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| **MUNICIPAL LOGO AND NAME** |
| **Tender No.** [Subject]**...........................................................** |
|  **Maintenance, repair of Community Hall** |
| **Name of Tenderer: . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .****CSD Number: . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . CRS Nr (CIDB): . . . . . . . . . . . . . . . . . . .****Closing dates: . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Time: . . . . . . . . . . . . . . . . . . .** |

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**T1 Tendering Procedure**

**T1.1 Tendering notice and invitation to tender**

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| XYZ Local Municipality hereby invites contractors to submit tenders for { Name of project, location and its estimated duration}. The extent of scope entails appointment of civil engineering contractors to construction of community halls It is estimated that tenderers must have a cidb contractor Grading of 6**CE or HIGHER or 5CE** potentially emerging enterprises who satisfy criteria stated in the Tender Data may submit tender offers in the **Civil Engineering(CE) class of works.**It is estimated that tenderers must have a cidb contractor Grading of {6**CE or HIGHER or 5CE** potentially emerging enterprises} who satisfy criteria stated in the Tender Data may submit tender offers in the {**Civil Engineering(CE) class of works}.** A form of Contracts in this project will be based on the {*NEC3 Framework Contract (****Option F****: Priced Contract with Bill of Quantities)}.*Only tenders with the above mentioned grade, who have a capacity and capability to execute the works, whose tax payers are inorder and not restricted from trading with the state are eligible to submit tender.Tender documents are downloadable for free of charge from National Treasury’s eTender Portal: (<http://www.etenders.gov.za/content/advertised-tenders>) or from {XYZ Local Municipality} website ([www.xyzlocalmunipal.gov.za/](http://www.xyzlocalmunipal.gov.za/), then click the Tenders drop down function). Alternatively, those who wish to purchase hardcopies from the offices of {XYZ Local Municipality}, tender documents can be obtained at a non-fundable price of **{State the amount in Rands & cents}** per document from *{State address details and office number, time of availability of documents and date}***.**Form of Contracts to be based on the NEC3 Framework Contract (**Option F**: Priced Contract with Bill of Quantities).Queries relating to the issuing of these documents may be addressed in writing to {state the name(s) of SCM official(s} responsible for issuing of tender documents and their contact details (preferable email addresses } and Technical enquiries related to the scope of works and pricing instructions may be addressed to, {If necessary, state the names offcials or persons responsible for Technical enquiries and their contact details (preferable email addresses)}A compulsory clarification meeting with representatives of the Employer will take place at *{state the exact details where Compulsory briefing will take place, if there is one. Including the start time and end time, and the date****}***The closing time for receipt of tenders by the {XYZ Local Municpipality} is **{Closing time}** on {Closing date, month and year}.Telegraphic, telephonic, telex, facsimile, e-mail and late tenders will not be accepted. Bids must be submitted in sealed envelopes clearly marked **“{SCM number: Name of Project as it appears on cover page}”** must be deposited in the bid box, {State the exact location of a Tender Box}**.**It is the responsibility of the tenderer/s to ensure that bid documents /proposals are submitted on or before closing time and the correct location as the department will not take responsibility of wrong delivery. Tenderers using courier services for delivery of their bid documents must ensure the delivery is at the correct place / location and time as the department will not be held responsible for wrong delivery, not delivered to {XYZ Local Municipality} officials. { XYZ Local Municipality} will not accept responsibility if bids received by officials OR security personnel are not timely deposited in the Bid Box. Tenders may only be submitted on the tender documentation that is issued. Tenderers must be registered on the National Treasury Central Supplier Data Base and proof of registration must be submitted with the proposal (<https://secure.csd.gov.za>). Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data.**B. BID EVALUATION:****This bid will be evaluated in {Four (4) phases, DELETE PHASES NOT APPLICABLE} as follows:****Phase One:** Responsiveness to the eligibility criteria, bid and mandatory requirements and rules. Tenderers that do not meet the compliance requirements stipulated above will be disqualified from further evaluation.**Phase Two:** In terms of the stipulated minimum threshold for local Production and Content (Steel components and products 100%). Tenderers that do not meet the criteria stipulated above and in the tender document will be disqualified from further evaluation. Tenderers meeting all compliance requirements and responsiveness to the bid rules and conditions will then proceed and be evaluated on Functionality Criteria (on the next phase).**Phase Three:** Tenderers must meet the minimum requirements outlined in the functionality criteria and score the at least the minimum functionality points to be considered for further evaluation. Tenderers which do not meet minimum functionality **points of 60** will then be rejected. **Phase Four:** Bidders passing all stages above will thereafter be evaluated on PPPFA (80/20 or 90/10.**Phase Five**: Objective criteria and Risk analysis**PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT (PPPFA) POINTS WILL BE AWARDED AS FOLLOWS:**Maximum points on price **-** **80 points**Maximum points for specified goals - **20 points****Maximum points - 100 points****C. BID SPECIFICATIONS, CONDITIONS AND RULES**The minimum specifications, other bid conditions and rules are detailed in the bid document under Tender Data The specifications, rules, special conditions of bid, evaluation criteria, and rules for evaluation for compliance to local content and other bid conditions are detailed in the document. Only locally produced goods or services with a stipulated minimum threshold for local production and content of 100 % (Designated sector: Steel Components and Products) will be considered.Exchange rate to be used for the calculation of local content (local content and local production are used interchangeably) must be the exchange rate published by the SARB at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid. If the raw material or input to be used for a specific item is not available locally, bidders should obtain written authorization from the DTIC should there be a need to import such raw material or input; and a copy of the authorization letter from DTIC must be submitted together with the bid/quotation document at the closing date and time.{XYZ Local Municipality} SCM policy applies.Tender validity period is **90 days.****FOR COMPLAINTS, FRAUD, & TENDER ABUSE: Call: 0800 712 723** |

**1.2 Tender Data**

The conditions of tender are as contained in the latest edition of SANS 10845-3, *Standard conditions of tender*.

SANS 10845-3 makes several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the provisions of SANS 10845-3 *and* as contained in **the Standard for Uniformity in Construction Procurement (Board Notice 423 of 2009 Government Gazette No 42622 of August 2019), as termed as *SFU***.

Each item of data given below is cross-referenced to the clause in SANS 10845-3 to which it mainly applies.

| **Clause number** | **Tender Data** |
| --- | --- |
| 3.1 | The employer is the {**XYZ Local Municipality)**, |
| 3.3 | The Tender documents issued by the employer comprise the documents listed on the contents page. |
| 3.4 | The Employer’s Representative Agent is:**Name:** {Name of the Project Manager / Engineer / Principal Agent}**Physical Address**: Address of the Organ of State**Telephone**: 012 800 0000**Email**: Sam.Sam@xyzlocalmunipality.gov.za |
| 3.5 | The language of communications is English |
| 4.1 | **ONLY** those tenderers who satisfy the following **ELIGIBILITY CRITERIA** and who provide the required evidence in their tender submission, are eligible to submit tenders and have their tenders evaluated:The tenderer: 1. Only those tenderers who are registered with the CIDB, or are capable of being so registered prior to the evaluation of submissions, are eligible to have their tenders evaluated:

a) contractors who have a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) of 25(7A) of the Construction Industry Development Regulations, for a **cidb** **Grade 6CE or Higher** class of construction work; andb) contractors registered as potentially emerging enterprises with the CIDB who are registered in one contractor grading designation **5CE PE in** terms of a) above and who satisfy the following criteria: **a** potential to develop and qualify to be registered in that higher grade as determined in accordance with the provisions of the CIDB Specification for Social and Economic Deliverables in Construction Works Contracts; and whom the employer agrees that they will provide the financial, management or other support that is considered appropriate to enable the contractor to successfully execute that contract. Joint ventures are eligible to submit tenders provided that: 1. every member of the joint venture is registered with the CIDB in CE class of works.2. the lead partner has a contractor grading designation in the CIDB **Grade 5CE PE or Higher** class of construction work; or not lower than one level below the required grading designation in the class of works construction works under considerations and possess the required recognition status; and3. the combined contractor grading designation calculated in accordance with the Construction industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a cidb **5CE PE or Higher** class of construction work or a value determined in accordance with Regulation 25 (1B) of 25(7A) of the Construction Industry Development Regulations.1. In case of a Joint Venture/Consortium submission, shall submit a Joint Venture agreement signed by all parties.
2. Is registered in terms of the Companies Act, 2008 (Act 71 of 2008) or Close Corporation Act, 1984, (Act No. 69 of 1984) or, if a partnership, has a partnership agreement (buy and sell agreement for participating partners in this tender) in place that enables the partnership to automatically continue to function in the event of death or withdrawal of one of the partners.
3. In case of having a subsidiary arrangement, shall submit an audited proof (letter or shareholding certificate) of agreement between the holding company and the subsidiary.
4. Tenderers may only tender under 1 (one) company or 1 (one) consortium – tendering with more than 1 company or consortium will result in immediate disqualification. The employer will recognise the JV/Consortium as single entity for the duration of the contract.

