monetary values to such contributions.
 2. Must record the percentage participation by each member.
 3. Must provide for meaningful input by all members to the policy making and management activities of the joint venture or consortium;
 4. Must provide for the establishment of a management body for the joint venture or consortium;
 5. Must provide measures to limit, as far as possible, losses to the joint venture or consortium by the default of a member;
 6. Must promote consensus between the members whilst ensuring that the activities of the joint venture or consortium will not be unduly hindered by failure to achieve it;
 7. Must provide for rapid, affordable and easy interim dispute resolution and for effective final dispute resolution, if required; and
 8. Must be sufficiently flexible to allow for joint venture or consortiums which differ in nature, objectives, inputs by members, management systems, etc;

- iv. Right to review the joint venture or consortium agreement

TCTA reserves the right to review the joint venture or consortium agreement between the parties to ensure that the minimum conditions set out in 18.2 above are adhered to and that the Black Owned Enterprise partner is not disadvantaged by conditions of the resultant agreement.

- v. Amendment of the joint venture or consortium agreement

The composition or the constitution of the joint venture or consortium shall not be altered without the prior consent of the Employer.

- o. **Payment Process**

- i. Monthly invoicing and payment of fees and disbursements will take place based on the actual services rendered, and payment of invoices shall be affected within 30 days from date of receipt.

- ii. Invoices must be submitted with supporting documents, where requested. No invoice shall be accepted for goods/services that are not received unless otherwise stipulated in the contract between the parties.

- iii. No payment shall be made unless the following information has been presented to TCTA to its satisfaction:

- 1. VAT registration certificate, if the successful Bidder is a VAT vendor.
- 2. Without deduction of PAYE and/or SITE, if the successful Tenderer is not registered for VAT; or
- 3. Statement setting out details of services rendered, accompanying invoice.
- 4. Statement of account detailing cumulative costs claimed from contract inception against the contract amount.

- iv. All invoices shall contain a Purchase Order number, TCTA and successful Bidder's VAT number, if registered for VAT, successful Bidder's name, date of invoice, amount due, services rendered, due date, and any other relevant details. TCTA's VAT number is 4360104923.

- v. Payment will only be made against original invoices which complies with the requirements of the VAT Act. Failure to remit fully compliant invoice will result in late payment, without forfeiture of any settlement discounts that may be due to TCTA.

ANNEXURE A: TEMPLATES FOR SPECIALIST EXPERIENCE

NOTE to Bidders: It is **REQUIRED** that all Bidders complete:

- **FORM 1**
- **FORM 2/ 3//5, and**
- **FORM 5**

For each proposed Specialist in the Word editable template that TCTA will provide.

FORM 1: EVIDENCE OF BEING AN ACKNOWLEDGED LEADER OR SPECIALIST IN THE AREA**NAME:** _____**AREA OF SPECIALISATION:** _____

SPECIALIST AREA	INSTITUTION INVOLVED AT	YEAR INVOLVED	SCOPE OF SERVICES OFFERED	ROLE
Provision of technical advisory services				
Committee member of professional association, external review panel, advisory committee, reference group, or similar				
Lecturer/presenter at technical workshops or courses				
As expert advisor				
Mediator				
Adjudicator				
Arbitrator				
Expert witness				
<i>Other, please add.....</i>				

FORM 2: PRACTICAL WORK EXPERIENCE – SPECIFIC ENGINEERING DISCIPLINE AND ONLY ASSIGNMENTS RELATED TO THIS SPECIFIC DISCIPLINE

NAME: _____

STATE AREA OF SPECIALISATION (e.g., Pump station, power substations, energy efficiency etc): _____

NAME OF ASSIGNMENT	NATURE OF INVOLVEMENT	DURATION		CONTACTABLE REFERENCE
		START YEAR	END YEAR	

A separate form must be filled for each area of specialisation you are applying for. Note that Pr Eng. registration with ECSA and minimum of 15 years' experience per specialisation is required.

FORM 3: PRACTICAL WORK EXPERIENCE – OPERATIONS AND MAINTENANCE OF BULK WATER SUPPLY INFRASTRUCTURE AND /OR WATER TREATMENT PLANTS ESPECIALLY ACID MINE DRAINAGE

NAME: _____

STATE AREA OF SPECIALISATION (e.g., Design, Commissioning, HAZOP etc): _____

NAME OF PROJECT	NATURE OF INVOLVEMENT	DURATION		CONTACTABLE REFERENCE
		START YEAR	END YEAR	

A separate form must be filled for each area of specialisation you are applying for. Note that Pr Eng. registration with ECSA and a minimum of 15 years' experience per specialisation is required.

FORM 4: PRACTICAL WORK EXPERIENCE – FIDIC EXPERTISE**NAME:** _____**STATE AREA OF SPECIALISATION (e.g., Drafting/review of contracts clauses, Claims Management, Dispute Adjudications etc):**

NAME OF PROJECT	NATURE OF INVOLVEMENT	DURATION		CONTACTABLE REFERENCE
		START YEAR	END YEAR	

A separate form must be filled for each area of specialisation you are applying for. Note that Pr Eng. registration with ECSA and a minimum of 15 years' experience per specialisation is required.

