



# UMSOBOMVU MUNICIPALITY

## BID NO: UMS/MIG/07/2022

### REQUEST FOR PROPOSAL:

PROVISION OF PROFESSIONAL SERVICES FOR

UPGRADING OF TYOKSVILLE INTERNAL STREETS TO CONCRETE BLOCK PAVING

NAME OF TENDERER: .....

CONTACT PERSON:.....

POSTAL ADDRESS:.....

TEL NO:.....FAX NO:.....

BIDDERS AMOUNT.....(Vat Inc.)

ISSUED BY:

Umsobomvu Municipality  
Private Bag X6  
Colesberg  
9795

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

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### GENERAL TENDER INFORMATION

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<b>TENDER ADVERTISED</b>	:	24 JULY 2022
<b>CLOSING DATE</b>	:	26 AUGUST 2022
<b>CLOSING TIME</b>	:	12:00
<b>CLOSING VENUE</b>	:	Umsobomvu Municipality 21A Church Street COLESBERG 9795
<b>TENDER BOX</b>	:	Umsobomvu Municipality 21A Church Street COLESBERG 9795

Insert the sealed, correctly marked envelopes containing the Tender Document (which includes the Form of Offer and acceptance) completed in all respects, plus any additional supporting documentation required, into the Tender box.

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

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# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

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## PART T1: TENDERING PROCEDURE

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## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

### T1.1: TENDER NOTICE AND INVITATION TO TENDER FOR:

Umsobomvu Municipality invites professional service providers to submit proposals for the following two projects:

Item	Project Description	Bid Number	Briefing Session Date	Closing Date
1	Upgrading of Tyoksville Internal Streets in Noupoort to Block Paving	UMS/MIG/07/2022	Friday 29 July 2022	26 August 2022
2	Upgrading of Kuyasa Sport Ground in Colesberg	UMS/MIG_DSAC/07/2022	Friday 29 July 2022	26 August 2022

Tenders are invited from professional service providers for provision of professional civil engineering services in planning, design, documentation and construction site supervision of the abovementioned projects. Umsobomvu Local Municipality wishes to engage with Professional Services Providers in accordance with the Engineering Professions Act 46 of 2000.

Tender documents will be available on the Umsobomvu Local Municipality's website on the **29 July 2022**, and can be downloaded at no cost.

**The compulsory briefing session will be held on Friday 29 July 2022 in Colesberg at Umsobomvu Local Municipality Offices (Library Committee Room) @ 10:00.**

Sealed proposals, endorsed with the corresponding project Number and Description must be placed in the tender box at the office of Umsobomvu Municipality in Colesberg. Postal delivery to reach Umsobomvu Municipality, Private Bag X6, Colesberg, 9795, not later than **12:00 on Friday, 26 August 2022**, after which the tenders will be opened in public. Telegraphic, telephonic, telex, facsimile, e-mail and late proposals will not be accepted. Late, incomplete, electronic or telegraphic proposals will not be considered.

Queries relating to the proposal may be addresses directly to Messrs' S. Nkcithiso or T. Mthimkulu, Tel: 051 753 0780, Tel: 051 753 0777.

Declaration of Interest forms are available on the web-site ([www.umsobomvumun.co.za](http://www.umsobomvumun.co.za)) which must be filled out and submitted with the tender.

#### **TENDERES SHOULD TAKE NOTE OF THE FOLLOWING CONDITIONS AND INCLUDING REQUIREMENT LISTED ON THE TENDER DATA.**

- 1 Fully Completed tender document
- 2 Tenderers must supply with their tender a valid Tax Clearance certificate/Tax Pin.
- 3 All bids submitted should remain valid for a period of **120 days** after the bid closing.
- 4 Tenderers must supply with their tender a proof of professional indemnity insurance.
- 5 Certified copies of company founding statement (CK).
- 6 Company profile with traceable references.

- 7 All bids will be subjected to pre-qualification and will be require to achieve a **minimum score of 60 out of 100 points** for functionality.
- 8 Tenders must attach completion certificates of the projects they have completed, signed by the accounting officer or delegated official in accordance with the criteria stated in order to be assessed for functionality.
- 9 Proof of latest municipal rates, taxes and municipal services statement indicating that rates, taxes and municipal services charges are not in arrears for more than 3 months, or if the property for your business is being leased to the bidder, then lease agreement must be submitted. **(bidders are advised to ensure that they align the address on CSD and CK to the lease agreement and or Municipal account)**
- 10 Company directors' statement of municipal accounts (Not older than Three Month).
- 11 Bidders are required to submit original and valid BBBEE, status level verification certificates or certified copies thereof together with their bids.
- 12 All tenderers must be registered on the Central Supplier Database (CSD), National Treasury and with compliant tax status.
- 13 Tenderers must have certified evidence of BBBEE status issued by SANAS, IRBA or SANAS accredited agents if claiming preference.
- 14 All MBD forms must be completed accurately (MBD1, MBD2, MBD4, MBD6.1, MBD 6.2, MBD 7.1, MDB 8, MDB 9).
- 15 This bid is subject to the general conditions of contract (GCC) and, if applicable, any other Special Conditions of Contract.
- 16 Umsobomvu Municipality does not bind itself to accept the lowest tender or any tender, and reserves the right to accept the whole or part of the tender, if:
  - 16.2 The tender amounts received are too high;
  - 16.1 The tenders do not comply with specific tender goals,
  - 16.2 Objective criteria exist which justify or necessitate the non-acceptance of any tenders
- 17 All bids will be adjudicated and awarded in terms of the Umsobomvu Supply Chain Management Policy, the Preferential Policy Framework Act 2000 (Act No. 5 of 2000) and the regulations promulgated in terms of this Act and on the following criteria:
  - **Price = 80 points. BBBEE contribution level = 20 points.**
- 18 Bids submitted by persons in the service of government (national, provincial, local or SOCs') will not be considered.

**Mr AC Mpela**  
Municipal Manager  
Umsobomvu Municipality  
Private Bag X6  
COLESBERG  
9795

**Notice No: 23/2022**

Date: 20 July 2022

# **UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING**

## **The Tender**

### **Part T1: Tendering Procedures**

T1.1 Tender notice and invitation to tender

T1.2 Tender data

### **Part T2: Returnable Documents**

T2.1 List of returnable documents

T2.2 Returnable schedules

## **The Contract**

### **Part C1: Agreement and Contract Data**

C1.1 Form of offer and acceptance

C1.2 Contract data

### **Part C2: Pricing Data**

C2.1 Pricing instructions

C2.2 Activity Schedule

### **Part C3: Scope of Work**

C3.1 Scope of work

### **Part C4: Site Information**

C4 Site information

## T1.2 Tender Data

The conditions of tender are the Standard Conditions of Tender as contained in Annex F of Board Notice 86 of 2010 in Government Gazette No. 33239 of 28 May 2010, Construction Industry Development Board (CIDB) Standard for Uniformity in Construction Procurement (see [www.cidb.org.za](http://www.cidb.org.za)).

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

The Tender Data shall be read with the Standard Conditions of Tender in order to expand on the Tenderer's obligations and the Employer's undertakings in administering the tender process in respect of the project under consideration.

The Tender Data hereafter shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

Each item of Tender Data given below is cross-referenced to the relevant clause in the Standard Conditions of Tender.

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

### Clause Tender Data Number

#### F.1 General

##### F.1.1 Actions

"The Employer is the Umsobomvu Local Municipality, represented by the Municipal Manager.

#### Tender Documents

##### F.1.2 *The tender Documents issued by the Client Comprise*

"The following documents form part of this tender:

1. **The Standard Professional Service Contract (September 2005) (Second Edition of CIDB document)** as published by the Construction Industry Development Board. Tenderers must obtain copies at their own cost from the Construction Industry Development Board Pretoria. Tel. 012 343 7136 or 012 481 9030, Fax: 012 343 7153, e-mail: [cidb@cidb.org.za](mailto:cidb@cidb.org.za)

2. The relevant section as described in the Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Profession Act, 2000 (Act No 46 of 2000), as gazetted in Government Gazette No 44333, 26 March 2021 (Engineering Council of South Africa). This tender document issued by the Employer, **bid no.: UMS/MIG/07/2022 provision of professional services for upgrading of tyoksville internal streets in Noupoort to concrete block paving.**

3. in which is bound:

1. This document must be returned to the Employer, completed in all respects, together with any additional supporting documentation required, in terms of submitting a tender offer."



**Communication and Employer's Technical Staff**

## F.1.4

The Project Manager who will be representing the Employer for the purposes of any communication between the Employer and Tenderer, is:

**Name:** Project Manager, Mr. T. Mthimkulu

**Postal address:** No 21a Church Street, Colesberg, 9795.

**Tel:** 051 – 753 0777

**Fax:** 051 – 753 0574

## F.1.5

Attention is drawn to the fact that verbal information given by the Employer's representative prior to the close of tenders will not be regarded as binding on the Employer. Only information issued formally to Tenderers will be regarded as amending the tender documents"

## F1.6

**Procurement Procedures**

## F1.6.1

**General**

"The Employer does not bind itself to accept the lowest or any tender and reserves the right to accept the whole or only part of a tender if, (a) the tender amounts received are too high; (b) the tender do not comply with the specific tender goals, or (c) objective criteria exist which justify or necessitate the non-acceptance of any tenders."