None of the documents with correction fluid on them. Any wrong entry, in case of correction, it must be cancelled by a single stroke and initialled by the Authorised signatory.The tender documents issued by the employer are not tampered and remain intact. |
| 4.7 | The arrangements for a compulsory clarification meeting and a site visit are as stated in the Tender Notice and Invitation to Tender (ref: T1.1). **No Tender will be considered unless the Tenderer attends the compulsory briefing session and site visit.**Tenderers/their authorised representatives must sign the attendance register and detailed contacts in favour of the tendering entity therein. Addenda, if any, will be issued to the tenders only who attended the compulsory briefing sessions. |
| 4.12 | No alternative tender offer will be considered. |
| 4.134.15 | The employer’s details and address for delivery of tender offers and identification details that are to be shown on each tender offer package are: **Location of tender box: {State the location of the tender box}****Physical Address**: Address of the Organ of State**Telephone**: 012 800 0000 |
| 4.13.4 | The tenderer is required to meet the following conditions in addition to the requirement for eligibility criteria as mentioned in Clause 4.1. 1. All declaration pages fully completed, signed and submitted.
2. The tender documents completed in all respect, signed off by the authorised person of the tenderer wherever spaces are provided in permanent ink.
3. The tender document issued by XYZ Local Municipality is not tampered with and content in the tender document remains intact.
 |
| 4.13.5 | Tender offer shall be submitted as {**original**, **one** **copy of the original** and **one scanned copy of the original completed and signed tender documents in a memory stick.}** |
| 4.13.6 | Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted. |
| 4.15 | The closing time for submission of tender is as stated in the Tender Notice and invitation to Tender (ref: T1.1) |
| 4.16 | The tender offer validity period is 90 days, exclusive of closing date but inclusive of the 90th day.  |
| 5.1 | The employer will respond to requests for clarification received up to 7 working days before the tender closing time.  |
| 5.2 | The employer shall issue addenda until 3 working days before tender closing time. |
| 5.4 | The time and location for opening of the Tender offers are as detailed in the Tender notice and invitation to tender (ref: T1.1) or in any addendum thereafter if applicable. |
| 5.11.2 | ~~The procedure for the evaluation of responsive tenders is~~ **~~Method 1~~**~~: Price only.~~ |
| 5.11.3 | ~~The procedure for the evaluation of responsive tenders is~~ **~~Method 1~~**~~: Price only and Quality~~ |
| 5.11.4 | ~~The procedure for the evaluation of responsive tenders is~~ **~~Method 2: Price and Preference~~**~~. In the case of a price and preference:~~  |
| 5.11.5 | ~~The procedure for the evaluation of responsive tenders is~~ **~~Method 4: Price, Quality and Preference~~**~~. In the case of a price and preference:~~  |
| SFU (clause 4.3.1) | The procedure for the evaluation of responsive tenders is **Functionality, Financial offer, Preference and Objective criteria**) as explained in the **cidb**’s Standard for Uniformity in Construction Procurement August 2019 (clause 4.3.1). Breakdown points for Functionality points are outlined in 5.11.9 below.The procedure for the evaluation of responsive tenders is **detailed as follows:** **Phase One:** Responsiveness to the eligibility criteria, bid and mandatory requirements and rules. Tenderers that do not meet the compliance requirements stipulated above will be disqualified from further evaluation.**Phase Two:** In terms of the stipulated minimum threshold for local Production and Content (Steel components and products 100%). Tenderers that do not meet the criteria stipulated above and in the tender document will be disqualified from further evaluation. Tenderers meeting all compliance requirements and responsiveness to the bid rules and conditions will then proceed and be evaluated on Functionality Criteria (on the next phase).**Phase Three:** Tenderers must meet the minimum requirements outlined in the functionality criteria and score the at least the minimum functionality points to be considered for further evaluation. Tenderers which do not meet minimum functionality **points of 60** will then be rejected. **Phase Four:** Bidders passing all stages above will thereafter be evaluated on PPPFA (80/20 or 90/10.**Phase Five**: Objective criteria and Risk analysis1. **PHASE ONE: RESPONSIVENESS TO THE ELIGIBILITY CRITERIA, BID AND MANDATORY REQUIREMENTS AND RULES:**

Tenderers’ proposals must meet the following minimum requirements and supporting documents must be submitted with the completed bid document in a sealed envelope in the bid box at the closing date and time. Failure to comply will automatically eliminate the bid for further consideration:1. Tender Document (This Document must be submitted in its original format)

Tenders which are late, incomplete, unsigned or submitted by facsimile or electronically, will not be accepted.1. Tenderer must be registered with CIDB in the correct grading and class of works as per the tender notice and requirements and the status on CIDB must be active during award stage. It is the responsibility of the tenderer to keep the status on CIDB active throughout bidding process (i.e from advert till award stage).
2. Tenderer must be a legal entity or partnership or joint venture or consortia.
3. Form of offer and Acceptance (fully completed and signed)
4. MBD 4- Declaration of Interest (fully completed and signed)
5. MBD 5-Declaration for procurement above R10 million (all applicable taxes included) - (fully completed and signed)
6. MBD 8- Declaration of Bidder’s past Supply Chain Management Practices. (Completed and signed
7. MBD 9- Certificate of Independent Bid Determination. (Completed and signed)
8. Compulsory Enterprise Questionnaire (Completed and signed)
9. If the offer (any of the items quoted for) is “Vat Inclusive”, the VAT registration number of service provider must be indicated. Bidders are not entitled to claim the VAT if they are not VAT registered.
10. Certificate of Authority for Joint Ventures (if applicable). In the case of a joint venture, a signed JV agreement stating the share interest or percentage of each partner should also be made available to the department by the JV. **cidb** regulations and prescripts apply.
11. Resolution to Sign (if applicable) must be completed and furnished with the tender.
12. Attendance of compulsory briefing meeting (where applicable)
13. Only one offer per item per bidder is allowed and alternative offers will not be considered. If more than one offer per item is received, none of the offers will be considered.  Tenderers are also not allowed to submit a bid/ quotation whilst they are in agreements with other tenderers in the form of joint ventures or consortiums.

**Other Conditions of bid (Non eliminating, unless expressly mentioned in the document):**1. MBD 1 form
2. The bidder must be registered on the Central Supplier Database (CSD) prior the award.
3. All tenderer’s tax matters must be in order prior award. Bidders’ tax matters will be verified through CSD.
4. The bidder must complete section 1.3.1.2 of the Preference Points Form to claim points on Specificized goals. Non completion of the schedule / form will result in a bidder losing preferential points.
5. **PHASE TWO: EVALUATION ON LOCAL PRODUCTION AND CONTENT**
6. On local content designated items, only locally produced goods or services with a stipulated minimum threshold for local production and content of 100% will be considered.
7. The relevant designated sector: Steel Products and Components. The minimum threshold for local production and content: 100%.
8. Exchange rate to be used for the calculation of local content (local content and local production are used interchangeably) must be the exchange rate published by the SARB at 12:00pm on the date, one week (7 calendar days) prior to the closing date of the bid.
9. Failure to indicate minimum percentage (%) or not meeting minimum percentage for local content will automatically invalidate the bid for further consideration.
10. If the raw material or input to be used for a specific item is not available locally, bidders should obtain written authorization from the DTI should there be a need to import such raw material or input and a copy of this authorization letter must be submitted together with the bid document at the closing date and time.
11. Bidders must complete MBD6.2 with annexure C and it must be submitted with the bid at the closing date and time. Failure to submit will invalidate the bid.
12. The main contractor may not sub contract work to an extent that the local content and production is compromised. The conditions and rules applying to the main bidder on local production and content also apply to the sub-contractor(s).
13. For further information, bidders may contact the units dealing with Metal Fabrication, Capital and Rail Transport Equipment within DTI at 012 394 5157. Email: TSamanga@thedti.gov.za
14. **PHASE THREE: TENDER WHO PASS STAGE 2 WILL THEN BE EVALUATED ON FUNCTIONALITY CRITERIA, AS OUTLINED BELOW:**
15. The tender will be expected to submit substantial information (valid copies and detailed information as ordered) inorder to claim points for each of the criteria or sub criteria set.
16. The tenderer must demonstrate to the satisfaction of the Employer that it has sufficient skill and capacity to execute the works.
17. The form or the evaluation criteria and maximum score in respect of each of the criteria listed in 5.11.9.
18. A Tender scoring an average score below **60 points** in Functionality will be considered as DISQUALIFIED from evaluation and will be discarded from any further evaluation.
19. Non-submission or poorly completed schedule or incomplete information will result in a tenderer losing points on Functionality. CVs which do not substantially detail relevant experience will also lead to a bidder losing points on Functionality, It is the responsibility of the tenderer to ensure that all copies are clear and certified when the conditions require them to be so.
20. No second chance will be given to a tenderer to submit some information after tender closure on this stage of evaluation i.e. functionality.
21. **PHASE FOUR: EVALUATION POINTS ON PRICE AND SPECIFIED GOALS**

The **80/20 preference point system** shall be applied for the purposes of this bid as per the requirements of the *Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).*

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| **Criteria** | **Points** |
| **POINTS ON PRICE** | **80** |
| **SPECIFIED GOALS** | **20** |
| **TOTAL** | **100** |

**The 80/20 preference point system for acquisition of services, works or goods up to Rand value of R50 million:** (a) 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 50 000 000 (all applicable taxes included): The financial offer will be scored using the following formula: A = (1 - (P - Pm)) PmThe value of value of W1 is:1) 90 where the financial value inclusive of VAT of all responsive tenders received have a value in excess of R50 000 000 or2) 80 where the financial value inclusive of VAT of one or more responsive tender offers have a value that equals or is less than R 50 000 000.The table below must be used to calculate the score out of 20 for Specified Goals

|  |  |
| --- | --- |
| Designated groups | Number of Points(80/20) |
| * + - Points for HDI status (100% Black owned)
 | 10 |
| * + - Points for 51% Women’s Equity
 | 2.5 |
| * + - Points for black person with Disability
 | 2.5 |
| * + - Points for 51% owned Youth firm
 | 2 |
| * + - Points for Locality (Contractors domiciled in the XXX Province)
 | 3 |
| Form not completed or submitted | 0 |

**NOTE:****The tenderer must submit a CSD number, CIPC documents indicating share ownership or directorship of the company or a comprehensive CSD report which must indicate the names of the owners, their gender, race, age, whether there is a person living with disability or not and the address of a company (first address on CSD), inorder to claim the preferential procurement points.**1. **PHASE FIVE: OBJECTIVE CRITERIA AND RISK ANALYSIS**
2. The Tenderers having the highest ranking / number of points, will additionally be reviewed against the following points listed as “Other Objective Criteria” in terms of the PPPFA, in order to ascertain suitability for award. Tenderers will be assessed on whether they are not:
3. Removed from a contract between them and any organ of state on account of failure to perform on or comply with the contract.
4. Financial health of the bidder will be assessed if deemed necessary, to ensure that the service provider will be able to operate as per required deliverable.
5. Unduly high or unduly low Tendered rates in the Tender offer. In this regard, a financial risk analysis will be performed to verify that the costs are reasonable and balanced.
6. In terms of unduly high Tendered amounts in the Tender offer, negotiation process as outlined in Regulation 24 of the MFMA Regulations will apply.
7. This tender will be considered as a whole. All trades listed in the Bills of Quantities or Pricing schedule must be priced for (except provisional sums and allowances), failure to do so will increase the commercial risk of the tender and may lead to elimination or passing over of the tenderer.
8. Tenders may be disqualified if tendered rates are found to be distorted. The market average of received bid prices excluding Outliers, as well as the XYZ Local Municipality estimate will be used as a guide to indicate financial risk.
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| 5.11.9 | **A Tender scoring below 60 points in Functionality shall be considered as DISQUALIFIED for further evaluation and shall be discarded from evaluation.**

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| **Quality criteria** | **Evaluation schedule** | **Maximum number of points** |
| Experience of the tenderer  | Schedule 1 | 40 |
| Experience of Key Personnel | Schedule 2 | 20 |
| Plant and Equipment | Schedule 3 | 20 |
| Approach Paper | Schedule 4 | 20 |
| **Maximum possible score for functionality (Ms)** | **100** |

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| 5.11.9 | Functionality criteria broken down into sub criterias:

|  |  |
| --- | --- |
| **BID EVALUATION CRITERIA**  | **TOTAL (MAX)** **POINTS**  |
| 1. **EXPERIENCE OF TENDERER** **- 40 POINTS.**

**Breakdown of Points:*** Maintenance, repair and operation of Water Infrastructure. **20 points**
1. 1 project = 8 points
2. 2 projects = 15 points
3. 3 or more projects = 20 points
* Highest value of project completed in the maintenance, repair and operation Water Infrastructure **20 points**

a) < R500 0000 = 0 pointsb) ≥ R 500 000 but < R1.5 M = 8 points c) ≥ R 1.5 M but < 5 M = 15 Points d) ≥ R 5 M = **20 points** | **40**  |
| 1. **EXPERIENCE OF KEY PERSONNEL (SERVICE MANAGEMENT) 20 POINTS.**

**Breakdown of Points:**The scoring of the experience of key person (service management) will be as follows:1. Professional Registered Civil, Electrical and Process Engineers. The registration must be with ECSA and the bidder must attach proof of registration or a professional registration number. (Each professional engineer will be scored separately.  Then the scores will be averaged. One person will be scored per discipline). **5 points**  1. Pr. Tech. Eng. = 3 points
2. Pr. Eng. = 5 points
	1. Number of years of relevant experience (in construction, maintenance, repair and operation of Water Infrastructure) post qualification for Civil, Electrical and Process Engineers. The scores will be averaged. **10 points**

 a) < 5 years = 0 points b) ≥ 5 years but < 7 years = 4 pointsc) ≥ 7 years but < 10 years = 8 points d) ≥ 10 years = 10 points1.2 Qualifications for professional engineers [Civil, Electrical and Process]. (Each professional engineer will be scored separately. Then the scores will be averaged. One person will be scored per qualification): **5 points**  a) Degree or B Tech in Engineering (Civil, Electrical & Process) = 3 pointsb) Honours or Masters in Engineering (Civil, Electrical & Process) = 5 pointsThe experience of the key person who will be responsible for the management of the physical maintenance and repair processes and the coordination, administration and management of resources on the Affected Property will be evaluated in relation to the scope of work from two different points of view:1) General experience (total duration of work activity), level of education and training and positions held.2) The education, training, skills and experience and knowledge of issues which are pertinent to the scope of work. A CV of the key personnel of notmore than 4 pages must be attached to this schedule. |    **20**  |
| 1. **PLANT AND EQUIPMENT – 20 POINTS**
2. **Breakdown of Points:**

Resources available to organisation including plants and equipment but not limited to:Excavator = 4 Points, Tipper Truck = 2 Points, Compactor = 4 Points, Front end loader = 4 Points, TLB = 2 PointsDesign Software = 4 pointsAttach proof of ownership or letter from a hire company showing rental arrangement. A bidder that submits letters of rental of plant or equipment will get half the points. Proof of ownership in company’s name or director(s) name(s) will get full points. Attach a software license or proof ownership of a Design Software(belonging to the company, owners or attached engineer as per the resource submitted) | **20** |
| **4. APPROACH PAPER –**  **20 POINTS**

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| **Evaluating Point** | **Assessment Criteria** | **Max****point(s** |
| Understating of Project Scope | Demonstration of clear understanding of Project objectives (2), scope and deliverables with timeframes (3). Adequacy and appropriateness will be assessed. | **5** |
| Sub-contracting methodology | Outline approach to be used for subcontracting local enterprises (3) and labour (2). | **5** |
| Quality Control and Quality Assurance mechanism to be adopted | Appropriateness and adequacy of tools (2) and processes (3) to ensure quality control and assurance in all phases of the project | **5** |
| Stakeholder management and reporting  | Adequate description of how stakeholders will be managed including but not limited to identification of the stakeholders (3). Indicate appropriate reporting requirement and summary of content (2). | **5** |

The approach paper must respond to the scope of work, the nature of the contract, the main option that has been selected for the contract and outline the proposed approach / methodology including that relating to the controlling of costs, sourcing, programming and management of subcontractors in relation to the works that may be provided over the term of the contract | **20** |

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| 5.11.9 | The prompts for judgment and the associated scores used in the evaluation of functionality shall be as follows:

| **Score (Points)** | **Prompt for judgement** |
| --- | --- |
| 0-29 | **Failed** to address the questions / issues. |
| 30-50 | **A detrimental response / answer / solution** – limited or poor evidence of skill / experience sought or high risk that relevant skills will not be available. |
| 50-59 | **Less than acceptable** – response / answer / solution lacks convincing evidence of skill / experience sought or medium risk that relevant skills will not be available. |
| 60-79 | **Acceptable response** – answer / solution to the particular aspect of the requirements and evidence given of skill / experience sought are convincing. |
| 80-89 | **Above acceptable** – response / answer / solution demonstrating real understanding of requirements and evidence of ability to meet it. |
| 90-100 | **Excellent** – response / answer / solution gives real confidence that the bidder will add real value. |

**The scores of each of the evaluators will be averaged, weighted and then totalled to obtain the final score for functionality.** |
| 5.13 | Tender offers will only be accepted if:1. the tenderer or any of its directors/ shareholders is not listed on the Register of Tender 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;
2. the tenderer has not:
	1. abused the Employer’s Supply Chain Management System; or
	2. failed to perform on any previous contract and has been given a written notice to this effect;
3. the tenderer has duly completed and signed the **MBD 4, MBD 8, MBD5 and MBD 9 declaration forms.** Incomplete or unsigned or poorly completed forms will lead to a bidder being declared non responsive.
4. the tenderer is registered with the Construction Industry Development Board in an appropriate contractor grading designation.
5. the tenderer has completed the Compulsory Enterprise Questionnaire and there are no conflicts of interest which may impact on the tenderer’s ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are permitted to submit tenders or participate in the contract;
6. the tenderer/s is registered on CSD prior submitting bids (open tenders). Any prospective bidder found to have Tax matters not inorder with SARS (verified through CSD) during the evaluation process (after being given an opportunity to rectify tax matters) will be eliminated and not be considered further in the process. Preferred bidder/s will be afforded an opportunity to rectify their tax affairs within 7 days. A bidder that fails to rectify its tax matters with SARS will be eliminated.
7. A Resolution of signatory form has been completed and signed by director/s or a letter bearing a letterhead of the tenderer has been attached (specific to this bid) to the bid submission; it must be duly signed by all directors and submitted the bid. Only a duly authorised official can sign the bid.
 |
| 5.14 | The number of paper copies of the signed contract to be provided by the employer is one to the successful Tenderer. |
| 5.17 | The additional conditions of tender are:Wherever a brand name is specified in this document (i.e. specifications, pricing schedule, bill of quantities or anywhere), the department requires an item similar/equivalent or better. |
| 5.17 | **Cancellation and re‐invitation of tenders**  The employer may, prior to the award of the tender, cancel the tender if‐ 1. due to changed circumstances, there is no longer a need for the services, works or goods requested; or
2. funds are no longer available to cover the total envisaged expenditure; or
3. no acceptable tenders are received; or
4. Tender validity period has expired; or
5. Gross irregularities in the tender processes and/or tender documents; or
6. No market related offer received (after attempts of negotiation processes)

Where applicable, the decision to cancel the tender will be published in the CIDB website and in the Tender Bulletin or the media in which the original tender invitation as advertised. |

**MUNICIPAL LOGO AND NAME**

 Reference no.: [Subject]

**T2 Returnable Documents**

**T2.1 List of returnable documents**

|  |
| --- |
| **A Returnable Schedules required for tender evaluation purposes** The tenderer must complete the following returnable schedules as relevant:1. MBD 1 – Invitation to Bid
2. Record of Addenda to Tender Documents
3. Proposed Amendments and Qualifications
4. Compulsory Enterprise Questionnaire
5. MBD 4 - Declaration on Interest
6. MBD 5-Declaration for procurement above R10 million (all applicable taxes included) - (fully completed and signed)
7. Preference Points claim form
8. MBD 6.2 – Declaration of Local Content and Production
9. MBD 8 – Declaration of Bidder’s Past SCM Practices
10. MBD 9 – Certificate of Independent Bid Determination
11. CIDB certificate Annexure
12. Resolution for Signatory
13. Certificate of Joint Ventures
14. Schedule of Proposed Sub Contractors
15. Schedule 1: Experience of the tenderer
16. Schedule 2: Experience of key person
17. Schedule 3: Plant and Equipment
18. Schedule 4: Approach paper
19. Baseline Risk Assessment
 |
| **B Other documents required for tender evaluation purposes**The tenderer must provide the following returnable documents: * Preferential Points Claimed
 |
| **C C1.1 Form of Offer and Acceptance** |
| **D C1.2 Contract Data (Part 2)** |
|  |
| The Tenderer’s attention is drawn to Part 2 of the Contract Data which requires the Tenderer to tender a number of financial parameters which are applied to defined Cost in order to calculate the Prices for the Work Done to Date and the Prices.Failure to tender the required financial parameters in the required manner in Part 2 of the Contract Data or to sign the form of offer and acceptance will result the tender being declared non-responsive. |

**PART A**

**MBD 1**

**INVITATION TO BID**

|  |
| --- |
| **YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (***NAME OF DEPARTMENT/ PUBLIC ENTITY***)** |
| BID NUMBER: | SCMU9-21/22-0006 | CLOSING DATE: | 05 December 2019 | CLOSING TIME: | 11:00 |
| DESCRIPTION:  | Maintenance, repair of Community Halls  |
| **BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)*** |
| 1303 Heuwel Avenue, Riverside Office Park, Letaba House, 1st Floor, Centurion, Pretoria 0046, |
|  |
| **BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO** | **TECHNICAL ENQUIRIES MAY BE DIRECTED TO:** |
| CONTACT PERSON | **JACKIE JOHN** | CONTACT PERSON | **VATI MLOLO** |
| TELEPHONE NUMBER | **012 848 5300**  | TELEPHONE NUMBER | **012 848 5300** |
| FACSIMILE NUMBER |  | FACSIMILE NUMBER |  |
| E-MAIL ADDRESS | **Jackie.John@xyzmunicipal.gov.za** | E-MAIL ADDRESS | **Vati.Mlolo@xyzmunicipal.gov.za** |
| **SUPPLIER INFORMATION** |
| NAME OF BIDDER |  |
| POSTAL ADDRESS |  |
| STREET ADDRESS |  |
| TELEPHONE NUMBER | CODE |  | NUMBER |  |
| CELLPHONE NUMBER |  |
| FACSIMILE NUMBER | CODE |  | NUMBER |  |
| E-MAIL ADDRESS |  |
| VAT REGISTRATION NUMBER |  |
| SUPPLIER COMPLIANCE STATUS | TAX COMPLIANCE SYSTEM PIN: |  | **OR** | CENTRAL SUPPLIER DATABASE No:  | MAAA |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE | TICK APPLICABLE BOX][ ]  Yes [ ]  No | B-BBEE STATUS LEVEL SWORN AFFIDAVIT  | [TICK APPLICABLE BOX][ ]  Yes [ ]  No |
| ***[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]*** |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | [ ] Yes   [ ] No [IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR **THE GOODS /SERVICES /WORKS OFFERED?** | [ ] Yes [ ] No[IF YES, COMPLETE QUESTIONNAIRE BELOW ] |
| **QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS** |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? [ ]  YES [ ]  NODOES THE ENTITY HAVE A BRANCH IN THE RSA? [ ]  YES [ ]  NODOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? [ ]  YES [ ]  NODOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? [ ]  YES [ ]  NOIS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? [ ]  YES [ ]  NO **IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.** |

**PART B**

**TERMS AND CONDITIONS FOR BIDDING**

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

SIGNATURE OF BIDDER: ……………………………………………

CAPACITY UNDER WHICH THIS BID IS SIGNED: ……………………………………………

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

DATE: …………………………………………...

**T2.2 Returnable schedules**

**1. Record of Addenda to Tender Documents**

|  |
| --- |
| We confirm that the following communications received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer: |
|  | **Date** | **Title or Details** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
| Attach additional pages if more space is required. |
| Signed |  | Date |  |
| Name |  | Position |  |
| Tenderer |  |

**2. Proposed amendments and qualifications**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| The Tenderer should record any deviations or qualifications he may wish to make to the tender documents in this Returnable Schedule. Alternatively, a tenderer may state such deviations and qualifications in a covering letter to his tender and reference such letter in this schedule.The Tenderer’s attention is drawn to clause 5.8 of SANS 10845-3 regarding the employer’s handling of material deviations and qualifications.

|  |  |  |
| --- | --- | --- |
| **Page** | **Clause or item** | **Proposal** |
|  |  |  |

 |
| Signed |  | Date |  |
| Name |  | Position |  |
| *Tenderer* |  |

**3. Compulsory Enterprise questionnaire**

|  |
| --- |
| The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.  |
| **Section 1: Name of enterprise: . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .**  |
| **Section 2: VAT registration number, if any: . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .**  |
| **Section 3: cidb registration number, if any: . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .**  |
| **Section 4: csd number: . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .**  |
| **Section 5: Particulars of sole proprietors and partners in partnerships**

|  |  |  |
| --- | --- | --- |
| **Name\***  | **Identity number\***  | **Personal income tax number\***  |
|  |  |  |
|  |  |  |
|  |  |  |

***\**** *Complete only if sole proprietor or partnership and attach separate page if more than 3 partners* |
| **Section 6: Particulars of companies and close corporations** Company registration number . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Close corporation number . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Tax reference number . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . |
| **Section 7: The attached SBD 4 must be completed for each tender and be attached as a tender requirement.**  |
| **Section 8: The attached SBD 6.1 must be completed for each tender and be attached as a requirement.**   |
| **Section 9: The attached SBD 8 must be completed for each tender and be attached as a requirement.**  |
| **Section 10: The attached SBD 9 must be completed for each tender and be attached as a requirement.**  |
| The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise: 1. authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
2. confirms the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities

Act of 2004; iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption; iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and iv) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.  |

|  |  |  |  |
| --- | --- | --- | --- |
| Signed |  | Date |  |
| Name |  | Position |  |

**4. MBD 4 - DECLARATION OF INTEREST**

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

 - the bidder is employed by the state; and/or

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

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

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

* 1. Identity Number:……………………………………………………………………………………...
	2. Position occupied in the Company (director, trustee, shareholder², member): ………………………………………………………………………………………………………….
	3. Registration number of company, enterprise, close corporation, partnership agreement or trust: ……………………………………………………………..………….……………………………….
	4. Tax Reference Number: ………………………………………………………………………………
	5. VAT Registration Number: ………………………………………………………………………....

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

¹“State” means –

 (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

 (b) any municipality or municipal entity;

 (c) provincial legislature;

 (d) national Assembly or the national Council of provinces; or

 (e) Parliament.

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

2.7 Are you or any person connected with the bidder **YES / NO**

 presently employed by the state?

* + 1. If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

……....………………………………

Name of state institution at which you or the person connected to the bidder is employed :

……….. ………………………………………

Position occupied in the state institution: ………………………………………

Any other particulars:

………………………………………………………………

………………………………………………………………

………………………………………………………………

* + 1. If you are presently employed by the state, did you obtain **YES / NO / N/A**

the appropriate authority to undertake remunerative

work outside employment in the public sector?

* + - 1. If yes, did you attach proof of such authority to the bid **YES / NO / N/A**

document?

(Note: Failure to submit proof of such authority, where

applicable, may result in the disqualification of the bid.

* + - 1. If no, furnish reasons for non-submission of such proof:

 …………………………………………………………………….

…………………………………………………………………….

…………………………………………………………………….

* 1. Did you or your spouse, or any of the company’s directors / **YES / NO**

trustees / shareholders / members or their spouses conduct

business with the state in the previous twelve months?

* + 1. If so, furnish particulars:

…………………………………………………………………..

…………………………………………………………………..

…………………………………………………………………...

* 1. Do you, or any person connected with the bidder, have **YES / NO**

 any relationship (family, friend, other) with a person

 employed by thestate and who may be involved with

 the evaluation and or adjudication of this bid?

 2.9.1 If so, furnish particulars.

 ……………………………………………………………...

 …………………………………………………………..….

………………………………………………………………

 2.10 Are you, or any person connected with the bidder, **YES/NO**

 aware of any relationship (family, friend, other) between

any other bidder and any person employed by the state

who may be involved with the evaluation and or adjudication

of this bid?

2.10.1 If so, furnish particulars**.**

………………………………………………………………

………………………………………………………………

………………………………………………………………

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO**

of the company have any interest in any other related companies

whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

…………………………………………………………………………….

…………………………………………………………………………….

…………………………………………………………………………….

1. **Full details of directors / trustees / members / shareholders.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Full Name** | **Identity Number** | **Personal Income Tax Reference Number** | **State Employee Number / Persal Number**  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**4 DECLARATION**

I, THE UNDERSIGNED (NAME)………………………………………………………………………

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

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

………………………………….. ..……………………………………………

 Signature Date

…………………………………. ………………………………………………

 Position Name of bidder

1. **MBD 5: DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)**

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

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

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

……………………………………………………………… …………………………………………………………YES / NO

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

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

2.2 If yes, provide particulars. ……………………………………………………………………………………….…… ………………………………………………………………. ………………………………………………………………. ……………………………………………………………..

\* Delete if not applicable \*

YES / NO \*YES / NO

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

3.1 If yes, furnish particulars ………………………………………………………………….…………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………….………… \*YES / NO

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? \*YES / NO

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 MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

………………………………….. ……………………………………..

Signature Date

………………………................. ……………………………………

Position Name of Bidder

**6. PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT ACT**

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

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

1. **GENERAL CONDITIONS**
	1. The following preference point systems are applicable to all bids:
* the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
* the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

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

b) Either the 80/20 preference point system will be applicable to this tender Points for this bid shall be awarded for:

1. Price; and
2. B-BBEE Status Level of Contributor.
	1. The maximum points for this bid are allocated as follows:

**1.3.1.1 PRICE** …..90..

**1.3.1.2 SPECIFIC CONTRACT PARTICIPATION GOALS**

1. **Historically Disadvantaged Individuals (Black owned):**

1. who had no franchise in national elections before

 the 1983 and 1993 Constitutions (100% black owned) …10….

(ii) who is at least 51% women owned …2.5….

(iii) who has a disability …2.5….

(**b) Other specific goals (goals of the RDP- plus local manufacture)**

1. who is at least 51% Youth owned …3….
2. XXX Province Domicilium …2….

**Total points for Price, HDIs and other RDP-**

**goals must not exceed** **100**

**Separate Preference Points Claim Forms will be used for the promotion of the specific goals for which points have been allocated in paragraph 1.3.1.2 (b) above.**

* 1. 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.
1. **DEFINITIONS**
2. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
3. “**B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
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 goods or services, through price quotations, advertised competitive bidding processes or proposals;
5. **“Black people”** is a generic term which means Africans, Coloureds and Indians - (a) who are citizens of the Republic of South Africa by birth or descent; or (b) who became citizens of the Republic of South Africa by naturalisation - (i) before 27 April 1994; or (ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date.
6. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
7. **“Designated group”** means – black designated groups; black people; women; People with disabilities; black people living in rural and township areas; small enterprises, as defined in section 1 of National Small Enterprises Act, 1996 (Act No. 102 of 2005
8. **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
9. **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
10. **“People with Disabilities”** has the meaning assigned to it in section 1 of the Employment Equity Act, 1998 (Act No. 55 of 1998);
11. **“prices”** includes all applicable taxes less all unconditional discounts;
12. **“proof of B-BBEE status level of contributor”** means:
13. B-BBEE Status level certificate issued by an authorized body or person;
14. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
15. Any other requirement prescribed in terms of the B-BBEE Act;
16. **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
17. **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
18. **POINTS AWARDED FOR PRICE**
	1. **THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

 **80/20 or 90/10**

 **** or ****

 Where

 Ps = Points scored for price of bid under consideration

 Pt = Price of bid under consideration

 Pmin = Price of lowest acceptable bid

1. **BID DECLARATION**
	1. Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:
2. **B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**
	1. B-BBEE Status Level of Contributor: . = ………(maximum of 10 or 20 points)

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

1. **SUB-CONTRACTING**
	1. Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

* + 1. If yes, indicate:
1. What percentage of the contract will be subcontracted............…………….…………%
2. The name of the sub-contractor…………………………………………………………..
3. The B-BBEE status level or Number of Specified goals as per 1.3.1.2 of the sub-contractor......................................……………..
4. Whether the sub-contractor is an EME or QSE

***(Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

1. **DECLARATION WITH REGARD TO COMPANY/FIRM**
	1. Name of company/firm:…………………………………………………………………………….
	2. VAT registration number:……………………………………….…………………………………
	3. Company registration number:…………….……………………….…………………………….
	4. TYPE OF COMPANY/ FIRM

 Partnership/Joint Venture / Consortium

 One person business/sole propriety

 Close corporation

 Company

 (Pty) Limited

[Tick applicable box]

* 1. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

…………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………

* 1. COMPANY CLASSIFICATION

 Manufacturer

 Supplier

 Professional service provider

 Other service providers, e.g. transporter, etc.

[*Tick applicable box*]

* 1. Total number of years the company/firm has been in business:……………………………
1. **List all Shareholders by Name, Position, Identity Number, Citizenship, HDI status and ownership, as relevant. Information to be used to calculate the points claimed in paragraph 1.3.1.2.** All information must be filled in spaces provided. If additional space is required, additional sheets may be attached. The onus is on the bidder to fill in all the information. The full company composition is required including HDI and Non-HDI status. The ownership must accumulate to **100%.**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name** | **Position occupying in Enterprise** | **ID Number** | **Date RSA Citizenship obtained** | **\* HDI Status**  | **%****of business / enterprise owned** |
| No franchise prior to elections(Y / N) | Women(at least 51% owned)(Y / N) | Disabled(Y / N) | Youth(at least 51% owned)(Y / N) |
|  |  |  |  |  |  |  |  |  |
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|  |  |  |  |  |  |  |  |  |

\*NOTE: Y - YES / N – NO

1. **Consortium / Joint Venture**
	1. In the event that preference points are claimed for HDI members by consortia / joint ventures, the following information must be furnished in order to be entitled to the points claimed in respect of the HDI member:

|  |  |
| --- | --- |
| **Name of HDI member (to be consistent with paragraph 1.3.1.2)** | **Percentage (%) of the contract value managed or executed by the HDI member** |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

* 1. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the Specified Goals claimed indicated in paragraphs 1.3.1.2 and 5.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:
1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.3.1.2 and 5.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
4. If the Specified Goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
	1. disqualify the person from the bidding process;
	2. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
	3. 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;
	4. recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
	5. forward the matter for criminal prosecution.

……………………………………….

SIGNATURE(S) OF BIDDERS(S)

DATE: …………………………………..

ADDRESS …………………………………..

 …………………………………..

 …………………………………..

WITNESSES

1. ……………………………………..
2. …………………………………….

**7. MBD 6.2 DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

**MBD 6.2**

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

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

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

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

Where

 x is the imported content in Rand

 y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on http:/www.thedti.gov.za/industrial development/ip.jsp at no cost.**

* 1. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;
1. **The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No.** | **Description of services, works or goods** | **Unit** **(e.g. m2, m3, ton, etc)** | **Quantity** | **Stipulated minimum threshold** |
|  | **Steel reinforcement** |  |  |  |
| 1 | Ref 245 fabric reinforcement | m2 | 75 | 100% |
|  | **Mild Steel** |  |  |  |
| 2 | 10mm diameter bars | kg | 479 | 100% |
| 3 | 8mm diameter bars | kg | 287 | 100% |
|  | **High tensile steel** |  |  |  |
| 4 | 20mm diameter bars | kg |  753 | 100% |
| 5 | 16mm diameter bars | kg |  778 | 100% |
| 6 | 12mm diameter bars | kg | 1196 | 100% |
| 7 | 10mm diameter bars | kg | 895 | 100% |

**3**. Does any portion of the goods or services offered

 have any imported content?

 (***Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

3..1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

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

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

|  |  |
| --- | --- |
| **Currency**  | **Rates of exchange** |
| US Dollar |  |
| Pound Sterling |  |
| Euro |  |
| Yen |  |
| Other |  |

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

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

**LOCAL CONTENT DECLARATION**

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

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)** **IN RESPECT OF BID NO.**: **SCMU5-21/22-0006****ISSUED BY**: (Procurement Authority / Name of Institution): **XYZ LOCAL MUNCIPALITY**NB 1. The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
2. Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thdti.gov.za/industrial development/ip.jsp](http://www.thdti.gov.za/industrial%20development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.**  Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, …………………………….................................................... (full names),do hereby declare, in my capacity as ……………………………………… ………..of ...............................................................................................................(name of bidder entity), the following:1. The facts contained herein are within my own personal knowledge.
2. I have satisfied myself that:
3. the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
4. The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.** **The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**1. I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
2. I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

 **SIGNATURE: DATE: \_\_\_\_\_\_\_\_\_\_\_** **WITNESS No. 1 DATE: \_\_\_\_\_\_\_\_\_\_\_** **WITNESS No. 2 DATE: \_\_\_\_\_\_\_\_\_\_\_** |

**ANNEXURE C**

**00**

****

 **ANNEXURE D**

****

##

## ANNEXURE E



 **EXEMPTION LETTER**

**PROCESS WHEN REQUESTING EXEMPTION LETTERS**

For exemption requests on designated products and the minimum threshold for local content cannot be met for various reasons, bidders must apply for exemption per tender. After checking with the industry, the **dti** will decide whether to grant an exemption or not.

**In the official request (signed letter), the following information should be included:**

* Procuring entity/government department/state owned company.
* Tender/bid number.

* Closing date.
* Item(s) for which the exemption is being requested for.
* Description of the goods, services or works for which the requested exemption item will be used for and the local content that can be met.
* Reason(s) for the request.
* Supporting letters from local manufacturers and suppliers.

 **NB - Exemption letters are tender specific and applications are not transferrable**.

The turnaround time in response to exemption letters for all designated products is five working days with the exception of rail and boats/vessels which is seven working days.

Request for exemption letters are to be directed to:

**Dr Tebogo Makube**

**Chief Director**: Industrial Procurement

**Tel**: 012 394 3927

**E-mail**: tmakube@thedti.gov.za.

The turnaround time in response to textile, clothing, leather and footwear exemption letters request is two working days and requests are to be directed to:

**Patricia Khumalo**

**Tel**: 012 394 1390

**E-mail**: khumaloP@thedti.gov.za

 **EXAMPLE**

**ANNEXURE C, D & E ON LOCAL CONTENT AND PRODUCTION**

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

**MBD 6.2**

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

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

**EXAMPLE ONLY**

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

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

Where

 x is the imported content in Rand

 y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on http:/www.thedti.gov.za/industrial development/ip.jsp at no cost.**

* 1. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;
1. **The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No.** | **Description of services, works or goods** | **Unit** **(e.g. m2, m3, ton, etc)** | **Quantity** | **Stipulated minimum threshold** |
| 1 | Mild steel reinforcement to structural concrete work: 12 mm diameter bars | tonnes | 261.95 | 100% |
| 2 | Mild steel reinforcement to structural concrete work: 10 mm diameter bars | tonnes | 240 | 100% |
| 3 | Furniture High back Chair | No. | 261.95 | 85% |

**EXAMPLE ONLY**

**3**. Does any portion of the goods or services offered

 have any imported content?

 (***Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES | **X** | NO |  |

3..1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

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

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

|  |  |
| --- | --- |
| **Currency**  | **Rates of exchange** |
| US Dollar | R14 / $1 |
| Pound Sterling | R19.50 / 1 pound |
| Euro | R14.10 / 1 Euro |
| Yen | R0.50/ 500Yens |
| Other |  |

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

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

**LOCAL CONTENT DECLARATION**

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

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)** **IN RESPECT OF BID NO.** SCMU5-18/19-0888...........................................................................**ISSUED BY**: (Procurement Authority / Name of Institution): DEPARTMENT OF PUBLIC WORKS...........................................................................................NB 1. The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
2. Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thdti.gov.za/industrial development/ip.jsp](http://www.thdti.gov.za/industrial%20development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.**  Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

**EXAMPLE ONLY**I, the undersigned, **MKHAYA PHONDO** (full names), do hereby declare, in my capacity as **DIRECTOR**…………………..of .....**PHONDO CONSTRUCTION**..............................................(name of bidder entity), the following:1. The facts contained herein are within my own personal knowledge.
2. I have satisfied myself that:
3. the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
4. The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

|  |  |
| --- | --- |
| Bid price, excluding VAT (y)  | R 370 940 |
| Imported content (x), as calculated in terms of SATS 1286:2011 | R 62 868 |
| Stipulated minimum threshold for local content (paragraph 3 above)  | 100%+85% |
| Local content %, as calculated in terms of SATS 1286:2011 | 83.05% |

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.** **The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**1. I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
2. I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**EXAMPLE ONLY** **SIGNATURE:**  **DATE: 23 Oct 2018\_\_\_** **WITNESS No. 1**  **DATE: 23 Oct 2018\_\_\_** **WITNESS No. 2  DATE: 23 Oct 2018\_\_\_** |







**6. MBD 8 - DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

1. This Municipal Bidding Document must form part of all bids invited.
2. It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
3. The bid of any bidder may be disregarded if that bidder, or any of its directors have-
	1. abused the institution’s supply chain management system;
	2. committed fraud or any other improper conduct in relation to such system; or
	3. failed to perform on any previous contract.
4. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Question** | **Yes** | **No** |
| 4.1 | Is the bidder or any of its directors listed on the National Treasury’s database as companies or persons prohibited from doing business with the public sector?**(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the *audi alteram partem* rule was applied).** | Yes[ ]  | No[ ]  |
| 4.1.1 | If so, furnish particulars: |
| 4.2 | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?**To access this Register enter the National Treasury’s website,** [**www.treasury.gov.za**](http://www.treasury.gov.za)**, click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.**  | Yes[ ]  | No[ ]  |
| 4.2.1 | If so, furnish particulars: |
| 4.3 | Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years? | Yes[ ]  | No[ ]  |
| 4.3.1 | If so, furnish particulars: |
| 4.4 | Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract? | Yes[ ]  | No[ ]  |
| 4.4.1 | If so, furnish particulars: |

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME)…………………………………………………**

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

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

 **………………………………………... …………………………..**

 **Signature Date**

 **………………………………………. …………………………..**

 **Position Name of Bidder**

**7. MBD 9 - CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:

a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution’s supply chain management system and or committed fraud or any other improper conduct in relation to such system.

b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

1. This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
2. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name of Institution)

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

I certify, on behalf of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

(a) has been requested to submit a bid in response to this bid invitation;

(b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and

(c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.

1. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
2. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
3. prices;
4. 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.

1. 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.
2. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

**³ Joint venture or Consortium 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.**

1. 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

**8. PROOF OF REGISTRATION ON THE NATIONAL TREASURY CENTRAL SUPPLIER DATABASE (CSD REPORT)**

(ATTACH HERE)

**9. VALID CIDB CERTIFICATE OF A TENDERER**

(ATTACH HERE)

**10. RESOLUTION FOR SIGNATORY**

**A: CERTIFICATE OF AUTHORITY FOR SIGNATORY**

Signatory for companies shall confirm their authority hereto by attaching a duly signed and dated copy of the relevant resolution of the board of directors to this form or on company letter head.

An example is given below:

“By resolution of the board of directors passed at a meeting held on

Mr/Ms , whose signature appears below, has been duly authorised to

sign all documents in connection with the tender for Contract No.

and any Contract which may arise there from on behalf of (Block Capitals)

SIGNED ON BEHALF OF THE COMPANY:

IN HIS/HER CAPACITY AS:

DATE:

SIGNATURE OF SIGNATORY:

**WITNESSES:**

|  |  |  |  |
| --- | --- | --- | --- |
| **DIRECTOR (NAMES)** |  | SIGNATURE |  |
| **DIRECTOR (NAMES)** |  | SIGNATURE |  |
| **DIRECTOR (NAMES)** |  | SIGNATURE |  |
| **DIRECTOR (NAMES)** |  | SIGNATURE |  |
| **DIRECTOR (NAMES)** |  | SIGNATURE |  |
| **DIRECTOR (NAMES)** |  | SIGNATURE |  |
|  |  |  |  |

If you cannot complete this form, attach a separate sheet (in a company letter head, project specific and signed by all directors):

**11. CERTIFICATE OF AUTHORITY FOR JOINT VENTURES**

|  |
| --- |
| This Returnable Schedule is to be completed by joint ventures. We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . ...., authorised signatory of the company . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .. , acting in the capacity of lead partner, to sign all documents in connection with the tender offer and any contract resulting from it on our behalf. |
| **PROJECT TITLE** | **Construction of community halls** |
| **SCMU NUMBER** |  |

|  |  |  |
| --- | --- | --- |
| **NAME OF FIRM** | **ADDRESS** | **DULY AUTHORISED SIGNATORY** |
| Lead partner:…………………………………. |  | Signature. . ……….. . . . . . . . . . . Name ……………………………….... Designation……………………………… |
| …………………………………. |  | Signature. . ……….. . . . . . . . . . . Name ……………………………….... Designation……………………………… |
| …………………………………. |  | Signature. . ……….. . . . . . . . . . . Name ……………………………….... Designation……………………………… |
| …………………………………. |  | Signature. . ……….. . . . . . . . . . . Name ……………………………….... Designation……………………………… |
|  |

**12. SCHEDULE OF PROPOSED SUBCONTRACTORS**

|  |  |
| --- | --- |
| **PROJECT TITLE** | **Construction of community halls** |
| **PROJECT NUMBER** |  |
| We notify you that it is our intention to employ the following Subcontractors for work in this contract. The Subcontractors will all be CIDB registered and their CIDB Registration number shall be submitted below. This should also be declared on **Preferential Procurement claim form.**If we are awarded a contract we agree that this notification does not change the requirement for us to submit the names of proposed subcontractors in accordance with requirements in the contract for such appointments. If there are no such requirements in the contract, then your written acceptance of this list shall be binding between us.We confirm that all subcontractors who are or to be contracted are registered on Central Supplier Database (CSD). |

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| --- | --- | --- |
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| --- | --- | --- | --- | --- | --- |
| **No.** | **Name and address of proposed Subcontractor** | **Nature and extent of work** | **Year completed** | **Value** | **Contact details** |
| 1 |  |  |  |  |  |
|  |  |  |  |  |
| 2 |  |  |  |  |  |
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| 4 |  |  |  |  |  |
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| 5 |  |  |  |  |  |
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| **The undersigned, who warrants that she/ he is duly authorised to do so on behalf of the enterprise, confirms that the content of this schedule that presented by the tenderer are within my personal knowledge and are to the best of my knowledge both true and correct** |

|  |  |  |  |
| --- | --- | --- | --- |
| Signed |  | Date |  |
| Name |  | Position |  |
| *Enterprise name* |  |

