

# DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY



DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4

CONTRACT N<sup>o</sup> PWBS: B007/21/22

## CONTRACT DOCUMENT

COMPILED BY:

iX engineers (Pty) Ltd  
P O Box 299  
Westville  
3630



Contact Name: Mr J Bohler  
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ON BEHALF OF

DR NKOSAZANA DLAMINI ZUMA  
MUNICIPALITY  
Main Street  
Creighton  
3263



Contact Name: Mr S.V Mngadi  
Telephone: 039 833 1038  
Email: [mngadis@ndz.gov.za](mailto:mngadis@ndz.gov.za)

NAME OF CONTRACTOR	
ADDRESS OF CONTRACTOR	
TELEPHONE	
FAX	
CONTRACT SUM	
CIDB CRS NUMBER	



EXPANDED PUBLIC WORKS PROGRAMME  
CONTRIBUTING TO A NATION AT WORK

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

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**TENDER N° PWBS: B007/21/22**

**FOREWORD**

This document consists of two distinct clusters, namely the TENDER and the CONTRACT.

**THE TENDER** consists of two parts, namely:

- **T1: Tendering Procedures** to be complied with by every tenderer submitting a tender offer; and
- **T2: Documents to be returned by the Tenderer**, including the returnable schedules and forms to be completed by each tenderer, some of which will eventually be incorporated into the contract between the successful tenderer and the employer.

**THE CONTRACT** consists of five parts, namely:

- **C1: Agreements and Contract Data**
- **C2: Pricing Data;**
- **C3: Scope of Work** (specifications and project specifications);
- **C4: Site Information;**
- **C5: Annexes**

**Each part of each cluster or volume is preceded by its own table of contents.**

***Note: Each tenderer must complete the summary for tender opening purposes included hereafter.***

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**SUMMARY FOR TENDER OPENING PURPOSES**

[To facilitate the reading out of tender parameters at the opening of tenders, the tenderer shall complete this form and submit it with his tender]

**Name of Contractor submitting the tender:**

.....

**The Total Tender offered amount (as stated in the Form of Offer inclusive of Value Added Tax is):**

R..... (In figures)

**Amount in Words**.....

.....

**Alternative Tender offered? .....** (Yes / No)

**If "Yes" state amount: R**..... (In figures)

**Amount in Words**.....

.....

**Alternative Time for Completion offered? .....** (Yes / No)

**If "Yes", state time offered:** .....

**SIGNATURE:** .....  
(of person authorised to sign the tender)

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS**

**CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**PART T1: TENDERING PROCEDURES**

**T1.1 Tender Notice and Invitation to Tender**

**T1.2 Standard Conditions of Tender**

**T1.3 Tender Data**

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N<sup>o</sup> PWBS: B007/21/22**

**T1.1 : TENDER NOTICE AND INVITATION TO TENDER**



**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY**

**BID NOTICE**

**BID INVITATION**

Bids are hereby invited from suitably qualified and experienced service providers for construction of project as reflected on the table below. This bid will be evaluated in terms of the 80/20 and functionality, Preferential Procurement Point system and the points will be allocated as follows. 80 – Price, 20 - BBBEE.

**PREQUALIFICATION:**

- The Municipality will only accept bids from bidders who are level 1 contributor B-BBEE level.

**COMPULSORY SITE BRIEFING**

**NB: There is a compulsory virtual briefing session on the date and time is indicated on the table below, link will be made available on the date of briefing from 08:h00 on our municipal website([www.ndz.gov.za](http://www.ndz.gov.za))**

PROJECT NAME	CONTRACT NO.	CIDB GRADING	COMPULSORY BRIEFING DATE AND TIME	CLOSING DATE AND TIME
CONSTRUCTION OF SDANGENI BRIDGE ROAD	PWBS:- B007/21/22	4 CE or higher, 3 CE PE will not be considered	16 July 2021@ 10H00	29 July 2021@ 12h00

Bid Documents will be made available at Creighton Offices; the cost of bid document will be **R454-00 per document** which is **non-refundable** from **12<sup>th</sup> July 2021** during office hours until **16<sup>th</sup> July 2021**. 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**

## THE FOLLOWING ARE MANDATORY

- Valid tax clearance certificate or Tax Compliance Status PIN
- Submit proof that the bidders and its directors are not owing municipal rates & services.
- Copy of a certificate of Company Registration with the Registrar of Companies and CC's (CK).
- Certified copy of B-BBEE certificate / Certified Affidavit
- Certified copies of ID's.
- Form of offer
- MDB 1, 4, 6,2, 8,9 and Annexure C, D, E
- Registration with CSD
- Proof of virtual briefing meeting attendance
- CIDB Grading Certificate – 4CE or above

**N.B: The stipulated minimum threshold for local production and content for this bid is as following:**

Industry/sector/sub-sector	Minimum threshold for local content
<ul style="list-style-type: none"><li>● Clothing, Textile, leather and foot wear.</li><li>● Furniture</li><li>● PVC pipe</li><li>● Steel product and components for Construction (Gabions, Reinforcement, Sign boards and road signs)</li></ul>	<ul style="list-style-type: none"><li>100%</li><li>65 - 100%</li><li>100%</li><li>100%</li></ul>

## BID ENQUIRIES

N.B: All enquiries must be in writing and be directed to the following emails:

[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 enquiries: 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  
Creighton  
3263  
Fax No.: (039) 833 1179



## 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. Vèzi  
MUNICIPAL MANAGER

## INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/MUNICIPAL ENTITY)</b>			
BID NUMBER: <b>PWBS:B007/21/22</b>	CLOSING DATE: <b>29 July 2021</b>	CLOSING TIME: <b>12h00</b>	
DESCRIPTION <b>CONSTRUCTION OF SDANGENI BRIDGE and ROAD</b>			

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

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (Dr NDZ Main Offices at Main street, Creighton 3263)

<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	CODE	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>			

<p><b>1. ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p>[IF YES ENCLOSE PROOF]</p>	<p><b>2. ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p>[IF YES, ANSWER PART B:3]</p>
<p><b>3. TOTAL NUMBER OF ITEMS OFFERED</b></p>	<p><b>4. TOTAL BID PRICE</b></p> <p style="text-align: right;"><b>R</b></p>
<p><b>5. SIGNATURE OF BIDDER</b></p> <p>.....</p>	<p><b>6. DATE</b></p>
<p><b>7. CAPACITY UNDER WHICH THIS BID IS SIGNED</b></p>	

<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			
DEPARTMENT	BTO	TECHNICAL INFORMATION MAY BE DIRECTED TO:	
CONTACT PERSON	Miss N Holiwe	CONTACT PERSON	PWBS
TELEPHONE NUMBER	039 833 1039	TELEPHONE NUMBER	039 833 1039
FACSIMILE NUMBER	086 583 235	FACSIMILE NUMBER	
E-MAIL ADDRESS	holiwen@ndz.gov.za	E-MAIL ADDRESS	mngadis@ndz.gov.za
			diaminiz@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-FLERS THROUGH THE WEBSITE <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a> .
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)? NO <input type="checkbox"/> YES <input type="checkbox"/>
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? NO <input type="checkbox"/> YES <input type="checkbox"/>
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? NO <input type="checkbox"/> YES <input type="checkbox"/>
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? NO <input type="checkbox"/> YES <input type="checkbox"/>
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? NO <input type="checkbox"/> YES <input type="checkbox"/>
<b>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.</b>	

**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: .....

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS**  
**CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**T1.2 : STANDARD CONDITIONS OF TENDER**

**Note:** The Conditions of Tender are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity in Construction Procurement

**F.1 General**

**F.1.1 Actions**

The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in F.2 and F.3, timeously and with integrity, and behave equitably, honestly and transparently.

**F.1.2 Tender Documents**

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

**F.1.3 Interpretation**

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

**F.1.3.2**

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

**F.1.3.3**

For the purposes of these conditions for the calling for expressions of interest, the following definitions apply:

- a) **comparative offer** means the tenderer's financial offer after the factors of non-firm prices, all unconditional discounts and any other tendered parameters that will affect the value of the financial offer have been taken into consideration
- b) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process; and
- c) **fraudulent practice** means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels
- d) **quality (functionality)** means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs.

#### **F.1.4**

##### **Communication and employer's agent**

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

#### **F.1.5**

##### **The employer's right to accept or reject any tender offer**

The employer may accept or reject any variation, deviation, tender offer, or alternative tender offer, and may cancel the tender process and reject all tender offers at any time before the formation of a contract. The employer shall not accept or incur any liability to a tenderer for such cancellation and rejection, but will give written reasons for such action upon written request to do so.

#### **F.1.5.2**

The employer may not subsequent to the cancellation or abandonment of a tender process or the rejection of all responsive tender offers re-issue a tender covering substantially the same scope of work within a period of six (6) months unless only one tender was received, and such tender was returned unopened to the tenderer.

#### **F.2**

##### **Tenderer's obligations**

#### **F.2.1**

##### **Eligibility**

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

#### **F.2.2**

##### **Cost of tendering**

Accept that the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer satisfy requirements.

#### **F.2.3**

##### **Check documents**

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

#### **F.2.4**

##### **Confidentiality and copyright of documents**

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

#### **F.2.5**

##### **Reference documents**

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

#### **F.2.6**

##### **Acknowledge addenda**

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

- F.2.7 Clarification meeting**  
Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.
- F.2.8 Seek clarification**  
Request clarification of the tender documents, if necessary, by notifying the employer at least five working days before the closing time stated in the tender data.
- F.2.9 Insurance**  
Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.
- F.2.10 Pricing the tender offer**  
**F.2.10.1** Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable 14 days before the closing time stated in the tender data.  
**F.2.10.2** Show VAT payable by the employer separately as an addition to the tendered total of the prices.  
**F.2.10.3** Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.  
**F.2.10.4** State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.
- F.2.11 Alterations to documents**  
Not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations. Erasures and the use of masking fluid are prohibited.
- F.2.12 Alternative tender offers**  
**F.2.12.1** Submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted. The alternative tender offer is to be submitted with the main tender offer together with a schedule that compares the requirements of the tender documents with the alternative requirements the tenderer proposes.  
**F.2.12.2** Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.
- F.2.13 Submitting a tender offer**

- F.2.13.1** Submit a tender offer to provide the whole of the works, services or supply identified in the contract data, unless stated otherwise in the tender data.
- F.2.13.2** Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing in black ink.
- F.2.13.3** Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.
- F.2.13.4** Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.
- F.2.13.5** Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.
- F.2.13.6** Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.
- F.2.13.7** Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.
- F.2.13.8** Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.
- F.2.14** **Information and data to be completed in all respects**
- Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.
- F.2.15** **Closing time**
- F.2.15.1** Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Proof of posting shall not be accepted as proof of delivery. The employer shall not accept tender offers submitted by telegraph, telex, facsimile or e-mail, unless stated otherwise in the tender data.
- F.2.15.2** Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.
- F.2.16** **Tender offer validity**
- F.2.16.1** Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.

**F.2.16.2** If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period.

**F.2.17 Clarification of tender offer after submission**

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

**Note:**

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

**F.2.18 Provide other material**

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

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

**F.2.19 Inspections, tests and analysis**

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

**F.2.20 Submit securities, bonds, policies, etc.**

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

**F.2.21 Check final draft**

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

**F.2.22 Return of other tender documents**

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

**F.2.23 Certificates**

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

**F.3 The Employer's Undertakings**

**F.3.1 Respond to clarification**



Respond to a request for clarification received up to five working days before to the tender closing time stated in the tender data and notify all tenderers who drew procurement documents.

### **F.3.2**

#### **Issue addenda**

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

### **F.3.3**

#### **Return late tender offers**

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

### **F.3.4**

#### **Opening of tender submissions**

Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

#### **F.3.4.1**

#### **F.3.4.2**

Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened, the total of his prices, preferences claimed and time for completion, if any, for the main tender offer only.

#### **F.3.4.3**

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

### **F.3.5**

#### **Two-envelope system**

#### **F.3.5.1**

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

#### **F.3.5.2**

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

### **F.3.6**

#### **Non-disclosure**

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

### **F.3.7**

#### **Grounds for rejection and disqualification**

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

### **F.3.8 Test for responsiveness**

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

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

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

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
- b) change the Employer's or the tenderer's risks and responsibilities under the contract, or
- c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified.

**F.3.8.3** Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

### **F.3.9 Arithmetical errors**

**F.3.9.1** Check responsive tender offers for arithmetical errors, correcting them in the following manner:

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

**F.3.9.2** Consider the rejection of a tender offer if the tenderer does not correct or accept the correction of his arithmetical errors in the manner described in F.3.9.1.

### **F.3.10 Clarification of a tender offer**

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

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

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

Appoint an evaluation panel of not less than three persons. Reduce each responsive tender offer to a comparative offer and evaluate it using the tender evaluation method that is indicated in the tender data and described below:

Method 1: Financial offer	<p>1)</p> <p>3)</p>	<p>2) Rank tender offers from the most favourable to the least favourable comparative offer.</p> <p>4) Recommend highest ranked tenderer for the award of the contract, unless there are compelling and justifiable reasons not to do so.</p>
Method 2: Financial offer and preferences	<p>1)</p> <p>3)</p> <p>5)</p> <p>7)</p> <p>9)</p>	<p>2) Score tender evaluation points for financial offer.</p> <p>4) Confirm that tenderers are eligible for the preferences claimed and if so, score tender evaluation points for preferencing.</p> <p>6) Calculate total tender evaluation points.</p> <p>8) Rank tender offers from the highest number of tender evaluation points to the lowest.</p> <p>10) Recommend tenderer with the highest number of tender evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.</p>
Method 3: Financial offer and quality	<p>1)</p> <p>3)</p> <p>5)</p>	<p>2) Score quality, rejecting all tender offers that fail to score the minimum number of points for quality stated in the Tender data.</p> <p>4) Score tender evaluation points for financial offer.</p> <p>6) Calculate total tender evaluation points.</p>
Method 3: (Continue)	<p>7)</p>	<p>8) Rank tender offers from the highest number of tender evaluation points to the lowest.</p> <p>9) Recommend tenderer with the highest number of tender evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so</p>
Method 4: Financial offer, quality and preferences	<p>1)</p> <p>3)</p>	<p>2) Score quality, rejecting all tender offers that fail to score the minimum number of points for quality stated in the Tender data.</p> <p>4) Score tender evaluation points for financial offer.</p>

5)		6) 7)	Confirm that tenderers are eligible for the preferences claimed, and if so, score tender evaluation points for preferencing.
8) 10)		9) 11)	Calculate total tender evaluation points. Rank tender offers from the highest number of tender evaluation points to the lowest.
12)		13)	Recommend tenderer with the highest number of tender evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.

Score financial offers, preferences and quality, as relevant, to two decimal places.

#### F.3.11.2 Scoring financial offers

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

$$NFO = W1 \times A$$

where:

$NFO$  = the number of tender evaluation points awarded for the financial offer.

$W_1$  = the maximum possible number of tender evaluation points awarded for the financial offer as stated in the tender data.

$A$  = a number calculated using either formulas 1 or 2 below as stated in the tender data.

Formula	Basis for comparison	Option 1	Option 2
1.	Highest price or discount	$1 + \left( \frac{P - P_m}{P_m} \right)$	$P/P_m$
2.	Lowest price or percentage commission/fee	$1 - \left( \frac{P - P_m}{P_m} \right)$	$P_m/P$

where:

$P_m$  = the comparative offer of the most favourable tender offer.

$P$  = the comparative offer of tender offer under consideration.

#### F.3.11.3 Scoring quality (functionality)

Score quality in each of the categories in accordance with the tender data and calculate total score for quality.

#### F.3.12 Insurance provided by the employer

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

#### F.3.13 Acceptance of tender offer

**F.3.13.1** Accept tender offer only if the tenderer complies with the legal requirements stated in the tender data.

**F.3.13.2** Notify the successful tenderer of the employer's acceptance of his tender offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated in the tender data or agreed additional period. Providing the form of offer and acceptance does not contain any qualifying statements, it will constitute the formation of a contract between the employer and the successful tenderer as described in the form of offer and acceptance.

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

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

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

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

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

**F.3.16** **Issue final contract**

Prepare and issue the final draft of contract documents to the successful tenderer for acceptance as soon as possible after the date of the employer's signing of the form of offer and acceptance (including the schedule of deviations, if any). Only those documents that the conditions of tender require the tenderer to submit, after acceptance by the employer, shall be included.

**F.3.17** **Complete adjudicator's contract**

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

**F.3.18** **Provide copies of the contracts**

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

**F.3.19** **Delegation of Authority**

The Employer may delegate any power vested in him by virtue of these Conditions to tender to an offer or employee of the Employer

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**T1.3 : TENDER DATA**

**GENERAL**

The Conditions of Tenders applicable to this contract are the Standard Conditions of Tender as contained in Annexure F of the CIDB Standard for *Uniformity in Construction Procurement*, and as Annex A of the CIDB Standardized *Construction Procurement Documents for Engineering and Construction Works (May 2010)*. This document is obtainable separately. Tenders shall obtain their own copies.

The Tender Data make several references to the Standard Conditions of Tender for details that apply specifically to this tender. The Tender Data shall have preference in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

Each item if Tender Data given below is cross-referenced to the relevant clause in the Standard Conditions of Tender to which it mainly applies.

<b>Clause</b>	<b>Wording</b>
F.1.1	<p>The employer is :</p> <p><b>Dr Nkosazana Dlamini Zuma Municipality</b> Main Street Creighton 3263</p> <p>Telephone: 039 833 1038 Fax: 039 833 1179</p>
F.1.2	<p>The tender documents issued by the employer comprise:</p> <p><b>PART T1 : TENDERING PROCEDURES</b></p> <p>T1.1: Tender Notice and Invitation to Tender T1.2: Standard Conditions of Tender T1.3: Tender Data</p> <p><b>PART T2 : RETURNABLE DOCUMENTS</b></p> <p>T2.1: List of Returnable Documents T2.2: Returnable Documents</p> <p><b>PART C1 : AGREEMENTS AND CONTRACT DATA</b></p> <p>C1.1: Form of Offer and Acceptance C1.2: Confirmation of Receipt C1.3: Contract Data C1.4: Form of Guarantee (Pro Forma)</p> <p>C1.5: Adjudicator's Agreement (if applicable)</p>

Clause	Wording
	<p>C1.6: Health and Safety Agreement  C1.7: Transfer of Rights  C1.8: Retention Money Guarantee  <b>PART C2 : PRICING DATA</b>  C2.1: Pricing Instructions  C2.2: Bill of Quantities  <b>PART C3 : SCOPE OF WORK</b>  C3.1 Description of the Works  C3.2 Engineering  C3.3 Procurement  C3.4 Construction  C3.5 Management  C3.6 Particular Specifications  <b>PART C4 : SITE INFORMATION</b>  C4.1 Locality Plan  C4.2 Site of Works and Site conditions  C4.3 Geotechnical Report  C4.4 Environmental  <b>PART C5 : Annexures</b>  Annexure A: Drawings</p>
F.1.4	<p>The Employer's agent is:  Name: iX engineers (Pty) Ltd  Contract Person: Mr J. Bohler  Address: 21 The Boulevard, Westend Office Park, Westville, 3630  Tel: 031 254 5700 Fax: 086 537 7353  E-mail: <a href="mailto:john.b@ixengineers.co.za">john.b@ixengineers.co.za</a></p>
F1.5	<p>The Employer's right to accept or reject any tender offer  The Employer is not obliged to accept the lowest or any tender offered.  The Employer reserves the right to increase or decrease the scope of works to suit budgetary constraints.</p>

Clause	Wording
F.2.1	<p data-bbox="248 1062 277 1182"><b>Eligibility</b></p> <p data-bbox="309 89 338 1182">Only those Tenderers who satisfy the following eligibility criteria are eligible to submit tenders:</p> <ul style="list-style-type: none"> <li data-bbox="369 19 461 1134">a) the tenderer submits <b>valid</b> Tax Clearance Certificate issued by the South African Revenue Services and a Tax Compliance Status PIN, or has made arrangements to meet outstanding tax obligations;</li> <li data-bbox="492 19 555 1134">b) the tenderer submits a letter of intent from an approved insurer undertaking to provide the Performance Bond to the format included in Part C1.4 of this procurement document;</li> <li data-bbox="586 395 616 1134">c) the tenderer has registered on the Central Supplier Database;</li> <li data-bbox="647 19 734 1134">d) 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 data-bbox="766 19 882 1134">e) the tenderer has not: <ul style="list-style-type: none"> <li data-bbox="797 288 826 1078">i) abused the Employer's Supply Chain Management System; or</li> <li data-bbox="835 19 882 1078">ii) failed to perform on any previous contract and has been given a written notice to this effect;</li> </ul> </li> <li data-bbox="913 19 1068 1134">f) The tenderer has completed the Declaration of Interest and 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 data-bbox="1099 19 1160 1134">g) The tenderer is registered and in good standing with the compensation fund or with a licensed compensation insurer;</li> <li data-bbox="1191 188 1220 1134">h) The tenderer must submit a copy of a joint venture agreement (if applicable).</li> <li data-bbox="1252 118 1281 1134">i) The tender offer is signed by a person authorised to sign on behalf of the Tenderer;</li> <li data-bbox="1312 129 1341 1134">j) The Tenderer has completed and signed all returnable documents where relevant;</li> <li data-bbox="1373 19 1433 1134">k) Tenderers are required to submit a Bank Rating with this tender. Tenderers who receive a Bank Rating <math>\leq</math> E (figures considered too high) will be disqualified.</li> <li data-bbox="1464 19 1552 1134">l) Bids in excess of R20 million are required to Sub-Contract a minimum of 10% of the contract to previously disadvantaged companies, within the area of jurisdiction of the Municipality;</li> <li data-bbox="1583 209 1612 1134">m) The Tenderer has met the minimum number of evaluation points for quality.</li> <li data-bbox="1644 19 1731 1134">n) The Tenderer must confirm that he/she has the necessary competencies and resources to carry out the work safely in accordance with the Occupational Health and Safety Act, N° 85 of 1993, and the OSHA 1993 Construction Regulations 2003.</li> </ul> <p data-bbox="1762 19 1883 1182">Only those tenderers who are registered with the CIDB or can submit proof of application for registration prior to evaluation of Tenders, in a contractor-grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a 4CE class of construction work, are eligible to submit tenders.</p> <p data-bbox="1915 501 1944 1182">Joint ventures are eligible to submit tenders provided that:</p> <ol style="list-style-type: none"> <li data-bbox="1975 331 2004 1134">1. Every member of the joint venture is registered with the CIDB;</li> <li data-bbox="2016 19 2045 1134">2. The lead partner has a contractor grading designation in the class of construction</li> </ol>



Clause	Wording
	<p>work;</p> <p>3. The combined contractor grading designation calculated in accordance with the Construction Development Regulation is equal to or higher than a contractor grading designation determined in accordance with sum tendered for a 4CE only class of construction work;</p> <p>4. When the JV is dissolved the lead partner will remain liable in terms of the contract including latent defects. <b>The Lead Partner shall be nominated in the returnable document and shall at least a 3CE only classification. The Lead Member accepts all liability in terms of the contract and that this liability will continue for ten (10) years completion of the contract;</b></p> <p>5. Included with their tender is a letter from each of the proposed joint members stating their undertaking that in the event of the joint venture tender being successful, the said members will enter into a joint venture agreement, which shall be based on and comply with the CIDB Sample JV agreement.</p>
F.2.7	<p>The arrangements for a compulsory clarification meeting are:  Location: <b>virtual briefing session on the date and time is indicated on the table below, link will be made available on the date of briefing from 08:h00 on our municipal website(<a href="http://www.ndz.gov.za">www.ndz.gov.za</a>)</b></p> <p>Date: 16<sup>th</sup> July 2021.  Starting time: 10h00</p> <p>Enquiries and confirmation of attendance at least one full working day in advance regarding the meeting and site inspection may be directed to:</p> <ul style="list-style-type: none"> <li>• Procedure related enquires: Miss N. Holiwe</li> <li>• Technical Enquiries: Mr S. V Mngadi/ Mr Z. Dlamini</li> </ul> <p>Dr Nkosazana Dlamini Zuma Municipality Tel No: (039) 833 1038  P O Box 62  Creighton  3263  Fax No.: (039) 833 1179</p>
F.2.10	<p>Pricing the Tender Offer</p> <p>(a) <u>Value Added Tax</u>  The Valued Added Tax (VAT) rate shall be 15% or as otherwise provided for by legislation.</p> <p>(b) The successful Tenderer shall be required to produce a VAT invoice that shall only be prepared once measurements and valuations for work done in terms of the contract offer have been agreed with the Employers agent and a certificate of payment issued.</p> <p>(c) Payment of VAT to non VAT vendors shall be processed from the month in which the Tenderers liability with the South African Revenue Services is effective.</p>
F.2.11	<p>A Tender offer shall not be considered if alterations have been made to the offer or contract data (unless such alterations have been duly authenticated by the Tenderer) or if any particulars required therein have not been completed in all respects.</p>

Clause	Wording
F.2.12.1	<p>If a tenderer wishes to submit an alternative tender offer, the only criteria permitted for such an alternative tender offer are:</p> <p>(a) <u>Individual items</u> Individual items offered as alternatives to items in the Bill of Quantities will only be considered if listed and priced in Schedule 1J: <i>Amendments, Qualifications and Alternatives</i> in Part 2 of the Contract Document, accompanied by a detailed statement as necessary.</p> <p>(b) <u>Alternative designs</u> Where a Tenderer desires to submit alternative tender involving modifications to the design or method of construction that would alter the character of the tender, the following procedure must be observed:</p> <p>(i) The alternative offer must be accompanied by supporting information, drawings, calculations and a priced alternative Bill of Quantities to enable its technical acceptability, construction time and price to be fully assessed. Such information, drawings and Bill of Quantities must be sufficient for proper evaluation of the tendered alternative, otherwise the offer will not be considered;</p> <p>(ii) Any alternative tender involving modifications to design will be assessed on its merits and may be accepted. An accepted alternative design will become the design for the purpose of the contract.</p> <p>(iii) If an alternative design with its priced Bill of Quantities has been accepted, the sum thus tendered for the alternative will not be subject to re-measurement and will be the final amount payable to the Contractor, except only for variations arising from:</p> <ul style="list-style-type: none"> <li>• Changes in design parameters ordered by the Engineer;</li> <li>• Changes not arising from any failure or fault of the Contractor, but from modifications requested by the Engineer.</li> </ul> <p>(iv) A decision whether or not to adopt a technically acceptable modified design will be governed by the amount of the overall saving and the advantages to the Employer which the modified design can be reliably expected to achieve. Matters to be considered in arriving at the overall saving will include the effect of any deferment in starting date arising from extra time needed for the preparation of an amended contract for signature.</p> <p>(v) The Tenderer will be liable for all costs necessary for the Engineer to check the alternative design offered</p>
F.2.13.2	Tenderers to note that the returnable documents are listed in T.2 (Returnable Documents)
F.2.13.3	<p>Tender offers shall be submitted as an original only. Under no circumstances whatsoever may the tender forms be retyped or redrafted.</p> <p>Photocopies of the original tender documentation may be used, but an original signature must appear on such photocopies.</p>
F.2.13.5	<p>The Employer's address for delivery of tender offers and identification details to be shown on each tender offer package are: Location of tender box: <b>Dr Nkosazana Dlamini Zuma Municipality</b> Physical address: Main Street Creighton 3263</p> <p>Identification details: <b>TENDER N<sup>o</sup> PWBS:B007/21/22</b></p>

Clause	Wording
F.2.13.6	A two-envelope procedure will <b>not</b> be followed.
F.2.13.7	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted
F.2.14	The tenderer shall complete the schedule of quantities in full. Items against which no price is entered are to be considered as incomplete and will invalidate the tender. Items against which <b>N/A or Included</b> is entered, or are left blank, will be considered as incomplete and will invalidate the tender. Items against which <b>NIL</b> or zero (0) is entered are to be considered to be fully priced and the tenderer will provide the items in question as specified at <b>zero (0) or NIL price</b> .
F.2.15	The closing time for submission of tender offers is: <b>12H00 on 29<sup>th</sup> July 2021</b>
F.2.16	The tender offer validity period is <b>thirteen (13) weeks (90days)</b> from the tenders closing date
F.2.19	Access shall be provided for inspections, test and analysis by prior arrangement with the employer
F.2.23	The tenderer is required to submit with his tender: <p style="text-align: center;"><b>COMPULSORY DOCUMENTS</b></p> <p>a) Proof of registration with CSD- starting with (MAAA)</p> <p>b) Joint Venture Agreement (if necessary)</p> <p>c) Submit proof that the bidders (<b>Company</b>) and its <b>directors</b> do not owe municipal services.</p> <p>-Attach updated municipal rates, water or electricity statement not in arrears for more than 90 days</p> <p>Or</p> <p>-Attach a valid lease agreement if the director is leasing offices and residential Property with a confirmation letter from the landlord.</p> <p>Or</p> <p>-Attached exemption letter from the relevant municipality.</p> <p>Or</p> <p>- Attach affidavit if the Municipal Account is under your parents or siblings and they are responsible for paying municipal rates (if the address is the same as yours) and attach the copy of the Municipal rates &amp; services for the above mentioned.</p> <p>Or</p> <p>- Attach copy of a marriage certificate and account statement for rates &amp; services if Municipal account is under your spouse.</p> <p>d) Form of offer fully completed</p> <p>e) MBD 1,4,6,2,8, 9 and annexures C, D &amp; E fully completed</p> <p>f) Level 1 contributor</p>
	<b>TICK</b>
	<b>NB: failure to submit the above documents with this bid, your tender will be disqualified</b>