## F.2

**Tenderer's Obligations**

## F.2.1

**Eligibility**

"Only those tenderers who satisfy the following eligibility criteria are eligible to have their tenders evaluated:

## F.2.1.1

**Registration as Service Provider**

The Employer will only enter into a formal contract with a Tenderer who is registered on the National Treasury Central Supplier Database.

## F.2.1.2

**Local Office**

**Umsobomvu Local Municipality, 21A Church Street, Colesberg, 9795**

**Key Personnel**

## F.2.1.3

In order to be considered for an appointment in terms of this tender, the Tenderer must have in its employment at the close of tenders:

A registered Professional Engineer or Technologist with at least 5 (five) years verifiable post registration relevant experience, who will be the project leader/engineer, and responsible for all work carried out in terms of this tender.

The project leader/engineer must currently be registered as Professional Engineers or Technologist with the Engineering Council of South Africa (ECSA). The registration number must be indicated on Schedule 4, Part T2.2: Returnable Schedules. The

Curriculum Vitae of all key personnel must be submitted with the tender submission, appended to Schedule 9, Part T2.2. Returnable Schedules.

**F.2.1.4 Support Resources**

Tenderers must indicate what resources (human (incl. site monitoring staff), and otherwise) they have available and intend allocating to this project, and on what basis (that is, for what aspect of the work, and whether full or part time), if successful.

**F.2.1.5 Professional Indemnity Insurance**

The Employer shall not award a contract to any tenderer that does not hold valid a Professional Indemnity (PI) insurance providing cover in an amount of not less than R 7,000,000 in respect of each and every claim during the period of insurance. Proof of insurance must be submitted with the tender, appended to Schedule 6, Part T2.2: Returnable Schedules.

**F.2.1.6 Quality Criteria**

Tenderers who score a minimum score of 60 points in respect of the quality criteria (see **F.3.11.9**).

**F.2.1.7 Broad-Based Black Economic Empowerment Status Level Certificate**

Submit their Broad-Based Black Economic Empowerment status level certificate or certified copy thereof issued by a registered verification agency in accordance with the Preferential Procurement Policy Framework Act, 2000; Preferential Procurement Regulations, 2011.

**F.2.1.8 Tax Clearance Certificate**

Tenderers shall be registered and in good standing with the South African Revenue Services (SARS) and shall submit/append documentary evidence/proof in the form of an original Tax Clearance Certificate issued by SARS. Failure to provide a valid Tax Clearance Certificate will prejudice the tender and it will be rejected for such reason. Each party to a Consortium/Joint Venture shall submit a separate valid Tax Certificate." .

**F.2.7 Clarification Meeting**

"A compulsory clarification meeting will be held at the Umsobomvu Local Municipality municipal offices in Colesberg, 21a Church Street, on the 29<sup>th</sup> July 2022 at 10:00.

The Tender Documents will be available from Friday, 29<sup>th</sup> July 2022 at the Umsobomvu Local Municipality municipal website, and can be printed at no cost.

**F.2.13 Submitting a Tender Offer**

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

F.2.13.3 "Parts of each tender offer communicated on paper shall be submitted as an original,

Plus naught(0) copies.

F.2.13.4 “The tender shall be signed by a person duly authorized persons to do so. Tenders submitted by joint ventures of two or more firms shall be accompanied by the document of formation of the joint venture, authenticated by a notary public or other official deputed to witness sworn statements, in which is defined precisely the conditions under which the joint venture will function, its period of duration, the persons authorized to represent and obligate it, the participation of several firms forming the joint venture, and other information necessary to permit a full appraisal of its function.”

F.2.13.5

“The Employer’s address for delivery of tender offer and identification details to be shown on the tender offer package are:

**Physical Address:** Umsobomvu Local Municipality, 21A Church Street, Colesberg, 9795

**Identification Details:** Tender Number: **UMS/MIG/07/2022**

Title of Tender:

**R.F.P: Provision of Professional Services for Upgrading Of Tyoksville Internal In Noupoort Street to Concrete Block Paving.**

**Physical Address:** Umsobomvu Local Municipality, 21A Church Street, Colesberg, 9795

Sealed tenders with the identification details on the envelope must be placed in the appropriate official tender box at the abovementioned address.”

F.2.13.6 “A two-envelope procedure will not be followed.”

F.2.15 **Closing Time**

“The closing time for submission of the tender offers is as stated in the Tender Notice and Invitation to Tender. Telephonic, telegraphic, telex, facsimile or e-mail tender offers will not be accepted.”

F.2.16 **Tender Offer Validity**

“The tender offer validity period is 120 days.”

F.2.17 **Clarification of Tender Offer after Submission**

“A tender may be rejected as non-responsive if the Tenderer fails to provide any clarification requested by the Employer within the time for submission stated in the Employer’s written request.”

“F.2.23.1 **Tax Clearance Certificate**

Tenderers shall be registered and in good standing with the South African Revenue Services (SARS) and shall submit/append documentary evidence/proof in the form of an original Tax Clearance Certificate issued by SARS. Failure to provide a valid Tax Clearance Certificate will prejudice the tender and it will be rejected for such reason.

Each party to a Consortium/Joint Venture shall submit a separate valid Tax Clearance Certificate.”

### **F3 The Employer’s Undertakings**

#### **F.3.4 Opening of Tender Submissions**

“The time and location for opening of the tender offers is:

**Date: 26 August 2022**

Time: 12:00

**Location:** Umsobomvu Local Municipality, 21A Church Street, Colesberg, 9795

Tenders will be opened immediately after the closing time for tenders at 12h00.”

#### **F.3.8 Test for Responsiveness**

“Tenders will be considered non-responsive if, inter alia:

The tenderer has not completed and signed the Offer portion of Part C1.1 Form of Offer and Acceptance.

The tenderer does not comply with the eligibility criteria listed in F2.1 above.

The tenderer does not achieve the prerequisite points for quality as listed in F3.11.9.

The tenderer has failed to clarify or submit any supporting documentation within the time for submission stated in the employer’s written request.”

#### **F.3.11 Evaluation of tender offers**

##### **F.3.11.1 General**

The procedure for evaluation of responsive tender offers will be method 2 of table F.1 of SANS 294: 2004. Financial offer & Preferences. The bid will be awarded to the bidder who has scored the highest points for price and preferences combined **BUT** the prerequisite will be to obtain at least **60 points** for quality (functionality), which will be explained in Stage 1 below.

**First stage in evaluation:** Compliance with Bid Rules and other Requirements

The bids will be checked to ensure that they comply with the bid rules and all other requirements of the project document. The following documentation must be completed and/or included within the bid:

- The form of Offer and acceptance
- Certified company registration documents and ID of members

- Compulsory Enterprise Questionnaire and all MBD Forms
- Certificate of Authority for Signature
- Amendments, Qualifications and Alternatives
- Certificate of Good Standing
- Professional Indemnity insurance
- Relevant experience
- Details of key staff and CVs
- Preference Points Claim Form in Terms of the Preferential Procurement Regulations 2011.

**Note:**

All information supporting the above forms such as Curricula Vitae of staff who will work on the project and their functions, details of ownership, relevant experience etc.

- Addenda issued during the bid period, if any.
- The pricing schedules
- Failure to supply the required information will compromise the bid and render it not responsive.
- Next Stage in Evaluation: Pre-qualification; Quality / Functionality; Price & BBBEE Status Level
- The next state in the evaluation process will consist of three stages, as follows:

**Note:** If, after tenders have been brought to a comparative level, two or more tenders score equal total evaluation points, the recommended Tenderer shall be the one scoring the highest preference points.” And if there is still a dead-lock on in comparison to preference, then the highest tenderer on functionality will be the recommended Tenderer.

**F.3.11.7 Scoring Financial Offers**

**STAGE 3: EVALUATION FOR PRICE AND PREFERENCE (80/20)**

The procedure for Stage 3 of evaluation of responsive tenders is **Method 2**

- a) PRICE: ..... 80**
- b) B-BBEE STATUS LEVEL OF CONTRIBUTION: ..... 20**

**Points Awarded for Price (Ps)**

A total of 80 points will be awarded to the Tenderer with the lowest balanced price.

The **other tenders will be awarded points on the ratio to benchmark price as follows:**

Where

- Ps = Points scored for price of bid under consideration
- Pt = Rand value of bid under consideration
- Pmin = Rand value of lowest acceptable bid

**F.3.11.8 Scoring Preferences**

**a) Points awarded for B-BBEE Status Level of Contribution**

In terms of Regulation 5 (2) and 6 (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>B-BBEE Contribution Level</b>	<b>80:20 Preference System</b>
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
<b>Non-compliant</b>	0

The total calculated points will be rounded to the second decimal place.

**F.3.11.9 SCORING QUALITY (FUNCTIONALITY)**

**Stage 2:** The minimum number of evaluation points required for quality is **60 Points**. Tender offer that fail to score the minimum number of evaluation points for quality will be rejected.

<b>Description of Quality Criteria</b>	<b>Maximum Possible Points</b>
Proposed methodology and understanding of the project.	5
Expertise of Key Personnel	20
Track Record Of Tenderer (Projects with Similar Nature)	30
Availability/Allocation of resources, design software	25
Quality Control Practices (ISO9001:2008)	15
<b>Total (maximum) Evaluation Points for Quality</b>	<b>100</b>

Evaluation of quality will be carried out on the following basis:

**(I) PROPOSED WORK PLAN (APPROACH AND METHODOLOGY) (5 POINTS MAXIMUM)**

A proposed work plan must be provided with the tender submission, attached to Schedule 8, Part T2.2: Returnable Schedules, which must be of sufficient detail (but a maximum of 5 pages, longer submissions may have points deducted) to indicate that the project brief has been understood. That is, Tenderers must show that they have appreciated that the nature of the problem, and indicate the approach and methodology that they intend following in order to reach the required outcome. The scoring for the proposed work plan is as follows:

**0 Points** – Not sufficient detail information for evaluation (or no information provided)

**5 Points** – Sufficient detail information for evaluation (incl. submission of project programme/schedule and work plan)

**(II) EXPERTISE OF KEY PERSONNEL (20 POINTS MAXIMUM)**

As the work required in terms of this tender is considered to be of a technically complex nature, requiring consideration expertise, it is essential that suitably qualified and experienced personnel be assigned to this project. The personnel must currently be registered as professionals with the Engineering Council of South Africa. Besides the minimum requirements specified in the eligibility criteria, it would be extremely advantageous if the key personnel can demonstrate recent experience related to specific aspects of this project. Aside from submitting a general CV for each of the key personnel (required in terms of Clause F.2.1.3) Tenderers must submit a statement for each of the key personnel which highlights any particular fields of specialization and experience that is relevant to this particular project. These statements must be appended to Schedule 4 and Schedule 9, Part T2.2: Returnable Schedules. The scoring for expertise for the key personnel is as follows:

Each CV shall contain the relevant information under the following headings:

- Personal Particulars (i.e. Name, Date and place of birth, Citizenship, Place of tertiary education and date associated therewith).
- Qualifications (i.e. diplomas, degrees, grades of membership with professional societies, professional registration).
- Overview of Post-graduate Experience (i.e. year, organization, and position).
- Outline of recent and current assignments or experience which has bearing on the service/involvement for the Contract.
- Contactable references (i.e. title, full name, surname, organization and Telephone numbers).

**0 Points** – Not sufficient information provided (or no CVs provided).

**20 Points** – Relevant project experience of Key Personnel provided in CVs.

**(iii) TRACK RECORD OF TENDERER (WITH RESPECT TO PROJECTS OF SIMILAR NATURE) (30 POINTS MAXIMUM)**

Tenderers must complete Schedule 10, Part T2.2, and Returnable Schedules, which is a list of all relevant projects that have been successfully completed in the past three years, or that are underway at present.

**Note:** Where the entity tendering is a joint venture a score for track record will be awarded to each party to the joint venture, which will then be combined in proportion to the percentage contribution of each party to the joint venture.

The scoring for the track record of tenderers is as follows:

**0 Points – No track record information provided.**

**10 Points** – Track record of projects. (Up to 2 Projects of similar nature more than R10 Million)

**15 Points** – Track record of projects. (Up to 4 Projects of similar nature more than R10 Million)

**30 Points – Track record of relevant projects.** (More than 5 Projects of similar nature more than R10 Million.

**(iv) AVAILABILITY / ALLOCATION OF RESOURCES (25 POINTS MAXIMUM)**

Tenderers must indicate what resources, for example, would be the type of software package intended for use on this project, whether or not it is owned or licensed to the tenderer, or whether it is available through some other means. Tenderers should note that, during the course of any contract arising from this tender, any of the personnel listed at tender stage may only be replaced with personnel of similar qualification and experience, subject to the approval of the Employer. The scoring for the availability / allocation of resources is as follows:

**0 Points** – Not sufficient information provided (or no information provided).

**10 Point** - Sufficient detail information for evaluation (i.e. human resources and other resources).

**25 Points** – Relevant human resources and other resources allocation.

**(v) QUALITY CONTROL PRACTICES (15 POINTS MAXIMUM)**

The quality control practices of the tenderers will be considered for evaluation of the tender. The scoring of the quality control practices will be as follows:

**0 Points** – The Tenderer does not have any recognized and independently accredited quality control practices.

**5 Points** - The Tenderer has non accredited Quality Management System or in-house

**10 Points** – The Tenderer has recognized and independently accredited quality control practices. The following minimum compliance is required: Quality Management System in accordance with ISO 9001:2008.(Holds ISO 9001:2008 Certification for Consulting Engineering, Project Management and Development Activities)

**F.3.13 Acceptance of Tender offer**

F.3.13.1 Accept the tender offer, if in the opinion of the employer, it does not present any unacceptable commercial risk and only if the tenderer:

- a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement,
- b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,
- c) has the legal capacity to enter into the contract,
- d) is not insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,



e) complies with the legal requirements, if any, stated in the tender data, and is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

Notify the successful tenderer of the employer's acceptance of his tender offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated in the tender data or agreed additional period. Providing the form of offer and acceptance does not contain any qualifying statements, it will constitute the formation of a contract between the employer and the successful tenderer as described in the form of offer and acceptance.

#### **F.3.14 Notice to unsuccessful tenderers**

After the successful tenderer has acknowledged the employer's notice of acceptance, after written request, the employer will notify the tenderers that their tender offers have not been accepted in Umsobomvu local municipality website: [www.umsobomvumun.co.za](http://www.umsobomvumun.co.za) by listing the successful tender.

#### **F.3.15 Prepare contract documents**

If necessary, revise documents that shall form part of the contract and that were issued by the employer as part of the tender documents to take account of:

- a) addenda issued during the tender period,
- b) inclusion of some of the returnable documents,
- c) other revisions agreed between the employer and the successful tenderer, and
- d) The schedule of deviations attached to the form of offer and acceptance, if any.

#### **F.3.16 Issue Final Contract**

Prepare and issue the final draft of the contract to the successful tenderer for acceptance as soon as possible after the date of the employer's signing of the form of offer and acceptance (including the schedule of deviations, if any).

### **F4 Additional Conditions of Tender**

#### **F.4.1 Invalid Tenders**

Tenders shall be considered invalid and shall be endorsed and recorded as such in the tender opening record, by the responsible official who opened the tender, in the following circumstances:

Tenderers will be considered non-responsive if, inter alia;

1. The tenderer does not comply with the required criteria as specified in F.2.1.1 above;
2. The Tenderer failed to submit one Offer per tendering entity;
3. The Tenderer failed to submit additional information by the due date;
4. The Tenderer failed to complete or sign the Form of Offer bound into this tender document;
5. The tender is not completed in non-erasable ink;
6. The tender contained material qualifications or deviations that affected the scope, quality or performance of the works, significantly changed the parties' risk and responsibilities affected the competitive position of other Tenderers if they were to be rectified

#### **F.4.2 Negotiations with Preferred Tenderers**

The Employer may negotiate the final terms of a contract with Tenderers identified through a competitive tendering process as preferred Tenderers provided that such negotiation:

- a) does not allow any preferred Tenderer a second or unfair opportunity;

- b) is not to the detriment of any other Tenderer; and
- c) does not lead to a higher price than the Tender as submitted.
- d) Minutes of any such negotiations shall be kept for record purposes.

#### **F.4.3 General Supply Chain Management Conditions Applicable to Tenders**

Tenderers will be evaluated according to Umsobomvu Municipality's SCM Policy 2), The lowest, the highest or any tender will not necessarily be accepted and the Council reserves the right to accept any tender wholly or partially or to withdraw the tender.

1. All copies of certificates submitted with the tender must be certified originals by the commissioner of Oaths.
2. Tenders which are late, incomplete, unsigned, completed in pencil, submitted by facsimile or electronically, will not be accepted;
3. Tenderers with any municipal account outstanding for more than 30 days will be rejected.

#### **F.4.4 Combating Abuse of the Supply Chain Management Policy**

In terms of the District's Supply Chain Management Policy, the Employer may reject the tender of any Tenderer if that Tenderer or any of its directors has:

- a) failed to pay municipal rates and taxes or municipal service charges and such rates, taxes and charges are in arrears for more than three months;
- b) failed, during the last five years, to perform satisfactorily on a previous contract with the Municipality or any other organ of state after written notice was given to that Tenderer that performance was unsatisfactory;
- c) abused the supply chain management system of the Municipality or has committed any improper conduct in relation to this system;
- d) been convicted of fraud or corruption during the past five years;
- e) willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
- f) been listed with the Register of Tender Defaulters in terms of Section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004) or has been listed on National Treasury's database as a person or juristic entity prohibited from doing business with the public sector.

In this regard, Tenderers shall complete Schedule 12, Part T2.2: Returnable Schedules: Declaration in terms of the Municipal Finance Management Act. Failure to complete this schedule may result in the tender being rejected.

#### **F.4.5 Consultancy Services Provided to Organs of State**

In terms of the Municipal Supply Chain Management Regulations (Notice 868 of 2005), and the District's Supply Chain Management Policy, Tenderers must furnish the Municipality with particulars of all consultancy services provided to an organ of state in the last five years, and

of any similar services provided to an organ of state in the last five years. The information required should include services provided by all offices country wide.

In this regard, Tenderers shall complete Schedule 13, Part T2.2: Returnable Schedules. Failure to complete this schedule may result in the tender being rejected.

**F.4.6 Price Variations**

The rates, prices, multipliers and percentages (as applicable) tendered in the activity schedule shall be final and binding and shall not be subject to any variation throughout the period of the contract.

**F.4.7 Compliance with Occupational Health and Safety Act 1993**

Tenderers are to note the requirements of the Occupational Health and Safety Act (No 85 of 1993) and the Construction Regulations 2003 issued in terms of Section 43 of the Act. The Tenderer shall be deemed to have read and fully understood the requirements of the above Act and Regulations and to have allowed for all costs in compliance therewith.

**F.4.8 UIF Payments**

The Tenderer shall submit to Council a letter from the Industrial Council indicating his good standing with regard to UIF payments upon being requested to do so.

**F.4.9 Claims Arising After Submission of Tender**

No claim for any extras arising out of any doubt or obscurity as to the true intent and meaning of anything contained in the Conditions of Contract, scope of Work and Price Data, will be admitted by the Employer/Employer's Agent after the submission of any tender and the Tenderer shall be deemed to have:

Read and fully understood the whole text of the Scope of Work and Pricing Data and thoroughly acquainted himself with the nature of the works proposed and generally of all matters which may influence the Contract, visit the site of any proposed works, and requested the Employer or his duly authorized agent to make clear the actual requirements of anything contained in the Scope of Work and Pricing Data, the exact meaning or interpretation of which is not clearly intelligible to the Tenderer.

Before submission of any tender, the Tenderer should check the number of pages, and if any are found to be missing or duplicated, or the figures or writing indistinct, or if the Pricing Data contain any obvious errors, the Tenderer must apply to the Employer/Employer's Agent at once to have the same rectified, as no liability will be admitted by the Employer/Employer's Agent in respect of errors in any tender due to the foregoing.

**F.4.10 Imbalance in Tendered Rates**

In the event of tendered rates or lump sums being declared by the Employer to be unacceptable because they are either excessively low or high or not in proper balance with other rates or lump sums, the Tenderer may be required to produce evidence and advance arguments in support of the tendered rates or lump sums objected to. If, after submission of such evidence and any further evidence requested, the Employer is still not satisfied with the tendered rates or lump sums objected to, it may request the Tenderer to amend these rates and lump sums along the lines indicated by the Employer.

The Tenderer will then have the option to alter and/or amend the rates and lump sums objected to and such other related amounts as are agreed on by the Employer, but this shall be done without altering the Contract Price.

Should the Tenderer fail to amend his Tender in a manner acceptable to the Employer, the Employer may reject the Tender

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

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## Part T2: Returnable Documents

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T2.2 Returnable Schedules	22 - 65

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

## T2.1 List of Returnable Documents

The tenderer must complete the following Returnable Documents:

### 1. Returnable Schedules required for tender evaluation purposes

	Pages
1: COMPULSORY ENTERPRISE QUESTIONNAIRE & MBD FORMS	23 - 25
2: AUTHORITY OF SIGNATORY	26
3: CERTIFICATE OF AUTHORITY FOR JOINT VENTURES	27
4: KEY PERSONNEL	28
5: SUPPORT RESOURCES	29
6: PROFESSIONAL INDEMNITY INSURANCE	30
7: DECLARATION OF GOOD STANDING REGARDING TAX	31
8: PROPOSED WORK PLAN	32
9: EXPERTISE OF KEY PERSONNEL	33
10: TRACK RECORD	34
11: ISO 9001: 2008 CERTIFICATION	35
12: DECLARATION IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT	36
13: CONSULTANCY SERVICES PROVIDED TO ORGANS OF STATE	37

### 2. Other documents required for tender evaluation purposes

- Documentary evidence/proof of authority of signatory - append to Schedule 2.
- A copy of the Joint Venture Agreement (if applicable) - append to Schedule 3.
- Curriculum Vitae of key Personnel as applicable - append to Schedule 4.
- Documentary evidence/proof of Professional Indemnity Insurance - append to Schedule 6.
- An original valid Tax Clearance Certificate issued by the South African Revenue Services - append to Schedule 7.
- A proposed work plan - append to Schedule 8.
- A statement of expertise/experience of key personnel relevant to project - append to Schedule 9.
- A proposed resource allocation schedule - append to Schedule 14.
- Documentary evidence/proof of ISO 9001: 2008 certification - append to Schedule 11.
- 

### 3. Returnable Schedules that will be incorporated into the Contract

14: ALLOCATION OF RESOURCES	38
15: RECORD OF ADDENDA TO TENDER DOCUMENTS	39
16: ALTERATIONS/AMENDMENTS BY TENDERER	40

### 4. Other documents that will be incorporated into the contract

17: PREFERENCE POINTS CLAIMED SCHEDULE	41
18: CONFIRMATION OF ENTERPRISE REGISTRATION	42

#### C1.1 The offer portion of the C1.1 Offer and Acceptance

#### C1.2 Contract Data (Part 2)

#### C2.2 Activity Schedule

**NB:** TENDERERS MUST COMPLETE THESE SCHEDULES / DATA SHEETS / FORMS IN **NON- ERASABLE INK**

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

### **SCHEDULE 1: COMPULSORY ENTERPRISE QUESTIONNAIRE**

The following particulars must be furnished. In the case of a joint venture, <b>separate</b> enterprise questionnaires in respect of each partner must be completed and submitted.		
<b>Section 1: Name of enterprise:</b> ..... <b>Physical address of enterprise:</b> ..... .....		
<b>Section 2: VAT registration number, if any:</b> .....		
<b>Section 3: CIDB registration number, if any:</b> .....		
<b>Section 4: Particulars of sole proprietors and partners in partnerships</b>		
<b>Name*</b>	<b>Identity number*</b>	<b>Personal income tax number*</b>
* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners		
<b>Section 5: Particulars of companies and close corporations</b>		
Company registration number .....		
Close corporation number .....		
Tax reference number .....		
<b>Section 6: Record of service of the state</b>		
Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:		
<input type="checkbox"/> a member of any municipal council		
<input type="checkbox"/> an employee of any provincial department, national		
<input type="checkbox"/> a member of any provincial legislature or provincial department, public entity or		
<input type="checkbox"/> a member of the National Assembly or the constitutional institution within the meaning of the National Council of Province Public Finance Management Act, (Act 1 of 1999)		
<input type="checkbox"/> a member of the board of directors of any 1999) municipal entity		
<input type="checkbox"/> a member of an accounting authority of any national		
<input type="checkbox"/> an official of any municipality or municipal entity or provincial public entity		
<input type="checkbox"/> an employee of Parliament or a provincial legislature		

**If any of the above boxes are marked, disclose the following:**

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (Tick appropriate column)	
		current	Within last 12 months

\*insert separate page if necessary

**Section 7: Record of spouses, children and parents in the service of the state**

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:

- a member of any municipal council
- an employee of any provincial department, national or
- a member of any provincial legislature provincial public entity or constitutional institution
- a member of the National Assembly or within the meaning of the Public Finance the National Council of Province Management Act, 1999 (Act 1 of 1999)
- a member of the board of directors
- a member of an accounting authority of any national any municipal entity or provincial public entity
- an official of any municipality or municipal
- an employee of Parliament or a provincial legislature entity

**If any of the above boxes are marked, disclose the following:**

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

\*insert separate page if necessary

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

(i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my

/Our tax matters are in order; ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;

(iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;

iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the Tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and

iv) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

**SIGNED ON BEHALF OF TENDERER:** .....



**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (UMSOBOMVU LOCAL MUNICIPALITY)</b>					
BID NUMBER:	UMS/MIG -DSAC/07/2022	CLOSING DATE:	26 AUGUST 2022	CLOSING TIME:	12H00
DESCRIPTION	UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX					
SITUATED AT (STREET ADDRESS					
21 A CHURCH STREET					
COLESBERG					
9795					
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3 ]	
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE	R	
SIGNATURE OF BIDDER	.....		DATE		
<b>CAPACITY UNDER WHICH THIS BID IS SIGNED</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>		
DEPARTMENT	SCM		DEPARTMENT	TECHNICAL	
CONTACT PERSON	MRS S. KHAPHA		CONTACT PERSON	MR. S NKCITHISO	
TELEPHONE NUMBER	051 753 0777		TELEPHONE NUMBER	051 753 0778	
E-MAIL ADDRESS	elina@umsobomvumun.co.za		E-MAIL ADDRESS		

## PART B TERMS AND CONDITIONS FOR BIDDING

### 1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

### 2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

### 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES  NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES  NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES  NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES  NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXAT YES  NO

**IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**

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

SIGNATURE OF BIDDER:.....CAPACITY UNDER WHICH THIS BID IS

SIGNED:..... DATE:.....

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

## MBD 2

### TAX CLEARANCE CERTIFICATE REQUIREMENTS AND APPLICATION FORM

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

1. In order to meet this requirement, bidders are required to complete in full the TCC 0001 form, "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za). The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. Applications for the Tax Clearance Certificates may also be made via e-Filing. In order to use this provision, taxpayers will need to register with SARS as e-Fileers through the website [www.sars.gov.za](http://www.sars.gov.za)
3. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
4. In bids where Consortia / Joint Ventures / Sub-Contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Tax Compliance Status (TCS) Pin as of 18 April 2016
  - a) In terms of the new Tax Compliance Status System implemented by SARS on 18 April 2016, taxpayers are now able to issue the municipality with a TCS Pin which can be used to verify a bidder's tax status online via SARS E-filing.
  - b) The taxpayer must issue the municipality with the following:

Bidders who are not in possession of an original Tax Clearance Certificate must provide at least 2 of the 3 numbers listed below in order to verify the Tax Clearance Certificate via SARS e-filing.

<b>1. Tax Reference Number</b>	
<b>2. Tax Compliance Status Pin</b>	
<b>3. Tax Clearance Certificate Number:</b>	

- a. If a bidder is registered on the Umsobomvu Local Municipality Supplier's Database and the Municipality is already in possession of an original tax clearance certificate which is valid on closing date of bid, it **MUST** be indicated as such on this page, whereby the attaching of a new tax clearance certificate to this page will not be needed.

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

**MBD 4**

## DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
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, hareholder<sup>2</sup>):.....
  - 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. ....

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

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

<sup>2</sup> 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: .....  
 .....

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

Full Name	Identity Number	State Employee Number

**CERTIFICATION**

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

**I ACCEPT THAT THE MUNICIPALITY MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidder**

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

**MBD 5**

## **DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)**

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

1 Are you by law required to prepare annual financial statements for auditing?

**\*YES/NO**

1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years. ....

.....

2. Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?

**\*YES / NO**

If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.

2.1 If yes, provide particulars,

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

3. Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

3.1 If yes, furnish particular .....

.....

4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?

4.1 If yes, furnish particulars

.....  
.....

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

## CERTIFICATION

I, THE UNDERSIGNED (NAME) .....

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder



# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

**MBD 6.1**

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

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

1.2

- a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the ..... preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

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:

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

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

T2.2

- (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;

**4. POINTS AWARDED FOR PRICE**

5.

**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:

<b>80/20</b>	<b>or</b>	<b>90/10</b>
$P_s = 80(1 - \frac{P_t - P_{min}}{P_{min}})$	or	$P_s = 90(1 - \frac{P_t - P_{min}}{P_{min}})$

Where

- P<sub>s</sub> = Points scored for price of bid under consideration
- P<sub>t</sub> = Price of bid under consideration
- P<sub>min</sub> = 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>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
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 10 or 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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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		
<b>OR</b>		
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 / 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 **MUNICIPAL INFORMATION**

Municipality where business is situated:.....

Registered Account Number: .....

Stand Number:.....

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

8.9 I/we, the undersigned, who is / are duly authorized 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 .....

.....

.....

**UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT**

## TO BLOCK PAVING

### MBD 6.2

#### DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

#### 1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two-stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where x is the imported content in Rand  
y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp) at no cost.**

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

#### **2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

Description of services, works or goods	Stipulated minimum threshold
_____	_____ %
_____	_____ %
_____	_____ %

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

YES		NO	
-----	--	----	--

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.resbank.co.za](http://www.resbank.co.za)

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Institution):

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names), do hereby declare, in my capacity as ..... of .....(name of bidder entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
  - (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017



promulgated under the Preferential Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

**MBD 7.1****CONTRACT FORM - PURCHASE OF GOODS/WORKS**

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

**PART 1 (TO BE FILLED IN BY THE BIDDER)**

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Technical Specification(s);
    - 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 goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
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.	.....
DATE: .....	

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

**MBD 7.1**

**CONTRACT FORM - PURCHASE OF GOODS/WORKS PART 2 (TO BE FILLED IN BY THE PURCHASER)**

I..... in my capacity as..... accept your bid under reference number .....dated.....for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).

1. An official order indicating delivery instructions is forthcoming.
2. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

WITNESSES

1. ....

2. ....

DATE .....

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

**MBD 8**

### DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	<p>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?</p> <p>(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).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		



# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

## MBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1.
2. This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
3. 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).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
4. Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - i. take all reasonable steps to prevent such abuse;
  - ii. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - iii. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
5. This MBD 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.
6. In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_ (Bid Number and Description)

in response to the invitation for the bid made by: \_\_\_\_\_ (Name of Municipality / Municipal Entity)

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

I certify, on behalf of : \_\_\_\_\_ that: (Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.



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

.....  
Signature Date

.....  
Name of Bidder Position

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

## **SCHEDULE 2: AUTHORITY OF SIGNATORY (Company, Close Corporation or Partnership)**

In the case of a tender being submitted on behalf of a Company, Close Corporation or Partnership, assurance shall be given at the time of submission of the tender that the tender has been signed by someone properly authorized thereto by virtue of the Articles of Association, or resolution of the Directors, Members or Partners, or other authority as applicable. Signatories shall confirm their authority by completing the form below and attaching a copy of the relevant authority duly signed and dated.

I, the undersigned, declare that I am duly authorized to sign the offer on the form of offer and acceptance on

behalf of .....by virtue

of the Articles of Association/Resolution of the Board of Directors\* or

.....

\* Delete whichever is not applicable, or if neither are applicable, indicate alternate authority.

**NAME:** .....

**CAPACIT:** .....

**SIGNATUR:** .....

**DATE:** .....

**WITNESS:** 1. ....

2. ....

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

**SCHEDULE 3 : CERTIFICATE OF AUTHORITY FOR JOINT VENTURES**

This returnable schedule is to be completed by joint ventures.

We, the undersigned, are submitting this tender offer in joint venture and hereby authorize Mr/Ms .....  
 ....., authorized signatory of the company, close corporation or partnership .....  
 ....., acting in the capacity of lead partner, to sign all documents in  
 connection with the tender offer and any contract resulting from it on our behalf.

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead partner		Signature..... Name..... Designation.....
		Signature..... Name..... Designation.....
		Signature..... Name..... Designation.....
		Signature..... Name..... Designation.....

**Note:** A copy of the Joint Venture Agreement showing clearly the **percentage contribution of each partner** to the Joint Venture shall be appended to this schedule.

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

**SCHEDULE 4 : KEY PERSONNEL**

The tenderer is referred to Clause F2.1.3 of the Tender Data and shall insert in the spaces provided below details of the key personnel required to be in the employment of the tenderer in order for the tenderer to be eligible to submit a tender for this project. The Curriculum Vitae of each individual must be appended to this schedule.

PROJECT LEADER / ENGINEER: REGISTERED PROFESSIONAL ENGINEER / TECHNOLOGIST (≥ 5 YEARS RELEVANT POST REGISTRATION EXPERIENCE)				
NAME	JOB TITLE	QUALIFICATIONS	ECSA REGISTRATIONNO.	NO. OF YEARS SPECIFIED EXPERIENCE

**NB: THE TENDERER SHALL ATTACH ECSA REGISTRATION CERTIFICATE FOR EASE OF REFERENCE**

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

**SCHEDULE 5: SUPPORT RESOURCES**

The tenderer is referred to clause F.2.1.4 of the Tender Data and shall state below what design software packages are available for use on this project and whether or not they are currently owned/licensed by the Tenderer, or are available through other means.

<b>SOFTWARE PACKAGE/S AVAILABLE FOR USE</b>		
NAME OF PACKAGE	DESCRIPTION	CURRENTLY OWNED/ LICENCED OR OTHER

**SIGNED ON BEHALF OF TENDERER:** .....

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

**SCHEDULE 6: PROFESSIONAL INDEMNITY INSURANCE**

The tenderer is referred to clause F.2.1.5 of the Tender Data and shall state below details of the professional indemnity insurance held by the tenderer. Where the tenderer is a joint venture, each party to the joint venture must submit details of their professional indemnity insurance. Proof of insurance must be appended to this schedule.

<b>PROFESSIONAL INDEMNITY INSURANCE HELD</b>		
NAME OF INSURED	NAME OF INSURER	LIMIT OF INDEMNITY IRO EACH CLAIM



## **UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING**

### **SCHEDULE 8: PROPOSED WORK PLAN**

The tenderer shall append their proposed work plan to this page.

It should be noted that while a project programme/schedule may form part of the required work plan, more than a project programme/schedule is expected in response to this requirement. The work plan must indicate the approach and methodology that the tenderer intends following in order to reach the required outcomes. The work plan must show that the tenderer has appreciated the Scope of Work, and has good insight as to what actions or activities are required in order to comply with the Employer's objectives. The proposed work plan is an important document based upon which up to 5 tender evaluation points for quality will be awarded. Tenderers should however endeavor to keep their submissions in this regard to a maximum of 5 pages, longer submissions may have points deducted.



## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

**SCHEDULE 10 : TRACK RECORD**

The tenderer shall indicate on the schedule below all relevant projects (the analysis and design of new and remedial works) that have been successfully completed in the past three years, or that are underway at present.

Where the entity tendering is a joint venture, the track record of each party to the joint venture must be submitted as part of this schedule (additional pages may be added if necessary). A score for each will be combined in proportion to the percentage contribution of each party to the joint venture.

Up to 30 tender evaluation points will awarded for quality according to the nature and scale of projects listed.

<b>TRACK RECORD</b>			
TITLE AND BRIEF DESCRIPTION OF PROJECT	VALUE OF CONTRACT	EMPLOYER (Contact Details)	DATE COMPLETED

## **UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING**

### **SCHEDULE 11: ISO 9001: 2008 CERTIFICATION**

If applicable, the tenderer shall append proof of their ISO 9001:2008 certification to this schedule.

Five tender evaluation points for quality will be awarded to tenderers who are ISO 9001:2008 certified. Where the entity tendering is a joint venture, provided one of the parties is ISO 9001:2008 certified, and it has been indicated on the work plan submitted that that party will take responsible for quality management, then the joint venture will be awarded 15 tender evaluation points in this respect.

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

### **SCHEDULE 12: DECLARATION IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT (No 56 of 2003).**

Item	Question	Yes	No
1.1	Is the tenderer or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? <b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
1.1.1	If so, furnish particulars:		
1.2	Is the tenderer 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)? <b>(To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (0)12 3265445).</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
1.2.1	If so, furnish particulars:		
1.3	Was the tenderer 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 <input type="checkbox"/>	No <input type="checkbox"/>
1.3.1	If so, furnish particulars:		
1.4	Does the tenderer 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 <input type="checkbox"/>	No <input type="checkbox"/>
1.4.1	If so, furnish particulars:		
1.5	Was any contract between the tenderer 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 <input type="checkbox"/>	No <input type="checkbox"/>
1.5.1	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 Tenderer

\*Where the entity tendering is a joint venture, each party to the joint venture must sign a declaration in terms of the Municipal Finance Management Act and attach it to this schedule.

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

**SCHEDULE 13: CONSULTANCY SERVICES PROVIDED TO ORGANS OF STATE**

The tenderer shall indicate on the schedule below particulars of all consultancy services provided to organs of state by all offices country wide in the last five years. Tenderers shall also indicate, by means of a cross (x) in the last column, which, if any, of the services listed are of a similar nature, to those being tendered for in terms of this tender.

Where the entity tendering is a joint venture, the particulars of services provided to organs of state by each party to the joint venture, must be submitted as part of this schedule (additional pages may be added if necessary).

<b>CONSULTANCY SERVICES PROVIDED TO ORGANS OF STATE</b>				
TITLE OF PROJECT	VALUE OF CONTRACT	EMPLOYER	DATE COMPLETED	SIMILAR SERVICE

**SIGNED ON BEHALF OF TENDERER:** .....

## **UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING**

### **SCHEDULE 14: ALLOCATION OF RESOURCES**

The tenderer shall append their proposed resource allocation to this schedule to this page.

Tenderers must indicate what resources, for example, would be the type of software package intended for use on this project, whether or not it is owned or licensed to the tenderer, or whether it is available through some other means. Tenderers should note that, during the course of any contract arising from this tender, any of the personnel listed at tender stage may only be replaced with personnel of similar qualification and experience, subject to the approval of the Employer. The scoring for the availability / allocation of resources is as follows:

This schedule should also include resources other than human (equipment, software, etc.) that are relevant to/necessary for and are available, or will be bought/hired in, for use on this project.

Up to 5 tender evaluation points for quality will be awarded for the allocation of resources over and above the key personnel named in Schedule 4 and scored in Schedule 9.

The Employer may request more detailed information relating to the resources listed if deemed necessary.

**SIGNED ON BEHALF OF TENDERER:** .....

# **UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING**

## **SCHEDULE 15: RECORD OF ADDENDA TO TENDER DOCUMENTS**

We confirm that the following Communications/Addenda/Notice(s) to tenderers received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:

ADDENDUM No	DATE	SUBJECT MATTER OF ADDENDUM / NOTICE

**SIGNED ON BEHALF OF TENDERER:** .....

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

**^ SCHEDULE 16: ALTERATIONS/AMENDMENTS BY TENDERER**

The tenderer should record any deviations or qualifications he may wish to make to the tender documents in this Returnable Schedule. Alternatively, a tenderer may state such deviations and qualifications in a covering letter attached to his tender and reference such letter in this schedule.

If no deviations or modifications are desired, the schedule hereunder is to be marked NIL and signed by the tenderer.

No alternative tender will be considered unless a tender free of qualifications and strictly on the basis of the Tender Documents is also submitted.

PAGE AND CLAUSE/ ITEM	ALTERATION/AMENDMENT

**SIGNED ON BEHALF OF TENDERER:** .....

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

### **SCHEDULE 17: PREFERENCE POINTS CLAIMED SCHEDULE**

The tenderer is referred to clause F.2.1.7 of the Tender Data and shall state below details of Broad-Based Black Economic Empowerment Status Level. Broad-Based Black Economic Empowerment Status Level Certificates must be appended to this schedule.

<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	<b>NO. OF POINTS FOR TENDERS LESS THAN R50 000 000</b>	<b>PREFERENCE POINTS CLAIMED</b>
1	20	
2	18	
3	14	
4	12	
5	8	
6	6	
7	4	
8	2	
Non-Compliant Contributor	0	
Total	20 (max)	

Signed..... Date.....

Name..... Position.....

**SIGNED ON BEHALF OF TENDERER:** .....



## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

### **SCHEDULE 18: CONFIRMATION OF ENTERPRISE REGISTRATION**

I/We understand that in terms of the Employer's Procurement Policy, tenderers are required to be registered on the National Treasury Central Supplier Database and failure to do so will result in the non allocation of evaluation points for preference.

#### **Registration On the National Treasury Central Supplier Database**

COMPANY NAME	REGISTERED YES / NO	REGISTRATION NUMBER

\*Non Registered Suppliers/service providers on the National Treasury Central Supplier DataBase will be disqualified.

In this regard it is the sole responsibility of tenderers to ensure that this requirement is complied with. In the case of Joint Venture Partnerships this requirement will apply to each party to the Joint Venture.

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

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## Part C1: AGREEMENTS AND CONTRACT DATA

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## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

### C1.1 FORM OF OFFER AND ACCEPTANCE

#### OFFER

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

The tenderer, identified in the offer signature block, has examined the documents listed in the Tender Data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the service provider under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

**THE OFFERED TOTAL:**

( . . . . . ) Percentage (%) discount (to a maximum of 10 percent (%)) of the Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Profession Act, 2000 (Act No 46 of 2000), as gazetted in Government Gazette No 44333, 26 March 2021 (Engineering Council of South Africa). The discount will be applicable to all disciplines as stated in the Guideline.

And .....  
 ..... Rand  
 (in words) (incl. VAT);

R ..... (in figures) (Incl. VAT) for professional fees for additional services for four (2) month design and tender documentation preparation, and (12) month contract administration and inspection.

This offer may be accepted by the Employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the tender data, whereupon the Tenderer becomes the party named as the service provider in the conditions of contract identified in the contract data.

Signature(s): .....

Name(s): .....

**Capacity:** .....

for the tender.....

Name and signature of witness ..... Date: .....

.....  
 (Name and address of organisation)

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

## ACCEPTANCE

By signing this part of this form of offer and acceptance, the Employer identified below accepts the Tenderer's offer. In consideration thereof, the Employer shall pay the service provider the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the Tenderer's offer shall form an agreement between the Employer and the Tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

- Part T1: Tender Notice and Invitation to Tenderer
- Part T2: Returnable Documents
- Part C1: Agreements and contract data, (which includes this agreement)
- Part C2: Pricing data
- Part C3: Scope of work.
- Part C4: Site information

and drawings and documents or parts thereof, which may be incorporated by reference into Parts 1 to 4 above.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender schedules as well as any changes to the terms of the offer agreed by the Tenderer and the Employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule.

The Tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the Employer's representative (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data at, or just after, the date this agreement comes into effect. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the Tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the Tenderer (now Professional Service Provider / Contractor) within five working days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signature .....

Name .....

Capacity .....

**for the Employer**      **UMSOBOMVU LOCAL MUNICIPALITY**  
 MUNICIPAL MANAGER  
 PRIVATE BAG X6  
 COLESBERG, 9795

Name and signature of witness ..... Date .....

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

## Schedule of Deviations

1 Subject .....

Details .....

.....

.....

2 Subject .....

Details .....

.....

.....

3 Subject .....

Details .....

.....

.....

4 Subject .....

Details .....

.....

.....

By the duly authorized representatives signing this agreement, the employer and the tenderer agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the tender data and addenda thereto as listed in the tender schedules, as well as any confirmation, clarification or changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance.

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

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

## C1.2 CONTRACT DATA

### Part 1: Contract Data Provided by the Employer

#### General Conditions of Contract

The General Conditions of Contract are the **Standard Professional Services Contract (September 2005)**, published by the Construction Industry Development Board.

Copies of these General Conditions of Contract may be obtained from the Construction Industry Development Board's website [www.cidb.org.za](http://www.cidb.org.za). Copies of the General Conditions of Contract are also available for inspection and scrutiny at the offices of the Employer.

The pro-formas attached to the standard Professional Services Contract (September 2005) on pages 16 to 23 shall not apply to this Contract and shall be replaced with the documentation bound into this tender document.

