



**WATER AND SANITATION DEPARTMENT
UMSOBOMVU MUNICIPALITY
BID NO: T--PWS01-7/2020**

**BID DOCUMENT
(IN COMPLIANCE WITH THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017 PUBLISHED IN
GOVERNMENT GAZETTE NO. 40553 OF 20 JANUARY 2017)**

The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitations networks e.g. pump stations,pumps,motors,aerators,borehels,etc

ISSUED BY:	PREPARED BY:	PREPARED FOR:
Department of Finance Tender Office (Tender Initiation Section) Umsobomvu Municipality Private bag X6 Colesberg 9795 Tel: (051)753-0777 Fax: (051) 753-0574	WATER AND SANITATION DEPARTMENT Mr. Franklin Fax: (051)7530574	WATER AND SANITATION DEPARTMENT Mr. Franklin Fax: (051)7530574

NAME OF BIDDING ENTITY (FULL NAME, i.e. Ltd, Ltd, JV/CONSORTIUM, SOLE PROPRIETOR etc.) :

TELEPHONE NUMBER : _____

EMAIL ADDRESS : _____

FAX NUMBER : _____

NOTICE TO BIDDERS

VERY IMPORTANT NOTICE ON DISQUALIFICATIONS:

A bid not complying with the peremptory requirements stated hereunder will be regarded as not being an "Acceptable bid", and as such will be rejected.

"Acceptable bid" means any bid which, in all respects, complies with the conditions of bid and specifications as set out in the bid documents.

A BID WILL BE REJECTED:

1. If a **VALID ORIGINAL** tax clearance certificate or copy thereof or TCS Pin number (or in the case of a joint venture or consortium, of all the partners in the joint venture or consortium) has not been submitted with the bid document on closing date of the bid. **(An expired tax clearance certificate submitted at the closure of the bid will NOT be accepted).**

As per Supply Chain Management Circular No. 1/2013 – recommended bidders that did not submit a valid tax clearance certificate with their bid will be requested in writing to submit their tax clearance certificate within five working days for inclusion in the Bid Evaluation Committee item, if a bidder fails to submit before 12:00 on the 5th working day after the date of request, the relevant bid will be rejected.

In bids where Consortia and Joint Ventures are involved, each party must submit a separate Tax Clearance Certificate.

Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.

Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

2. If any of the evaluation criteria pages have been removed from the bid document, and have therefore, not been submitted.
3. In the event of a failure to complete and sign in full the schedule of quantities as required.
4. In the event of there being scratching out, writing over or painting out rates or information, affecting the evaluation of the bid, without initialling next to the amended rates or information
5. In the event of the use of correction fluid (eg. tippex), any erasable ink, or any erasable writing instrument (e.g. pencil)
6. If the Bid has not been properly signed by a person having the authority to do so. **(Refer to Declaration)**
7. If particulars required in respect of the bid have not been completed, except if only the Broad – Based Black Economic Empowerment Certificate as provided for in Regulation 6 and 7 of The Preferential Procurement Regulations 2017, is not submitted, the bid will not be disqualified b u t no preference points will be awarded.
8. If the bidder attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.
9. If the bid has been submitted either in the wrong bid box or after the relevant closing date and time.
10. If any municipal rates and taxes or municipal service charges owed by the bidder or any of its directors/members to the municipality or municipal entity, or to any other municipality or municipal entity, are in arrears for more than three months
11. If any bidder who during the last five years has failed to perform satisfactorily on a previous contract with the municipality, municipal entity or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.

12. The accounting officer must ensure that irrespective of the procurement process followed, no award may be given to a person –
 - (a) who is in the service of the state, or;
 - (b) if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder, is a person in the service of the state; or;
 - (c) who is an advisor or consultant contracted with the municipality in respect of contract that would cause a conflict of interest.
- 13. If the bidder is not registered in the required CIDB contractor grading designation (category) or higher, if required in this bid documentation.**
14. If the bidder or any of its directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.
15. If the bidder has abused the Umso's Supply Chain Management System and action was taken in terms of paragraph 38 of the Umso SCM Policy.
16. In the event of non-submission of financial statements if required (**SEE BID DATA OR PRICING SCHEDULE**). In this regard please note:
 - (16.1). If a bidder is a registered company required by law to have its annual financial statements audited or independently reviewed in compliance with the requirements of the Companies Act ,Act No.71 of 2008, or any other law, audited or independently reviewed annual financial statements, as the case may be, prepared within six (6) months of the end of the bidders **most recent** financial year **together with** the audited or independently reviewed annual financial statements **for the two immediately preceding financial years**, unless the bidder was only established within the past three (3) years in which case **all** of its annual financial statements must be submitted.
 - (16.2). If a bidder is a registered close corporation, annual financial statements in compliance with the provisions of the Close Corporations Act, Act No. 69 of 1984, prepared within nine (9) months of the end of the bidders **most recent** financial year **together with** the annual financial statements **for the two immediately preceding financial years**, unless the bidder was only established within the past three (3) years in which case **all** of its annual financial statements must be submitted.
 - (16.3). **Annual financial statements submitted must comply with the requirements of the Companies Act or the Close Corporations Act.**
 - (16.4). If the bidder only commenced business within the past three years, the bidder is required to submit annual financial statements in compliance with the provisions of (16.1) and (16.2) above for each of its financial years since commencing business.
 - (16.5). If a bidder is not required by law to have its annual financial statements audited or independently reviewed, or is not a Close Corporation, then non-audited annual financial statements for the periods referred to above must be submitted. As per Supply Chain Management Circular No. 1/2013 – recommended bidders that did not submit Annual Financial Statements (if required) with their bid will be requested in writing to submit their Annual Financial Statements within five working days for inclusion in the Bid Evaluation Committee item, if a bidder fails to submit before 12:00 on the 5th working day after the date of request, the relevant bid will be rejected.
17. Please check special requirements in scope of work in document for additional attachments

18. If the following have not been fully completed and signed:

FORM 2.1.4 - GENERAL DECLARATION

FORM 2.1.5 - DECLARATION OF INTEREST

FORM 2.1.6 - DECLARATION OF BIDDER'S PAST SCM PRACTICES

FORM 2.1.7 - DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (IF APPLICABLE)

FORM 2.1.8 - CERTIFICATE OF INDEPENDENT BID DETERMINATION

FORM 2.1.9 -DECLARATION FOR MUNICIPAL ACCOUNTS

FORM 2.1.10 -DECLARATION FOR MUNICIPAL ACCOUNTS WHERE BIDS ARE EXPECTED TO EXCEED R10 MILLION

18.1 As per Supply Chain Management Circular No. 1/2013 – recommended bidders that did not complete and sign all relevant declarations in the bid document will be requested in writing to complete and sign relevant declarations within five working days for inclusion in the Bid Evaluation Committee item, if a bidder fails to complete and sign before 12:00 on the 5th working day after the date of request, the relevant bid will be rejected.

NOTE:

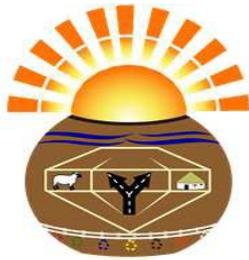
1. IN THIS DOCUMENT AND OTHER DOCUMENTS REFERRED TO BUT NOT ATTACHED, THE FOLLOWING WORDS ARE SYNONYMOUS WITH EACH OTHER.

- 1.1. CLIENT, EMPLOYER, UMSOBOMVU MUNICIPALITY (Umso).
- 1.2. BID, TENDER AND VARIATIONS THEREOF
- 1.3. JOINT VENTURE / CONSORTIUM

1. **Very important notice** Bidders must note that only information filled in at the spaces provided therefor in the bid document will be considered for evaluation purposes unless additional space is required and then only if the location of the additional information in the attachments is properly referred to by page number and section heading. Information supplied anywhere else will be disregarded which **may** lead to the rejection of the bid.
2. **The attachment or inclusion of information not specifically asked for is not desirable and leads to delays in the awarding of bids. This includes Company Profiles and CV's if not specifically requested**

PLEASE NOTE POSSIBLE AMENDMENTS/ADENDUM MAY BE ADVERTISED ON THE COE WEBSITE. IT REMAINS THE RESPONSIBILITY OF THE BIDDER TO CHECK THE COE WEBSITE DAILY AND TO RAISE ANY ENQUIRIES REGARDING THE BID TO THE RELEVANT CONTACT PERSON BEFORE THE CLOSING DATE. NO COMMUNICATION WILL BE ALLOWED AFTER THE CLOSING OF THE BID

PLEASE NOTE THAT ALL BID DOCUMENTS ARE ALSO AVAILABLE FOR DOWNLOAD ON OUR WEBSITE FOR FREE IN ANY COLOUR PAPER.



UMSOBOMVU LOCAL MUNICIPALITY
Continuously Rising

WATER AND SANITATION DEPARTMENT
UMSOBOMVU MUNICIPALITY
BID NO: T--PWS01-7/2020

BID DOCUMENT

The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitations networks e.g. pump stations,pumps,motors,aerators,borehels,etc

SUMMARY FOR BID OPENING PURPOSES

NAME OF BIDDING ENTITY:

PHYSICAL STREET ADDRESS:	POSTAL ADDRESS:

TELEPHONE NUMBER :

FAX NUMBER :

E-mail ADDRESS :

*BID PRICE PROJECT NO. 1: R.....

*(Amount brought forward from the Form of Offer and Acceptance)

Signed by authorised representative of the Bidding Entity:

DATE:

Note: Should any discrepancy occur between the above amounts and those stated in the Form of Offer and Acceptance, the latter shall take precedence and apply.



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THE BID

- PART T1 Bidding Procedures
- T1.1 Bid Notice, Invitation to Bid and MBD 1 Form
- T1.2 Bid Data
- PART T2 Returnable Documents (All documents / schedules are returnable)
- T2.1 List of Returnable Documents
- T2.2 Other Documents Required for Bid Evaluation Purposes

The following documents must be completed and signed (where applicable) and submitted as a complete set.

Document		Colour of pages
Numb	Heading	
T1.1	Bid Notice and Invitation to Bid	White
T1.2	Bid Data	Pink
T2.1	List of Returnable Documents	Yellow
T2.2	Other Documents Required For Bid Evaluation Purposes	Yellow
C 1	Other Documents/schedules that will be Incorporated in the Contract	Yellow
C1.1	Form of Offer and Acceptance	Yellow
C1.2	Contract Data	Yellow
C2.1	Pricing Instructions	Yellow
C2.2	Activity Schedule	Yellow
C3	Scope of Work	Blue
C4	Site Information	White

UMSOBOMVU MUNICIPALITY

WATER AND SANITATION DEPARTMENT

BID NO: T--PWS01-7/2020

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The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitations networks e.g. pump stations,pumps,motors,aerators,borehels,etc

Bid Notice and Invitation to Bid (T1.1)

ADVERTISED IN: City Press
PUBLISHING DATE: 26 July 2020

Umsobomvu Local Municipality

Bids are hereby invited for the following:

WATER AND SANITATION DEPARTMENT

Strategic and Functional Planning

<u>CONTRACT NO.:</u>	<u>DESCRIPTION:</u>	<u>DOC. FEE</u>	<u>CLOSING DATE:</u>
BID NO: T-PWS01-7/2020	The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitations networks e.g. pump stations,pumps,motors,aerators,borehels, etc	R500	17 August 2020

Bidders must note that this bid may be awarded to more than one bidder.

Acceptable bids will be evaluated by using a system that awards points on the basis of **80 points** for bid price and a maximum of **20 points** for the Broad-Based Black Economic Empowerment (B-BBEE) status level of contributor.

In terms of section 5 of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000),

Preferential Procurement Regulations, 2017.