**13. Schedule 1: Experience of the tenderer**

|  |
| --- |
| The experience of the tenderer as a company (as opposed to key staff members) in the maintenance, repair and operation of water infrastructure.The information can include contracts that are not complete prior to closing date for submissions.Tenderers should very briefly describe his or her experience in this regard, emphasizing the nature of the works and complexity and attach this to this schedule.The description should be put in tabular form with the following headings: |
| **Employer, contact person and telephone number, where available** | **Description of contracts relating to the construction maintenance, repair and operation of municipal water infrastructure, nature and location** | **Contract value of the project inclusive of VAT (Rand)** | **Date**  |
| **Start** | **Completion (Actual or expected)** |
|  |  |  |  |  |
| **NB:** A tenderer may also attach a completion certificate or any form of document indicating that the works was done and completed by the tenderer.The scoring of the tenderer’s experience will be as follows:

|  |
| --- |
| The scoring of tenderer’s experience will be as below:1. Maintenance, repair and operation Water Infrastructure. **20 points**
2. 1 project = 8 points
3. 2 projects = 15 points
4. 3 or more projects = **20 points**
5. Highest value of project completed in the maintenance, repair and operation of Water Infrastructure **10points**

a) < R500 0000 = 0 pointsb) ≥ R 500 000 but < R1.5 M = 8 points c) ≥ R 1.5 M but < 5 M = 15 Points d) ≥ R 5 M = **20 points****Total Points** (experience of a tenderer) **40 points** |
|  |

 |

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 |  |
| *Tenderer* |  |
| **The employer reserves the right to verify all information presented by the tenderer.****14. Schedule 2: Experience of key personnel (service management)**  |
| The experience of the key person who will be responsible for the management of the physical maintenance and repair processes and the coordination, administration and management of resources on the Affected Property will be evaluated in relation to the scope of work from two different points of view:1) General experience (total duration of work activity), level of education and training and positions held.2) The education, training, skills and experience and knowledge of issues which are pertinent to the scope of work. A CV of the key personnel of notmore than 4 pages must be attached to this schedule. Each CV should be structured under the following headings:CVs of all key personnel, preferably, in no more than **3 pages using font Arial regular 10 points having margins at each side no less than 2,54 cm and line spacing 1,50** for each of the proposed key personnel should be submitted along with the submission referring to this schedule. The CVs should be structured as detailed below:

|  |  |
| --- | --- |
| **Proposed Position:****Years with the Firm:****Mailing Address:** | **Phone:****Cell:** **Email:****ID No.:**  |

Name:

|  |  |
| --- | --- |
| Nationality: |  |
| Education: |  |
| Computer Skill: |  |
| Professional Membership: |  Membership #: |
| Experience: | IN SOUTH AFRICADuration: Organization (belongs to): Project Name: Client:Position:Responsibilities/ Work Done:\_ |
|  | IN OTHER COUNTRIESDuration: Organization (belongs to): Project: Client:Position:Responsibilities/ Work Done:\_ |
| Consent: | I do hereby offer my full consent to work in the project titled as ‘Construction of Community Halls’ within the geographic regions in South Africa’ with the Tenderer named as\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_I also confirm that I have not offered and will not offer my consent to any other Tenderer to work for any other project till the expiry of the validity of the proposal or the award of the contract whichever is later. However, if the above-mentioned Tenderer is successful in winning this contract, I shall be available for the full duration of the contract or for the full period of my input to the project whichever will be applicable for me. |
| Signature: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**Enclosure:**1. Certificates of academic qualifications
2. Certificate of Professional registration

*The CV of individuals will be used for evaluation of the each of the personnel for this section.*The scoring of the experience of key person (service management) will be as follows:1. Professional Registered Civil, Electrical and Process Engineers. The registration must be with  ECSA and the bidder must attach proof of registration or registration number. (Each professional engineer will be scored separately.  Then the scores will be averaged. One person will be scored per discipline). **5 points**  1. Pr. Tech. Eng. = 3 points
2. Pr. Eng. = 5 points
	1. Number of years of relevant experience (in maintenance, repair and operation of Municipal Water Infrastructure) post qualification for Civil, Electrical and Process Engineers. The scores will be averaged.

 **10 points** a) < 5 years = 0 points b) ≥ 5 years but < 7 years = 4 pointsc) ≥ 7 years but < 10 years = 8 points d) ≥ 10 years = 10 points1.2 Qualifications for professional engineers [Civil, Electrical and Process]. (Each professional engineer will be scored separately. Then the scores will be averaged. One person will be scored per qualification):  **5 points**a) Degree or B Tech in Engineering (Civil, Electrical & Process) = 3 pointsb) Honours in Engineering (Civil, Electrical & Process) = 5 points**Total**  **20 points**  |

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 |  |
| *Tenderer* |  |

**\*The employer discourages the sharing of professionals (professional engineers, specialist artisans, and artisans) among bidders. In cases where there is evidence of sharing of professionals; the appointed contractors will have to discuss risks involved with the employer.**

**\* the employer reserves the right to verify all information presented by the tenderer.**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| **15.** **Schedule 3: Plant and Equipment (20 points)**Points will be allocated as indicated below for plant and equipment **owned and / or hired** by the Tenderer, and which will be available for the project, should the Tenderer be successful. Tenderers must complete the table below for availability of plant and equipment.

|  |  |  |  |
| --- | --- | --- | --- |
| **Type of Equipment** | **Own** | **Hire** | **Total Points** |
| **TLB – 1** required (2 points)  |   |   |   |
| **Excavator 20 tons min –** 1 required(2 points)  |   |   |   |
| **Tipper (10m3 minimum) –** 1 required (2 points each)  |   |   |   |
| **Bomag or similar type pedestrian roller –** 1 required (4 points)  |   |   |   |
| **Front end Loader –** 1 loader (4 points) |  |  |  |
| **TLB –** 1 required (2 points) |  |  |  |
| **Design software –** Minimum **1** required(4 points)  |  |   |   |
| **Total scored** |   |   |   |

Points for plant and equipment will only be allocated if; 1. **In case where plant is owned by the Tenderer**, Proof of ownership must be in the form of a license disc or certificate of ownership as per e-natis requirements in the name of the company or directors must be attached.
2. **In case where the plant is to be hired the Tenderer**, a letter from a Plant Hire Company addressed to the tenderer with reference to this project clearly indicating the list of plant to be hired must be attached.
3. **In case where the Tenderer own part of the required plant and part will be hired,** the tenderer must attach proof of ownership as per 1 above and plant hire letter as per 2 above accordingly.

***Note: No other proof of ownership will be considered*****16. Schedule 4: Approach paper**The approach paper must respond to the scope of work (reference: C3 Scope of work), the nature of the contract, the main option that has been selected for the contract and outline the proposed approach / methodology including that relating to the controlling programming and management of sub-consultants in relation to the works that may be provided over the term of the contract. The approach paper should not be longer than **5 pages**. The approach paper as such needs to:Table of Contents: Listing of contents of the approach paper with page numbers and/ references to annexures (if any);Executive Summary: A brief summary of the whole contents of the approach paper;Approach: Detailed approach that the tenderer feels best to deliver the intended services for the Project with identification of tasks, for each of the activities/ deliverables as have been foreseen in ‘Part C3. Scope of work’, detailing at least the following:1. Understating of Project Scope
2. Outline the proposed methodology and systems which will be employed to control costs and engage and manage subcontractors
3. Quality control mechanism to be adopted for project deliverables;
4. the engagement of local communities, municipalities, other stakeholders, local enterprises, the employment of local people
 |
| The approach paper will be evaluated in relation to the scope of work from two different points of view:1) Approach to delivering projects as a management contractor.2) Strategy for achieving the secondary (developmental) targets in the execution of Task Orders. The scoring of the approach paper will be as follows: |
| **Evaluating Point** | **Assessment Criteria** | **Maximum allocated point(s)** |
| **Approach Paper** | **20 points** |
| Understating of Project Scope | Demonstration of clear understanding of Project objectives (2), scope and deliverables with timeframes (3). Adequacy and appropriateness will be assessed. | 5 points |
| Sub-contracting methodology | Outline approach to be used for subcontracting local enterprises (3) and labour (2). | 5 points |
| Quality Control and Quality Assurance mechanism to be adopted | Appropriateness and adequacy of tools (2) and processes (3) to ensure quality control and assurance in all phases of the project.  | 5 points |
| Stakeholder management and reporting  | Adequate description of how stakeholders will be managed including but not limited to identification of the stakeholders (3). Indicate appropriate reporting requirement and summary of content (2).  | 5 points |

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| 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 . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Name . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .Tenderer . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . | Date . . . . . . . . . . . . . . Position. . . . . . . . . . . . . . . . . . . . . . . . .  |

**18**. **BASELINE RISK ASSESSMENT**

|  |  |
| --- | --- |
| **PROJECT TITLE** | **Construction of community halls** |
| **PROJECT NUMBER** |  |
| *PLEASE NOTE THAT THIS IS A BASELINE RISK ASSESSMENT OF A BROAD SCOPE OF WORKS AND NOT A DETAILED RISK ASSESSMENT OF ALL ANTICIPATED ACTIVITIES ON EACH SITE* |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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*You can list all activities on a separate page to address this issue (the above table is just for reference purposes).*

|  |  |  |  |
| --- | --- | --- | --- |
| Signed |  | Date |  |
| Name |  | Position |  |
| *Enterprise name* |  |

**MUNICIPAL LOGO AND NAME**

Reference no.: [Subject]

**Construction of Community Halls**

The Contract

**MUNICIPAL LOGO AND NAME**

Reference no.: [Subject]