The General Conditions of Contract make several references to the Contract Data for specific data, which together with the standard contract collectively describe the risks, liabilities and obligations of the contracting parties and the procedures for the administration of the Contract. The Contract Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the General Conditions of Contract.

The General Conditions of Contract shall be read in conjunction with the variations, amendments and additions set out in the Contract Specific Data below. Each item of data given below is cross referenced to the clause in the General Conditions of Contract to which it mainly applies.

#### **Clause 3.4 and clause 4.3.5:**

The authorized and designated representative of the Employer is the **Municipal Manager**.

The address for receipt of communication is:

Telephone : 051 – 753 0777  
Facsimile : 051 – 753 0574  
Postal Address : Private Bag X6, Colesberg, 9795  
Physical address : Umsobomvu Local Municipality, 21A Church Street, Colesberg, 9795

The project is for the: **Upgrading of Tyoksville Internal Streets to Concrete Block Paving.**

The Period of Performance for concept and viability, design development and tender documentation preparation is **two (2) month**.

#### **Clause 3.5**

“The Works are situated in and around (approximately 1km radius) in the town of Noupoort. Noupoort is located in the extreme eastern corner of the Northern Cape Province, on the N9 route approximately 520km South of Bloemfontein towards and Port Elizabeth.”

#### **Clause 3.11**

“Penalty

The Service Provision shall be completed within the Duration as indicated in the Tendering Entities' project programme/ schedule submitted with this tender, with the following key Milestones:

<b>Milestones</b>	<b>Penalty per Calendar Month</b>
Concept and Viability	1.5% of total tendered professional fees
Design Development and Documentation	1.5% of total tendered professional fees
Construction Tender Closing Date	1.5% of total tendered professional fees
An acceptable Tender Evaluation Report submitted to Council	1.5% of total tendered professional fees

Notes: The Penalty amount will not be limited.

Penalty for misleading Council with wrong information provided in the returnable schedules, and information provided in this tender.

A penalty not less than an amount equal to the points allocated expressed as a percentage of the total points wrongly allocated to the Tendering Entity as a result of the wrong information provided by the Tendering Entity, multiplied by 1.25 of the total tendered professional fees.

Penalty = (Points wrongly claimed as %) x 1.25 x (Tendered Professional Fees)

A project programme/schedule shall be submitted with this tender, the project programme/schedule will be amended once the tender has been awarded with the start date the commencement of the project.”

**Clause 3.14:**

“The project programme/schedule shall be submitted within 7 days of the Acceptance of the tender Offer.”

**Clause 5.4.1:**

“The Service Provider is required to take out and maintain, for the full duration of the performance of this Contract, the following insurance cover:

1. Professional Indemnity Insurance providing cover in an amount of not less than R7 000 000 in respect of each and every claim during the period of insurance.”

**Clause 5.5:**

“The Service Provider is required to obtain the Employer’s prior approval in writing before taking any of the following actions:

1. Replacing any of the key personnel listed at the time of the tender.
2. Appointing construction monitoring staff with respect to any construction contract arising out of this professional services contract.
3. Occupying any public land or facility for any purpose that will cause disruption and or inconvenience to the users of such land or facility.”

**Clause 7:**

“Replace all reference to the “Personnel Schedule” in Clause 7 with the “Allocation of Resources Schedule” (Schedule 14).”

**Clause 8.1:**

"The time to commence the performance of the Services is within 14 Days after the date that the Contract becomes effective."

**Clause 8.4.1**

"If, as a result of a budget adjustment process, it becomes necessary to reduce the funding allocation for the Contract."

**Clause 9.1:**

"Copyright of documents prepared for the project shall be vested with the Employer (Umsobomvu Local Municipality)."

**Clause 12.1.2:**

Add the following:

"Interim settlement of disputes is to be by mediation."

**Clause 12.2.1:**

"Final settlement is by litigation."



# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

## C1.2 Contract Data

### Part 2: Data Provided by the Service Provider

The Service Provider is: .....

Postal Address: .....  
.....  
.....

Physical Address: .....  
.....  
.....

Telephone: .....

Facsimile: .....

**The authorized and designated representative of the Service Provider is:**

Name: .....

The address for receipt of communication is;

Address: .....  
.....

Telephone: .....

Facsimile: .....

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

## PART C2: PRICING DATA

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## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

### C2.1 Pricing Instructions

The short description given in the Activity Schedule below are brief descriptions used to identify the activities for which prices are required. Detailed descriptions of the activities to be priced are provided in the Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Profession Act, 2000 (Act No 46 of 2000), as gazetted in Government Gazette No 44333, 26 March 2021 (Engineering Council of South Africa).

1. While it is entirely at the tenderer's discretion as regards pricing the Activity Schedule below, the Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Profession Act, 2000 (Act No 46 of 2000), as gazetted in Government Gazette No 44333, 26 March 2021 (Engineering Council of South Africa). is a useful document that will give Tenderers some idea of industry norms against which they may compare their rates, sums, percentage fees and/or prices as applicable.
  
2. For the purpose of the Activity Schedule the following words shall have the meanings hereby assigned to them:
 

Unit:	The unit of measurement for each item of work.
Quantity:	The number of units of work for each item.
Rate:	The agreed payment per unit of measurement.
Amount:	The product of the quantity and the agreed rate for an item.
Sum	An agreed lump sum payment amount for an item, the extent Which is described in the scope of work, but the quantity of Work which is not measured in units.
Percentage Fee:	The agreed fee for a service, the extent of which is described in the Scope Of Work, expressed as a percentage of a construction contract value of part thereof.
  
3. A rate, sum percentage fee and/or price as applicable, is to be entered against each item in the Activity Schedule. An item against which no price is entered will be considered to be covered by the other prices or rates in the Activity Schedule.
  
4. The rates, sums, percentage fees and prices in the Activity Schedule are to be fully inclusive prices for the work described under the several items. Such prices and rate cover all costs and expenses that may be required in and for the execution of the work described in accordance with the provisions of the Scope of Work, and shall cover the cost of all general risks, liabilities and obligations set forth or implied in the Contract Data, as well as overhead charges and profit.
  
5. Where quantities are given in the Activity Schedule, these are provisional and do not necessarily represent the actual amount of work to be done. The quantities of work accepted and certified for payment will be used for determining payments due and not the quantities given in the Activity Schedule.

6. Tenderers will note that the prices for some items are developed from a tendered fee expressed as a percentage of an estimated contract value (construction cost), or part thereof which for tendering purposes, are given. Tenderers are required to insert their tendered percentage fee in the space provided. Where prices have been developed from a tendered fee, the final amount due to the Service Provider will be adjusted according the final construction contract values based on the percentage fee tendered.
7. While the Employer has every intent to complete the full Scope of Works, the Employer reserves the right to reduce or increase the Scope of Works according to the dictates of the budget, or to terminate this contract, without adjustment to the agreed rates, sums or fees and without payment of any penalty in this regard. The Service Provider shall however be entitled to pro-rata payment for all services carried out in terms of any adjustment to the Scope of Works or, in the case of termination, remuneration, and/or reimbursement as described in Clause 8.4 of the Standard Professional Services contract.
8. Tenderers are to note that notwithstanding the fact that services are to be provided over a year period, there will be no adjustment in the rates, sums, percentage fees and/or prices tendered. By virtue of the fact that the price for professional services rendered is developed, in the most part, from a construction contract value which will be subject to contract price adjustment, the Service Provider will benefit from adjustments in this regard. In developing any other rates, tenderers must make allowance for annual increases. This is relevant, in particular to the remuneration of construction monitoring staff.
9. Tenderers are to note that only those recoverable expenses listed in the Activity Schedule will be reimbursed to the Service Provider. No reimbursement of costs for subsistence, typing, printing/copying (other than reports and/or tender documents), communications or computer hardware and /or software will be made and these costs will be deemed to be included rates, sums, percentage fees and prices for normal and additional services rendered.

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

### PROJECT DETAILS

<b>Tender Number:</b>	UMS/MIG/07/2022	<b>Labour Intensive Where Possible:</b>	Yes
<b>Project Description / Name:</b>		Provision of Professional Services for Upgrading of Tyoksville Internal Streets in Noupoort to Concrete Block Paving	
Concept, Viability, Design, Tender Documentation Preparation Duration (i.e. preliminary design, detail design and tender document preparation)			2 Months
<b>Approximate Construction Duration:</b>	12 Months	<b>Level of Construction Monitoring:</b>	Level 3

#### C2.2.1 Offered Fee: Professional Engineering Services

(.....) **Percentage (%) discount** (to a maximum of 10 percent (%)) of the Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Profession Act, 2000 (Act No 46 of 2000), as gazetted in Government Gazette No 44333, 26 March 2021 (Engineering Council of South Africa). The discount will be applicable to all disciplines as stated in the Guideline and C3.1.5.1. **If no Percentage (%) discount is stated above, it will be taken than no discount is granted. If a percentage of higher than 10% is indicated, a maximum of 10% only will be considered.**

#### C2.2.2 Expenses and Costs for Additional Services

Costs for services rendered as requested in Table C2.2.2A will be applicable for the durations stated and will be increased or decreased pro rata, based on the actual durations.

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

### PRICING SCHEDULE – PROFESSIONAL SERVICES

#### 1. VALUE BASED FEE CALCULATIONS (GOVERNMENT GAZETTE NO. 44333 OF 26 MARCH 2021)

ITEM	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
1.1	Primary fee	R	1		
1.2	Secondary fee % Applicable, and percentage amount.	%	1		
<b>1.3</b>	<b>TOTAL NET FEE VALUE (EXCL. VAT &amp; DISBURSEMENTS)</b> (Primary fee + Secondary fee)				
1.4	Percentage Discount (%) offered in item 1.3 above.	%	1		
1.5	Less percentage discount offered on item 1.4 above	R	1		
	<b>TOTAL ESTIMATED FEE (EXCL. VAT) ((Discounted total only)</b>				

#### 2. NORMAL SERVICES

ITEM	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
2.1	Inception	%	5		
2.2	Concept and Viability	%	25		
2.3	Design Development	%	25		
2.4	Documentation and Procurement	%	15		
2.5	Contract Administration and Inspection (level 3)	%	25		
2.6	Close-Out	%	5		
<b>SUB TOTAL 2 (EXCL. VAT)</b>					

## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

### 3. ADDITIONAL SERVICES & DISBURSEMENTS

ITEM	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
3.1	Topographical Survey	Sum	1		
3.2	Geotechnical Services and Material Investigations	Sum	1		
3.3	Environmental management approval & Audits	Prov. Sum	1	R 120 000	R 120 000
3.3.1	Handling cost i.r.o sub-item 3.3	%			
3.4	Allow for services of Occupational Health and Safety for the duration of the Contract.	Prov. Sum	1	100 000	R 100 000
3.4.1	Handling cost i.r.o sub-item 3.4	%			
3.5	Monitoring of contract by (ER)	Sum	1		
3.6	Accommodation of site Staff (if required)	Sum	1		
3.7	Travel to site duties, including travel time, engine capacity limited to 1600Cc (Please specify your office) .....	Sum	1		
3.8	Miscellaneous disbursements (Printing & typing, Plotting CAD drawings, Photocopying, Binding etc.)	Sum	1		
<b>SUB-TOTAL 3 (EXCL. VAT)</b>					
TOTAL FEES - SUB-TOTAL 2 + SUB-TOTAL 3. (EXCL. VAT)					
15% VAT					
<b>TOTAL BID AMOUNT. INCL.VAT</b>					

**SCHEDULE:**

I, the undersigned, warrant that I am duly authorized to do so on behalf of the enterprise and confirm that the contents of this schedule are, to my personal knowledge and best belief, both true and correct.

Signed .....Date.....

Name .....Position.....

Tenderer .....

Guideline Clause in Table C2.2.2A refers to the Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Profession Act, 2000 (Act No 46 of 2000), as gazetted in Government Gazette No 44333, 26 March 2021 (Engineering Council of South Africa).

The fees offered above in Table C2.2.2A shall, (a) for Construction Monitoring - include all Construction Monitoring personnel cost and include all expenses and cost (i.e. accommodation, subsistence expenses, traveling expenses, traveling time, etc.), (b) include all the Service Provider’s Expenses and Costs, (c) include all procurement and management cost of the Surveyor, Geotechnical Specialist, and Health and Safety Consultants.

**SIGNED ON BEHALF OF TENDERER:** .....



# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

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## PART C3: SCOPE OF WORK

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## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

### C3.1 SCOPE OF WORK

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## UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

### 3.1.1 INTRODUCTION

Proposal for the provision of consulting engineering services are requested for planning, preliminary design, detail design, construction specifications, tender documentation, tender evaluation, construction supervision/monitoring and successful completion of the upgrading of Tyoksville Internal Streets In Noupoort To Concrete Block Paving, schematic layout in Part C4: Site Information.

A Professional Service Provider is required to provide the professional services necessary to implement the project, which in terms of the Municipal Finance Management Act, 2003, and the Municipal Supply Chain Management Regulations, 2005, must be procured through a competitive tendering process.

### 3.1.2 OBJECTIVE

The purpose of this document is therefore to invite tenders from suitable qualified and experienced consulting firms for **Tender No UMS/MIG/07/2022: Provision of Professional Services for Upgrading of Tyoksville Internal Streets To Concrete Block Paving**, which will be evaluated using a financial offer, quality and preferences based system as described in the tender data.

### 3.1.3 EXTENT OF THE SERVICES

The project entails upgrading of existing gravel streets to concrete block paving with the provision of taxi bays, storm water drainage provision.

**The following services are therefore required:**

#### 3.1.3.1 Preliminary and detail design for

- Construction of approximately 4 km and 5.5m wide of the selected, sub base and base layer.
- Provision of adequate surface drainage.
- Construction of acceptable accesses.
- Paving.
- Construction of kerbing and edge beams
- Road Signage.
- Road markings

3.1.3.2 The compilation of the required construction tender documentation, including specifications, and the evaluation of submitted tenders.

3.1.3.3 The provision of construction monitoring services (Level 3) and construction administration.

3.1.3.4 Submission of monthly progress reports, and/or reports as required by Umsobomvu Local Municipality.

3.1.3.5 The compilation of "as-built" drawings.

**THE SERVICE PROVIDER SHALL TAKE THE FOLLOWING INTO ACCOUNT AS PART OF THE DESIGN FOR THE UPGRADING OF TYOKSVILLE INTERNAL STREET IN NOUPOORT TO CONCRETE BLOCK PAVING.**

3.1.3.9 The upgraded streets must be fit for purpose.

3.1.3.10 The operation and maintenance of the upgraded gravel streets must be a user friendly and cost-effective solution.

3.1.3.11 Preliminary design to be submitted to Employer for comments (and reviewed if requested by the Employer) before commencement of detail design.

3.1.3.12 Detail design to be submitted to Employer for comments (and reviewed if requested by the Employer) before finalising tender documentation.

3.1.3.13 The appointment includes all Civil Works, as well as topographical survey, geotechnical investigation.

### **3.1.4 LOCATION OF THE WORKS**

The Works are situated in approximately 0.5km on the Eastern side of the Noupoort central town, along N9 towards Port Elizabeth from Colesberg, approximately 520km south of Bloemfontein.

### **3.1.5 ENGINEERING**

The required Professional Services as referenced is provided below and indicated above in 3.1.3:

#### **3.1.5.1 Normal Services** (to cover the extend of work as described in 3.1.3 above)

Refer to the Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Profession Act, 2000 (Act No 46 of 2000), as gazetted in Government Gazette No 44333, 26 March 2021 (Engineering Council of South Africa).

#### **3.1.5.2 Additional Services** (to cover the extend as set out in 3.1.6 below)

Refer to the Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Profession Act, 2000 (Act No 46 of 2000), as gazetted in Government Gazette No 44333, 26 March 2021 (Engineering Council of South Africa). for the description of services.

## **UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING**

### **3.1.6 PROCUREMENT**

If the main Professional Service Provider (PSP) does not have the necessary expertise, the following additional services may need to be procured and managed by the PSP:

- (1) Geotechnical Specialist
- (2) Topographical and Land Surveyor
- (3) Occupational Health and Safety Consultant

### **3.1.7 FORMAT OF COMMUNICATION**

All requests for formal approval from the Employer, or any other body, shall be submitted in writing in hardcopy format. Interim payment claims shall be submitted in the same format, accompanied by an original tax invoice. Ad-hoc communication between the Employer and the Service Provider may be conducted per facsimile or electronic format (e-mail).

All plans and contract documents submitted for approval shall be in hardcopy format.

### **3.1.8 RESOURCES / PERSONNEL**

#### **3.1.8.1 Key Personnel**

The Service Provider shall maintain the involvement of the key personnel as specified in F.2.1.3 as the exigencies of the contract require.

#### **3.1.8.2 Construction Monitoring**

The following minimum criteria will be applicable for pricing purposes for a full-time resource:

- (1) N. Dip. (Civil) with 5 years post diploma experience, of which two years should be practical on-site experience, or (2) B.Tech. (Civil) with 2 years post registration experience, or (3) B.Eng. (Civil) with 3 years' experience, of which one year should be practical on-site experience.

### **3.1.9 MANAGEMENT MEETINGS**

Other than attendance of at least monthly site meetings during construction in Morrison township, the Service Provider shall also convene management meetings on an ad-hoc basis as and when necessary, and when called upon to do so by the Employer. The Service Provider shall be represented at the abovementioned meetings by at least one of the key personnel.

**3.1.10 CLAIMS FOR PAYMENT**

The Service Provider may submit interim claims for payment (invoices) as the work in terms of this contract progress. Payment will be effected as per cheque run dates approved by the

## **UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING**

### **3.1.11 EMPLOYERS RIGHT TO RECOVER COST**

The Employer reserves the right to recover, by way of a deduction from any amount due to the Service Provider, any additional cost which the Employer incurs arising out of non-performance of the Service Provider which inhibits the progress of the construction contractor and which leads to an extension of time with cost.

# UPGRADING OF TYOKSVILLE INTERNAL STREETS IN NOUPOORT TO BLOCK PAVING

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## PART C4: SITE INFORMATION

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Drawing, "Tyoksville Internal Street - Schematic Layout" is issued with this document.



GOOGLE PLAN LAYOUT