FORM 5: ACADEMIC QUALIFICATIONS AND MEMBERSHIP OF PROFESSIONAL ORGANISATIONS

ACADEMIC QUALIFICATIONS			
NAME OF QUALIFICATION	INSTITUTION	MAJOR SUBJECT	DATE OBTAINED

MEMBERSHIP OF PROFESSIONAL ORGANISATIONS		
MEMBERSHIP	ORGANISATION	REGISTRATION NUMBER

1. *Proof of academic qualifications and copy of membership or registration number must be submitted for points to be allocated.*
2. *Government Certificate of Competence (GCC) is a requirement for Operations and Maintenance specialist*

.

FORM 6: DECLARATION FORM BY RESOURCE

NAME: _____

STATE AREA OF SPECIALISATION

DECLARATION BY RESOURCE: (*Confidential*)

PLEASE READ THIS FIRST



PURPOSE OF THIS FORM

This form is used to obtain information from Bidders for the purpose of assisting prospective clients in conducting an analysis on the transformation trends and compliance.

WHO COMPLETES THIS FORM?

Every proposed resource for this RFQ should fill in this form.

INSTRUCTIONS

All employers must ensure that the contents of this form remain confidential, and that it is only used to comply with the **20/2020/PMID/ENGINEERING PROFESSIONALS/RFB RFB**.

PLEASE NOTE:

'Black People, mean black people, women and people who-
Are citizens of the Republic of South Africa by birth or descent; or
Became citizens of the Republic of South Africa by naturalization –
before 27 April 1994; or
after 26 April 1994 and would have been entitled to acquire citizenship by naturalisation prior to that date but who were precluded by Apartheid policies

Name of Resource:-----

Please indicate to which categories you belong with an 'X' below:

Male	Female
☐	☐

African	Coloured	Indian	White
☐	☐	☐	☐

Foreign Nationals	☐
-------------------	--------------------------

If you are not a citizen by birth, please indicate the date you acquired your citizenship: -----

1. I verify that the above information is true and correct.

Signed: -----

Bidder's Representative

Date: -----

A. DECLARATION

“I _____, confirm that the above information is an accurate description of my experience and qualifications and that at the time of signature, I am available and willing to be considered for the TCTA Panel of Experts.”

Signature

Date

**ANNEXURE B
PART A
REQUEST FOR BID**

SBD 1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)										
BID NUMBER:					CLOSING DATE:				CLOSING TIME:	
DESCRIPTION										
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)										
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO					TECHNICAL ENQUIRIES MAY BE DIRECTED TO:					
CONTACT PERSON					CONTACT PERSON					
TELEPHONE NUMBER					TELEPHONE NUMBER					
FACSIMILE NUMBER					FACSIMILE NUMBER					
E-MAIL ADDRESS					E-MAIL ADDRESS					
SUPPLIER INFORMATION										
NAME OF BIDDER										
POSTAL ADDRESS										
STREET ADDRESS										
TELEPHONE NUMBER		CODE				NUMBER				
CELLPHONE NUMBER										
FACSIMILE NUMBER		CODE				NUMBER				
E-MAIL ADDRESS										
VAT REGISTRATION NUMBER										
SUPPLIER COMPLIANCE STATUS		TAX COMPLIANCE SYSTEM PIN:			OR	CENTRAL SUPPLIER DATABASE No:	MAAA			
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE		TICK APPLICABLE BOX]			B-BBEE STATUS LEVEL SWORN AFFIDAVIT			TICK APPLICABLE BOX]		
		☐ Yes ☐ No						☐ Yes ☐ No		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]										
1. ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?		☐ Yes ☐ No [IF YES ENCLOSE PROOF]			2. ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?			☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]		
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS										

PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA .
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURE OR CONSORTIUMS / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

(Proof of authority must be submitted e.g., company resolution)

DATE:

.....

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this Request for Bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:
.....

2.2 Identity Number:
.....

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

2.4 Company Registration Number:
.....

2.5 Tax Reference Number:
.....

2.6 VAT Registration Number:
.....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) 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);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

2.7 Are you or any person connected with the bidder YES / NO
presently employed by the state?

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:
Name of state institution at which you or the person
connected to the bidder is employed :
Position occupied in the state institution:

Any other particulars:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

.....

.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....

.....

.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1If so, furnish particulars.

.....

.....

.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1If so, furnish particulars.

.....

.....

.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**

2.11.1If so, furnish particulars:

.....

.....

.....

Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Tax Reference Number	State Number Number	Employee / Persal

4 DECLARATION

I, THE UNDERSIGNED (NAME).....
CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS
CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF
PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS
DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

May 2011

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

1..1.1

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

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

1.2

a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable;

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“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;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“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;

- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“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;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: = maximum of 20 points

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(*Tick applicable box*)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(*Tick applicable box*)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. **DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 **TYPE OF COMPANY/ FIRM**

- ☐ Partnership/Joint venture or consortium / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 **DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....
.....
.....
.....

8.6 **COMPANY CLASSIFICATION**

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

CONTRACT FORM - RENDERING OF SERVICES

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

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid .
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Request for Bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

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

(iv) (v)	DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

--

WITNESSES

- | | |
|---|-------|
| 1 | |
| | |
| 2 | |

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions 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 disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 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 Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender 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 outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS 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

Js365bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ **Joint venture or consortium or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder