

# UMHLABUYALINGANA LOCAL MUNICIPALITY



**TENDER No. UMHL01/2023/2024**

**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL  
ENGINEERING PROJECTS FOR 3 YEARS**

(CIDB CATERGORY: 3CE TO 7CE)

**TENDER DOCUMENT**

<b>Name of Tenderer</b>	
<b>Total price including VAT</b>	
<b>Address of Tenderer</b>	
<b>Telephone Number</b>	
<b>CIBD Registration No.</b>	
<b>CSD Reg No.</b>	
<b>Contract Duration</b>	<b>36 Months</b>
<b>Tender Closing Date</b>	<b>27 July 2023</b>

**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

## CONTENTS

Number	Heading
--------	---------

### THE TENDER

#### Part T1: Tendering procedures

T1.1	Tender notice and invitation to tender
T1.2	Tender data

#### Part T2: Returnable documents

T2.1	List of returnable documents
T2.2	Returnable schedules

### THE CONTRACT

#### Part C1: Agreements and Contract data

C1.1	Form of offer and acceptance
C1.2	Contract data Part 1 – Data by the <i>Employer</i> Part 2 – Data by the <i>Contractor</i>
C1.3	Performance bond

#### Part C2: Pricing data

C2.1	Pricing Assumptions
C2.2	Pricing Schedules/Price List/Bills of Quantities

#### Part C3: Scope of work

C3	Scope of work
C4	Site Information

## T1 Tendering Procedure

### T1.1 TENDERING NOTICE AND INVITATION TO TENDER

#### THE UMHLABUYALINGANA MUNICIPALITY

TENDER No	PROJECT NAME AND DESCRIPTION	CLOSING DATE	CIDB GRADING	CONTRACT DURATION
UMHL01/2023/2024	Panel of Service Providers for Construction of Civil Engineering Projects	27 <sup>th</sup> of July 2023, Thursday, 12h00	Between 3CE and 7CE	36 months

Umhlabuyalingana Local Municipality is looking for service providers for panel of the above projects within Umhlabuyalingana Local Municipality as and when required.

The Bidders will further be required to ensure that ALL MBD forms are attached with their proposal and MBD forms will be obtained from the documents.

**There will be no briefing. Tender documents will be available on the 12<sup>th</sup> of July 2023, Wednesday. Tender documents are downloadable free of charge from National Treasury's eTender Portal: (<http://www.etenders.gov.za/content/advertised-tenders>) or from Umhlabuyalingana Municipality Website; ([www.umhlabuyalingana.gov.za/](http://www.umhlabuyalingana.gov.za/))**

Queries relating to the issuing of these documents may be addressed in writing to Mr. NM Mthembu ([BafanaM@mhlabuyalingana.gov.za](mailto:BafanaM@mhlabuyalingana.gov.za)), responsible for issuing of tender documents and Technical enquiries may be addressed to Mr. D.I Tembe ([DumsanT@mhlabuyalingana.gov.za](mailto:DumsanT@mhlabuyalingana.gov.za)).

Duly completed tender documents sealed in an envelope marked with the tender number and the closing date are to be deposited into the tender box at Umhlabuyalingana Municipality, Main Road, KwaNgwanase 3973, by no later **than 12h00 on the closing date** where they will be opened in public. Telegraphic, telefaxed or posted tenders will not be accepted. Tenders will be evaluated on 80/20 PPPFA and Umhlabuyalingana SCM policy will apply.

The UMhlabuyalingana Local Municipality reserves the right to accept any Bid or part of any Bid and is not bound to accept the lowest Bid or any other Bid.

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 uMhlabuyalingana Local Municipality officials. UMhlabuyalingana 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.

Mr NPE Myeni

Municipal Manager

## B. BID EVALUATION:

This bid will be evaluated in following phases 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:** 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 Three:** Bidders passing all stages above will thereafter be evaluated on PPPFA (80/20)

**Phase Four:** Objective criteria and Risk analysis

## PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT (PPPFA) POINTS WILL BE AWARDED AS FOLLOWS:

Maximum points on price	-	<b>80 points</b>
Maximum points for Preferences	-	<b>20 points</b>
<b>Maximum points</b>	-	<b>100 points</b>

## C. BID SPECIFICATIONS, CONDITIONS AND RULES

The minimum specifications, other bid conditions and rules are detailed in the bid document under Tender Data

UMhlabuyalingana Local Municipality SCM policy applies. Tender validity period is **120 days**.

## FOR COMPLAINTS, FRAUD, & TENDER ABUSE:

**Call: 035 592 0680** office of the Municipal Manager

## 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 uMhlabuyalingana Local Municipality,

PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS

Clause number	Tender Data
3.3	The Tender documents issued by the employer comprise the documents listed on the contents page.
3.4	<p>The Employer's Representative is Director Technical Services:</p> <p><b>Name:</b> Mr DI Tembe</p> <p><b>Telephone:</b> 035 592 0680</p> <p><b>Email:</b> <a href="mailto:DumsanT@mhlabyalingana.gov.za">DumsanT@mhlabyalingana.gov.za</a></p>
3.5	The language of communications is English
4.1	<p><b>ONLY</b> those tenderers who satisfy the following <b>ELIGIBILITY CRITERIA</b> and who provide the required evidence in their tender submission, are eligible to submit tenders and have their tenders evaluated:</p> <p>The tenderer:</p> <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>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 <b>CIDB Grade 3CE to 7CE</b> class of construction work; and</li> <li>b) contractors registered as potentially emerging enterprises with the CIDB who are registered in one contractor grading designation <b>3CE to 7CE</b> 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: <ol style="list-style-type: none"> <li>1. every member of the joint venture is registered with the CIDB in CE class of works.</li> <li>2. the lead partner has a contractor grading designation in the CIDB Grade 3CE to Grade 7CE 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; and</li> <li>3. 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 <b>3CE to 7CE</b> in class of construction work or a value determined in accordance with Regulation 25 (1B) of 25(7A) of the Construction Industry Development Regulations.</li> </ol> </li> </ol> </li> <li>2. In case of a Joint Venture/Consortium submission, shall submit a Joint Venture agreement signed by all parties.</li> <li>3. Is registered in terms of the Companies Act, 2008 (Act 71 of 2008) or Close</li> </ol>

PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS

Clause number	Tender Data
	<p>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. Its directors/ shareholders are 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; and also, the tenderer or its directors has not failed to pay municipal rates and taxes or municipal service charges and such rates, taxes and charges (where they are applicable) and/or are in not arrears for more than three months</p> <p>4. 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.</p> <p>5. 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.</p> <p>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.</p> <p>The tender documents issued by the employer are not tampered and remain intact.</p>
4.7	<p>The arrangements for a clarification meeting and a site visit are as stated in the Tender Notice and Invitation to Tender (ref: T1.1).</p> <p><b>No Tender will be considered unless the Tenderer attends the clarification briefing session and site visit.</b></p> <p>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.</p>
4.12	No alternative tender offer will be considered.
4.13  4.15	<p>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:</p> <p><b>Location of tender box: Umhlabuyalingana Municipality</b></p> <p><b>Physical Address:</b> Foyer at Reception, R22 Manguzi Main Road, KwaNgwanase</p> <p><b>Telephone:</b> 035 592 0680</p>
4.13.4	<p>The tenderer is required to meet the following conditions in addition to the requirement for eligibility criteria as mentioned in Clause 4.1.</p> <ol style="list-style-type: none"> <li>1. All declaration pages fully completed, signed and submitted.</li> <li>2. The tender documents completed in all respect, signed off by the authorised person of the tenderer wherever spaces are provided in permanent ink.</li> <li>3. The tender document issued by uMhlabuyalingana Local Municipality is not tampered with and content in the tender document remains intact.</li> </ol>

PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS

Clause number	Tender Data
4.13.5	Tender offer shall be submitted as <b>original</b>
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 120 days, exclusive of closing date but inclusive of the 120 <sup>th</sup> 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.
SFU (clause 4.3.1)	<p>The procedure for the evaluation of responsive tenders is <b>Functionality, Financial offer, Preference and Objective criteria</b>) as explained in the <b>cidb's</b> Standard for Uniformity in Construction Procurement August 2019 (clause 4.3.1).</p> <p>Breakdown points for Functionality points are outlined in 5.11.9 below.</p> <p>The procedure for the evaluation of responsive tenders is <b>detailed as follows:</b></p> <p><b>Phase One:</b> 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.</p> <p><b>Phase Two:</b> 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 <b>points of 60</b> will then be rejected.</p> <p><b>Phase Three:</b> Bidders passing all stages above will thereafter be evaluated on PPPFA (80/20)</p> <p><b>Phase Four:</b> Objective criteria and Risk analysis</p> <p><b>1. <u>PHASE ONE: RESPONSIVENESS TO THE ELIGIBILITY CRITERIA, BID AND MANDATORY REQUIREMENTS AND RULES:</u></b></p> <p>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:</p>



**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

Clause number	Tender Data
	<ol style="list-style-type: none"> <li>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.</li> <li>2. 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).</li> <li>3. Tenderer must be a legal entity or partnership or joint venture or consortia.</li> <li>4. Form of offer and Acceptance (fully completed and signed)</li> <li>5. MBD 4- Declaration of Interest (fully completed and signed)</li> <li>6. MBD 5-Declaration for procurement above R10 million (all applicable taxes included) - (fully completed and signed)</li> <li>7. MBD 8- Declaration of Bidder's past Supply Chain Management Practices. (Completed and signed)</li> <li>8. MBD 9- Certificate of Independent Bid Determination. (Completed and signed)</li> <li>9. Compulsory Enterprise Questionnaire (Completed and signed)</li> <li>10.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.</li> <li>11.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. <b>cidb</b> regulations and prescripts apply.</li> <li>12.Resolution to Sign (if applicable) must be completed and furnished with the tender.</li> <li>13.Attendance of compulsory briefing meeting (where applicable)</li> <li>14.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.</li> <li>15.Bidder (Company or director/partner or sole propriety) must attach proof of municipal rates on municipality letterhead which are not older than 90 days. If the statement of municipal rates is not in the name of the bidder, an affidavit from SAPS must be attached. OR Letter of traditional authority not older than 90 days for bidder. OR In case of a lease agreement, a signed lease agreement by both parties(lessor &amp; lessee), an affidavit indicating that the bidder and/or the director does not have municipal account and that the municipal services, rates and taxes are paid by the property owner must be attached. The tenderer will be rejected if it has failed to pay municipal rates and taxes or municipal service charges and such rates, taxes and charges (where they are applicable) are in arrears for more than three months.</li> <li>16.If the tenderer is required by law to prepare annual financial statements for auditing, it must submit its audited annual financial statements— (aa) for the past three years; or (bb) since their establishment if established during the past three years.</li> </ol> <p><b>Other Conditions of bid (Non eliminating, unless expressly mentioned in the document):</b></p> <ol style="list-style-type: none"> <li>1. MBD 1 form</li> <li>2. The bidder must be registered on the Central Supplier Database (CSD) prior the award.</li> <li>3. All tenderer's tax matters must be in order prior award. Bidders' tax matters will be verified through CSD.</li> </ol>

