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**DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY  
MUNICIPALITY**

**PUBLIC WORKS AND BASIC SERVICES DEPARTMENT**

**CONTRACT NO.: PWBS-B008/20/21**

**APPOINTMENT OF SERVICE PROVIDER TO DESIGN,  
OVERSEE AND IMPLEMENT HIMEVILE ROADS  
ASPHALT PHASE 2 USING TURNKEY STRATEGY**

<b>CREIGHTON ROADS ASPHALT PHASE 3</b>	<b>Asphalt Surfacing of <math>\pm</math> 0.95km of existing Gravel Roads including design of proper storm water drainage facilities, with proper designed pavement layer works and signage</b>
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**BID DOCUMENT**

**PUBLIC WORKS AND BASIC SERVICES DEPARTMENT**

<b>BIDDERS NAME:</b>	
<b>PHYSICAL ADDRESS :</b>	
<b>CONTACT NUMBER:</b>	
<b>TENDER SUM IN RANDS :</b>	
<b>TENDER SUM IN WORDS :</b>	
<b>CIDB CRS NUMBER:</b>	

**DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY  
PUBLIC WORKS AND BASIC SERVICES DEPARTMENT  
CONTRACT NO. PWBS: B008/20/21: APPOINTMENT OF SERVICE PROVIDER TO  
DESIGN, OVERSEE AND IMPLEMENT HIMEVILE ROADS ASPHALT PHASE 2 USING  
TURNKEY STRATEGY**

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**BID INVITATION**



## BID NOTICE

### 1. BID INVITATION

Bids are hereby invited from suitably qualified and experienced Civil Engineering Service Providers for implementation of Asphalt Roads using Turnkey Strategy (Design, Project Management and Implementation) within Dr Nkosazana Dlamini Zuma Municipality (KZN436). The adjudication of the bids will be done in terms of the Preferential Procurement Regulations, 2017. Preferential points will be awarded to Service Providers using their B-BBEE status level of contribution and will be based on the Pre-Qualification, Functionality and 80/20 points system.

### 2. PRE-QUALIFICATION

- The Municipality will only accept bids from bidders who are EME or QSE with level 1 contributor B-BBE level.
- The tenderer must sub-contract a minimum of 30% of the contract value to EMEs or QSEs which are 51% owned by Black women and youth.

### 3. DOCUMENTS

PROJECT NAME	CONTRACT NO.	CIDB GRADING	CLOSING DATE
Himeville road asphalt surfacing phase 2	PWBS-B008/20/21	4 CE or higher, 3 CE PE will not be considered	28 <sup>th</sup> September 2020 @ 12h00

Bid Documents will be made available at Creighton Offices; the cost of bid document will be **R437.00** which is non-refundable from **28<sup>th</sup> August 2020** during office hours until **11<sup>th</sup> September 2020**. Only cash or bank guaranteed cheques will be accepted, all cheques must be made out to Dr Nkosazana Dlamini. An electronic copy is available on our website ([www.ndz.gov.za](http://www.ndz.gov.za)) for **FREE**

### 4. THE FOLLOWING ARE MANDATORY

Valid tax clearance certificate, a certified copy of the most recent municipal account in which the business is registered. Copy of Cipro Certificate, certified copies of ID's of all members or shareholders of the entity and certified copy of valid B-BBEE rating certificate.

## 5. BID ENQUIRIES

N.B: All enquiries must be in writing and be directed to the following emails by no later than 15/09/2020 and responses will be made available on our website ([www.ndz.za](http://www.ndz.za)) by no later than the 18/09/2020:

[mngadis@ndz.gov.za](mailto:mngadis@ndz.gov.za)

[holiwen@ndz.gov.za](mailto:holiwen@ndz.gov.za)

[dlaminiz@ndz.gov.za](mailto:dlaminiz@ndz.gov.za)

- Procedure related enquires: Miss N. Holiwe
- Technical Enquiries: Mr S.V Mngadi/ Mr Z. Dlamini

Dr Nkosazana Dlamini Zuma Municipality Tel No: (039) 833 1038

P O Box 62

Fax No.: (039) 833 1179

Creighton

3263

## 6. Objective Criteria

“The Municipality reserves the right not to award more than one project per supplier”

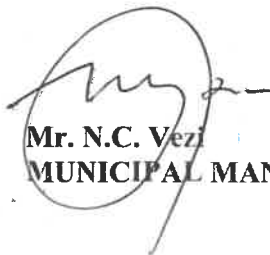
## 7. CLOSING DATE

The closing date for the bid is as indicated on the table above. Bids must be enclosed in **SEALED ENVELOPES** and addressed to the Municipal Manager, Dr Nkosazana Dlamini Zuma Municipality with the following information clearly marked on the outside of each envelope.

Bids must be deposited in the Bid box at the offices of Dr Nkosazana Dlamini Zuma Municipality in Creighton before the closing date and time. Late tenders will **NOT** be considered.

**NB: The offers must remain valid for 90 days from the closing date for submission of bids**

Dr Nkosazana Dlamini Zuma Municipality does not bind itself to accept the lowest or any bid and reserves the right to accept the whole or any part of the Bid.



Mr. N.C. Vez  
MUNICIPAL MANAGER

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	<b>PWBS B008/20/21</b>	CLOSING DATE:	<b>26 2020</b>	<b>September</b>	CLOSING TIME: 12:00
DESCRIPTION	<b>HIMEVILE ROADS ASPHALT SURFACING PHASE 2</b>				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
<b>MAIN STREET</b>					
<b>CREIGHTON, 3263</b>					
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
<b>1. ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		<b>2. ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3 ]	
<b>3. TOTAL NUMBER OF ITEMS OFFERED</b>			<b>4. TOTAL BID PRICE</b>	R	
<b>5. SIGNATURE OF BIDDER</b>	.....		<b>6. DATE</b>		
<b>7. CAPACITY UNDER WHICH THIS BID IS SIGNED</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>		
DEPARTMENT	BTO		CONTACT PERSON	PWBS	
CONTACT PERSON	Miss N Holiwe		TELEPHONE NUMBER	039 833 1039	
TELEPHONE NUMBER	039 833 1039		FACSIMILE NUMBER		
FACSIMILE NUMBER	086 583 235		E-MAIL ADDRESS	dlaminiz@ndz.gov.za	
E-MAIL ADDRESS	holiwen@ndz.gov.za				

## 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 ONLINE</b>
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
<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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.7	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>	
3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

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

SIGNATURE OF BIDDER: .....

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

DATE: .....

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**CONDITIONS OF THE BID**



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**CONDITIONS OF THE BID**

**A. GENERAL**

1. Bid documents must be completed in black ink and prices must include VAT.
2. **All pages and annexure must be initialed / sign in full signature where required.**
3. The lowest or any bid will not necessarily be accepted and Dr. Nkosazana Dlamini-Zuma Municipality reserves the right to accept the whole or any part of a bid or to reject any or all the bid without stating the reasons thereof.
4. Bids are to remain open for acceptance for a period of ninety (90) days from the date they are lodged and may be accepted at any time during the said period of ninety (90) days and may be extended for period determined by the Municipality.
5. All prices and details must be legible / readable to ensure the bid will be considered for adjudication.
6. Full details of services offered must be supplied together with the returnable documents. All additional documents returned with the bid documents must be firmly bound and marked as “**Additional**” to the specific bid reference number.
7. Only bids on Dr. Nkosazana Dlamini-Zuma Municipality official bid document will be accepted and the original document must be returned, fully completed and signed, in the form presented. **Failure to do so will invalidate such bid.**
8. **Use of correcting fluid is prohibited. In the event of a mistake having been made it shall be crossed out in ink and be accompanied by a full signature at each and every alteration. The Municipality reserves the right to reject the bid if corrections are not made in accordance with the above.**
9. Should it be considered necessary by the bidder that officials of Dr. Nkosazana Dlamini-Zuma Municipality should proceed to other centers for inspection purposes, such costs shall be for the account of the bidder.
10. This contract will be governed by Dr. Nkosazana Dlamini-Zuma Municipality “Conditions of the Bid” only and not any conditions supplied by the bidder.
11. The bidder must submit a comprehensive company profile, for example the founding company statements, as well as detailed exposition of previous work done.
12. The bidder is advised to check the number of pages and to satisfy himself that none are missing or duplicated.
13. Bids shall be lodged at the address indicated not later than the closing time specified for their receipt, and in accordance with the directives in the bid documents.
14. A specific box is provided for the receipt of bids, and no bid found in any other box or elsewhere subsequent to the closing date and time of bid will be considered.
15. No bid sent through the post will be considered if it is received after the closing date and time stipulated in the bid documentation, and proof of posting will not be accepted as proof of delivery.
16. No bid submitted by telefax, telegraphic or other electronic means will be considered.
17. Bids will be opened in public as soon as practicable after the closing time of bid and prices are made public at the time of opening bids.

## **B. DEMONSTRATIONS AND INSPECTIONS**

1. All bidders must be prepared to demonstrate where required, free of charge and obligation, at the Dr. Nkosazana Dlamini-Zuma Municipality or any other area within the boundary of the Dr. Nkosazana Dlamini-Zuma Municipality, any services offered in this bid.
2. Where officials are required to attend demonstrations or inspections outside the boundary of the Dr. Nkosazana Dlamini-Zuma Area, all costs to attend such demonstration must be borne by the bidder

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**SCOPE OF WORK**

**DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY  
PUBLIC WORKS AND BASIC SERVICES DEPARTMENT  
CONTRACT NO. PWBS-B008/20/21: APPOINTMENT OF CIVIL ENGINEERING  
CONSULTANT TO UNDERTAKE DESIGNS AND OVERSEE CONSTRUCTION**

## **1. SCOPE OF WORK**

### **1. HIMEVILE ROADS ASPHALT PHASE 2**

Himevile town is located in Ward 2 of Dr. Nkosazana Dlamini-Zuma Municipality. The town has a population of approximately 2315 with 463 households. Some of the Streets in town and in the Township still gravel and require upgrading to asphalt surfacing. The municipality has prioritized to upgrade a total of 0.95 km (**Sutton street**).

**The scope of works involves the following:**

- Design 0.95 km of upgrading of existing Gravel in to Asphalt Surfacing to required standards which will include among other things:
  - Long- section & Cross sections
  - Cut to fill and spoil
  - Layer works structure
  - Details of storm water structures (V drains, road crossings and headwalls)
  - Road furniture to the requirement of DOT
  - Side walks
- Prepare Feasibility Report
- Preparation of Bid Document
- Preparation of project plan/ program together with projected cash flow
- Construction of Road as per designs
- Monitoring during construction phase/ project management (Reporting on progress)
- Preparation of close out report

The Service Provider will be required to provide the services below:

## **PHASE 1**

### **Stage 1**

#### **1. PLANNING, STUDIES, INVESTIGATIONS AND ASSESSMENTS**

- (1) Consultation with the client or client's authorized representative.
- (2) Inspection of the site of the project.
- (3) Preliminary investigation, planning and a level of design appropriate to allow decisions on feasibility.
- (4) Consultation with authorities having rights or powers of sanctions.
- (5) Advice to the client as to regulatory and statutory requirements, including environmental management and the need for surveys, analyses, tests and site or other investigations, as well as approvals, where such are required for the

compilation of the report, and arranging for these to be carried out at the client's expense.

- (6) Searching for, obtaining, investigating and collating available data, drawings and plans relating to the works.
- (7) Investigating financial and economic implications relating to the proposals or feasibility studies.

Deliverables will typically include:

- Collation of information.
- Reports on technical and financial feasibility and related implications.
- List of consents and approvals.
- Schedule of required surveys, tests, analyses, site and other investigations.

## **2. NORMAL SERVICES**

- (1) Assist in developing a clear project brief.
- (2) Attend project initiation meetings.
- (3) Advise on procurement policy for the project.
- (4) Advise on rights, constraints, consents and approvals.
- (5) Define the scope of services and scope of work required.
- (6) Conclude the terms of the agreement with the client.
- (7) Inspect the site and advise on the necessary surveys, analyses, tests and site or other investigations where such information will be required for Stage 2 including the availability and location of infrastructure and services.
- (8) Determine the availability of data, drawings and plans relating to the project.
- (9) Advise on criteria that could influence the project life cycle cost significantly.
- (10) Provide necessary information within the agreed scope of the project to other consultants involved.

Deliverables will typically include:

- Agreed scope of services and scope of work.
- Signed agreement.
- Report on project, site and functional requirements.

## **STAGE 2 – CONCEPT AND VIABILITY (OFTEN CALLED PRELIMINARY DESIGN)**

- (1) Establish the concept design criteria.
- (2) Prepare initial concept design and related documentation.
- (3) Advise the client regarding further surveys, analyses, tests and investigations, which may be required.
- (4) Establish regulatory authorities' requirements and incorporate into the design.
- (5) Refine and assess the concept design to ensure conformance with all regulatory requirements and consents.
- (6) Establish access, utilities, services and connections required for the design.
- (7) Prepare process designs (where required), preliminary designs, and related documentation for approval by authorities and client and suitable for costing.
- (8) Provide cost estimates and life cycle costs as required.
- (9) Liaise, co-operate and provide necessary information to the client.

Typical deliverables will include:

- Concept design.
- Schedule of required surveys, tests and other investigations and related reports.
- Process design.
- Preliminary design.
- Cost estimates as required.

## **STAGE 3 –**

### **4. DESIGN DEVELOPMENT (ALSO TERMED DETAIL DESIGN)**

- (1) Incorporate client's and authorities detailed requirements into the design.
- (2) Prepare design development drawings including draft technical details and specifications.
- (3) Review and evaluate design and outline specification and exercise cost control.
- (4) Prepare detailed estimates of DESIGN cost.
- (5) Submit the necessary design documentation to local and other authorities for approval.

Typical deliverables will include:

- Design development drawings.

- Outline specifications.
- Local and other authority submission drawings and reports.
- Detailed estimates of DESIGN costs.

#### **STAGE 4 –**

#### **4. DOCUMENTATION AND PROCUREMENT**

- (1) Prepare specifications and preambles for the works.
- (2) Accommodate services design.
- (3) Check cost estimates and adjust designs and documents if necessary to remain within budget.
- (4) Prepare documentation for contractor procurement.
- (5) Review designs, drawings and schedules for compliance with approved budget.
- (6) Assist in calling for bids and / or negotiation of prices.
- (7) Assist with the preparation of contract documentation for signature.
- (8) Assess samples and products for compliance and design intent.

Typical deliverables will include:

- Specifications.
- Services co-ordination.
- Working drawings.
- Budget DESIGN cost.
- Tender documentation.
- Priced contract documentation.

## **Phase 2**

#### **STAGE 5**

#### **6. CONTRACT ADMINISTRATION AND INSPECTION**

- (1) Attend site handover.
- (2) Issue DESIGN documentation in accordance with the documentation schedule including, long section details, cross section details, drainage, earthworks, markings and signage.
- (3) Carry out contract administration procedures in terms of the contract.
- (4) Prepare schedules of predicted cash flow.
- (5) Prepare proactive estimates of proposed variations for client decision making.

- (6) Attend regular site, technical and progress meetings.
- (7) Inspect works for conformity to contract documentation.
- (8) Adjudicate and resolve financial claims by contractor(s).
- (9) Assist in the resolution of contractual claims by the contractor.
- (10) Establish and maintain a financial control system.
- (11) Clarify details and descriptions during DESIGN as required.
- (12) Prepare valuations for payment certificates to be issued.
- (13) Witness and review of all tests and mock ups carried out both on and off site.
- (14) Check and approve contractor drawings for design.
- (15) Update and issue drawings register.
- (16) Issue contract instructions as and when required.
- (17) Review and comment on operation and maintenance manuals, guarantee certificates and warranties.
- (18) Inspect the works and issue practical completion and defects lists.
- (19) Arranging for the delivery of all test certificates, statutory and other approvals, as built drawings and operating manuals.

Typical deliverables will include:

- Predicted project program
- Schedule of predicted cash flow.
- DESIGN documentation.
- Drawing register.
- Estimates for proposed variations.
- Contract instructions.
- Financial control reports.
- Monthly progress reports
- Valuations for payment certificates.
- Progressive and draft final account(s).
- Practical completion and defects list.
- Test results and certificates of compliance.



## **STAGE 6 –**

### **1. IMPLEMENTATION OF PROJECT**

The appointed Service Provider is expected to undertake all Civil Engineering Designs, and construction of Asphalt Surfaced Roads.

## **STAGE 7**

### **7. CLOSE OUT**

- (1) Inspect and verify the rectification of defects.
- (2) Receive, comment and approve relevant payment valuations and completion certificates.
- (3) Prepare and / or procure operations and maintenance manuals, guarantees and warranties.
- (4) Prepare and / or procure as-built drawings and documentations.
- (5) Conclude the final accounts where relevant.

Typical deliverables will include:

- Valuations for payment certificates.
- Works and final completion lists.
- Operations and maintenance manuals, guarantees and warranties.
- As-built drawings and documentation.
- Final accounts.
- Schedule of required surveys, tests, analyses, site and other investigations.
- Schedule of consents and approvals.

### **8. ADDITIONAL SERVICES**

Establish boundary pegs for properties adjacent to the road to ensure that no encroachment into road servitude or into private properties.

## **9. CONSTRUCTION MONITORING**

**The consultant is required to conduct this stage at LEVEL 2 Construction monitoring (i.e. Normal service):**

The consulting engineer's staff shall:-

- i. Regularly visit the site at a frequency which may vary during the course of the project, and such visits may be daily or weekly, according to the demands of the project.
- ii. Regularly, review samples of materials and work procedures that may require more frequent visits than required for Level 1, for conformity to contract documentation, and review regular samples of important completed work prior to covering up, or on completion, as appropriate.
- iii. Where the consulting engineer is the sole professional service provider or principal agent, carry out such administration of the project as is necessary on behalf of the client.

## **10. OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 (ACT NO. 85 OF 1993)**

- 10.1 The consulting engineer must arrange, formally and in writing, for the contractor to provide documentary evidence of compliance with all the requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 10.2 The consulting engineer must execute the duties of the client, as his appointed agent, as contemplated in the DESIGN Regulations to the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).

## **11. Expanded Public Works Program (EPWP) REQUIREMENTS**

The Service Provider is to assist the Municipality to ensure that the Municipality is able to comply with the requirements of the EPWP Programme, i.e. assist with the completion of the Municipality's Business Plan, beneficiary list, monthly reporting and other associated functions.

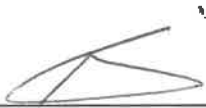
COGTA and the Dr. Nkosazana Dlamini Zuma Municipality requires that the successful service provider to undertake monthly presentations regarding progress on the projects, therefore it is important that the Service Provider on a monthly basis provides photographs, reports, etc. highlighting progress as well as completing the necessary close out reports when the project is complete.

## **PAYMENT OF SUB-CONTRACTORS OR JOINT VENTURE PARTNERS**

The Chief Financial Officer or an official designated by the Chief Financial Officer may consent to the direct payment of sub-contractors or joint venture partners by way of -

- (a) an approved cession; or
- (b) an agreement for direct payment.

RECOMMENDED BY:



**Mr. S.V. MNGADI**  
**SENIOR MANAGER: PWBS**

APPROVED BY:



**MR. N.C. VEZI**  
**MUNICIPAL MANAGER**

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**EVALUATION CRITERIA**

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PUBLIC WORKS AND BASIC SERVICES DEPARTMENT  
CONTRACT NO. PWBS-B008/20/21: APPOINTMENT OF SERVICE PROVIDER TO  
DESIGN, OVERSEE AND IMPLEMENT HIMEVILE ROADS ASPHALT PHASE 2 USING  
TURNKEY STRATEGY**

**EVALUATION CRITERIA**

**1. Evaluation Methodology**

The evaluated and adjudicated based on functionality and 80/20-point system

**2. First Stage of Evaluation: Compliance with Requirements**

The proposals will be checked to ensure that they comply with the requirements of the project document. In particular, the following documentation must be included in the Proposals:-

<b>COMPULSORY DOCUMENTS</b>	<b>TICK</b>
a) Tenderer owned property- original or certified copy of the tenderers latest municipal account statements e.g. rates, electricity, water, refuse etc.	
b) Tenderer is a tenant- original or certified copy of certificate from Landlord certifying that all tenants payments in respect of all municipal rates and taxes are paid up.	
c) Form of offer fully completed	
d) MBD 1,4,6,8 and 9 fully completed	
e) CIDB Grading Certificate	
f) Joint Venture Agreement (if necessary)	
g) Proof of registration with CSD- starting with (MAAA)	
h) The tenderer must sub-contract a minimum of 30% of the contract value to	
i) EMEs or QSEs which are 51% owned by either of the following: Blacks,	
j) Black women	

**NB: Failure to submit the above documents will automatically disqualify your bid.**

<b>DOCUMENTS TO BE SUBMITTED</b>	<b>TICK</b>
a) Proof of company registration	
b) Valid Tax clearance certificate (with your pin number print and attach on the document Tax Clearance Certificate)	
c) Certified BBBEE verification certificate for Preferential points claim or sworn affidavit	
d) Certified copies of Identification documents of all members/directors of the entity	
e) Proposed project implementation schedule	
f) Forms A,B, C ,D,E and F which will be used in the evaluation stage	

### 3. Second Stage of Evaluation: Functionality

The proposals will be assessed in terms of -

- **Relevant Experience** – that is relevant experience of the Company in carrying out similar projects. The maximum score for the relevant experience is **40 points**.
- **Key Personnel** – the qualification and experience of the proposed key personnel. The maximum score for the relevant experience is **40 points**.
- **Methodology** – the Company must demonstrate the understanding of the scope of the project and the tasks required. The maximum score for methodology is **20 points**.

A brief description of the scoring system is given below. A tabulated score sheet will be used in the evaluation.

#### 4. A) Points Scoring (Civil Consulting)

Key aspect of criterion	Basis for points allocation	Max. Points	Actual Score	Verification Method/evidence
<b>RELEVANT EXPERIENCE: Experience of the Company in carrying out similar projects (40)</b>				
Traceable references with contact details to be included for verification	5 similar (Asphalt Surfacing of Roads) successful projects in the last 10 years	40		Bidder to submit appointment letters and reference letters
	4 similar (Asphalt Surfacing of Roads) successful projects in the last 10 years	30		Bidder to submit appointment letters and reference letters
	3 similar (Asphalt Surfacing of Roads) successful projects in the last 10 years	20		Bidder to submit appointment letters and reference letters
	2 similar (Asphalt Surfacing of Roads) successful projects in the last 10 years	10		Bidder to submit appointment letters and reference letters
	1 similar (Asphalt Surfacing of Roads) successful projects in the last 10 years	5		Bidder to submit appointment letter and reference letter
	No similar (Asphalt Surfacing of Roads) successful projects in the last 10 years	Non-responsive Tender		Nil
<b><i>If the bidder cannot demonstrate the necessary relevant experience at least on one successfully completed similar project, then the bid will be deemed non-responsive and will be declined.</i></b>				

**KEY PERSONNEL: The qualifications and experience of the proposed key personnel (40)**

It is essential that the Consultant provides suitably qualified personnel to carry out the project. Three key functions have been identified and the Proposal will be evaluated on the qualifications and experience of the personnel who will carry out these functions. The functions are;-

<b>Project Manager</b>	If PM has 10 years' experience and has completed similar projects in the capacity of Project Manager, and registered as professional PM	15		Certified copy of Qualification to be attached with detailed CV's, and certified copy of proof of registration with professional body PCPM/PPM or ECSA
	If PM has 5 years' experience and has completed similar projects in the capacity of Project Manager, and registered as professional PM	10		Certified copy of Qualification to be attached with detailed CV's, and certified copy of proof of registration with professional body PCPM/PPM or ECSA
	If PM has 2 years' experience and has completed similar projects in the capacity of Project Manager or lower level, and registered as professional PM	5		Certified copy of Qualification to be attached with detailed CV's, and certified copy of proof of registration with professional body PCPM/PPM or ECSA
	If PM is NOT registered with relevant body as Professional regardless of experience.	0		Nil
<b>Design Engineer/ Technologist</b>	If Designer has 10 years' experience and has completed similar projects in the capacity of a Designer, and registered as professional Eng./Tech	15		Certified copy of Qualification (Minimum NQF 7 in Civil Engineering Degree/ B-Tech) to be attached with detailed CV's, and certified copy of proof of registration with professional body ECSA as professional Engineer/Technologist.

	If Designer has 5 years' experience and has completed similar projects in the capacity of a Designer, and registered as professional Eng./Tech	10		Certified copy of Qualification (Minimum NQF 7 in Civil Engineering Degree/ B-Tech) to be attached with detailed CV's, and certified copy of proof of registration with professional body ECSA as professional Engineer/Technologist.
	If Designer has 2 years' experience and has completed similar projects in the capacity of a Designer, and registered as professional Eng./Tech	5		Certified copy of Qualification (Minimum NQF 7 in Civil Engineering Degree/ B-Tech) to be attached with detailed CV's, and certified copy of proof of registration with professional body ECSA as professional Engineer/Technologist.
	If Designer is NOT registered with relevant body PR regardless of experience.	0		Nil
<b>Resident Engineer</b>	If RE has 10 years' experience and has completed similar projects.	10		Certified copy of Qualification (Minimum National Diploma in Civil Engineering) to be attached with detailed CV's.
	If RE has 8 years' experience and has completed similar projects.	8		Certified copy of Qualification (Minimum National Diploma in Civil Engineering) to be attached with detailed CV's.
	If RE has 5 years' experience and has completed similar projects.	5		Certified copy of Qualification (Minimum National Diploma in Civil Engineering) to be attached with detailed CV's.



	If RE has not completed similar projects in the last 5 years, regardless of other experience.	0		Nil
<p>The Design Engineer / Technologist MUST be registered as Professional Engineers or Professional Engineering Technologists with the Engineering Council of South Africa (ECSA). Proof of registrations must be included in the Proposal. <b>The proposed Project Manager must be in the direct employment of the Consultant.</b></p>				
<p><b>METHODOLOGY:</b> The proposal must demonstrate that the consulting engineering firm understands the challenges posed by project. Highlighting the number of project specific challenges indicated under each of the tasks listed below will be necessary to achieve maximum points for methodology. <b>(20)</b></p>				
<b>Execution Method Statement relevant to the project</b>	Inception	5		Detailed Method statement to cover the key aspect of project Inception
	Planning	5		Detailed Method statement to cover the key aspect of project Planning
	Execution	5		Detailed Method statement to cover the key aspect of project Execution
	Monitoring, Execution and Closure	5		Detailed Method statement to cover the key aspect of project Monitoring, Evaluation and Closure.

**NOTE: If the Consultant scores less than 60% percent for functionality, then the bid will be deemed non-responsive and will not be considered for further evaluation.**

## B) Functionality for (Contractor/ construction)

**NB: Only tenderers who will achieve a score of more than 60% of the total available points will qualify for stage two of the evaluation.**

The criteria to be used to evaluate the proposals for functionality (stage 1) will be as follows:

### Points

1. Relevant Experience of Enterprise = 35
2. Experience of Key Personnel = 40
3. Availability of relevant plant and equipment resources = 25

KEY ASPECT OF CRITERION	BASIS FOR POINTS ALLOCATION	MAX POINTS	VERIFICATION METHOD
Relevant Experience of the contractor in road construction	3 x completed Asphalt Surfacing of Roads construction and rehabilitation projects) in the last 5 years. Bidders to submit a letter of appointment, completion certificate and Letter of reference.	35	Appointment Letters and Letters of reference
	2 x completed Asphalt Surfacing of Roads construction and rehabilitation projects) in the last 5 years. Bidders to submit a letter of appointment, completion certificate and Letter of reference.	20	Appointment Letters and Letters of reference
	1 x completed Asphalt Surfacing of Roads construction and rehabilitation projects) in the last 5 years. Bidders to submit a letter of appointment, completion certificate and Letter of reference.	10	Appointment Letter and Letter of reference
	If the bidder fail to demonstrate previous experience, their bid be deemed non-responsive and will not go for further evaluation	0	
Qualifications and CV's of Contracts Manager	National Diploma in Civil Engineering or Project Management with 3 years' experience in Asphalt Surfacing of Roads Construction and rehabilitation of Asphalt Surfacing of Roads	10	Certified copy of qualification to be attached with detailed CV
	National Diploma in Civil Engineering or Project Management with 2 years' experience in Asphalt Surfacing of Roads Construction and rehabilitation of Asphalt Surfacing of Roads	7	Certified copy of qualification to be attached with detailed CV
	National Diploma in Civil Engineering or Project Management with 1 year experience in Asphalt Surfacing of Roads Construction and rehabilitation of Asphalt Surfacing of Roads	5	Certified copy of qualification to be attached with detailed CV

<b>Qualifications and CV's of Site Agent</b>	National Diploma in Civil Engineering with <b>3 years' experience</b> in Asphalt Surfacing of Roads Construction and rehabilitation of Asphalt Surfacing of Roads	<b>15</b>	Certified copy of qualification to be attached with detailed CV
	National Diploma in Civil Engineering with <b>2 years' experience</b> in Asphalt Surfacing of Roads Construction and rehabilitation of Asphalt Surfacing of Roads	10	Certified copy of qualification to be attached with detailed CV
	National Diploma in Civil Engineering with <b>1 years' experience</b> in Asphalt Surfacing of Roads Construction and rehabilitation of Asphalt Surfacing of Roads	5	Certified copy of qualification to be attached with detailed CV
<b>Qualifications and CV's of Site Foreman</b>	10 or more years of experience in Asphalt Surfacing of Roads s and rehabilitation of Asphalt Surfacing of Roads	<b>15</b>	Detailed CV to be attached with clear experience and reference
	5- 9 years of experience in Asphalt Surfacing of Roads s and rehabilitation of Asphalt Surfacing of Roads	10	Detailed CV to be attached with clear experience and reference
	1-4 more years of experience in Asphalt Surfacing of Roads s and rehabilitation of Asphalt Surfacing of Roads	5	Detailed CV to be attached with clear experience and reference
<b>Availability of relevant plant and equipment ( Resources)</b>	If the <b>bidder owns</b> all the required construction plant and equipment for construction of Asphalt Surfacing of Roads ( <b>Tipper Truck, TLB, Grader or Excavator, concrete mixture, water cart, roller</b> ). ( proof of ownership e.g logbook)	<b>25</b>	Proof of ownership of all the required plant and Equipment, e.g Logbooks and proof of purchase
	If the <b>bidder owns some</b> of the plant & Equipment <b>and will hire the other</b> required plant & Equipment for construction of Asphalt Surfacing of Roads ( <b>Tipper Truck, TLB, Grader or Excavator, concrete mixture, water cart, roller</b> ). ( proof of ownership e.g logbook and pro-forma agreement with plant hire)	15	Proof of ownership of all the required plant and Equipment, e.g Logbooks and proof of purchase + Pro-forma agreement with plant hire
	If the bidder will <b>hire</b> all the required plant and equipment for the construction of Asphalt Surfacing of Roads ( <b>Tipper Truck, TLB, Grader or Excavator, concrete mixture, water cart, roller</b> ). ( pro-forma agreement with plant hire)	10	Pro-forma agreement with plant hire

## 5. The Third Evaluation stage: Calculation of Price and BBEE Verification Status points

**Price:** The formula will be used to calculate the price points. A maximum of 80 points will be awarded for price

**Preference:** The applicable table will be used to allocate preference points. A maximum of 20 points will be allocated for B-BBEE status level in accordance with the table below:

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

## 6. Summary

In summary, the points system for the evaluation of the technical proposal in terms of Functionality, Price and BBEE Verification Points is as below

**Note: If the Service Provider scores less than 60% points for functionality on both Consultancy and Contractor, then the bid will be deemed no-responsive and will not be considered for further evaluation.**

### Price and Preference

- Price **80 points**
- B-BBEE verification status **20 points**
- Total **100 points**

**DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY**

**PUBLIC WORKS AND BASIC SERVICES DEPARTMENT**

**CONTRACT NO. PWBS-B008/20/21:**

**APPOINTMENT OF SERVICE PROVIDER TO DESIGN,  
OVERSEE AND IMPLEMENT HIMEVILE ROADS  
ASPHALT PHASE 2 USING TURNKEY STRATEGY OF**

**FORMS TO BE COMPLETED BY THE BIDDER**

<u>Description</u>	<u>Page</u>
16. Form A: Certificate of consultant's attendance at the clarification meeting .....	2
17. Form B: Certificate of authority for signatory .....	2
18. Form C: Relevant Experience .....	2
19. Form D: Key Personnel.....	2
20. Form E: Methodology.....	5
21. Form F: Proof of professional indemnity insurance.....	2

**DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY  
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CONTRACT NO. PWBS-B008/20/21: APPOINTMENT OF SERVICE PROVIDER TO  
DESIGN, OVERSEE AND IMPLEMENT HIMEVILE ROADS ASPHALT PHASE 2 USING  
TURNKEY STRATEGY**

**FORM A: CERTIFICATE OF ATTENDANCE AT THE CLARIFICATION MEETING**

This is to certify that I,

.....

representative of (Consultant) .....

.....

of (address) .....

.....

.....

telephone number .....(.....).....

fax number .....(.....).....

e-mail .....

attended the clarification meeting on (date) .....

I CERTIFY that I am satisfied with the description of the work and explanations given by the said Employer's Representative and that I understand perfectly what is required in compiling my proposal.

CONSULTANT'S REPRESENTATIVE: (Signature).....

EMPLOYER'S REPRESENTATIVE: (Signature) .....

Name (print) .....

**DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY  
PUBLIC WORKS AND BASIC SERVICES DEPARTMENT  
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**FORM B: CERTIFICATE OF AUTHORITY FOR SIGNATURE**

**1. CONSULTANT**

1.1 A "Certificate of Authority" to sign all documents in connection with this proposal and any contract or agreement which may arise there from, duly signed and dated, shall be provided by the Board of Directors of the firm and shall be attached to this page. An example is given below.

**2. JOINT VENTURE**

2.1 The document of formation of the Joint Venture shall be attached to this page.

2.2 A "Certificate of Authority" to sign all documents in connection with this Bid and any contract or agreement which may arise there from, duly signed and dated, shall be provided by the Boards of Directors of each member of the Joint Venture and shall be attached to this page.

**EXAMPLE OF A CERTIFICATE OF AUTHORITY FOR SIGNATORY**

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

Mr/Ms....., whose signature appears below, has been duly authorized

to sign all documents in connection with this Request for Proposals and any contract which may arise there from on behalf of

(Name of company or JV - block capitals) .....

SIGNED ON BEHALF OF THE COMPANY: .....

IN HIS/HER CAPACITY AS: .....

DATE: .....

SIGNATURE OF SIGNATORY: .....

WITNESSES: 1. ....

2. ....



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TURNKEY STRATEGY**

**FORM C1: RELEVANT EXPERIENCE (Consultant)**

The Bidder shall enter in the spaces provided below a list of relevant Asphalt Surfacing projects. This information is deemed to be material to the award of the contract and is taken into account in the calculation of the adjudication points. Consulting Engineers need to only provide details of projects of a similar size and nature carried out in the past 10 years. It is essential that full details of the projects and of the Employer / Engineer references be provided in order for the projects to be evaluated and points awarded.

The date of the certificate of completion must be provided.

Failure to provide the necessary information will compromise the proposal.

Employer (Name, Tel. No. or Fax No.)	Details of Project	Value of Work (fees)	Year
Client:..... Person:..... Tel:..... Fax:.....			
Client:..... Person:..... Tel:..... Fax:.....			
Client:..... Person:..... Tel:..... Fax:.....			

**DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY  
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**FORM C1: RELEVANT EXPERIENCE (Continued)**

Employer (Name, Tel. No. or Fax No.)	Details of Project	Value of Work (fees)	Year
Client:..... Person:..... Tel:..... Fax:.....			
Client:..... Person:..... Tel:..... Fax:.....			
Client:..... Person:..... Tel:..... Fax:.....			

**SIGNED ON BEHALF OF THE SERVICE PROVIDER**

.....

**DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY  
PUBLIC WORKS AND BASIC SERVICES DEPARTMENT  
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**FORM C2: RELEVANT EXPERIENCE (Contractor)**

The Bidder shall enter in the spaces provided below a list of relevant Asphalt Surfacing projects. This information is deemed to be material to the award of the contract and is taken into account in the calculation of the adjudication points. Contractor need to only provide details of projects of a similar size and nature carried out in the past 10 years. It is essential that full details of the projects and of the Employer / Engineer references be provided in order for the projects to be evaluated and points awarded.

The date of the certificate of completion must be provided.

Failure to provide the necessary information will compromise the proposal.

Employer (Name, Tel. No. or Fax No.)	Details of Project	Value of Work (fees)	Year
Client:..... Person:..... Tel:..... Fax:.....			
Client:..... Person:..... Tel:..... Fax:.....			
Client:..... Person:..... Tel:..... Fax:.....			

**DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY  
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**FORM C2: RELEVANT EXPERIENCE (Continued)**

Employer (Name, Tel. No. or Fax No.)	Details of Project	Value of Work (fees)	Year
Client:..... Person:..... Tel:..... Fax:.....			
Client:..... Person:..... Tel:..... Fax:.....			
Client:..... Person:..... Tel:..... Fax:.....			

**SIGNED ON BEHALF OF THE SERVICE PROVIDER**

.....

**DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY  
PUBLIC WORKS AND BASIC SERVICES DEPARTMENT  
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**FORM D 1: KEY PERSONNEL (Consultant)**

Consultants shall enter in the table below information in respect of the key personnel who will be engaged on the project. Abbreviated Curricula Vitae, which specifically address the questions posed in the Point Scoring Check for Functionality, including the relevant certificates, to support the stated information must be included in the proposal together with a copy of this form.

<b>Designation</b>	<b>Name</b>	<b>Qualification</b>	<b>Years' Experience</b>	<b>ECSA Registration Number</b>
Project Manager				
Design Engineer or Technologist				
Resident Engineer				

**SIGNED ON BEHALF OF THE SERVICE PROVIDER**

.....

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**FORM D 2: KEY PERSONNEL (Contractor)**

Consultants shall enter in the table below information in respect of the key personnel who will be engaged on the project. Abbreviated Curricula Vitae, which specifically address the questions posed in the Point Scoring Check for Functionality, including the relevant certificates, to support the stated information must be included in the proposal together with a copy of this form.

<b>Designation</b>	<b>Name</b>	<b>Qualification</b>	<b>Years' Experience</b>
Contract Manager			
Site Agent			
Foreman			

**SIGNED ON BEHALF OF THE SERVICE PROVIDER**

.....

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**FORM E: METHODOLOGY**

The Bidder shall confirm, by completing and signing this form that he fully understands the scope of the professional services required and the procedure to be used for evaluating the methodology contained in his Proposal. The Consultant shall list the aspects of the project covered by his methodology in the table below. Further amplification may be made in a separate, maximum 3-page submission.

ITEM	DESCRIPTION

**SIGNED ON BEHALF OF THE SERVICE PROVIDER.....**

INITIAL.....

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COMPANY NAME.....

**DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY  
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**FORM F: PROOF OF PROFESSIONAL INDEMNITY**

The Bidder shall attach to this page proof of his professional indemnity insurance showing the scope of that insurance. The PI insurance shall be valid until the anticipated end of the design and Bid stage.

In the case of a joint venture or consortium, each party shall prove its professional indemnity insurance.

Further proof of insurance shall be provided for the construction stage.

In the event of annual insurance policy certificates being issued, updated proof shall be supplied to the Employer as required.

If the required information is not provided, then the Bid may be deemed to be non-responsive and therefore rejected.

**SIGNED ON BEHALF OF THE SERVICE PROVIDER:** .....

INITIAL..... 40 COMPANY NAME.....



**FORM G: PROPOSED SUBCONTRACTORS( Pre-qualification)**

The tenderer must sub-contract a minimum of 30% of the contract value to EMEs or QSEs which are 51% owned by Black women and youth. Subcontract is not limited to one service provider.

I/We hereby notify you that it is my/our intention to employ the following subcontractors for work in this contract.

If I/we am/are awarded a contract I/we agree that this notification does not change the requirement for me/us to submit the names of proposed subcontractors in accordance with requirements of 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.

**NB: Tender must include the following information for proposed Subcontractors**

- CSD report, CIDB certificate or CIRS number and tax compliance status form

<b>NAMES AND ADDRESSES OF PROPOSED SUBCONTRACTORS</b>	<b>NATURE AND EXTENT OF WORK TO BE SUBCONTRACTED</b>	<b>ESTIMATED AMOUNT TO BE SUBCONTRACTED</b>

SIGNATURE: ..... DATE .....

(of person authorised to sign on behalf of the Tenderer)

**PRICING SCHEDULE  
(Professional Services)**

Name of Bidder: _____	Bid Number: _____
Closing Time: _____	Closing Date: _____

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM CURRENCY NO.	DESCRIPTION	BID PRICE IN RSA  (INCLUDING VAT)
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1. The accompanying information must be used for the formulation of proposals
2. Bidders are required to indicate a price based on the total estimated time for completion of all phases and including all expenses inclusive of VAT for the project.

R \_\_\_\_\_

## DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state<sup>□</sup>.

2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favoritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorized representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

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

3.1 Full Name: .....

3.2 Identity Number: .....

3.3 Company Registration Number: .....

3.4 Tax Reference Number: .....

3.5 VAT Registration Number: .....

3.6 Are you presently in the service of the state<sup>□</sup> **YES**  
/ NO

3.6.1 If so, furnish particulars.

.....  
.....

3.6.2 Have you been in the service of the state for the past twelve  
months? **YES / NO**

If so, furnish particulars.

.....

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

1. any municipal council;
2. any provincial legislature; or
3. the national Assembly or the national Council of provinces;

3.8 a member of the board of directors of any municipal entity;

3.9 an official of any municipality or municipal entity;

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

3.11 a member of the accounting authority of any national or provincial public entity; or

3.12 an employee of Parliament or a provincial legislature.

INITIAL..... 43 COMPANY NAME.....

.....  
4.1 Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

**YES / NO**

3.8.1 If so, furnish particulars.

.....  
.....

3.9 Are you, aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

**YES / NO**

3.9.1 If so, furnish particulars

.....  
.....

3.10. Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state? **YES / NO**

3.10.1 If so, furnish particulars.

.....  
.....

3.11. Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state? **YES / NO**

3.11.1 If so, furnish particulars.

.....  
.....

INITIAL.....

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COMPANY NAME.....

**CERTIFICATION**

**I, THE UNDER SIGNED (NAME) .....**

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

**MBD 6.1**

INITIAL.....

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COMPANY NAME.....

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL  
PROCUREMENT REGULATIONS 2011 WAS AMENDED TO ALIGN WITH NEW B-  
BBEE CODES OF GOOD PRACTICE IN THE 2017 REGULATIONS  
PURCHASES**

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

**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; and
- the 90/10 system for requirements with a Rand value above R50 000 000.

1.2 The value of this bid is estimated to exceed/not exceed R50 000 000 and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) Specific contract participation goals, as specified in the attached forms.

1.3.1 The points for this bid are allocated as follows:

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

1.4 Failure on the part of a bidder to fill in and/or to sign this form may be interpreted to mean that preference points are not claimed.

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

**2. GENERAL DEFINITIONS**

2.1 “Acceptable bid” means any bid which, in all respects, complies with the specifications and conditions of bid as set out in the bid document.

2.2 “Bid” means a written offer in a prescribed or stipulated form in response to an invitation by an INITIAL..... 46 COMPANY NAME.....

organ of state for the provision of goods, works or services.

2.3 **“Comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration.

2.4 **“Consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.

2.5 **“Contract”** means the agreement that results from the acceptance of a bid by an organ of state.

2.7 **“Control”** means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.

2.11 **“Management”** means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.

2.12 **“Owned”** means having all the customary elements of ownership, including the right of decision-making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination of the substance, rather than the form of ownership arrangements.

2.13 **“Person”** includes reference to a juristic person.

2.14 **“Rand value”** means the total estimated value of a contract in Rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.

2.15 **“Small, Medium and Micro Enterprises (SMMEs)”** bears the same meaning assigned to this expression in the National Small Business Act, 1996 (No 102 of 1996).

2.16 **“Sub-contracting”** means the primary contractor’s assigning or leasing or making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

2.17 **“Trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person.

2.18 **“Trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

### 3. ADJUDICATION USING A POINT SYSTEM

3.1 The bidder obtaining the highest number of points will be awarded the contract.

3.2 Preference points shall be calculated after prices have been brought to a comparative basis.

3.3 Points scored will be rounded off to 2 decimal places.

3.4 In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals.

### 4. POINTS AWARDED FOR PRICE

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

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

**80/20 or 90/10**

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

Where

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

- 6.2 Equity claims for a trust will only be allowed in respect of those persons who are both trustees and beneficiaries and who are actively involved in the management of the trust.
- 6.3 Documentation to substantiate the validity of the credentials of the trustees contemplated above must be submitted.
- 6.4 Listed companies and tertiary institutions do not qualify for HDI preference points.
- 6.5 A consortium or joint venture may, based on the percentage of the contract value managed or executed by each entity, to be entitled to preference points in respect of BEE.
- 6.6 A person awarded a contract as a result of preference for contracting with, may not subcontract more than 25% of the value of the contract to a person who is not an BEE compliant or does not qualify for the same number or more preference for BEE.

**7. BID DECLARATION**

- 7.1 Bidders who claim points in respect of BEE must complete the Bid Declaration at the end of this form.

**8. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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**9. COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

**10. MUNICIPAL INFORMATION**

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**(DISCTRICT MUNICIPALITY ACCOUNT) \*WATER AND SANITATION ACCOUNT**

District Municipality where business is situated: .....

Registered Account No: .....

Stand No: .....

**(LOCAL MUNICIPALITY ACCOUNT) \*RATES, REFUSE, ELECTRICTY ACCOUNTS**

Local Municipality where business is situated: .....

Registered Account No: .....

Stand No: .....

**11 TOTAL NUMBER OF YEARS THE FIRM HAS BEEN IN BUSINESS?**  
.....

**12 Consortium / Joint Venture**

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

Name of joint venture or consortium partner (to be consistent with paragraph 9.8)	Percentage (%) of the contract value managed or executed by the Joint Venture or Consortium partner

**12.2** I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the firm certify that points claimed, based on the BEE status, indicated in paragraph 8 of the foregoing certificate, qualifies the firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) The BEE status claimed is in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 8, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.
- (iv) If the claims are found to be incorrect, the purchaser may, in addition to any other remedy it may have -

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- (a) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct; and
- (b) 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;

**WITNESSES:**

- 1. ....
- 2. ....

.....  
Signature(s) of bidders

CONTRACT FORM - RENDERING OF SERVICES

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

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

6. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.

7. The following documents shall be deemed to form and be read and construed as part of this agreement:

- Bidding documents, viz
- Invitation to bid;
- Tax clearance certificate;
- Pricing schedule(s);
- Filled in task directive/proposal;
- Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
- Declaration of interest;
- Declaration of Bidder's past SCM practices;
- Certificate of Independent Bid Determination;
- Special Conditions of Contract;
- General Conditions of Contract; and
- Other (specify)

8. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

9. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

10. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

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

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

<b>WITNESSES</b>
.....
.....
<b>DATE:</b> .....

INITIAL.....

COMPANY NAME.....

**CONTRACT FORM - RENDERING OF SERVICES**

**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

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

An official order indicating service delivery instructions is forthcoming.

I undertake to make payment for the services rendered in accordance with the terms and conditions of the  
 contract, within 30 (thirty) days after receipt of an invoice.

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

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

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

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

WITNESSES

.....  
 .....

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COMPANY NAME.....

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

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for bid Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><b>The Register for bid Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

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COMPANY NAME.....

4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

### CERTIFICATION

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

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COMPANY NAME.....

**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 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
  
- 7.1 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 7.2 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 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.

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COMPANY NAME.....

**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 Municipality / Municipal Entity)

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

I certify, on behalf

of: \_\_\_\_\_ that:

(Name of Bidder)

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

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7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- prices; geographical area where product or service will be rendered (market allocation)
- (a) methods, factors or formulas used to calculate prices;
  - (b) the intention or decision to submit or not to submit, a bid;
  - (c) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (d) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

INITIAL.....

COMPANY NAME.....

**PARTICULARS OF BIDDER**

**THE FOLLOWING PARTICULARS MUST BE FURNISHED  
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

Name of Bidder: \_\_\_\_\_

Postal Address \_\_\_\_\_

Street Address \_\_\_\_\_

Telephone Number Code \_\_\_\_\_ Number \_\_\_\_\_

Cellphone Number \_\_\_\_\_

Facsimile Number Code \_\_\_\_\_ Number \_\_\_\_\_

Contact Person \_\_\_\_\_

Company / Enterprise Income Tax  
Reference Number: \_\_\_\_\_

Has an original Tax Clearance Certificate been attached (MBD2) **YES / NO**

Vat Registration  
Number \_\_\_\_\_

Company Registration No \_\_\_\_\_

Is the Firm registered or does it have a Business Licence(s): (Tick one box)

YES

NO

If YES, give details and quote relevant Reference numbers and dates

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

Are you the accredited Representative in South Africa for the  
Goods / services offered by you?

YES/NO (If YES enclose proof)

**AN ORIGINAL TAX CLEARANCE CERTIFICATE OR TAX PIN MUST BE ATTACHED TO  
YOUR BID.**

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COMPANY NAME.....

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the firm, affirms that the information furnished is true and correct.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Duly authorized to sign on behalf of: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

## ENQUIRY CONTACT DETAILS

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

MUNICIPALITY: DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY  
DEPARTMENT: FINANCE: SCM  
CONTACT PERSON: MISS N.HOLIWE  
TEL: 039 833 1038  
FAX: 039 833 1179  
Email : holiwen@ndz.gov.za

**ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:**

DEPARTMENT: PUBLIC WORKS AND BASIC SERVICES DEPARTMENT  
CONTACT PERSON: Mr S.V Mngadi or Mr. Z.L. Dlamini  
TEL: 039 833 1038  
FAX: 039 833 1179  
Email : [mngadis@ndz.gov.za](mailto:mngadis@ndz.gov.za) Or [dlaminiz@ndz.gov.za](mailto:dlaminiz@ndz.gov.za)

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COMPANY NAME.....

**DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY**

**PUBLIC WORKS AND BASIC SERVICES DEPARTMENT**

**CONTRACT NO. PWBS-B008/20/21:**

**APPOINTMENT OF SERVICE PROVIDER TO DESIGN,  
OVERSEE AND IMPLEMENT HIMEVILE ROADS  
ASPHALT PHASE 2 USING TURNKEY STRATEGY OF**

**PRICING SCHEDULE**

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COMPANY NAME.....

**DR. NKOSAZANA DLAMINI ZUMA MUNICIPALITY  
PUBLIC WORKS AND BASIC SERVICES DEPARTMENT  
CONTRACT NO. PWBS-B008/20/21: APPOINTMENT OF CIVIL ENGINEERING  
CONSULTANT TO UNDERTAKE DESIGNS AND OVERSEE CONSTRUCTION**

**1. SERVICE PROVIDER ARE REQUIRED TO POPULATE THE TABLE BELOW FOR THE FEES THAT WILL BE CHARGED ON THE PROJECT**

**1. HIMEVILE ROADS ASPHALT PHASE 2**

<b>DESCRIPTION OF SERVICE</b>	<b>COST ESTIMATE</b>
<b>Professional Fees</b>	
<b>Disbursements</b>	
Engineering Survey	
Geotechnical Investigation	
EIA and Environment Management	
Supervision (Level 2 according to ECSA)	
Travelling (from Creighton = 80km)	
Consumables (stationery etc)	
<b>Subtotal (Professional Fees &amp; Disbursements)</b>	
<b>Construction cost include P&amp;G and CLO</b>	
<b>Contingencies @ 10%</b>	
<b>Subtotal (Prof + Disburs + Construction + Contingencies cost)</b>	
Add 15% VAT	
<b>TOTAL (</b>	

**1. Fees should include cost for supervision, design, preparation of bid documents and evaluation of bids, preparation of as built drawings etc and Actual Construction. Supervision should be full time (level 2).**

**2. Additional services will be executed upon approval of the municipality and the consultant will be required to obtain three quotations.**

**3. Local Labour rate minimum of R150/per task/day and CLO rate R4000/month.**

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COMPANY NAME.....

**AGREEMENTS AND CONTRACT DATA**

**Form of Offer and Acceptance**

**A: Offer**

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

**TENDER NO: PWBS –B008/20/21 HIMEVILLE ROADS ASPHALT SURFACING PHASE 2**

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 apart 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 PRICE INCLUSIVE OF VALUE ADDED TAX (VAT) IS**

.....

.....

.....Rand (in words);

R.....(in figures),

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:** .....

**Name: (in capitals)**..... \_

**Capacity of Signatory:**.....

**Name of Tenderer (organisation):**.....

**Address:** .....

.....

**Tel:** ..... **Fax:** .....

**Witness:**

**Signature:** ..... **Name:** .....

**Date:** .....

INITIAL.....

COMPANY NAME.....

**Failure to complete and sign this form will invalid your bid!**

**B: 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 Contractor the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the tenderer's offer shall form an agreement, between the employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in

- Pricing data

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

The tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the employer's agent (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

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

**Signature:** .....

**Name: (in capitals)** .....

**Capacity:** .....

**Name of Employer (organisation):** .....

**Address:** .....

.....

.....

**Witness:**

**Signature:** ..... **Name:** .....

**Date:** .....

INITIAL.....

COMPANY NAME.....



# TERMS AND CONDITIONS RELATING TO THE APPOINTMENT OF CONSULTING ENGINEERS

## (CIVIL, ELECTRICAL, STRUCTURAL AND MECHANICAL)

### 1. GENERAL CONDITIONS OF APPOINTMENT:

The general conditions of appointment shall be the standard terms and conditions contained in the main body of the Agreement to which this Annexure is appended.

### 2. SERVICES TO BE RENDERED:

The services to be rendered shall be the services as described in the latest applicable edition of the Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Professions Act, 2000, Act No 46 of 2000, as published in the Government Gazette:

- o Preliminary Design Stage
- o Design and Tender Stage
- o Working Drawings
- o Construction Stage
- o Completion of Services

### 3. REMUNERATION OF CONSULTING ENGINEER:

#### **Engineering Fees**

##### Percentage Basis Fees

Percentage Basis Fees shall be in accordance with the latest applicable version of the Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Professions Act, 2000, Act No 46 of 2000, as published by the ECSA (Engineering Council of South Africa).

##### Time Basis Fees:

Time Basis fees shall be in accordance with table 7 of the latest applicable indicative time based fee rates published by the ECSA.

#### **Reimbursable Expenses**

##### General Expenses:

General expenses reasonably incurred by the Consulting Engineer shall be reimbursed in accordance with Tables 1 and 2 of the latest relevant version of the "Rates for Reimbursable Expenses" as published by the National Department of Public Works.

Services rendered by outside suppliers shall be claimed as per the invoice rendered by the supplier and shall be subject to a 10% surcharge.

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Traveling Expenses – Kilometre:

The office of appointment shall be the registered offices of the consultant. Only traveling between the said office and the project site, shall be claimable on a kilometer basis in accordance with Table 3 of the relevant latest version of the “Rates for Reimbursable Expenses” as published by the National Department of Public Works.

Traveling Expenses – Time

Fees will be payable for traveling time at the full hourly tariff.

Subsistence Allowance:

Subsistence allowances will be reimbursed in accordance with Table 4 of the relevant latest version of the “Rates for Reimbursable Expenses” as published by the National Department of Public Works.

Construction Monitoring Staff:

The Dr Nkosazana Dlamini Zuma Municipality shall approve all staff prior to making any payments in respect of site staff. Approved site staff shall be reimbursed in accordance with Guideline Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Professions Act, 2000, Act No 46 of 2000, Clause 2.2.2 (d) for level 2 supervision.

**4. PROGRESS PAYMENTS:**

The progress payments on fees will be claimable in accordance with the following:

Preliminary Design Stage:

The Consulting Engineer shall be entitled to **20%** of the total approved fee.

The fees for this stage shall be claimable once the Business Plan and Technical Report have been approved by the Dr Nkosazana Dlamini Zuma Municipality Project Manager, Funding Agent and the Consulting Engineer had submitted his progress report.

Detailed Design and Tender Stage:

The Consulting Engineer shall be entitled to **20%** of the total approved fee.

The fees for this stage shall be claimable once the Consulting Engineer has submitted a detailed project design (report with detailed drawings) and a draft tender document to the Dr Nkosazana Dlamini Zuma Municipality and has submitted his progress reports, and on approval of the design report and draft tender document by the Dr Nkosazana Dlamini Zuma Municipality.

Working Drawings:

The Consulting Engineer shall be entitled to a further **10%** of the total approved fee.

The fees for this stage shall be claimable once the Consulting Engineer has submitted working drawings to the Contractor and had submitted his progress report, and only once the Dr Nkosazana Dlamini Zuma Municipality is satisfied that the working drawings are available.

Construction Stage:

The Consulting Engineer shall be entitled to an additional **35%** of the total approved fee.

Progress payments shall be made on a pro-rata basis, based on the actual construction cost according to the progress made with the project and provided that the Consulting Engineer's fee shall not exceed **85%** of the total approved percentage fee for the project, and provided that the Consulting Engineer submits monthly progress reports as required by the Dr Nkosazana Dlamini Zuma Municipality.

Commissioning Stage:

The Consulting Engineer shall be entitled to the remaining **15%** of the to the fee budget, based on the actual construction stage.

The fees for this stage shall be claimable once the Consulting Engineer has submitted to the Dr Nkosazana Dlamini Zuma Municipality, the record drawings and manuals for the project, as well as completion certificates, and once the Dr Nkosazana Dlamini Zuma Municipality has approved the record drawings and manuals for the project.

**5. REPORTING:**

The standard monthly and other progress reports, as required by the Funding Agent, will be deemed part of the normal scope of work. The Dr Nkosazana Dlamini Zuma Municipality may also require Consulting Engineers to attend progress meetings from time to time, which shall also be deemed to be part of the normal scope of the work. All items deemed part of the normal scope of the work shall be deemed covered in the percentage basis fees

**6. TARGETTED PROCUREMENT REQUIREMENTS:**

The targeted Procurement Policies and documents issued by National Treasury shall be applicable, and shall be implemented in accordance with the relevant Acts of Parliament.

The Consulting Engineer shall ensure that the Tender Documents and Tender Adjudication process is overseen and approved by the Dr Nkosazana Dlamini Zuma Municipality.

Targeted procurement goals in respect of affirmable business enterprises, local materials and local labour will be as stated in the project Business Plan, as approved by the Dr Nkosazana Dlamini Zuma Municipality and the Funding Agent.

**7. DESIGN AND CONSTRUCTION STANDARDS:**

The Consulting Engineer shall ensure that the necessary skill and diligence is applied when designing the proposed infrastructure and to ensure that the construction standards are achieved during the implementation of the project.

The design criteria shall be in accordance with the "Guidelines for Engineering Services and Amenities" as published by the CSIR, Division of Building Technology, or where the said standards are not applicable or where otherwise indicated by the Dr Nkosazana Dlamini Zuma Municipality, the standards as prescribed by the Dr Nkosazana Dlamini Zuma Municipality shall be used. For water and sanitation services, the design criteria as published by the Department of Water Affairs shall be applicable. The design standards shall be in accordance with SABS 1200 specifications, unless otherwise instructed by the Dr Nkosazana Dlamini Zuma Municipality. The minimum standards and criteria shall be that specified by the Department of Housing and Local Government.

All contracts shall be implemented making use of the latest applicable version of the "General Conditions of Contract for Works of Civil Engineering Construction" as jointly issued by the Federation of Civil Engineering Contractors, the South African Institution of Civil Engineers and the South African Association of Consulting Engineers, unless otherwise instructed by the Dr Nkosazana Dlamini Zuma Municipality.

All measures shall be done in accordance with the "Standard system of measurement of Civil Engineering Quantities for South Africa", unless otherwise instructed by the Dr Nkosazana Dlamini Zuma Municipality.

**I/WE ACCEPT THE CONDITIONS OF THE TERMS OF REFERENCE AS SET OUT ABOVE BY THE MUNICIPALITY AND CONFIRM THAT WE/I HAVE READ AND UNDERSTOOD THEM.**

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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

**FOR OFFICE USE**

INITIAL.....

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COMPANY NAME.....

**This is to certify that I have read and checked this document and it is in line with National and Provincial Treasury Requirements/Regulations.**

**Prepared by**

CHAIRPERSON OF BSC: *Z. D. Amin*

SIGNATURE: *[Signature]*

DATE: .....

MANAGER SCM: .....

SIGNATURE: .....

DATE: .....

INITIAL.....

69

COMPANY NAME.....

**GPS CO-ORDINATES**

INITIAL.....

70

COMPANY NAME.....