**Construction of Community Halls**

**C1 Agreements and Contract Data**

**C1.1 Form of offer and acceptance**

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| ***Note:*** *1 This form of offer and acceptance is identical to that contained in Annex F of SANS 10845 - 1: Construction Procurement Processes, Procedures and Methods.*  *2 SAICE’s Practice Manual #1, The use of South African National Standards in Construction Procurement, provides guidance on the formulation of the wording for the actual offer where it is not based on the offered total of prices.* Offer  The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the procurement of: ………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………….  The tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.  By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the contractor 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** …………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………..……...Rand (in words); R…………………………………………………………………………………………………………………………………. (in figures) (or other suitable wording)This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the tender data, whereupon the tenderer becomes the party named as the contractor in the conditions of contract identified in the contract data.  |

|  |  |  |  |
| --- | --- | --- | --- |
| Signature |  |  | Date: |
| Name |  |  |  |
| Capacity |  |  |  |
| **For the tenderer:** |  |
| Name & signature of witness | *(Insert name and address of organisation)* | Date |  |

|  |
| --- |
| **Acceptance** |
| By signing this part of this Form of Offer and Acceptance, the *Employer* identified below accepts the tenderer’s Offer. In consideration thereof, the *Employer* shall pay the Consultant the amount due in accordance with the *conditions of contract* identified in the Contract Data. Acceptance of the tenderer’s Offer (as it only relates to **rates**, provisional sums, prime cost amounts, fixed amounts, compensation, expenses and activities) shall form an agreement between the *Employer* and the tenderer upon the terms and conditions contained in this project and any contract signed is the subject to the conditions of the project. |
| 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 the above listed Parts. |
| Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Returnable Schedules as well as any changes to the terms of the Offer agreed by the tenderer and the *Employer* during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Form of Offer and Acceptance. No amendments to or deviations from said documents are valid unless contained in this Schedule. |
| The tenderer shall within two weeks of receiving a completed copy of this agreement, including the Schedule of Deviations (if any), contact the *Employer’s* agent (whose details are given in the Contract Data) to arrange the delivery of any securities, 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 tenderer receives one fully completed original copy of this document, including the Schedule of Deviations (if any). Unless the tenderer (now *Contractor*) within five working days of the date of such receipt notifies the *Employer* in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the Parties. |
| Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  | Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Name(s): Mr XXX XXXXCapacity: Municipal ManagerFor the Employer: XYZ Local MunicipalityName and Address of the employer: XYZ Local Municipality, 23 John Street, Centurion, 0150 |
|  |

**Schedule of Deviations**

1 Subject . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

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2 Subject . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

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3 Subject . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

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| By the duly authorised representatives signing this agreement, the *Employer* and the Tenderer agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the Tender Data and addenda thereto as listed in the returnable schedules, as well as any confirmation, clarification or changes to the terms of the offer agreed by the Tenderer and the *Employer* during this process of offer and acceptance. |
| It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the tenderer of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this agreement. |

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| **MUNICIPAL LOGO AND NAME**Reference no.: [Subject]C.1.2 Contract Data |

**MUNICIPAL LOGO AND NAME**

Reference no.: [Subject]

**Construction of community hall**

**PART C2: PRICING DATA**

**INDEX**

**PART C2: Pricing Data** Error! Bookmark not defined.

**C2.1**  **Pricing Instructions 87**

**C2.2**  **Schedule of Quantities** Error! Bookmark not defined.

**C2.1 Pricing Instructions**

1. Bills of Quantities covering broad scope of work is attached. The Contractor is expected to price each item provided, except where instructed otherwise. The rates provided by the bidder will be verified for their reasonableness. The employer reserves the right to adjust the final prices once the tenderer has been found to have complied with other tender conditions.
2. XXXXXXXX

**C2.2 PRICING SCHEDULE / BILLS OF QUANTITIES**

1. The rates and prices offered by the tenderer must be physically written into the pricing schedule or Bills of Quantities of this tender document, completed in full and signed. Failure to do so could disqualify the tender.
2. All items in the Pricing Schedule / Bills of Quantities must be priced, subject to the following: a) Where pricing for any item is intentionally included in the rate or Price of another item, this must always be clearly indicated so and cross-referenced to the item in question in the Pricing Schedule / Bills of Quantities. Tenders showing unpriced items without due reference to where the omitted prices are included in other items in the Pricing Schedule / Bills of Quantities, could result in the disqualification of the tender.
3. Summarising parts or sections of the Pricing Schedule / Bills of Quantities into single lump sums or rates without providing the breakdown of pricing of items as per the Pricing Schedule / Bills of Quantities is not acceptable and could result in disqualification of the tender.
4. Where an item is encountered against which no Price or rate is entered and it can be reasonably attributed to error on the part of the tenderer that item will be treated as covered by other Prices or rates in the Pricing Schedule/Bills of Quantities.
5. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words will govern. **cidb** inform practice notes (#5) on procedures of dealing with errors and discrepancies will apply.
6. Where there is an error in the line items total resulting from the product of the unit rate, the rate shall govern and the line item total shall be corrected. **cidb** inform practice notes (#5) on procedures of dealing with errors and discrepancies will apply.
7. For the purposes of this Bill of Quantities, the following words shall have the meanings hereby assigned to them:

 **Unit** : The unit of measurement for each item of work as defined in the Standardized, Project or Particular Specifications

 **Quantity** : The number of units of work for each item

 **Rate** : The payment per unit of work at which the Tenderer tenders to do the work

 **Amount** : The quantity of an item multiplied by the tendered rate of the (same) item

 **Sum** : An amount tendered for an item, the extent of which is described in the Bill of Quantities, the Specifications or elsewhere, but of which the quantity of work is not measured in units

1. The units of measurement indicated in the Bill of Quantities are metric units. The following abbreviations may appear in the Bill of Quantities:

 mm = millimetre

 m = metre

 km = kilometre

 km-pass = kilometre-pass

 m² = square metre

 m²-pass = square metre-pass

 ha = hectare

 m³ = cubic metre

 m³-km = cubic metre-kilometre

 kW = kilowatt

 kN = kilonewton

 kg = kilogram

 t = ton (1 000 kg)

 % = per cent

 MN = meganewton

 MN-m = meganewton-metre

 Sum = Sum

 PC Sum = Prime Cost Sum

 Prov Sum = Provisional Sum

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**Construction of community halls**

**PART C3: SCOPE OF WORK**

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**C4.2: DELIVERABLES………………………………………………………………………….**

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| **PART C3: Scope of Work*** 1. **Employers’ objectives**

Intention of the employer and reason for this proejct * 1. **Background**

Why there is a need for this **C3: Scope of work** **a) Provide details of scope of works*** 1. **Extent of the services**

List of major works or trades to be done. If it includes external works and more than one building or type of structure, list it.**1.4 Development procurement objectives and obligations**The employer’s\*development objectives are to promote broad based black economic empowerment in support of the economic transformation of South Africa.\*Clarification note: In the context of infrastructure within the Republic of South Africa, **development objectives means****“**secondary objectives” as per SANS/ISO 10845-1”construction procurement-part 1: processes, methods and procedures” (South African Bureau of standards). .**1.7 Location of the services**The works shall be located within the **XXXXXXX** region shown in Annexure 2.1. **General requirements**

**2.1** The Contractor shallin Providing the Works observe all statutes, by-laws and associated regulations and industry norms established in relevant South African national standards published in terms of the Standards Act of 2008 or standards recommended by professional associations.**2.2** The Contractor shall only utilize in the provision of the services materials (substances that can be incorporated into the works)**,** products (item manufactured or processed for incorporation into the works), components (products manufactured as distinct units to serve a specific function or functions) and assemblies (set of related components attached to each other) which are:a) fit for their intended purpose; and b) capable of fulfilling required functions under intended use conditions or when in use, with planned maintenance, under the influence of the environmental actions or a result of a self-ageing process for a period of time within industry accepted norms.1. **Management**
	1. **General**

The Contractor shall:1. provide a fortnightly progress report covering work which is the subject of a scope of works
2. be required to participate in regular progress meetings with the Others within the **XXXXXXX** region.
	1. **Health and safety**

The Contractor shall manage health and safety in accordance with the latest edition of the Occupational Health and Safety Specification for Construction Works Contracts (see Annexure 3). **3.3. Completion strategy**a) The Contractor shall develop a completion strategy to minimise the correction of defects after Completion and to achieve Completion on or before the Completion Date. Such a strategy shall include a systematic approach to ensuring that employees and subcontractors search for defects as the work progresses, programme their work in such a manner that defects are corrected ahead of Completion and sufficient time is allowed for commissioning.b) The completion strategy should be framed around the systematic acceptance and / or testing of materials, plant, workmanship and subsystems as the works proceed in order to address issues ahead of completion and the allocation of tasks to ensure satisfactory completion. **3.4 Programme**The additional information to be shown on the programme are the dates for submission of end of stage deliverables associated with the latest edition of the National Treasury Framework for Infrastructure Procurement and Delivery Management*.* **4 Reporting**The Contractor shall report on the socio-economic indicators such as jobs created and employment of local labour specified in a Task Order.**5 Communications**All communications with the Employer which are made in terms of the contract should be made using the standard templates provided by the employer. **6 Invoices**Invoices submitted shall be a Tax invoices. The invoice shall comply with requirements, if any, established by the Employer. **8 Vendor registration**The Contractor shall complete vendor registration forms before the first assessment date. Such forms and the submission requirements shall be obtained from the Employer.**C4.2: DELIVERABLES*** + - * 1. **Project Deliverables**

List number of deliverables expected from the contractor1. **Additional Deliverables**
* Site Assessment Report and Condition Assessment Reports for the project
* Project Implementation Plan,
* Detailed Design Report and Summary of General Legislative Authorisations
* Monthly Implementation Progress Reports
* Monthly Site Meetings Agenda, Minutes and Arrange Site Visits for Relevant Stakeholders
* Close-Out Report including pictures before and after the Works and a file of all Contractual Documentation.
* Approved Work Orders,
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**Construction of a community halls**

**PART C4: SITE INFORMATION**