Clause number	Tender Data								
	<p>4. The bidder must complete section 1.3.1.2 of the Preference Points Form to claim points on Specific goals. Non completion of the schedule / form will result in a bidder losing preferential points.</p> <p><b>2. <u>PHASE TWO: TENDER WHO PASS STAGE 1 WILL THEN BE EVALUATED ON FUNCTIONALITY CRITERIA, AS OUTLINED BELOW:</u></b></p> <ol style="list-style-type: none"> <li>The tender will be expected to submit substantial information (valid copies and detailed information as ordered) in order to claim points for each of the criteria or sub criteria set.</li> <li>The tenderer must demonstrate to the satisfaction of the Employer that it has sufficient skill and capacity to execute the works.</li> <li>The form or the evaluation criteria and maximum score in respect of each of the criteria listed in 5.11.9.</li> <li>A Tender scoring an average score below <b>60%</b> in Functionality will be considered as DISQUALIFIED from evaluation and will be discarded from any further evaluation.</li> <li>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.</li> <li>No second chance will be given to a tenderer to submit some information after tender closure on this stage of evaluation i.e. functionality.</li> </ol> <p><b>3. <u>PHASE THREE: EVALUATION POINTS ON PRICE AND SPECIFIED GOALS</u></b></p> <p>The <b>80/20 preference point system</b> shall be applied for the purposes of this bid as per the requirements of the <i>Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000)</i>.</p> <table border="1"> <thead> <tr> <th>Criteria</th><th>Points</th></tr> </thead> <tbody> <tr> <td><b>POINTS ON PRICE</b></td><td><b>80</b></td></tr> <tr> <td><b>SPECIFIED GOALS</b></td><td><b>20</b></td></tr> <tr> <td><b>TOTAL</b></td><td><b>100</b></td></tr> </tbody> </table> <p><b>The 80/20 preference point system for acquisition of services, works or goods up to Rand value of R50 million:</b></p> <p>(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):</p> <p>The financial offer will be scored using the following formula:</p> $A = (1 - \frac{P - P_m}{P_m})$ <p>The value of value of <math>W_1</math> is:</p> <p>1) 90 where the financial value inclusive of VAT of all responsive tenders received have a value in excess of R50 000 000 or</p>	Criteria	Points	<b>POINTS ON PRICE</b>	<b>80</b>	<b>SPECIFIED GOALS</b>	<b>20</b>	<b>TOTAL</b>	<b>100</b>
Criteria	Points								
<b>POINTS ON PRICE</b>	<b>80</b>								
<b>SPECIFIED GOALS</b>	<b>20</b>								
<b>TOTAL</b>	<b>100</b>								

Clause number	Tender Data												
	<p>2) 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.</p> <p>The table below must be used to calculate the score out of 20 for Specified Goals</p> <table> <tr> <th>The specific goals allocated points in terms of this tender</th><th>Number of points allocated (80/20 system)</th></tr> <tr> <td>Locality (Within uMhlabuyalingana)</td><td>5</td></tr> <tr> <td>Director/ owner with disability</td><td>5</td></tr> <tr> <td>Director/ owner black women</td><td>5</td></tr> <tr> <td>Director/ owner black youth</td><td>5</td></tr> <tr> <td>Non-compliant contributor</td><td>0</td></tr> </table> <p><b>NOTE:</b></p> <p>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), in order to claim the preferential procurement points.</p> <p>In the case of a Joint Venture, the first table on Paragraph 8 in the preference points claim form (Table 1) must be completed by all partners of the JV. The second table (Table 2) must be completed with information related to HDI ownership in the JV, the last column will then be used for purposes of claiming points above.</p> <p><b>4. PHASE FOUR: OBJECTIVE CRITERIA AND RISK ANALYSIS</b></p> <p>1. The employer reserves the right not to appoint the highest point scorer, when any of the objective criteria are taken into consideration:</p> <p>When the tenderer has any of the following:</p> <ul style="list-style-type: none"> <li>i) It has been removed from a contract between them and any organ of state on account of failure to perform on or comply with the contract. If it is a JV, any of the JV partners.</li> <li>ii) It has completed the project with the employer after being put on penalties.</li> <li>iii) It has completed the project after having being issued with Health and Safety non compliances (such as Contravention notices, prohibition notices, fines, site closures);</li> </ul>	The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Locality (Within uMhlabuyalingana)	5	Director/ owner with disability	5	Director/ owner black women	5	Director/ owner black youth	5	Non-compliant contributor	0
The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)												
Locality (Within uMhlabuyalingana)	5												
Director/ owner with disability	5												
Director/ owner black women	5												
Director/ owner black youth	5												
Non-compliant contributor	0												

**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

Clause number	Tender Data																				
	<div><div><div>iv)</div><div>It is litigating against the employer on matters relating to tender processes and such processes have not been concluded by the courts of the country;</div></div><div><div>v)</div><div>It must be noted that the financial health of the tenderer will be assessed, if deemed necessary, to ensure that the service provider will be able to operate as per required deliverable. It may be overlooked if the employer is not satisfied that the tenderer will be able to deliver to the tenders of the contract;</div></div><div><div>vi)</div><div>The tenderer has unduly high or unduly low tendered rates in the tender offer. In this regard, and a financial risk analysis has been performed to verify whether the costs are reasonable and balanced.</div></div><div><div>vii)</div><div>In terms of unduly high tendered amounts in the tender offer, negotiation process as outlined in Regulation 24 of the MFMA Regulations will apply.</div></div><div><div>2.</div><div>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.</div></div><div><div>3.</div><div>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 uMhlabyalingana Local Municipality estimate will be used as a guide to indicate financial risk.</div></div></div>																				
5.11.9	<div><div>A Tender scoring below <b>60%</b> in Functionality shall be considered as <b>DISQUALIFIED</b> for further evaluation and shall be discarded from evaluation.</div><table><tr><th>Quality criteria</th><th>Evaluation schedule</th><th>Maximum number of points</th></tr><tr><td>Experience of the tenderer</td><td>Schedule 1</td><td>20</td></tr><tr><td>Qualifications &amp; Experience of Site Agent</td><td>Schedule 2</td><td>15</td></tr><tr><td>Experience of Foreman</td><td>Schedule 3</td><td>10</td></tr><tr><td>Plant and Equipment</td><td>Schedule 4</td><td>20</td></tr><tr><td colspan="2">Maximum possible score for functionality (M<sub>s</sub>)</td><td>65</td></tr></table></div>			Quality criteria	Evaluation schedule	Maximum number of points	Experience of the tenderer	Schedule 1	20	Qualifications & Experience of Site Agent	Schedule 2	15	Experience of Foreman	Schedule 3	10	Plant and Equipment	Schedule 4	20	Maximum possible score for functionality (M <sub>s</sub> )		65
Quality criteria	Evaluation schedule	Maximum number of points																			
Experience of the tenderer	Schedule 1	20																			
Qualifications & Experience of Site Agent	Schedule 2	15																			
Experience of Foreman	Schedule 3	10																			
Plant and Equipment	Schedule 4	20																			
Maximum possible score for functionality (M <sub>s</sub> )		65																			
5.11.9	<div><div>The prompts for judgment and the associated scores used in the evaluation of functionality shall be as follows:</div><table><tr><th>Score (Percentage)</th><th>Prompt for judgement</th></tr><tr><td>0-29</td><td><b>Failed</b> to address the questions / issues.</td></tr><tr><td>30-50</td><td><b>A detrimental response / answer / solution</b> – limited or poor evidence of skill / experience sought or high risk that relevant skills will not be available.</td></tr><tr><td>50-59</td><td><b>Less than acceptable</b> – response / answer / solution lacks convincing evidence of skill / experience sought or medium risk that relevant skills will not be available.</td></tr></table></div>			Score (Percentage)	Prompt for judgement	0-29	<b>Failed</b> to address the questions / issues.	30-50	<b>A detrimental response / answer / solution</b> – limited or poor evidence of skill / experience sought or high risk that relevant skills will not be available.	50-59	<b>Less than acceptable</b> – response / answer / solution lacks convincing evidence of skill / experience sought or medium risk that relevant skills will not be available.										
Score (Percentage)	Prompt for judgement																				
0-29	<b>Failed</b> to address the questions / issues.																				
30-50	<b>A detrimental response / answer / solution</b> – limited or poor evidence of skill / experience sought or high risk that relevant skills will not be available.																				
50-59	<b>Less than acceptable</b> – response / answer / solution lacks convincing evidence of skill / experience sought or medium risk that relevant skills will not be available.																				

PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS

Clause number	Tender Data						
	<table border="1"> <tr> <td data-bbox="339 309 523 409">60-79</td><td data-bbox="523 309 1401 409"><b>Acceptable response</b> – answer / solution to the particular aspect of the requirements and evidence given of skill / experience sought are convincing.</td></tr> <tr> <td data-bbox="339 409 523 510">80-89</td><td data-bbox="523 409 1401 510"><b>Above acceptable</b> – response / answer / solution demonstrating real understanding of requirements and evidence of ability to meet it.</td></tr> <tr> <td data-bbox="339 510 523 611">90-100</td><td data-bbox="523 510 1401 611"><b>Excellent</b> – response / answer / solution gives real confidence that the bidder will add real value.</td></tr> </table> <p><b>The scores of each of the evaluators will be averaged, weighted and then totalled to obtain the final score for functionality.</b></p>	60-79	<b>Acceptable response</b> – answer / solution to the particular aspect of the requirements and evidence given of skill / experience sought are convincing.	80-89	<b>Above acceptable</b> – response / answer / solution demonstrating real understanding of requirements and evidence of ability to meet it.	90-100	<b>Excellent</b> – response / answer / solution gives real confidence that the bidder will add real value.
60-79	<b>Acceptable response</b> – answer / solution to the particular aspect of the requirements and evidence given of skill / experience sought are convincing.						
80-89	<b>Above acceptable</b> – response / answer / solution demonstrating real understanding of requirements and evidence of ability to meet it.						
90-100	<b>Excellent</b> – response / answer / solution gives real confidence that the bidder will add real value.						
5.13	<p>Tender offers will only be accepted if:</p> <ol style="list-style-type: none"> <li>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;</li> <li>the tenderer has not: <ol style="list-style-type: none"> <li>abused the Employer's Supply Chain Management System; or</li> <li>failed to perform on any previous contract and has been given a written notice to this effect;</li> </ol> </li> <li>the tenderer has duly completed and signed the <b>MBD 4, MBD 5, MBD 8, and MBD 9 declaration forms</b>. Incomplete or unsigned or poorly completed forms will lead to a bidder being declared non responsive.</li> <li>the tenderer is registered with the Construction Industry Development Board in an appropriate contractor grading designation.</li> <li>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;</li> <li>the tenderer/s is registered on CSD prior submitting bids (open tenders). Any prospective bidder found to have Tax matters not in order 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.</li> <li>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.</li> </ol>						
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	<p>The additional conditions of tender are:</p> <p>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.</p>						
5.17	<p><b>Cancellation and re-invitation of tenders</b></p> <p>The employer may, prior to the award of the tender, cancel the tender if-</p>						

**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

<b>Clause number</b>	<b>Tender Data</b>
	<p>(a) due to changed circumstances, there is no longer a need for the services, works or goods requested; or</p> <p>(b) funds are no longer available to cover the total envisaged expenditure; or</p> <p>(c) no acceptable tenders are received; or</p> <p>(d) Tender validity period has expired; or</p> <p>(e) Gross irregularities in the tender processes and/or tender documents; or</p> <p>(f) No market related offer received (after attempts of negotiation processes)</p> <p>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.</p>

## **UMHL01/2023/2024 - PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS**

### **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 8 – Declaration of Bidder's Past SCM Practices
9. MBD 9 – Certificate of Independent Bid Determination
10. CIDB certificate Annexure
11. Resolution for Signatory
12. Certificate of Joint Ventures
13. Schedule of Proposed Sub Contractors
14. Schedule 1: Experience of the tenderer
15. Schedule 2: Qualifications & Experience of site agent
16. Schedule 3: Experience of Foreman
17. Schedule 4: Plant and Equipment
18. 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.

PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS

TICK APPROPRIATE CATEGORY

CIDB GRADING	
	CE
3	
4	
5	
6	
7	



# MBD 1

## PART A

### INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE UMHLABUYALLINGANA LOCAL MUNICIPALITY</b>					
BID NUMBER:	UMHL01/2023/2024	CLOSING DATE:	27 July 2023	CLOSING TIME:	12:00
DESCRIPTION:	PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
R22 MANGUZI MAIN ROAD, KWANGWANASE, 3973					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	MR NM MTHEMBU	CONTACT PERSON	MR DI TEMBE		
TELEPHONE NUMBER	035 592 0680	TELEPHONE NUMBER	035 592 0680		
FACSIMILE NUMBER	035 592 0672	FACSIMILE NUMBER	035 592 0672		
E-MAIL ADDRESS	BafanaM@mhlabyalingana.gov.za	E-MAIL ADDRESS	DumsanT@mhlabyalingana.gov.za		
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX <input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE, WHENEVER B-BBEE REQUIREMENT IS USED]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, COMPLETE QUESTIONNAIRE BELOW]		
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A BRANCH IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?			<input type="checkbox"/> YES <input type="checkbox"/> NO		
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

## PART B

### TERMS AND CONDITIONS FOR BIDDING

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

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:		
	<b>Date</b>	<b>Title or Details</b>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

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 MBD 4 must be completed for each tender and be attached as a tender requirement.**

**Section 8: The attached MBD 6.1 must be completed for each tender and be attached as a requirement.**

**Section 9: The attached MBD 8 must be completed for each tender and be attached as a requirement.**

**Section 10: The attached MBD 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:

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- ii) confirms 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

**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

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 state<sup>1</sup>, 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 position in relation to the evaluating/adjudicating authority where-

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

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

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

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>, member):  
.....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:  
.....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

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

<sup>1</sup>"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.

**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

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

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

2.7.1 If so, furnish the following particulars:

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

.....

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

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

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

2.7.2.1 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.

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

.....

.....

.....

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

2.8.1 If so, furnish particulars:



**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

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

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

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:

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

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

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

**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**


**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

.....

Position

.....

Date

.....

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

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **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:
- (a) Price; and
  - (b) B-BBEE Status Level of Contributor.

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

**1.3.1.1 PRICE 80**

**1.3.1.2 SPECIFIC CONTRACT PARTICIPATION GOALS 20**

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Locality (Within uMhlabuyalingana)	5	
Director/ owner with disability	5	
Director/ owner black women	5	
Director/ owner black youth	5	
Non-compliant contributor	0	

**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 above.**

## PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS

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

### 2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“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.
- (e) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **“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)
- (g) **“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;
- (h) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (i) **“People with Disabilities”** has the meaning assigned to it in section 1 of the Employment Equity Act, 1998 (Act No. 55 of 1998);
- (j) **“prices”** includes all applicable taxes less all unconditional discounts;
- (k) **“proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (l) **“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;
- (m) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

### 3. POINTS AWARDED FOR PRICE

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

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

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

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

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

**4. BID DECLARATION**

4.1 Bidders who claim points in respect of Specific Goals must complete the following:

**5. SUB-CONTRACTING**

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

*(Tick applicable box)*

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

5.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level or Number of Specified goals as per 1.3.1.2 of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

*(Tick applicable box)*

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

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

6.1 Name of company/firm:.....

6.2 VAT registration number:.....

6.3 Company registration number:.....

6.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

6.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

6.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

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

7. **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%**.

**Table 1**

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

\*NOTE: Y - YES / N – NO

**8. Consortium / Joint Venture**

- 8.1 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 and

In the case of joint ventures equity ownership for each of the JV members are determined as above, and the combined HDI ownership is then calculated as follows:

**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

**Table 2**

Name of HDI member (to be consistent with paragraph 1.3.1.2)	a  Percentage (%) of the contract value managed or executed by the HDI member	b  % HDI ownership  (Women, Youth, Disability)	c = a * b ÷ 100 %  HDI contribution
<b>Total HDI contribution =</b>			

8.2 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 Specific 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:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.3.1.2 and 5.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) 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 –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p>  <p>1. ....</p> <p>2. ....</p>
----------------------------------------------------------

<p>.....</p> <p><b>SIGNATURE(S) OF BIDDERS(S)</b></p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p>
---------------------------------------------------------------------------------------------------------------



## 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-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector?  <b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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)?  <b>To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS

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 bids<sup>1</sup> 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).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This 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.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

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

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

(Name of Bidder)

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

**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

- (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

**<sup>3</sup> 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.**

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

**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	



**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

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

<p>This Returnable Schedule is to be completed by joint ventures.</p> <p>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.</p>		
<b>PROJECT TITLE</b>	<b>PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS</b>	
<b>TENDER NUMBER</b>	<b>UMHL01/2023/2024</b>	
<b>NAME OF FIRM</b>	<b>ADDRESS</b>	<b>DULY AUTHORISED SIGNATORY</b>
Lead partner: ..... .		Signature. .... Name ..... Designation.....
..... .		Signature. .... Name ..... Designation.....
..... .		Signature. .... Name ..... Designation.....
..... .		Signature. .... Name ..... Designation.....

## 12. SCHEDULE OF PROPOSED SUBCONTRACTORS

<b>PROJECT TITLE</b>	<b>PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS</b>
<b>PROJECT NUMBER</b>	<b>UMHL01/2023/2024</b>

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).

No.	Name and address of proposed Subcontractor	Nature and extent of work	Year completed	Value	Contact details
1					
2					

PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS

3					
4					
5					
<p>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</p>					

**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

Signed

Date

Name

Position

Enterprise name

### 13. Schedule 1: Experience of the tenderer (20 points)

The experience of the tenderer as a company (as opposed to key staff members) in the panel of service providers for construction of civil engineering projects

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 civil engineering projects	Contract value of the project inclusive of VAT (Rand)	Date	
			Start	Completion (Actual or expected)

**NB:** Appointment letter(s), completion certificate(s) and Reference(s) to be attached. Bidder is required to score more than 50% from this criteria as it is set as sub-minimum in order to proceed. Though the bidder may score 60% or more in overall, they will be disqualified for failing to meet sub-minimum criteria.

The scoring of the tenderer's experience will be as follows:

The scoring of tenderer's experience will be as below:

1. Civil engineering project (Construction).

**20 points**

**Total Points** (experience of a tenderer)

**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.

PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS

Signed	Date
Name	Position
Tenderer	

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

#### 14. Schedule 2: Qualifications & Experience of site agent (15 points)

The qualification and experience of the site agent who will be responsible for the project will be evaluated in relation to the scope of work:

CV with Certified Copy Of Qualifications To be attached

A CV of the key personnel of not more than 4 pages must be attached to this schedule.

**Total**

**15 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.**

### 15. Schedule 3: Experience of Foreman (10 points)

The experience of the foreman who will be responsible for the project will be evaluated in relation to the scope of work:

CV with To be attached

A CV of the key personnel of not more than 4 pages must be attached to this schedule.

**Total**

**10 points**

### 16. Schedule 4: Plant and Equipment (20 points)

Points will be allocated as indicated below for plant and equipment **owned** by the Tenderer, and which will be available for the project, should the Tenderer be successful.

Points for plant and equipment will only be allocated if;

**Plant is owned by the Tenderer**, Proof of ownership must be in the form of a certificate of ownership as per e-natis requirements in the name of the company or directors must be attached.

**Note: No other proof of ownership will be considered.** Tenderer Own **All** Plant required for **All** roads construction two major teams, ie Hauling team (Excavator and Tipper Trucks) and Processing team (Grader, Grid or Padfoot Roller and Water Truck)

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

.....

.....

Position

Name

.....

.....

Tenderer

.....

## 18. BASELINE RISK ASSESSMENT

<b>PROJECT TITLE</b>	<b>PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS</b>
<b>PROJECT NUMBER</b>	<b>UMHL01/2023/2024</b>
<p><i>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</i></p>	

[illegible]

*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*





**UMHL01/2023/2024**

**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING  
PROJECTS**

## The Contract

---

## C1 Agreements and Contract Data

### C1.1 FORM OF OFFER AND ACCEPTANCE

**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

.....

.....

PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS

For the  
tenderer:

Name & signature of witness	<hr/>	
	<i>(Insert name and address of organisation)</i>	
	Date	
	<hr/>	<hr/>

## 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 NPE Myeni

Capacity: Municipal Manager

For the Employer: UMhlabuyalingana Local Municipality

Name and Address of the employer: UMhlabuyalingana Local Municipality, R22 Manguzi Main Road, KwaNgwanase, 3973

## Schedule of Deviations

1 Subject .....

Details .....

.....

.....

.....

2 Subject .....

Details .....

.....

.....

.....

3 Subject .....

Details .....

.....

.....

.....

4 Subject .....

Details .....

.....

.....

.....

5 Subject .....

Details .....

.....

.....

.....

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.

**C.1.2 CONTRACT DATA**

**PART C2: PRICING DATA**

**INDEX**

**PART C2: PRICING DATA**

**C2.1 PRICING INSTRUCTIONS**

**C2.2 SCHEDULE OF QUANTITIES**

## C2.1 PRICING INSTRUCTIONS

### A. PRICING NOTES

- 1) Bills of Quantities covering broad scope of work is attached

### B. ASSUMPTIONS

**Pricing assumptions** must indicate assumptions have been made by the client in respect of this project, so that the tenderer can make necessary considerations in its pricing processes e.g all activities to be executed by the contractors are part of the scope and have been considered in the Pricing schedule; the construction material for most of the activities is available in right quantities within the province; temperatures throughout the year are conducive for both internal and external works; no dramatic changes in weather patterns e.g excessive flooding will be experienced; unskilled local labour is available to assist in the execution of works;

### C. Instructions,

These should refer to conditions which must be strictly adhere to. It must also be in the instructions that the tenderer would be expected to consider in their pricing all the resources and tools needed to fulfil requirements of each stage or deliverable.

Some of the instruction to be utilised can be taken from the list below:

- 1) 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.

## C2.2 PRICING SCHEDULE / BILLS OF QUANTITIES

- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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.



## PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS

- 6) 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.
- 7) 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.
- 8) For the purposes of this Bill of Quantities, the following words shall have the meanings hereby assigned to them:

<b>Unit</b>	:	The unit of measurement for each item of work as defined in the Standardized, Project or Particular Specifications
<b>Quantity</b>	:	The number of units of work for each item
<b>Rate</b>	:	The payment per unit of work at which the Tenderer tenders to do the work
<b>Amount</b>	:	The quantity of an item multiplied by the tendered rate of the (same) item
<b>Sum</b>	:	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

- 9) 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
m <sup>2</sup>	=	square metre
m <sup>2</sup> -pass	=	square metre-pass
ha	=	hectare
m <sup>3</sup>	=	cubic metre
m <sup>3</sup> -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

**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

Prov Sum      =      Provisional Sum



## **PART C3: SCOPE OF WORK**

### **Index**

**1.1: EMPLOYER'S OBJECTIVES**

**1.2: BACKGROUND**

**C3: SCOPE OF WORK**

**1.3 EXTENT OF SERVICES**

**1.4 PROCUREMENT STRATEGY**

**1.6 DEVELOPMENT PROCUREMENT OBJECTIVES AND OBLIGATIONS**

**1.7 LOCATION OF THE SERVICES**

**2. GENERAL REQUIREMENTS**

**3. MANAGEMENT**

**C4.2: DELIVERABLES**

## PART C3: SCOPE OF WORK

### 1.1 Employers' objectives

Umhlabuyalingana Local Municipality wishes to procure services for a panel of contractors to implement civil engineering projects within for a period of three (3) years. Projects will be based within the umhlabuyalingana area of jurisdiction for a period of three (3) years. Contractors will be awarded, as and when required. A maximum of 5 contractors will be appointed. Contractors will be selected based on their preferences in terms of ranking

### 1.2 Purpose

To appoint Panel of Contractors for Roads/Causeway construction (Civil Engineering Projects).

- Construction of new tarred roads
- Construction of causeway
- Construction of gravel roads
- Resurfacing of existing roads
- Rehabilitation of gravel road

### C3: SCOPE OF WORK

- Construction
- Enforce Safety on site.
- Progress reports
- Quality inspections
- Conduct progress meeting and submission of progress reports.
- Submission of record drawings and all relevant documentation

## 2 General requirements

LIC NQF Requirements

[NQF Level 5 and 7 Certificates for labour intensive construction for Supervisory and Managerial staff to be employed on site are to be provided with the tender submission]

KEY PERSONNEL	TRAINING INSTITUTION	NQF REQUIREMENTS	YEAR OBTAINED
Contracts Manager		NQF 7	
Site Agent		NQF 6	
General Foreman		NQF 4	

LIC NQF attachments should be of key personnel that will be attached on schedule 11b of the document. Attach NQF requirements to this page. **Failure to attach this will invalidate your bid.**

### **TENDERER'S PARTICIPATION IN JOB CREATION USING LOCAL LABOUR**

The Contractor shall be required to participate in job creation (employment of local labour) by executing various portions of the Works using local labour (unskilled or semi-skilled), recruited from the local community, who are South African Citizens or foreigners in possession of a work visa issued by the Department of Home Affairs (only one such foreigner may be employed on any project). Proof of citizenship or work visa may be audited during the contract period.

The creation of one job shall mean the employment, for any period of time, of one such unskilled or semi-skilled labourer from the local community.

The Tenderer shall note the requirements for Job Creation Reporting for EPWP as set out in Part F: Requirements of the Expanded Public Works Programme (EPWP) of the project specifications.

The number of jobs to be created using such local labour is inclusive of the local labour employed to execute various portions of the Works by both the main Contractor and any subcontractors, including the small development subcontractors in terms of Part G: Small Contractor Development of the project specifications.

The number of jobs to be created using such local labour shall include for a minimum percentage allocation to the following individual targeted groups:

- 55% Women;
- 43% Youth; and
- 2% Disabled.

The minimum required content of such local labour for this project shall be calculated as follows:

Minimum required content of such local labour (%)

$$= \frac{(100 \times \text{amount spent on wages for such local labour (excluding VAT)})}{(\text{Total value of the project (excluding VAT)})}$$

The minimum required content of such local labour for this project shall be **10 %**.

For purposes of completing the table on the next page containing the Tenderer's declaration with respect to participation in job creation using local labour, the total value of the project shall be the amount of the Tender Offer

### **3. RETURNABLE DOCUMENTS**

- Record of Addenda to Tender Documents
- CIDB Grading Between 3CE and 7CE
- Certificate of Authority
- Company Registration Certificate
- Proof of Ownership of Plant and Equipment/Lease Agreement
- Experience of Tenderer
- Curriculum Vitae of Key Personnel and Certified Copies of Qualifications
- Contractors Health and Safety Declaration
- Joint Venture Agreement if Applicable and Power of attorney in case of Joint Ventures
- Contractors Health and Safety Plan
- Proof of CIDB Registration
- Tax Clearance Certificate with Tax Pin Number
- Form of Intent to Provide a Performance Guarantee
- MBD Forms
- Rates and Municipal Services Clearance Certificate/ Valid Lease agreement
- Certified Identity document
- Workmen's Compensation Certificate

## PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS

- Unemployment Insurance Fund (UIF) Registration Certificate
- CSD proof of registration with banking details
- LIC NQF LEVEL 7, 5 or 4

### 4. ELIMINATION CRITERIA (CERTIFIED COPIES)

- Company/ CC/ Trust/ Partnership registration certificates
- Valid/ Active CIDB Grading Between 3CE and 7CE
- Workman compensation registration certificates
- Joint Venture agreement if Applicable and Power of attorney in case of Joint Ventures
- Rates and Municipal Services Clearance Certificate/ Valid Lease agreement
- CSD proof of registration with banking details and company owners
- Tax Clearance Certificate with Tax Pin Number
- LIC NQF Level 4, 5 & 7

### 5. EVALUATION CRITERIA

Key aspect of criterion	Basis for points allocation	Score	Sub-minimum	Max. Points	Verification Method
Experience of the Bidder (Name of traceable reference with contact details to be included for verification)	At least Five (5) completed (roads/causeway construction and rehabilitation in the past 5 years. Bidders are to submit a letter of appointment, reference letters and completion certificates	Excellent	50%	20	Appointment letter, completion certificate be attached
	At least Three (3) completed (roads/causeway construction and rehabilitation in the past 5 years. Bidders are to submit a reference letters and completion certificates	Good		10	Appointment letter, completion certificate be attached
Qualifications and experience of a site agent	NQF Level 7 or Higher in Civil Engineering with SACPCMP and ECSA registration with more than ten (8) years' traceable experience in roads/causeway construction and rehabilitation	Excellent		15	CV with Certified Copy Of Qualifications To be attached
	NQF Level 6 in Civil Engineering with SACPCMP and ECSA registration with more than five (5) years' traceable experience in roads/causeway construction and rehabilitation.	Good		10	CV with Certified Copy Of Qualifications to be attached
	NQF Level 6 in Civil Engineering with SACPCMP and ECSA registration with less than five (5) years' traceable experience in roads/causeway construction and	Fair		5	CV with Certified Copy of Qualifications to

## PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS

	rehabilitation.				
Experience of foreman	5 or more years' experience in construction and rehabilitation of Roads/causeway	Good		10	Curriculum Vitae to be attached
	3 to 4 years' experience in construction and rehabilitation of roads/causeway.	Fair		5	Curriculum Vitae to be attached
	Less than 3 years' experience in construction and rehabilitation of roads/causeway.	Poor		3	Curriculum Vitae to be attached
	No submission	Very poor		0	None
Plant and Equipment (relevant to the tendered project). Relevant ownership document copies are to be included in this tender verification purposes	Tenderer Own <b>All</b> Plant required for <b>All</b> roads construction two major teams, ie Hauling team (Excavator and Tipper Trucks) and Processing team (Grader, Grid or Padfoot Roller and Water Truck)	Excellent	50%	20	Certified Copies of Plant Ownership documents to be attached
	Tenderer Own <b>All</b> Plant required for <b>One</b> road construction two major teams, ie Hauling team (Excavator and Tipper Trucks) and Processing team (Grader, Grid or Padfoot Roller and Water Truck)	Good		10	Copies of Plant Ownership documents to be attached
	Tenderer with no plant equipment	Poor		0	

The minimum number of evaluation points for Functionality is **60%**. **The municipality reserves the right to allocate work (if) any to prospective bidders falling within the CIDB Grading in line with the approved budget and no higher grades will be considered.**

***NB: Bidders are required to submit supporting documents to score full point***

***Bidder MUST SCORE AT LEAST 60% FOR QUALITY, TO QUALIFY FOR FURTHER EVALUATION.***

### 3 Management

#### 3.1 General

The Contractor shall:

- a) provide a monthly progress report covering work which is the subject of a scope of works
- b) be required to participate in regular progress meetings

#### 3.2 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

#### 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

## **PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**

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**

### **A. Project Deliverables**

List number of deliverables expected from the contractor

#### **1. 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,



**PANEL OF SERVICE PROVIDERS FOR CONSTRUCTION OF CIVIL ENGINEERING PROJECTS FOR 3 YEARS**