The successful tenderer must subcontract in compliance with section 5 (clause 9) of the Preferential Policy Framework Act, 2000 (Act No. 5 of 2000)

a minimum of 30% of the contract value to-

- (b) an EME or QSE which is at least 51% owned by black people;

PLEASE NOTE THAT A VALID ORIGINAL OR COPY OF A COMPANY'S TAX CLEARANCE CERTIFICATE (OR IN THE CASE OF A JOINT VENTURE, OF ALL THE PARTNERS IN THE JOINT VENTURE) MUST BE SUBMITTED WITH THE BID DOCUMENT

Bid documents will be available as from **12:00 on MONDAY, 17 August 2020, and thereafter on weekdays from 08:00 until 16:00 ONLY**, upon payment of a **cash non-refundable document fee of R500-00 per set**, at the Finance department, 21A church street, Colesberg,9795. (Tel. No. (051)75307777). **Please note that all bid documents are also available for download on our website for free in any colour paper.**

Bids are to be completed in accordance with the conditions and bid rules contained in the bid documents and supporting documents must be sealed and externally endorsed with the **CONTRACT NUMBER AND DESCRIPTION** and placed in bid **box** , at the Municipality reception , not later than **12:00** on **MONDAY, 17 August 2020**. . **All bids shall hold good for 90 days as from the closing date of bids.**

Bids which are not received and/or deposited **in the specified bid box before 12:00** on the closing date for the bid mentioned hereinbefore, **will be marked as late bids and such bids shall in terms of the SCM Policy of the Umsobomvu Municipality, not be considered by the Council as valid bids.**

**Enquiries must be directed to Mr. Franklin /T.D Tshikundu (CFO)
0517530777**

Bidders attention is specifically drawn to the provisions of the bid rules which are included in the bid documents. The lowest or any bid will not necessarily be accepted and the Council reserves the right not to consider any bid **not suitably endorsed or comprehensively completed**, as well as the right to accept a bid in whole or part. **Bids completed in pencil will be regarded as invalid bids. TELEFAX OR E-MAIL BIDS ARE NOT ACCEPTABLE**

MBD 1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE CITY OF EKURHULENI

BID	T-PWS01-	CLOSING DATE:	17 August 2020	CLOSING TIME:	12:00
DESCRIPTION	The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitations networks e.g. pump stations, pumps, motors, aerators, borehels, etc				

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

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

FINANCE HEAD OFFICE
GROUND FLOOR CONFERENCE ROOM
68 WOBURN AVENUE
BENONI
1501

SUPPLIER INFORMATION

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE		NUMBER
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE		NUMBER
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX COMPLIANCE STATUS	TCS PIN:		CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (EXCL VAT)	R
SIGNATURE OF BIDDER	DATE	

CAPACITY UNDER WHICH THIS BID IS SIGNED

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	Finance	CONTACT PERSON	
CONTACT PERSON	Franklin/ T.D Tshikundu (CFO)	TELEPHONE NUMBER	
TELEPHONE NUMBER	051 7530777	FACSIMILE NUMBER	
FACSIMILE NUMBER		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)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> 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:

Umsobomvu Municipality

**WATER AND SANITATION DEPARTMENT
 BID NO: T--PWS01-7/2020
 BID DOCUMENT**

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Bid Data (T1.2)

The conditions of Bid are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity for construction Procurement, Board Notice 136 Government Gazette No 38960 of 10 July 2015 The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this Bid. The Bid 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 Bidder is deemed to be in possession and have full knowledge of the abovementioned documents.

Clause		
F.1.1	The Client is: Municipal Manager Umsobomvu Municipality Private Bag X6 Colesberg	
F.1.2	The Bid documents issued by the Client comprise: Part T1-Tendering procedures T1.1 Bid notice and invitation to Bid T1.2 Bid data Part T2- Returnable documents T2.1 List of returnable documents T2.2 Bid Schedules (Included in T2.1) Part C1: Agreements 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 Schedules Part C3: Scope of work C3 Scope of work	
F.1.4	The Client's representative is: Name: Mr. Franklin /T.D Tshikundu (CFO) Tel 0517530777	Address: Private Bag X6 Colesberg,9795 Umsobomvu Municipality 21A Church Street Colesberg 9795

F.1. 5	The lowest or any bid will not necessarily be accepted. The Client reserves the right to award the contract for different projects to different bidders.	
F.2. 1	1) Staffing profile / Minimum requirements	<p>1xDirector: B Eng/BSc (Civil)/B-Tech Civil</p> <p>Relevant Years' Experience</p> <p>Pr. Eng, or Pr. Tech (ECSA) (Water & Waste Water)</p> <p>Minimum of 15 years' experience in Establishing and/or Updating of a water and sewer master planning, Hydraulic Analysis of water and sewer networks / systems (including bulk)</p> <p>And</p> <p>1xEngineer: B Eng/BSc (Civil)/B-Tech Civil</p> <p>Relevant Years' Experience</p> <p>Pr. Eng, or Pr. Tech (ECSA) (Water & Waste Water)</p> <p>Minimum of 10 years' experience in Establishing and/or Updating of a water and sewer master planning, Hydraulic Analysis of water and sewer networks / systems (including bulk).</p> <p>And</p> <p>1xSpecialist: B Eng/BSc (Civil)/B-Tech Civil</p> <p>Relevant Years' Experience</p> <p>Pr. Eng, or Pr. Tech (ECSA) (Water)</p> <p>Minimum of 3 years' relevant experience in water quality modelli ng</p> <p>And</p> <p>1xTechnologist: B Eng/BSc (Civil)/B-Tech Civil</p> <p>Relevant Years' Experience</p> <p>Pr. Eng, or Pr. Tech (ECSA) (Water & Waste Water)</p> <p>Minimum of 3 years' experience in Establishing and/or Updating of a water and sewer master planning, Hydraulic Analysis of water and sewer networks / systems (including bulk)</p> <p>And</p> <p>1xTechnician: N Dip: Civil</p> <p>Relevant Years' Experience</p> <p>Minimum of 2 years' experience in Establishing and/or Updating of a water and sewer master planning, Hydraulic Analysis of water and sewer networks / systems (including bulk)</p> <p>And</p>

	<p>1xProgrammer: Degree/B-Tech Info Systems/Computer Systems or Post Grad IT related Qualification</p> <p>Relevant Years' Experience</p> <p>Minimum of 3 years' experience in water related projects</p>
F2.5	The consultant is deemed to be in possession and have knowledge of the documents referred to in these documents but not attached.
F.2.1	No alternative bid offer will be considered
F.2.13.5	The client's address for delivery of bid offers and identification details to be shown on the bid offer package are: Location of Bid box:-- Umsobomvu Municipality Reception, Colesberg, 9795
	Physical address: Umsobomvu Municipality, 21A church street, Colesberg, 9795
	Identification details: Bid Box Number at the reception
F 2.13.3	<p>The <u>whole original</u> bid document, <i>as issued by the Umsobomvu</i>, shall be submitted.</p> <p>THE BIDDER MUST SUBMIT, TOGETHER WITH THE FULLY COMPLETED BID DOCUMENT, A CD WITH A COPY IN PDF FORMAT OF THE ORIGINAL COMPLETED BILL OF QUANTITIES/PRICING SCHEDULE. THIS CD MAY BE USED WHENEVER THERE IS A DISPUTE BETWEEN THE BIDDER AND COE.</p> <p>Bids may only be submitted on the Bid documentation issued by the Umsobomvu</p>
F2.14	Take particular note of this clause and ensure that you have provided all the data, information and documents requested and completed all documents/forms/schedules required.
F.2.15	The closing time for submission of bids is 17 August 2020 at 12:00 . Telephonic, telegraphic, facsimile or e-mailed offers will not be accepted.
F.2.1	The Bid offer validity period is 90 days.
F.2.23	<p>(1) In order to obtain B-BBEE Status Level points in terms of the provisions of Regulations 6(2) or 7(2) of the Preferential Procurement Regulations, 2017, if a bidder is an Exempted Micro Enterprise (EME) in terms of the Broad-Based Black Economic Empowerment Act, Act No. 53 of 2003, the bidder is required to submit with his bid, a certificate issued by a registered auditor, accounting officer (as contemplated in section 60(4) of the Close Corporation Act, Act No. 69 of 1984) or an accredited verification agency, in compliance with the requirements of Regulation 6(4) of the Preferential Procurement Regulations, 2017;</p> <p>(2) In order to obtain B-BBEE Status Level points in terms of the provisions of Regulations 6(2) or 7(2) of the Preferential Procurement Regulations, 2017, if</p>

	<p><i>bidder is not an Exempted Micro Enterprise (EME) in terms of the Broad-Based Black Economic Empowerment Act, Act No. 53 of 2003, the bidder is required to submit an original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating its B-BBEE rating, in compliance with the requirements of Regulation 6(4) of the Preferential Procurement Regulations, 2017;</i></p> <p>(3) A valid original Tax Clearance Certificate or copy or TCS pin number thereof, issued by the South African Revenue Services;</p> <p>(4) If a bidder is a registered company required by law to have its annual financial statements audited or independently reviewed in compliance with the requirements of the Companies Act, Act No.71 of 2008, or any other law, audited or independently reviewed annual financial statements, as the case may be, prepared within six (6) months of the end of the bidders most recent financial year together with the audited or independently reviewed annual financial statements for the two immediately preceding financial years, unless the bidder was only established within the past three (3) years in which case all of its annual financial statements must be submitted.</p> <p>(5) If a bidder is a registered close corporation, annual financial statements in compliance with the provisions of the Close Corporations Act, Act No. 69 of 1984, prepared within nine (9) months of the end of the bidders most recent financial year together with the annual financial statements for the two immediately preceding financial years, unless the bidder was only established within the past three (3) years in which case all of its annual financial statements must be submitted.</p> <p>(6) immediately preceding financial years, unless the bidder was only established within the past three (3) years in which case all of its annual financial statements must be submitted. If the bidder only commenced business within the past three years, the bidder is required to submit annual financial statements in compliance with the provisions of (1) and (2) above for each of its financial years since commencing business.</p> <p>(7) If a bidder is not required by law to have its annual financial statements audited or independently reviewed, or is not a Close Corporation, then non-audited annual financial statements for the periods referred to above must be submitted.</p>
<p>F.3. 4</p>	<p>The time for opening of the Bid offers are: Time: 12:05 Location: Umsobomvu Municipality Library</p>

PROCUREMENT FORM

ADJUDICATION OF BIDS

Bids are adjudicated in terms of Umsobomvu Supply Chain Management Policy, and the following framework is provided as a guideline in this regard.

1. Technical adjudication and General Criteria

Bids will be adjudicated in terms of inter alia:

- **Compliance with bid conditions**
- **Technical specifications**

If the bid does not comply with the bid conditions or technical specifications, the bid shall be rejected. **See page 2 to 4 for examples.**

2. Infrastructure and resources available

Evaluation of the following in terms of the size, nature and complexity of goods and/or services required:

- **Physical facilities**
- **Plant and equipment available for the contract owned by the bidder**
- **Plant and equipment the bidder intends renting or acquiring, should the contract be awarded to him.**

3. Size of enterprise and current workload

Evaluation of the bid's position in terms of:

- **Previous and expected current annual turnover**
- **Current contractual obligations**
- **Capacity to execute the contract**

4. Staffing profile

Evaluation of the bid's position in terms of:

- **Staff available for this contract being bided for**
- **Qualifications and experience of key staff to be utilised on this contract.**

5. Previous experience

Evaluation of the bid's position in terms of his previous experience. Emphasis will be placed on the following:

- **Experience in the relevant technical field**
- **Experience of contracts of similar size**
- **Some or all of the references will be contacted to obtain their input.**

6. Financial ability to execute the contract

Evaluation of the bid's financial ability to execute the contract. Emphasis will be placed on the following:

- **Surety proposed**
- **Estimated cash flow**

- **Contact the bidder's bank manager to assess the bidder's financial ability to execute the contract and the bidder hereby grants his consent for this purpose.**

7. Good standing with SA Revenue Service

Establish whether a valid original tax clearance certificate or copy thereof has been submitted with the Bid document on closing date of the bid. If no such Certificate or copy thereof has been submitted, the bid must be rejected. If a valid original tax clearance certificate has not been submitted, the bidder shall be requested in writing to submit a valid original tax clearance certificate by a specific date and at a specific venue. **NB** A failure to submit a valid original tax clearance certificate in terms of the aforesaid written request shall result in the rejection of the bid.

The bidder **must affix a valid original Tax Clearance Certificate or copy or TCS pin number thereof, to the last page** of the bid document

In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.

Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.

Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

NB:

If the bid does not meet the requirements contained in the Umsobomvu Supply Chain Management Policy, and the mentioned framework, it shall not be considered an acceptable bid and shall be rejected by the Municipality, and may not subsequently be made acceptable by correction or withdrawal of the non-conforming deviation or reservation.

8. Adjudication using a Points System

Acceptable bids will be evaluated using a system that awards points on the basis of bid price and B-BBEE Status Level of Contribution. Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate (from a Verification Agency accredited by the South African National Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) or an Affidavit together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

For bids with a bid amount equal to or above R30 000 and up to a Rand value of R 50 million (all applicable taxes included) a maximum of 80 points is allocated for price and a maximum of 20 points for B-BBEE Status Level of Contribution. For bids with a bid amount above R 50 million (all applicable taxes included) a maximum of 90 points is allocated for price and a maximum of 10 points for B-BBEE Status Level of Contribution.

A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the

person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

The Municipality shall award the Contract to the Bidder obtaining the highest number of points for Price and B-BBEE Level of Contribution calculated in accordance with the Preferential Procurement Regulations, 2017, unless there are grounds to justify the award to another bidder, in accordance with the provisions of Section 2 (f) of the Preferential Procurement Policy Framework Act, Act No. 5 of 2000.

9. Evaluation on Functionality

9.1 Regulation 5 of the Preferential Procurement Regulations, 2017 provides as follows:

1. "An organ of state must indicate in the invitation to submit a tender if the tender will be evaluated on functionality,
 2. The evaluation criteria for measuring functionality must be objective.
 3. The tender documents must specify-
 - (a) the evaluation criteria for measuring functionality;
 - (b) the points for each criterion and, if any, each sub-criterion; and
 - (c) the minimum score for functionality.
 4. The minimum qualifying score for functionality for a tender to be considered further-
 - (a) must be determined separately for each tender; and
 - (b) may not be so-
 - (i) low that it may jeopardise the quality of the required goods or services; or
 - (ii) high that it is unreasonably restrictive.
 5. Points scored for functionality must be rounded off to the nearest two decimal places.
 6. A tender that fails to obtain the minimum qualifying score for functionality as indicated in the tender documents is not an acceptable tender.
 7. Each tender that obtained the minimum qualifying score for functionality must be evaluated further in terms of price and the preference point system and any objective criteria envisaged in regulation 11.
- 9.2 Accordingly, where an invitation to submit a tender indicates that the tender will be evaluated on functionality, all acceptable bids submitted shall be firstly evaluated on functionality and, all acceptable bids that achieve the minimum score for functionality, as indicated in the tender invitation, shall be further evaluated in terms of the points system referred to above.

10. Remedies

The Municipal Manager must act in terms of paragraph 14 of the Preferential Procurement Policy Regulations, 2017, against the bidder or person awarded the contract upon detecting that the B- BBEE status level of contribution has been claimed or obtained on a fraudulent basis.

Regulation 14 of the Preferential Procurement Policy Regulations provides as follows:

"14.(1) Upon detecting that a tenderer submitted false information regarding its BBEE status level of contributor, local production and content, or any other matter required in terms of these Regulations which will affect or has affected the evaluation of a tender, or where a tenderer has failed to declare any subcontracting arrangements, the organ of state must-

- (a) inform the tenderer accordingly;
- (b) give the tenderer an opportunity to make representations within 14 days as to why-

(i) the tender submitted should not be disqualified or, if the tender has already been awarded to the tenderer, the contract should not be terminated in whole or in part;

(ii) if the successful tenderer subcontracted a portion of the tender to another person without disclosing it, the tenderer should not be penalised up to 10 percent of the value of the contract; and

(iii) the tenderer should not be restricted by the National Treasury from conducting any business for a period not exceeding 10 years with any organ of state; and

(c) if it concludes, after considering the representations referred to in subregulation(1)(b), that-

(i) such false information was submitted by the tenderer-

(aa) disqualify the tenderer or terminate the contract in whole or in part;

and

(bb) if applicable, claim damages from the tenderer; or

(ii) the successful tenderer subcontracted a portion of the tender to another person without disclosing, penalise the tenderer up to 10 percent of the value of the contract.

(2)(a) An organ of state must-

(i) inform the National Treasury, in writing, of any actions taken in terms of subregulation (1);

(ii) provide written submissions as to whether the tenderer should be restricted from conducting business with any organ of state; and

(iii) submit written representations from the tenderer as to why that tenderer should not be restricted from conducting business with any organ of state.

(b) The National Treasury may request an organ of state to submit further information pertaining to subregulation (1) within a specified period.

(3) The National Treasury must-

(a) after considering the representations of the tenderer and any other relevant information, decide whether to restrict the tenderer from doing business with any organ of state for a period not exceeding 10 years; and

(b) maintain and publish on its official website a list of restricted suppliers.

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

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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value equal to or above R30 000 and up to R50 million (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 million (all applicable taxes included).

1.2 The value of this bid is estimated to exceed R50 million (all applicable taxes included) and therefore the (90/10) system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

	POINTS
1.3.1.1 PRICE	(80)
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	(20)
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African National Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 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

- 2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad -Based Black Economic Empowerment Act;
- 2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad Based Black Economic Empowerment Act;
- 2.4 **“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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional

- discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue not exceeding R10 million.
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points may be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

$$Ps \times 80 \left\{ \frac{Pt - P_{min}}{P_{min}} \right\} \quad \text{or} \quad Ps \times 90 \left\{ \frac{Pt - P_{min}}{P_{min}} \right\}$$

Where

- Ps = Points scored for comparative price of bid under
- Pt = Comparative price of bid under consideration
- Pmi = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

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

B-BBEE Status Level of Contributor	Number of points (90/10)	Number of points (80/20)
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

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 **Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.**
- 5.4 A trust, consortium or joint venture, will qualify for points for its B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

- 5.5 A trust, consortium or joint venture will qualify for points for its B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO
(delete whichever is not applicable)

8.1.1 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? YES / NO
(delete which is not applicable)

9 DECLARATION WITH REGARD TO BIDDING ENTITY

9.1 Name of bidding entity;

9.2 VAT registration number:

9.3 Registration number of bidding entity:

9.4 TYPE OF ENTITY

[TICK APPLICABLE BOX]

Partnership/Joint Venture / Consortium

One person business/sole proprietor

Close corporation

Company

Trust

Other (specify)

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
9.6 CLASSIFICATION

[TICK APPLICABLE BOX]

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

9.7 MUNICIPAL INFORMATION

- Municipality where business is situated
- Consumer Account Number
- Stand Number

9.8 TOTAL NUMBER OF YEARS THE FIRM HAS BEEN IN BUSINESS AND REGISTRATION DETAILS?

- Date of Registration_____;
- Date on which bidder commenced business, if different from date of registration_____.

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the bidder, certify that the points claimed, based on the B-BBEE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the bidder 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 paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If it is detected that false information regarding the B-BBEE status level of contribution, local production content, or any other matter which will affect or has affected the evaluation of the tender, or where the tender has failed to declare any subcontracting arrangements, 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) restrict the bidder/ contractor, its shareholders and/or directors, or only the shareholders and/or directors who acted on a fraudulent basis, 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.

5.

SIGNATURE(S) OF BIDDER(S)

DATE:

ADDRESS:

.....

The additional conditions of Bid are:

- 1 The Employer/Engineer may also request that the bidder provide written evidence that his financial, labour and other resources are adequate for carrying out the contract.
- 2 The Employer reserves the right to appoint a firm of chartered accountants and auditors and/or execute any other financial investigations on the financial resources of any bidder. The bidder shall provide all reasonable assistance in such investigations.
- 3 The Employer may appoint more than one Contractor on this project, subject to the specific conditions agreed to in the Form of Acceptance
- 4 The bid document shall be submitted as a whole and shall **not** be taken apart.
- 5 **List of returnable documents (PART T2) must be completed in full.** (A bidder's company profile **will not** be used by the Umsobomvu to complete PART T2 on behalf of the bidder)

NB: If PART T2 is not completed in full by the bidder, this offer will be rejected.

Annex F
(normative)

Standard Conditions of Tender

As published in Annexure F of the CIDB Standard for Uniformity for construction Procurement, Board Notice 136 Government Gazette No 38960 of 10 July 2015

F.1 General

F.1.1 Actions

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

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

Note: 1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.

2) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.

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

F.1.2 Tender Documents

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

F.1.3 Interpretation

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

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

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

- a) **conflict of interest** means any situation in which:
 - i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially;
 - ii) an individual or organisation is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
 - iii) incompatibility or contradictory interests exist between an employee and the organisation which employs that employee.
- b) **comparative offer** means the price after the factors of a non-firm price and all unconditional discounts it can be utilised to have been taken into consideration;
- c) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process;
- d) **fraudulent practice** means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels;
- e) **organization** means a company, firm, enterprise, association or other legal entity, whether incorporated or not, or a public body;
- f) **functionality** means the measurement according to the predetermined norms of a service or commodity designed to be practical and useful, working or operating, taking into account quality, reliability, viability and durability of a service and technical capacity and ability of a tenderer.

F.1.4 Communication and employer's agent

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

F.1.5 Cancellation and Re-Invitation of Tenders

F1.5.1 An organ of state may, prior to the award of the tender, cancel a tender if-

- (a) due to changed circumstances, there is no longer a need for the services, works or goods requested; or
- (b) funds are no longer available to cover the total envisaged expenditure; or
- (c) no acceptable tenders are received.

F1.5.2 The decision to cancel a tender must be published in the cidb website, the government Tender Bulletin, eTender Publication Portal and other media in which the original tender invitation was advertised.

F.1.6 Procurement procedures

F.1.6.1 General

Unless otherwise stated in the tender data, a contract will, subject to F.3.13, be concluded with the tenderer who in terms of F.3.11 is the highest ranked or the tenderer scoring the highest

number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.

F.1.6.2 Competitive negotiation procedure

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

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

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

F.1.6.2.4 The contract shall be awarded in accordance with the provisions of F.3.11 and F.3.13 after tenderers have been requested to submit their best and final offer.

F.1.6.3 Proposal procedure using the two stage-system

F.1.6.3.1 Option 1

Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender.

F.1.6.3.2 Option 2

F.1.6.3.2.1 Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents.

F.1.6.3.2.2 The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data, and award the contract in terms of these conditions of tender.

F.2 Tenderer's obligations

F.2.1 Eligibility

F.2.1.1 Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer.

F.2.1.2 Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders.

F.2.2 Cost of tendering

F2.2.1 Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer complies with requirements.

F2.2.2 The cost of the tender documents charged by the employer shall be limited to the actual cost incurred by the employer for printing the documents. Employers must attempt to make available the tender documents on its website so as not to incur any costs pertaining to the printing of the tender documents.

F.2.3 Check documents

Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.

F.2.4 Confidentiality and copyright of documents

Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.

F.2.5 Reference documents

Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.

F.2.6 Acknowledge addenda

Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.

F.2.7 Clarification meeting

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

F.2.8 Seek clarification

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

F.2.9 Insurance

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

F.2.10 Pricing the tender offer

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

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

F.2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.

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

F.2.11 Alterations to documents

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

F.2.12 Alternative tender offers

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

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

F.2.12.3 An alternative tender offer may only be considered in the event that the main tender offer is the winning tender.

F.2.13 Submitting a tender offer

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

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

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

F.2.13.4 Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.

F.2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

F.2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

F.2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.

F.2.13.8 Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.

F.2.13.9 Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.

F.2.14 Information and data to be completed in all respects

Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

F.2.15 Closing time

F.2.15.1 Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery.

F.2.15.2 Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.

F.2.16 Tender offer validity

F.2.16.1 Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.

F.2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.

F.2.16.3 Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted.

F.2.16.4 Where a tender submission is to be substituted, submit a substitute tender in accordance with the requirements of F.2.13 with the packages clearly marked as "SUBSTITUTE".

F.2.17 Clarification of tender offer after submission

Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.

Note: Sub-clause F.2.17 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Employer elect to do so.

F.2.18 Provide other material

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

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

F.2.19 Inspections, tests and analysis

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

F.2.20 Submit securities, bonds and policies

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

F.2.21 Check final draft

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

F.2.22 Return of other tender documents

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

F.2.23 Certificates

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

F.3 The employer's undertakings

F.3.1 Respond to requests from the tenderer

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

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

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

F.3.2 Issue Addenda

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

F.3.3 Return late tender offers

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

F.3.4 Opening of tender submissions

F.3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the

tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

F.3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, number of points claimed for its BBEE status level and time for completion for the main tender offer only.

F.3.4.3 Make available the record outlined in F.3.4.2 to all interested persons upon request.

F.3.5 Two-envelope system

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

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

F.3.6 Non-disclosure

Not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer.

F.3.7 Grounds for rejection and disqualification

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

F.3.8 Test for responsiveness

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

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

F.3.8.2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,

- b) significantly change the Employer's or the tenderer's risks and responsibilities under the contract, or
- c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be ratified.

Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

F.3.9 A r i t h m e t i c a l errors, omissions and discrepancies

F.3.9.1 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with F.3.11 for:

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

F3.9.2 The employer must correct the arithmetical errors in the following manner:

- a) Where there is a discrepancy between the amounts in words and amounts in figures, the amount in words shall govern.
- b) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.
- c) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

Consider the rejection of a tender offer if the tenderer does not correct or accept the correction of the arithmetical error in the manner described above.

F.3.10 Clarification of a tender offer

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

F.3.11 Evaluation of tender offers

F.3.11.1 General

Appoint an evaluation panel of not less than three persons. Reduce each responsive tender offer to a comparative offer and evaluate them using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

F.3.11.2 Method 1: Price and Preference

In the case of a price and preference:

- 1) Score tender evaluation points for price
- 2) Score points for BBEE contribution
- 3) Add the points scored for price and BBEE.

F.3.11.3 Method 2: Functionality, Price and Preference

In the case of a functionality, price and preference:

- 1) Score functionality, rejecting all tender offers that fail to achieve the minimum number of points for functionality as stated in the Tender Data.
- 2) No tender must be regarded as an acceptable tender if it fails to achieve the minimum qualifying score for functionality as indicated in the tender invitation.
- 3) Tenders that have achieved the minimum qualification score for functionality must be evaluated further in terms of the preference points system prescribed in paragraphs 4 and 4 and 5 below.

The 80/20 preference point system for acquisition of services, works or goods up to Rand value of R50 million

- 4) (a)(i) The following formula must be used to calculate the points for price in respect of tenders(including price quotation) with a rand value equal to, or above R 30 000 and up to Rand value of R 50 million (all applicable taxes included):

$$P_s = 80 + \frac{P_t - P_{min}}{P_{min}}$$

Where

P_s = Points scored for comparative price of tender or offer under consideration;

P_t = Comparative price of tender or offer under consideration; and

P_{min} = Comparative price of lowest acceptable tender or offer.

- (4)(a)(ii) An employer of state may apply the formula in paragraph (i) for price quotations with a value less than R30 000, if and when appropriate:

- (4)(b) Subject to subparagraph(4)(c), points must be awarded to a tender for attaining the B-BBEE status level of contributor in accordance with the table below:

B-BBEE status level of contributor	Number of points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- (4)(c) A maximum of 20 points may be allocated in accordance with subparagraph (4)(d)
- (4)(d) The points scored by tender in respect of B-BBEE contribution contemplated in subparagraph (4) (b) must be added to the points scored for price as calculated in accordance with subparagraph (4)(a).
- 4)(e) Subject to paragraph 4.3.8 the contract must be awarded to the tender who scores the highest total number of points.

The 90/ 10 preference points system for acquisition of services, works or goods with a Rand value above R 50 million

- (5)(a) The following formula must be used to calculate the points for price in respect of tenders with a Rand value above R50 million (all applicable taxes included):

90/10

$$P_s = 90 + \frac{P_t - P_{\min}}{P_{\min}}$$

Where

P_s = Points scored for comparative price of tender or offer under consideration;

P_t = Comparative price of tender or offer under consideration; and

P_{min} = Comparative price of lowest acceptable tender or offer.

(5)(b) Subject to subparagraph(5)(c), points must be awarded to a tender for attaining the B- BBEE status level of contributor in accordance with the table below:

B-BBEE status level of contributor	Number of points
1	10
2	9
3	6
4	5
5	4
	3
7	2
8	1
Non-compliant contributor	0

(5)(c) A maximum of 10 points may be allocated in accordance with subparagraph

(5)(d) The points scored by tender in respect of B-BBEE contribution contemplated in subparagraph (5) (b) must be added to the points scored for price as calculated in accordance with subparagraph (5)(a).

(5)(e) Subject to paragraph 4.3.8 the contract must be awarded to the tender who scores the highest total number of points.

F.3.11.6 Decimal places

Score price, preference and functionality, as relevant, to two decimal places.

F.3.11.7 Scoring Price

Score price of remaining responsive tender offers using the following formula:

$$N_{FO} = W_1 \times A$$

where: N_{FO} is the number of tender evaluation points awarded for price.

W_1 is the maximum possible number of tender evaluation points awarded for price as stated in the Tender Data.

A is a number calculated using the formula and option described in Table F.1 as stated in the Tender Data.

Table F.1 : Formulae for calculating the value of A

Formula	Comparison aimed at achieving	Option 1 ^a	Option 2 ^a
1	Highest price or discount	$A = (1 + \frac{(P - P_m)}{P_m})$	$A = P / P_m$
2	Lowest price or percentage commission/fee	$A = (1 - \frac{(P - P_m)}{P_m})$	$A = P_m / P$

^a P_m is the comparative offer of the most favourable tender offer. P is the comparative offer of tender offer under

F.3.11.8 Scoring preferences

Confirm that tenderers are eligible for the preferences claimed in accordance with the provisions of the tender data and reject all claims for preferences where tenderers are not eligible for such preferences.

Calculate the total number of tender evaluation points for preferences claimed in accordance with the provisions of the tender data.

F.3.11.9 Scoring functionality

Score each of the criteria and subcriteria for quality in accordance with the provisions of the Tender Data.

Calculate the total number of tender evaluation points for quality using the following formula:

$$N_Q = W_2 \times S_o / M_s$$

where: *S_o* is the score for quality allocated to the submission under consideration;
M_s is the maximum possible score for quality in respect of a submission; and
W₂ is the maximum possible number of tender evaluation points awarded for the quality as stated in the tender data

F.3.12 Insurance provided by the employer

If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide.

F.3.13 Acceptance of tender offer

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

- a) is not under restriction, or has principals who are under restriction preventing participation 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, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,
- e) complies with the legal requirements, if any, stated in the tender data, and
- f) is able, in the opinion of the employer, to perform the contract free of conflict of

interests.

F.3.14 Prepare contract documents

F.3.14.1 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, and
- c) other revisions agreed between the employer and the successful tenderer.

F.3.14.2 Complete the schedule of deviations attached to the form of offer and acceptance, if any.

F.3.15 Complete adjudicator's contract

Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.

F.3.16 Notice to unsuccessful tenderers

F.3.16.1 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.

F.3.16.2 After the successful tenderer has been notified of the employer's acceptance of the tender, notify other tenderers that their tender offers have not been accepted.

F.3.17 Provide copies of the contracts

Provide to the successful tenderer the number of copies stated in the Tender Data of the signed copy of the contract as soon as possible after completion and signing of the form of offer and acceptance.

F.3.18 Provide written reasons for actions taken

Provide upon request written reasons to tenderers for any action that is taken in applying these conditions of tender, but withhold information which is not in the public interest to be divulged, which is considered to prejudice the legitimate commercial interests of tenderers or might prejudice fair competition between tenderers.

F3.19 Transparency in the procurement process

F3.19.1 The CIDB prescripts require that tenders must be advertised and be registered on the CIDB i.Tender system.

F3.19.2 The employer must adopt a transparency model that incorporates the

disclosure and accountability as transparency requirements in the procurement process.

F3.19.3 The transparency model must identify the criteria for selection of projects, project information template and the threshold value of the projects to be disclosed in the public domain at various intervals of delivery of infrastructure projects.

F3.19.4 The client must publish the information on a quarterly basis which contains the following information:

- Procurement planning process
- Procurement method and evaluation process
- Contract type
- Contract status
- Number of firms tendering
- Cost estimate
- Contract title
- Contract firm(s)
- Contract price
- Contract scope of work
- Contract start date and duration

- Contract evaluation reports

F3.19.5 The employer must establish a Consultative Forum which will conduct a random audit in the implementation of the transparency requirements in the procurement process.

F3.19.6 Consultative Forum must be an independent structure from the bid committees.

F3.19.7 The information must be published on the employer's website.

F 3.19.8 Records of such disclosed information must be retained for audit purposes.

Umsobomvu Municipality

**WATER AND SANITATION DEPARTMENT
BID NO: T--PWS01-7/2020
BID DOCUMENT**

The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitations networks e.g. pump stations,pumps,motors,aerators,borehels,etc

List of Returnable Documents (T2.1)

The Bidder must complete and return the following Documents/Schedules

Returnable Schedules required for Bid evaluation purposes and that will be Incorporated in the Contract		
1	Form 2.1.1	General information
2	Form 2.1.2	Details of Proprietor, Partners, Closed Corporation Members, Company Directors or Trustees
3	Form 2.1.3	Tax Clearance Certificate
4	Form 2.1.4	Declaration
5	Form 2.1.5	Declaration of Interest
6	Form 2.1.6	Declaration for Procurement Above R10 Million
7	Form 2.1.7	Declaration of Bidder's Past Supply Chain Management Practices
8	Form 2.1.8	Certificate of Independent Bid Determination
9	Form 2.1.9	Declaration for Municipal Accounts
1	Form 2.1.10	Declaration for Municipal Accounts where bids are expected to exceed R10 million
1	Form 2.1.11	Financial References
1	Form 2.1.12	Joint Venture Information
1	Form 2.1.13	Schedule of Infrastructure and Resources
1	Form 2.1.14	Size of Enterprise and Current Workload
1	Form 2.1.15	Schedule of Approach and Methodology / Work Plan
1	Form 2.1.16	Proposed Key Personnel which will be Involved in Project
1	Form 2.1.17	Schedule of Previous Work Carried out by Bidder
1	Form 2.1.18	Schedule of Consultancy Services provided to Organ of State
1	Form 2.1.19	Schedule of Proposed Sub-Contractors (Sub-Consultants)
2	Form 2.1.20	Schedule of Deviations and Addenda to Bid Documents

NAME OF BIDDING ENTITY

FORM 2.1.1. GENERAL INFORMATION TO BE SUPPLIED BY THE BIDDER:

(SHOULD THE INFORMATION REQUIRED ON THIS FORM NOT DULY BE SUPPLIED, THIS BID WILL BE REJECTED)

INFORMATION OF BIDDING ENTITY

1. Details of Bidding Entity

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER

CODE.....NUMBER.....

CELLPHONE NUMBER

FACSIMILE NUMBER

CODE.....NUMBER.....

E-MAIL ADDRESS

VAT REGISTRATION NUMBER

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN ATTACHED?
(Tick applicable box)

YE	N
<input type="checkbox"/>	<input type="checkbox"/>

TCS PIN NUMBER

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE OR AN AFFIDAVIT BEEN SUBMITTED?
(Tick applicable box)

YE	N
<input type="checkbox"/>	<input type="checkbox"/>

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?
(Tick applicable box)

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM (SANAS)

A REGISTERED AUDITOR

AN AFFIDAVIT

(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)

YE	N
<input type="checkbox"/>	<input type="checkbox"/>

ARE YOU THE ACCREDITED REPRESENTATIVE?
IN SOUTH AFRICA FOR THE GOODS/SERVICES/WORKS OFFERED?
(Tick applicable box)

(IF YES ENCLOSE PROOF)

2. Legal entity: Mark with an **X**.

Sole proprietor	<input type="checkbox"/>
Partnership	<input type="checkbox"/>
Close corporation	<input type="checkbox"/>
Company	<input type="checkbox"/>
Joint venture/ Consortium	<input type="checkbox"/>
Trust	<input type="checkbox"/>
Tertiary Institution	<input type="checkbox"/>
Public Entity	<input type="checkbox"/>

3. In the case of a Joint venture/ Consortium, provide details on joint venture/ consortium partners:

Joint venture/Consortium member	Type of entity (as defined above)

4. Income tax reference number: **(COMPULSORY)**
(In the case of a joint venture/consortium, provide for all joint venture/consortium members)

5. VAT registration number **(COMPULSORY)**:
(In the case of a joint venture/consortium, provide for all joint venture/consortium members)

6. Company, close corporation, or trust registration number **(COMPULSORY)**:
(In the case of a joint venture, provide for all joint venture members)

7. Details of proprietor, partners, closed corporation members, company directors, or trustees indicating technical qualifications where applicable (Form on the next page).

8. For joint ventures/ consortiums the following must be attached:

- Written authority **of each JV / consortium partner**, for authorized signatory.
- The joint venture/ consortium agreement.

9. For Trusts the following must be attached

- a. Certified copy of the trust deed;
- b. Certified copies of the Letters of Authority issued in terms of S6 of the Trust Property Control Act, Act No.57 of 1988
- c. Certified copy of the resolution of the trustees of the trust authorising the signatory to sign the bid on behalf of the trust

SIGNATURE OF AUTHORIZED PERSON :

DATE :

FORM 2.1.3 TAX CLEARANCE CERTIFICATE

A VALID ORIGINAL TAX CLEARANCE CERTIFICATE OR COPY OR TCS PIN NUMBER THEREOF, OBTAINED FROM SARS TO BE SUBMITTED WITH BID DOCUMENTS.

Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.

Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

Note:

1. Failure to affix such documentation as prescribed to this page shall result in this bid not being further considered for the award of the contract, by the Bid Evaluation Committee.

NAME OF BIDDING ENTITY

FORM 2.1.4 GENERAL DECLARATION:

To: The Municipal Manager
Umsobomvu Municipality
Private bag X6
Colesberg
9795

Sir/Madam,

I/We, the undersigned (hereinafter referred to as "the bidder"):

- (a) bid to supply and deliver to the Umsobomvu Municipality [hereinafter referred to as "the Umso"] all or any of the supplies and to render all or any of the articles, goods, materials, services or the like described both in this and the other Schedules to this Contract;*
- (b) agree that we will be bound by the specifications, prices, terms and conditions stipulated in those Schedules attached to this bid document, regarding delivery and execution;*
- (c) further agree to be bound by those conditions, set out in, "FORM OF BID AND FORMS A - N", attached hereto, should this bid be accepted in whole or in part;*
- (d) confirm that this bid may only be accepted by the Umso by way of a duly authorised Letter of Acceptance;*
- (e) declare that we are fully acquainted with the Bid document and Schedules, and the contents thereof and that we have signed the Bill of Quantities and completed the Returnable Schedules and declarations, attached hereto;*
- (f) declare that all amendments to the bid document have been initialled by the relevant authorised person and that the document constitutes a proper contract between the Umso and the bidder;*
- (g) certify that the item/s mentioned in the bid document, qualifies/qualify for the preference(s) shown.;*
- (h) acknowledge that the information furnished is true and correct;*
- (i) accept that in the event of the contract being awarded as a result of preference claimed in this bid document, I may be required to furnish documentary proof to the satisfaction of the Umso that the claims are correct. If the claims are found to be inflated, the Umso may, in addition to any other remedy it may have, recover from me all cost, losses or damages incurred or sustained by the Umso as a result of the award of the contract and/or cancel the contract and claim any damages which the Umso may suffer by having to make less favourable arrangements after such cancellation;*
- (j) declare that no municipal rates and taxes or municipal service charges owed by the bidder or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three (3) months; and*
- (k) declare that I have not failed to perform satisfactorily during the last five (5) years on a previous contract with the Municipality, Municipal entity or any other organ of state, after written notice was given to me that my performance was unsatisfactory.*
- (l) declare that the signatory to the bid document is duly authorised; and*
- (m) agree that documentary proof regarding any tendering issue will, when required, be submitted to the satisfaction of the Umso.*
- (n) declare that the Broad-Based Black Economic Empowerment Certificate submitted herewith in terms of Regulation 6 of the Preferential Procurement Regulations, 2017 is based on true and accurate information and has been obtained from a duly accredited verification agency (or, in the*

case of an Exempted Micro-Enterprise(EME) from a registered auditor, accounting officer or accredited verification agency)

(o) declare that the following responses to be true and correct:

Does the bidder have participation in the submission of any other offer for the supplies/services described in the attached documents?

(Tick applicable box)

YE	N
<input type="checkbox"/>	<input type="checkbox"/>

If YES the following information must be supplied:

1. The name(s) of the other Bidder(s) involved
2. The full details of the Bidder(s) participation

(p) declare that all of the information furnished is true and correct

Signed at.....this.....day of.....
20.....

Name of Authorised Person: _____

Authorised Signature: _____

Name of Bidding Entity: _____

Date: _____

As witness: 1. _____

PLEASE NOTE:

- *The prices at which bidders are prepared to supply the goods and materials or perform the services must be placed in the column on the Form provided for that purpose.*
- Bidders must sign the Form of Bid as well as Form "K" (Schedule of Prices) attached to this bid document in full and on acceptance of a bid by the Umso, the Conditions of Contract, Special Conditions, Specifications, Declarations and Schedule of Prices, attached hereto shall be deemed to be the conditions of Contract between the parties.
- If particulars required in respect of the bid have not been completed the bid will be rejected , except, if only the Broad –Based Black Economic Empowerment Certificate as provided for in Regulation 6 and 7 of The Preferential Procurement Regulations 2017, is not submitted, the bid will not be disqualified but no preference points will be awarded.
- In the event of the use of correction fluid (eg. tippex), any erasable ink, or any erasable writing instrument (e.g. pencil) the bid will be rejected.

NAME OF BIDDING ENTITY

FORM 2.1.5. DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

- 3.1 Full Name of Owner of the Bidding Entity:
- 3.2 Identity Number if applicable:
- 3.3 Position occupied in the Company (director, trustee, shareholder²):
- 3.4 Company Registration Number:
- 3.5 Tax Reference Number:.....
- 3.6 VAT Registration Number:

¹MSCM Regulations: “in the service of the state” means to be –

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

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

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?
(Tick applicable box)

YE	N
<input type="checkbox"/>	<input type="checkbox"/>

3.8.1 If yes, furnish particulars.

.....

3.9 Have you been in the service of the state for the past twelve months?
(Tick applicable box)

YE	N

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (close family member, partner or associate) with persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?
(Tick applicable box)

YE	N

3.10.1 If yes, furnish particulars.

.....

.....

3.11 Are you aware of any relationship (close family member, partner or associate) 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?
(Tick applicable box)

YE	N

3.11.1 If yes, furnish particulars

.....

.....

3.12 Are any of the company's directors, trustees, managers, shareholders or stakeholders in service of the state?
(Tick applicable box)

YE	N

3.12.1 If yes, furnish particulars.

.....

.....

3.13 Are any spouse, child or parent of the company's directors trustees, managers, shareholders or stakeholders in service of the state?
(Tick applicable box)

YE	N

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.

YE	N

(Tick applicable box)

3.14.1 If yes, furnish particulars:

.....

.....

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

Full Name	Identity Number	Employee Number

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

I ACCEPT THAT THE STATE AND/OR THE COE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidding Entity

NAME OF BIDDING ENTITY

FORM 2.1.6 DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

MUST BE COMPLETED FOR THIS BID

BIDDERS MUST COMPLETE THE FOLLOWING QUESTIONNAIRE:

1.1 Are you by law required to prepare annual financial Statements?

YE	N
<input type="checkbox"/>	<input type="checkbox"/>

(Tick applicable box) If yes:

1.1.1 If a bidder is a registered company required by law to have its annual financial statements audited or independently reviewed in compliance with the requirements of the Companies Act ,Act No.71 of 2008, or any other law, audited or independently reviewed annual financial statements, as the case may be, prepared within six (6) months of the end of the bidders most recent financial year together with the audited or independently reviewed annual financial statements for the two immediately preceding financial years must be submitted, (unless the bidder was only established within the past three (3) years in which case all of its annual financial statements must be submitted).

1.1.2 If a bidder is a registered close corporation, annual financial statements in compliance with the provisions of the Close Corporations Act, Act No. 69 of 1984 , prepared within nine (9) months of the end of the bidders most recent financial year together with the annual financial statements for the two immediately preceding financial years must be submitted,(unless the bidder was only established within the past three (3) years in which case all of its annual financial statements must be submitted).

1.1.3 Annual financial statements submitted must comply with the requirements of the Companies Act or the Close Corporations Act. Summaries and/or extracts of annual financial statements shall not be acceptable and shall result in the rejection of the bid.

1.2If your answer to 1.1 above is YES then, did you only commence business within the past three years?

YE	N
<input type="checkbox"/>	<input type="checkbox"/>

(Tick applicable box)

1.2.1 If yes, the bidder is required to submit annual financial statements in compliance with the provisions of 1.1.1 ,1.1.2 and1.1.3 above for each of its financial years since commencing business.

1.3 If your answers to 1.1 above is NO , un-audited financial statements must be submitted with your bid for the periods specified in 1.1.1, 1.1.2 or 1.2.1 above, as the case may be.

.....

.....

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

YE	N
<input type="checkbox"/>	<input type="checkbox"/>

(Tick applicable box)

- 2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days.
- 2.2 If yes, provide particulars.

.....

.....

.....

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

YE	N

- (Tick applicable box)
- 3.1 If yes, furnish particulars.

.....

.....

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?

YE	N

- (Tick applicable box)
- 4.1 If yes, furnish particulars

.....

.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

I ACCEPT THAT THE STATE AND/OR THE COE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

NAME OF BIDDING ENTITY

FORM 2.1.7 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. wilfully 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	Ye	N
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</p>	Ye <input checked="" type="checkbox"/>	N <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)? Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Ye <input checked="" type="checkbox"/>	N <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?</p>	Ye <input checked="" type="checkbox"/>	N <input type="checkbox"/>

4.3.1	If so, furnish particulars:		
Item	Question	Ye	N
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Ye <input checked="" type="checkbox"/>	N <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Ye <input checked="" type="checkbox"/>	N <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

NAME OF BIDDING ENTITY

FORM 2.1.8 CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Form 2.1.7 must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Chain Management Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This Form 2.1.7 serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination must be completed and submitted with the bid:

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

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

expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

NAME OF BIDDING ENTITY

FORM 2.1.9: DECLARATION FOR MUNICIPAL ACCOUNTS

MUST BE COMPLETED FOR THIS BID

Declaration in terms of paragraph 38(1)(d)(i) of the Supply Chain Management Policy of the Umso, irrespective of the contract value of the bid:

NB: Please note that this declaration must be completed by ALL bidders

- (i). I, the undersigned hereby declare that the signatory to this tender document; is duly authorised and further declare:
- (ii) that at the closing date of the bid, no municipal rates and taxes or municipal service charges owed by the bidder or any of its directors/members to the Umso, or to any other municipality or municipal entity, are in arrears for more than three (3) months.
- (iii). I acknowledge that should it be found that any municipal rates and taxes or municipal charges as set out in (i) above are in arrears for more than three (3) months, the bid will be rejected and the Umso may take such remedial action as is required, including the rejection of the bid and/or termination of the contract.
- (iv) I further declare that copies of any rates and taxes or municipal service charges account/s, will be submitted to the Umso to its satisfaction, **PRIOR** to the commencement with the service/work but not later than 14 days after having been informed of the acceptance of the bid; and that
- (v) I declare that if the bid is awarded to the bidding entity, any moneys due to the bidding entity for services/goods rendered shall be utilised to offset any monies due to a municipality or a municipal entity.
- (vi) The following account/s of the bidding entity has reference:

Municipality

Account number

.....

.....

.....

(NB: If insufficient space above, please submit on a separate page)

PLEASE NOTE further that if no municipal rates and taxes or municipal charges are payable by the bidding entity, indicate the reason/s for that in the space below by means of a tick next in the relevant block,

Bidding entities who operate from informal settlements	
Bidding entities who operate from a property owned by a director / member / partner	
Bidding entities who operate from somebody else's property	
Bidding entities who rent premises from a landlord	
Other (Please specify)	

Signed at.....this.....day of..... 20...

Name of Duly Authorised Signatory: (Please print).....

Authorised Signature:

As witness: 1.

2.

NAME OF BIDDING ENTITY

FORM 2.1.10: DECLARATION FOR MUNICIPAL ACCOUNTS WHERE BIDS ARE EXPECTED TO EXCEED R10 MILLION

MUST BE COMPLETED FOR THIS BID

Declaration in terms of paragraph 21(1)(d)(ii) of the Supply Chain Management Policy of the Umsobomvu Municipality (Umso), to be completed by ALL bidders in cases where the value of the transaction is expected to exceed R10 million (VAT included).

- (i). I, the undersigned hereby declare that the signatory to this tender document; is duly authorised and further declare:
- (ii). that at the closing date of the bid, the bidder had no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days.
- (iii). I acknowledge that should it be found that any undisputed commitments for municipal services charges towards a municipality or other service provider in respect of which payment is overdue for more than 30 days, the Umso may take such remedial action as is required.
- (iv) I further declare that copies of any rates and taxes or municipal service charges account/s, will be submitted to the Umso to its satisfaction **PRIOR** to the commencement with the service/work but not later than 14 days after having been informed of the acceptance of the bid: and that
- (v) I declare that if the bid is awarded to the bidding entity, any moneys due to the bidding entity by the Umso for services/goods rendered in terms of this bid shall be utilised to offset any monies due to a municipality or a municipal entity.
- (vi) The following account/s has reference:

Municipality	Account number
--------------	----------------

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

Signed at.....this.....day of..... 20....

(NB: If insufficient space above, please submit on a separate page)

PLEASE NOTE further that if no municipal rates and taxes or municipal charges are payable by the bidding entity, indicate the reason/s for that in the space below by means of a tick next in the relevant block,

Bidding entities who operate from informal settlements	
Bidding entities who operate from a property owned by a director / member / partner	
Bidding entities who operate from somebody else's property	
Bidding entities who rent premises from a landlord	
Other (Please specify)	

Signed at.....this.....day of..... 20...

Name of Duly Authorised Signatory: (Please print).....

Authorised Signature:

As witness: 1.

2.

NAME OF BIDDING ENTITY

FORM 2.1.11 FINANCIAL REFERENCES

DETAILS OF BIDDING ENTITY'S BANK

If the bidder is a Joint Venture or partnership, the information requested below is required for each member / partner.

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

DESCRIPTION OF BANK	BANK DETAILS APPLICABLE TO BIDDER
Name of bank	
Branch name	
Contact person	
Branch code	
Street address	
Postal address	
Telephone number	()
Fax number	()
Account number	
Type of account, cheque	i. e

BIDDER'S TAX DETAILS

Bidder's VAT vendor registration number:

Bidder's SARS tax reference number:

NAME OF BIDDING ENTITY

FORM 2.1.12 JOINT VENTURE/ CONSORTIUM INFORMATION

(Complete only if applicable)

The parties hereto form a Joint Venture/ Consortium for the purpose of jointly bidding and obtaining the award of contract for The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitations networks e.g. pump stations,pumps,motors,aerators,borehels,etc and of jointly performing such contract.

The share of the partners in the Joint Venture/ Consortium shall be :

Full Name and address of Lead enterprise

.....%

Full Name and address of 2nd enterprise

.....%

Full Name and address of 3rd enterprise

.....%

The Lead Partner is hereby authorised to incur liabilities, receive instructions, payments, sign all documents in connection with the bid, and to be responsible for the entire execution and administration of the contract for and on behalf of the partners.

The parties hereto shall make available to the Joint Venture/ Consortium the technical advice and benefit of their individual experience and shall, in all other respects, endeavour to share the responsibility and burden of the performance of the Joint Venture/ Consortium.

To this end the parties hereto shall share, in the above proportions, in all risks and obligations arising out of or in connection with the Contract, especially in the provisions of all necessary working capital and guarantees, in profit and loss and personnel.

The Lead Partner shall supply, in its name, the necessary insurance prescribed for the industry and such other insurance as may be prescribed by the Umso, for the amount and period as stated in the Contract Data.

The Joint Venture/ Consortium may not be terminated by any of the parties hereto until either:

The contract has been awarded to another bidder

or

The work undertaken by the Joint Venture/ Consortium under the contract has been completed and all liabilities and claims incurred by and made by the Joint Venture/ Consortium have been settled, the bid is cancelled or the period of validity of bid extended.

No party to the Agreement shall be entitled to sell, assign or in any manner encumber or transfer its interest or any part thereof in the Joint Venture/ Consortium without obtaining the prior written consent of the other party hereto.

The Parties of the Joint Venture/ Consortium shall cooperate on an exclusive basis. No Party shall during the validity period of the bid submit a bid to or enter into a Contract with the Umso or any other party for the Project, either alone or in collaboration with a third party.

Authorised Signature Lead Partner.....

Name

Designation

Signed at..... on

Authorised Signature of 2nd Partner.....

Name

Designation

Signed at..... on

Authorised Signature of 3rd Partner.....

Name

Designation

Signed at..... on

(ALL SIGNATORIES SHALL CONFIRM THEIR AUTHORITY BY ATTACHING TO THE LAST PAGE OF THE BID, ORIGINAL OR CERTIFIED COPIES OF DATED AND SIGNED RESOLUTIONS OF THE MEMBERS/DIRECTORS/PARTNERS AS THE CASE MAY BE.)

In the event that there are more than 3 Joint Venture/Consortium partners, additional page/s may be added in order to furnish the requested information and authorised signatures

NAME OF BIDDING ENTITY

FORM 2.1.13 SCHEDULE OF INFRASTRUCTURE AND RESOURCES

Provide information on the following:

Infrastructure and resources available

Physical facilities

Description	Address	Area (m ²)

Plant / Equipment

Provide information on plant / equipment that you have available for this project. Attach details if the space provided is not enough.

Description : Owned Plant / Equipment	Number of units

Description : Owned Plant / Equipment (continued)	Number of units
Description : Hired Plant / Equipment	Number of units
Description : Hired Plant / Equipment	Number of units

NAME OF BIDDING ENTITY

FORM 2.1.14 Size of enterprise and current workload

Financial Ability (Ability to Deliver) – previous annual turnover or any proof of financial ability (amount to be reflected) More than R3 000 000

What was your turnover in the previous financial year? **R**

What is the estimated turnover for your current financial year? **R**

List your current contracts and obligations

Description	Value (R)	Start date	Duration	Expected completion

Do you have the capacity to supply the goods and services described in this bid, should the contract be awarded to you?

SMME STATUS - (COMPULSORY)

TO BE COMPLETED FOR STATISTICAL PURPOSES ONLY AND WILL NOT BE USED FOR EVALUATION PURPOSES

Provide details on the following

Sector/Sub-Sector in accordance with the Standard Industrial	
Total Full-time Equivalent of paid Employees	
Total Annual Turnover	
Total Gross Asset Value	
Size or Class (Medium, Small, Very Small, Micro)	

NOTE : If all of the above does not adhere to the definition of a single class, use the total Annual Turnover only to decide on the class.

NAME OF BIDDING ENTITY

FORM 2.1.15 SCHEDULE OF APPROACH AND METHODOLOGY/WORK PLAN

Approach and Methodology Form

BID NO: T--PWS01-7/2020 The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitations networks e.g. pump stations,pumps,motors,aerators,borehels,etc

Understanding the terms of reference / brief

1. Please explain briefly your understanding of the project in no more than 50 words

2. Please provide in summary, details of your proposed technical approach and work plan to the successful completion of the above project.

Name of Bidding Entity :

Signature :

Date :

NAME OF BIDDING ENTITY

FORM 2.1.16 PROPOSED KEY PERSONNEL WHICH WILL BE INVOLVED IN PROJECT

BID NO: T--PWS01-7/2020

The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitations networks e.g. pump stations,pumps,motors,aerators,borehels,etc

Staffing profile / Minimum requirements

1xDirector: B Eng/BSc (Civil)/B-Tech Civil

Relevant Years' Experience

Pr. Eng, or Pr. Tech (ECSA) (Water & Waste Water)

Minimum of 15 years' experience in Establishing and/or Updating of a water and sewer master planning, Hydraulic Analysis of water and sewer networks / systems (including bulk)

And

1xEngineer: B Eng/BSc (Civil)/B-Tech Civil

Relevant Years' Experience

Pr. Eng, or Pr. Tech (ECSA) (Water & Waste Water)

Minimum of 10 years' experience in Establishing and/or Updating of a water and sewer master planning, Hydraulic Analysis of water and sewer networks / systems (including bulk).

And

1xSpecialist: B Eng/BSc (Civil)/B-Tech Civil

Relevant Years' Experience

Pr. Eng, or Pr. Tech (ECSA) (Water)

Minimum of 3 years' relevant experience in water quality modeling

And

1xTechnologist: B Eng/BSc (Civil)/B-Tech Civil

Relevant Years' Experience

Pr. Eng, or Pr. Tech (ECSA) (Water & Waste Water)

Minimum of 3 years' experience in Establishing and/or Updating of a water and sewer master planning, Hydraulic Analysis of water and sewer networks / systems (including bulk)

And

1xTechnician: N Dip: Civil

Relevant Years' Experience

Minimum of 2 years' experience in Establishing and/or Updating of a water and sewer master planning, Hydraulic Analysis of water and sewer networks / systems (including bulk)

And

1xProgrammer: Degree/B-Tech Info Systems/Computer Systems or Post Grad IT related Qualification

Relevant Years' Experience

Minimum of 3 years' experience in water related projects

Please note:

Accepted bidders will be required to submit within five (05) working days from date of request the following:

- CVs with contactable references, registration and copies of qualifications of each proposed staff

Failure to submit the above within the stated period will render your bid non-responsive

NAME OF BIDDING ENTITY

FORM 2.1.16 PROPOSED KEY PERSONNEL WHICH WILL BE INVOLVED IN PROJECT

The Bidder shall list below the key personnel whom he proposes to employ for the administration design and execution of the work. Indicate in the job description, project managers, construction monitoring staff etc..

NQF-Is the National Qualification Framework of the South African Qualification Authority which can be contacted at www.saqg.org.za

NAME AND SURNAME	TITLE	JOB DESCRIPTION	Experience	Qualifications Professional	High est NQF Level Achieved.
	1xDirector: B Eng/BSc (Civil)/B-Tech Civil				
	1xEngineer: B Eng/BSc (Civil)/B-Tech Civil				
	1xSpecialist: B Eng/BSc (Civil)/B-Tech Civil				
	1xTechnologist: B Eng/BSc (Civil)/B-Tech Civil				
	1xTechnician: N Dip: Civil				
	1xProgrammer: Degree/B- Tech Info Systems/Computer Systems or Post Grad IT				

Name of Bidder :

Signature :

Date :

Previous experience

Relevant previous Company
Experience

Category A projects: Establish and/or Update of a water and sewer master planning

Minimum of 3 related projects

(Completed Projects)

**Category B projects: Hydraulic Analysis of water and sewer networks / systems
(including bulk)**

Minimum of 3 related projects

Please note:

Accepted bidders will be required to submit within five (05) working days from date of request the following:

- Letters of completion/ Reference Letters:
 1. Portfolio of Evidence for **Category A** should be accompanied by two Master Plan Reports that were done by the service provider.
 2. Portfolio of Evidence for **Category B** should be accompanied by two Hydraulic Analysis Reports that were done by the service provider.

Failure to submit the above within the stated period will render your bid non-responsive

Previous experience

Provide the following information on Relevant previous experience

Give at least two (2) names and telephone numbers and e-mail address per reference.

Description(of work done)	Value (R, VAT)	Start date	Duration	Completed date	Reference		
					Name (contact person)	Organisation	Tel no
					Email:		
					Email:		
					Email:		
					Email:		
					Email:		

Previous experience

Provide the following information on Relevant previous experience

Give at least two (2) names and telephone numbers and e-mail address per reference.

Description(of work done)	Value (R, VAT included)	Start date	Duration	Completed date	Reference		
					Name (contact person)	Organisation	Tel no
					Email:		
					Email:		
					Email:		
					Email:		
					Email:		

Previous experience

Provide the following information on Relevant previous experience

Give at least two (2) names and telephone numbers and e-mail address per reference.

Description(of work done)	Value (R, VAT included)	Start date	Duration	Completed date	Reference		
					Name (contact person)	Organisation	Tel no
					Email:		
					Email:		
					Email:		
					Email:		
					Email:		

NAME OF BIDDING ENTITY

FORM 2.1.18 SCHEDULE OF CONSULTANCY SERVICES PROVIDED TO ORGANS OF STATE

Bidders are required to complete this record in terms of the Supply Chain Management Regulations issued in terms of the Municipal Finance Management Act of 2003.

Include only those contracts where the bidder identified in the signature block below was directly contracted by the Employer. Bidders must not include consultancy services provided in terms of a sub-consultancy agreement.

Where contracts were awarded in the name of a joint venture and the bidder formed part of that joint venture, indicate in the column entitled "Title of the contract for the consultancy service" that it was in joint venture and provide the name of the joint venture that contracted with the employer. In the column for the value of the contract for the service, record the value of the portion of the contract performed (or to be performed) by the bidder.

Complete the record or attach the required information in the prescribed tabulation.

Part A: All consultancy services commenced or completed for an organ of state in the last five years

#	Employer-Organ of state, i.e. national or provincial department, public entity, municipality or	Title of contract for the consultancy service	Value of contract for service incl VAT (Rand)	Date completed (State current if not yet)
1				
2				
3				
4				
5				
6				
7				

Part B: Similar consultancy services provided to an organ of state

The following contracts recorded in Part A provided similar consultancy services to those required in terms of the scope of work to this bid:

.....

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed

Date

Name

Position

NAME OF BIDDING ENTITY

FORM 2.1.19 SCHEDULE OF PROPOSED SUB-CONTRACTORS (SUB-CONSULTANTS)

The bidder shall, in accordance with the provisions of condition of bid, list below the sub-contractors he proposes to employ for part(s) of the work. See also Activity Schedule Table C1.

Regulation 6(5) of the Preferential Procurement Regulations, 2017 provides that :

“A tenderer may not be awarded points for B-BBEE Status Level of contributor if the tender documents indicate that the tenderer intends sub-contracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended sub-contractor is an exempted micro enterprise that has capability to execute the sub- contract.”

Regulation 12(3) of the Preferential Procurement Regulations ,2017 provides that :

A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an exempted micro enterprise that has the capability and ability to execute the sub-contract.

Provide details on all sub-contractors you intend utilising for this contract:

Type of work to be used for	As a % of contract	Name of sub-contractor	B-BBEE Status Level of Contributor Points of sub- contractor
Total % of contract sub- contracted			

NAME OF BIDDING ENTITY

FORM 2.1.20 SCHEDULE OF DEVIATIONS AND ADDENDA TO BID DOCUMENTS

The extent of deviations from the bid documents issued by the Client before the closing date is limited to those permitted in terms of the conditions of bid.

A bidder covering letter (if any) shall not be included in the final contract document. Should any matter in such letter, which constitutes a deviation as aforesaid, become the subject of agreements reached during the process of offer and acceptance, the outcome of such agreement shall be recorded here.

Any matter arising from the offer and acceptance either as a confirmation, clarification or change to the bid documents and which it is agreed in writing by the Parties becomes an obligation of the contract shall also be recorded and **attached** here.

We confirm that the following written communication (if any) received from the Client before the submission of this Bid offer, has been taken into account in the Bid offer.

	Date	Title or Details
1		
2		
3		
4		
5		
6		

Attach to the bid documents any written communication received from the Client (if any). Record such addenda in the above schedule.

Signed by the Bidder.....

Date:

Name:

PLEASE REMEMBER:

- (1) *In order to obtain B-BBEE Status Level points in terms of the provisions of Regulations 6(2) or 7(2) of the Preferential Procurement Regulations, 2017 , if a bidder is an Exempted Micro Enterprise (EME) in terms of the Broad-Based Black Economic Empowerment Act, Act No. 53 of 2003,the bidder must attach a certificate issued by a registered auditor, accounting officer(as contemplated in section 60(4) of the Close Corporation Act, Act No.69 of 1984) or an accredited verification agency, in compliance with the requirements of Regulation 6(4) of the Preferential Procurement Regulations, 2017;***
- (2) *In order to obtain B-BBEE Status Level points in terms of the provisions of Regulations 6(2) or 7(2) of the Preferential Procurement Regulations, 2017 if a bidder is not an Exempted Micro Enterprise (EME) in terms of the Broad-Based Black Economic Empowerment Act, Act No. 53 of 2003, the bidder must attach an original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating its B-BBEE rating, in compliance with the requirements of Regulation 6 of the Preferential Procurement Regulations, 2017;***
- (3) TO ATTACH A VALID ORIGINAL TAX CLEARANCE CERTIFICATE OR COPY OR TCS PIN NUMBER THEREOF;**
- (4) IN THE CASE OF A JOINT VENTURE/CONSORTIUM, THE VALID ORIGINAL TAX CLEARANCE CERTIFICATE OR COPY/IES THEREOF, OF EACH ENTITY CONSTITUTING THE JOINT VENTURE/CONSORTIUM, MUST BE SUBMITTED WITH THE BID DOCUMENT ;**
- (5) ATTACH ALL REQUIRED DOCUMENTS TO THE LAST PAGE OF YOUR BID DOCUMENT**
- (6) BIDDERS OTHER THAN EMES MUST SUBMIT THEIR ORIGINAL AND VALID B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE OR A CERTIFIED COPY THEREOF, SUBSTANTIATING THEIR B-BBEE RATING ISSUED BY A REGISTERED AUDITOR APPROVED BY IRBA OR A VERIFICATION AGENCY ACCREDITED BY SANAS.**

Umsobomvu Municipality

WATER AND SANITATION DEPARTMENT

CONTRACT NUMBER: T-PWS 01-7/2020

BID DOCUMENT

The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitation networks e.g. pump stations, pumps, motors, aerators, boreholes, etc

Other Documents Required For Bid Evaluation Purposes (T2.2)

Other documents required for Bid evaluation purposes		
1		A valid original tax clearance certificate(s) or copy/ies or TCS Pin number thereof, from SARS
2		Accepted bidders will be required to submit within five (05) working days from date of request the following: <ul style="list-style-type: none">• CVs with contactable references, registration and copies of qualifications of each proposed staff• Letters of completion/ Reference Letters:<ol style="list-style-type: none">1. Portfolio of Evidence for Category A should be accompanied by two Master Plan Reports that were done by the service provider.2. Portfolio of Evidence for Category B should be accompanied by two Hydraulic Analysis Reports that were done by the service provider. <p>Failure to submit the above within the stated period will render your bid non- responsive</p>

Umsobomvu Municipality

WATER AND SANITATION DEPARTMENT

CONTRACT NUMBER: T-PWS 01-7/2020

BID DOCUMENT

The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitation networks e.g. pump stations, pumps, motors, aerators, boreholes, etc

Other documents/schedules that will be incorporated in the Contract (C.1)

Other documents that need to be completed by bidder which will be incorporated in the contract.		
1	Form 2.4.1	C1.1 Offer and acceptance (Do not fill in the Acceptance part of the Form.)
2	Form 2.4.2	C 1.2- Contract Data and Part 2
3		C 2.1 – Pricing Instructions
4	Form 2.4.3	C 2.2 - Activity Schedules
5		C 3 – Scope of Work
6		C 4 – Site Information and Project Information

Form 2.4.1

Umsobomvu
Municipality

WATER AND SANITATION DEPARTMENT

CONTRACT NUMBER: T-PWS 01-7/2020

BID DOCUMENT

The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitation networks e.g. pump stations, pumps, motors, aerators, boreholes, etc

Form of Offer and Acceptance (C1.1)

(AGREEMENT)

OFFER

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

Professional services for various projects in the 2020/21

The Bidder, identified in the Offer signature block below, has examined the documents listed in the Bid Data and addenda thereto as listed in the Bid Schedules, and by submitting this Offer has accepted the Conditions of Bid.

By the representative of the Bidder, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance, the Bidder 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 OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS

CONTRACT NUMBER: T-PWS 01-7/2020: The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitations networks e.g. pump stations,pumps,motors,aerators,borehels,etc

.....Rand(in words);

Rand.....(in figures),

This Offer, or part thereof, may be accepted by the Client by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document to the Bidder before the end of the period of validity stated in the Bid Data, whereupon the Bidder becomes the party named as the Service Provider in the Conditions of Contract identified in the Contract Data.

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

FOR THE BIDDER:

Signature(s)

Name(s)

Capacity

(Name and address of organisation)

Name and signature of Witness_____

Date _____

ACCEPTANCE

By signing this part of this Form of Offer and Acceptance, the Client identified below accepts the Bidder's Offer for **CONTRACT NUMBER: T-PWS 01-7/2020**. In consideration thereof, the Client shall pay the Service Provider the amount due in accordance with the, Conditions of Contract identified in the

Contract Data. Acceptance of the Bidder's Offer shall form an agreement, between the Client and the Bidder 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 C1 Agreements and Contract Data, (which includes this Form of Offer and Acceptance)

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 C1 to C4 above.

Deviations from and amendments to the documents listed in the Bid Data and any addenda thereto as listed in the Bid Schedules as well as any changes to the terms of the bid offer agreed by the bidder and the client during the process of offer and acceptance, are contained in the Schedule of Deviations(if any) attached to and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in the Schedule of Deviations.

The Bidder shall within two weeks after receiving a completed copy of this Agreement, contact the Client's agent (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. Failure to fulfil 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 Bidder receives one fully completed original copy of this document, including the Schedule of Deviations (if any). Unless the Bidder (now Contractor) within five working days of the date of such receipt notifies the Client in writing of any reason why he cannot accept the contents of this Agreement, this Agreement shall constitute a binding contract between the parties.

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

FOR THE CLIENT:

Signature(s)

Name(s)

Capacity

Umsobomvu Municipality
(Name and address of organisation)

Name and signature of witness _____

Date _____

Form 2.4.2

Umsobomvu Municipality

WATER AND SANITATION DEPARTMENT

CONTRACT NUMBER: T-PWS 01-7/2020

BID DOCUMENT

The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitation networks e.g. pump stations, pumps, motors, aerators, boreholes, etc

Contract Data (C1.2)

CONDITIONS OF CONTRACT

The **Standard Professional Services Contract (Third Edition, 3rd edition of CIDB document 1015 of September 2009)** published by the Construction Industry Development Board.

Copies of this Services Contract may be obtained from the Construction Industry Development Board's website www.cidb.org.za.

PART 1: DATA PROVIDED BY THE CLIENT

The following Contract Data and amendments are applicable to this Contract:

Clause	
	The Employer is the Umsobomvu Municipality
3.4	The Authorised and Designated representative of the Employer is:
and	Name: Mr. Franklin
4.3.2	Address: Private Bag X6, Colesberg, 9795 Umsobomvu Municipality 21A church street Colesberg 9795
3.5	For location of the works and project data see Site Information section C4.
3.11	The Service Provider shall deliver the Services in accordance with the programme for each Works Order or Instruction as provided for in 3.14.
3.11	N/A
3.14	A Programme for the performance of services per Works Order/Instruction shall be submitted within 7 days of the receipt of such Works Order or Instruction.

Clause							
4.4	Delete and replace with" The Service Provider shall appoint, according to contract, and be paid for work done by its subcontractors (sub-consultants) according to the Pricing Data."						
4.6	Add-Administer construction contract according to "General Conditions of Contract for Construction						
4.7	All payments to bidders will only be made by means of Electronic Fund Transfer (EFT). Successful bidders will be requested to submit within 14 days after appointment, the following documents: <ul style="list-style-type: none"> • An original letter from the banking institution to confirm full details of the bank account to the Council (Company name, account number) • An original cancelled cheque (if applicable) • An original letter on the bidding entity's letterhead confirming bank account details into which 						
4.7	Add new paragraph" The Employer reserves the right, by giving written notice to the Consultant, to stop the progress of a particular project/stage at any time. Should the Employer exercise this right, the Employer will pay the Consultant for work done and expenses incurred only up to the time that the notice was given."						
5.2	Add the paragraph" The Service Provider shall keep strict control of expenditure on the construction contracts and of its fee and motivate the reasons if additional funds are to be made available by the Employer. The Service Provider shall report in writing to the Employer in good time so as not to delay the progress of the Works."						
5.4.1 13.4 13.5	The Service Provider is required to provide the following insurance (And Proof): <table border="1" data-bbox="370 919 1437 1283"> <tr> <td>Insurance against</td> <td>Risk in performing professional services (Professional Indemnity cover) and Public Liability insurance.</td> </tr> <tr> <td>Limit of compensation</td> <td>(i) For Professional Indemnity Insurance, the amount equal to the total of the professional fee for the project as entered in the Offer and Acceptance form or the proceeds the consultant is entitled to receive under its insurance, whichever is higher. (ii) Minimum R 5 000 000 per occasion for public liability insurance</td> </tr> <tr> <td>Duration of professional indemnity Insurance</td> <td>For a period of 3 years after issue of the final report for the whole project.</td> </tr> </table>	Insurance against	Risk in performing professional services (Professional Indemnity cover) and Public Liability insurance.	Limit of compensation	(i) For Professional Indemnity Insurance, the amount equal to the total of the professional fee for the project as entered in the Offer and Acceptance form or the proceeds the consultant is entitled to receive under its insurance, whichever is higher. (ii) Minimum R 5 000 000 per occasion for public liability insurance	Duration of professional indemnity Insurance	For a period of 3 years after issue of the final report for the whole project.
Insurance against	Risk in performing professional services (Professional Indemnity cover) and Public Liability insurance.						
Limit of compensation	(i) For Professional Indemnity Insurance, the amount equal to the total of the professional fee for the project as entered in the Offer and Acceptance form or the proceeds the consultant is entitled to receive under its insurance, whichever is higher. (ii) Minimum R 5 000 000 per occasion for public liability insurance						
Duration of professional indemnity Insurance	For a period of 3 years after issue of the final report for the whole project.						
5.5	The Service Provider is required to obtain the Employer's prior approval in writing before taking any of the following actions: <ol style="list-style-type: none"> 1. Commencement of detailed final design. 2. Commencement of construction stage. 3. Appointing Sub Contractors (sub consultants) and other service providers for the performance 						
9.1	Copyright of documents prepared by the Service Provider for any stage of the Project is vested with the Umsobomvu Municipality						
9.3	Change "shall have no right" to "shall have the right".						
11	The Service Provider is deemed to have all skills necessary to provide the services detailed in the Scope of Work and Pricing Data.						
12.1.2	Settlement of disputes is to be in terms of Par 49 and 50 of the Supply Chain Management Policy of the Umsobomvu Municipality, which read as follows: "Objections and complaints						

Clause	
	<p>49. Persons aggrieved by decisions or actions taken in the implementation of this supply chain management system, may lodge within 14 days of the decision or action, a written objection or complaint against the decision or action.”</p> <p>“50. Resolution of disputes, objections, complaints and queries</p> <ul style="list-style-type: none"> (1) The accounting officer must appoint an independent and impartial person, not directly involved in the supply chain management processes – <ul style="list-style-type: none"> (a) to assist in the resolution of disputes between the municipality and other persons regarding <ul style="list-style-type: none"> (i) any decisions or actions taken in the implementation of the supply chain management system; or (ii) any matter arising from a contract awarded in the course of the supply chain management system; or (b) to deal with objections, complaints or queries regarding any such decisions or actions or any matters arising from such contract. (2) The accounting officer, or another official designated by the accounting officer, is responsible for assisting the appointed person to perform his or her functions effectively. (3) The person appointed must – <ul style="list-style-type: none"> (a) strive to resolve promptly all disputes, objections, complaints or queries received; and (b) submit monthly reports to the accounting officer on all disputes, objections, complaints or queries received, attended to or resolved. (4) A dispute, objection, complaint or query may be referred to the relevant provincial treasury if – <ul style="list-style-type: none"> (a) the dispute, objection, complaint or query is not resolved within 60 days; or (b) no response is forthcoming within 60 days. (5) If the provincial treasury does not or cannot resolve the matter, the dispute, objection, complaint or query may be referred to the National Treasury for resolution.
13.6	Delete this clause.
14	Remuneration and reimbursement shall be as set out in the Pricing Data.
15	Interest determined by applicable law.
35.1.5	<p>CLAUSE 35.1.5 ADD THE FOLLOWING:</p> <p>“Notwithstanding the provisions of the General Conditions of Contract and without limiting the obligations liabilities or responsibilities of the Contractor in any way whatsoever including but not limited to the provision by the Contractor of any insurances, the Contractor will effect and maintain for the duration of the Contract until the date of the Certificate of Completion -</p> <ul style="list-style-type: none"> (i) Contract Works Insurance; (ii) Public Liability Insurance; (iii) A Coupon for Special Risk Insurance (SASRIA) issued by the South African Special Risk Insurance Association; <p>in the name of the Contractor (including all Sub-Contractors) and Municipality's insurable interest must be noted in the policy.</p> <p>A copy of the Contract Works Insurance, Public Liability Insurance policies and</p>

Clause	
	<p>Insurances will be maintained from the Commencement Date to the date of the Certificate of Completion.</p> <p>The Contractor shall effect and pay for any supplementary insurance, which in its own interest it may deem necessary.</p> <p>The Contractor shall insure that all potential and appointed Sub-contractors are aware of the whole content of this clause, and enforce the compliance by Sub-contractors with this clause where applicable.</p> <p>Any clarification of the scope of cover to be provided by the Policies arranged by the Contractor or the Municipality should be obtained from the Municipality's Broker.</p> <p>The Contractor and its Sub-contractors are deemed to have full knowledge of the terms and conditions under which the required Insurance cover is issued. "</p>
35.9	<p>ADD THE FOLLOWING:</p> <p>"In the event of any claim arising under the policy or policies held, the Contractor shall without delay take all the necessary steps to lodge his claim on the joint behalf of himself and the Municipality, and the claim submitted shall cover all costs to repair and make good in terms of Sub- clause 35(1)(b). The Contractor shall submit copies of all claims and related documents to the Engineer. Settlement of claims will be paid to the Municipality who will pay such amounts to the Contractor on certificate of the Engineer in terms of Clause 47 as the rectification proceeds. All claims shall be submitted in accordance with the requirements of the policy."</p>
35.10	<p>ADD THE FOLLOWING:</p> <p>"The Executive Manager Insurance & Risks (Mr. Dries van den Berg – will verify the Contractors All Risks insurance cover and issue a letter of confirmation that adequate cover is in place or</p>

Umsobomvu Municipality

WATER AND SANITATION DEPARTMENT

CONTRACT NUMBER: T-PWS 01-7/2020

BID DOCUMENT

The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitations networks e.g. pump stations,pumps,motors,aerators,borehels,etc

Pricing Data (C 2)

C2.1 Pricing Instructions

C2.2 Schedule of Activities

Umsobomvu Municipality

WATER AND SANITATION DEPARTMENT

CONTRACT NUMBER: T-PWS 01-7/2020

BID DOCUMENT

The Provision of professional services for condition, monitoring and maintenance of equipment on the water and sanitation networks e.g. pump stations, pumps, motors, aerators, boreholes, etc

Pricing Instructions (C2.1)

C2.1 PRICING INSTRUCTIONS

Activity Schedules

The quantities set out in the Activity Schedule are only approximate quantities annually since the amount of work to be done is “as and when” i.e. unknown. The quantities given are therefore neither warranted nor guaranteed, but reflected purely for evaluating purposes. The quantities of work done

/ services rendered and finally accepted and certified for payment, and not the approximate quantities/sums given in the Activity Schedule shall be used to determine payments to the Service Provider.

Unless otherwise specifically provided in the Activity Schedule, the rates and percentages tendered are deemed to include for the full inclusive cost and expenses that may be required for the provision of services, and shall cover the cost of all general risks, insurances, profits, taxes, consultant head office costs/markups, obligations set forth or implied in the documents on which the Bid is based. All rates tendered must exclude VAT, as VAT is added at the end only).

Unless specifically provided, no transport / travelling expenses and other costs will be paid under this contract. Rates quoted are deemed to include for transport / travelling expenses and other related costs.

Further description of pricing instructions in the Activity Schedules:

Item 1: Update and Maintenance of MIS

Item 1.1: Update of water and sanitation related information

The rates tendered for updating and maintaining the Management Information System (i.e. IMQS) shall include for the full cost of all aspects as listed in the Activity Schedule under this main item and including all other costs and expenses related to the obtaining and engagement of such information with other consultants, depot staff, other Umsobomvu Municipality employees and/or developers.

Where hourly rates are specified, payment will only be affected once comprehensive time sheets have been submitted indicating the activity that is being claimed for, the actual time spent, staff category claimed for and appropriate signed off.

No other methods of measurement and payment are applicable.

Item 1.1.1: Routine tasks

The tendered lump sum shall include the full cost and all expenses required to ensure that the respective line items are adequately actioned. It should however be noted that some of the listed activities under this payment item shall be dealt with on an as and when basis. Permission in writing must be obtained from the Umsobomvu (Contract Manager) before work is undertaken. This item will be paid pro-rata to the percentage completion on this process.

Item 1.1.2: Monthly update and deliverables required

The tendered rate for monthly update and deliverables shall include the full cost for each respective sub-item in the Activity Schedule. The rate shall also include additional engagements with depot staff, other Ekurhuleni officials, and/or developers in order to obtain the required as-built information to update the respective water and sewer models (including ERWAT information). This item will be paid monthly upon completion on this process.

The tendered rate shall include for the proper reporting and required investigation for such reporting in an agreed format to the Water and Sanitation Department.

The tendered rate shall also include for any additional investigation / interrogation of data and information as and when required by the project manager in order to have accurate data / information within reporting.

Item 1.1.3: Quarterly update and deliverables required

The tendered rate for quarterly updates and deliverables required shall include for all costs and/or expenses required ensuring that accurate reporting on data / information can be done. The tendered rate shall also include for any additional investigation / interrogation of data and information as and when required by the project manager in order to have accurate data / information within reporting. This item will be paid quarterly upon completion on this process.

The rate shall cover the cost for the additional effort from the Service Provider to ensure that proper and adequate evidence to substantiate the data / information and / or results, are satisfactorily achieved to be submitted to Council.

The above is crucial for the performance indicators of the Water and Sanitation Department and shall not be compromised in any way whatsoever.

Item 1.1.4: Annual update and deliverables required

The tendered rate for this payment item shall cover the cost and all expenses required to ensure that the respective line items are adequately actioned. It should however be noted that some of the listed activities under this payment item, shall be dealt with on an as and when basis, whereas others are compulsory. This item will be paid annually upon completion on this process.

The as and when payment items shall be requested in writing prior to such payment item can be utilized.

Item 1.1.5: Other tasks to be performed as required

These activities are not necessarily included in other payment items above and shall be treated on an as and when basis. However, certain payment items under this shall be required on a monthly basis to be submitted together with monthly payment certificates.

It should be noted that flow loggings and flow measurements under this section of the Activity Schedule shall only be payable, when such instruction in writing has been issued.