Clause	Wording	TICK														
	<p><b>DOCUMENTS TO BE SUBMITTED</b></p> <p>a) Certified Copies of CK Documents / Sole proprietary</p> <p>b) Valid Tax clearance certificate (with your pin number print and attach on the document Tax Clearance Certificate)</p> <p>c) Certified BBBEE verification certificate for Preferential points claim or sworn affidavit</p> <p>d) Certified copies of Identification documents of all members/directors of the entity</p>															
F.3.2	Change "seven days" to "seven working days".															
F.3.4	The time and location for opening of the tender offers are: Time 12H00 on the , 29 <sup>th</sup> July 2021. At the offices of the <b>Dr Nkosazana Dlamini Zuma Municipality, Creighton</b>															
F.3.11	<p>The procedure for the evaluation of responsive tenders is Method 4 (Functionality, Price and Preferences) using the 80/20 Preferential Point System:</p> <p>Stage 1: Scoring Quality (Functionality)</p> <p>Only tenderers who will achieve a score of more than 60% of the total available points will qualify for stage two of the evaluation.</p> <p>The criteria to be used to evaluate the proposals for the functionality stage will be as follows:</p> <p>Points</p> <p>1. Relevant Experience of Enterprise = 35  2. Experience of Key Personnel = 40  3. Availability of relevant plant and equipment = 25  <b>Total Points =100</b></p>															
	<table border="1"> <thead> <tr> <th data-bbox="1417 991 1473 1209">Key Aspect of Criterion</th> <th data-bbox="1417 596 1473 991">Basis for Points Allocation</th> <th data-bbox="1417 411 1473 596">Max Points</th> <th data-bbox="1417 89 1473 411">Verification Method</th> </tr> </thead> <tbody> <tr> <td data-bbox="1473 991 1664 1209" rowspan="3"><b>Relevant Experience of the Contractor in road construction</b></td> <td data-bbox="1473 596 1664 991"><b>3 x Completed Road</b> construction and rehabilitation projects in the last 5 years. Bidders to submit letter of appointment, completion certificate and letter of reference.</td> <td data-bbox="1473 411 1664 596">35</td> <td data-bbox="1473 89 1664 411">Appointment Letter, Completion Certificate and Letter of Reference</td> </tr> <tr> <td data-bbox="1664 596 1854 991"><b>2 x Completed Road</b> construction and rehabilitation projects in the last 5 years. Bidders to submit letter of appointment, completion certificate and letter of reference.</td> <td data-bbox="1664 411 1854 596">20</td> <td data-bbox="1664 89 1854 411">Appointment Letter, Completion Certificate and Letter of Reference</td> </tr> <tr> <td data-bbox="1854 596 2018 991"><b>1 x Completed Road</b> construction and rehabilitation in the last 5 years. Bidders to submit letter of appointment, completion certificate and</td> <td data-bbox="1854 411 2018 596">10</td> <td data-bbox="1854 89 2018 411">Appointment Letter, Completion Certificate and Letter of Reference</td> </tr> </tbody> </table>	Key Aspect of Criterion	Basis for Points Allocation	Max Points	Verification Method	<b>Relevant Experience of the Contractor in road construction</b>	<b>3 x Completed Road</b> construction and rehabilitation projects in the last 5 years. Bidders to submit letter of appointment, completion certificate and letter of reference.	35	Appointment Letter, Completion Certificate and Letter of Reference	<b>2 x Completed Road</b> construction and rehabilitation projects in the last 5 years. Bidders to submit letter of appointment, completion certificate and letter of reference.	20	Appointment Letter, Completion Certificate and Letter of Reference	<b>1 x Completed Road</b> construction and rehabilitation in the last 5 years. Bidders to submit letter of appointment, completion certificate and	10	Appointment Letter, Completion Certificate and Letter of Reference	
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Clause	Wording			
	<b>Qualifications and CV's of Contract Manager</b>	letter of reference. National Diploma in Civil Engineering or Project Management with <b>3 years' experience</b> in Gravel Road Construction and rehabilitation of gravel roads National Diploma in Civil Engineering or Project Management with <b>2 years' experience</b> in Gravel Road Construction and rehabilitation of gravel roads National Diploma in Civil Engineering or Project Management with <b>1 years' experience</b> in Gravel Road Construction and rehabilitation of gravel roads	10  7  5	Certified copy of qualification to be attached with detailed CV  Certified copy of qualification to be attached with detailed CV  Certified copy of qualification to be attached with detailed CV
	<b>Qualifications and CV's of Site Agent</b>	National Diploma or N3 in Civil Engineering with <b>3 years' experience</b> in Gravel Road Construction and rehabilitation of gravel roads National Diploma or N3 in Civil Engineering with <b>2 years' experience</b> in Gravel Road Construction and rehabilitation of gravel roads National Diploma or N3 in Civil Engineering with <b>1 years' experience</b> in Gravel Road Construction and rehabilitation of gravel roads	15  10  5	Certified copy of qualification to be attached with detailed CV  Certified copy of qualification to be attached with detailed CV  Certified copy of qualification to be attached with detailed CV
	<b>Qualifications and CV's of Site Foreman</b>	5 or more years of experience in Gravel Road Construction and rehabilitation of gravel roads 4 -3 years of experience in Gravel Road Construction and rehabilitation of gravel roads 1 -2 years of experience in Gravel Road Construction and rehabilitation of gravel roads	15  10  5	Detailed CV to be attached with clear experience and reference  Detailed CV to be attached with clear experience and reference  Detailed CV to be attached with clear experience and reference
	<b>Availability of relevant plant and equipment (Resources)</b>	if the <b>Bidder owns all</b> the required construction plant and equipment for constructing the Gravel Access Road (Tipper Truck, TLB, Grader or Excavator, Concrete Mixer, Water cart, Roller. (Supply Proof of ownership e.g. logbook)	25	Proof of ownership of all the required plant and equipment, e.g logbooks and proof of purchase
		If the <b>Bidder owns some of</b>	20	Proof of ownership of

Clause	Wording		
	the required construction plant and equipment required will hire the other required plant and equipment for constructing the Gravel Access Road (Tipper Truck, TLB, Grader or Excavator, Concrete Mixer, Water cart, Roller. (Supply Proof of ownership e.g. logbook and pro-forma agreement with plant hire company)		all the required plant and equipment, e.g. logbooks and proof of purchase + Pro-forma Agreement with Plant Hire Company
	if the will hire all the required construction plant and equipment for constructing the Gravel Access Roads (Tipper Truck, TLB, Grader or Excavator, Concrete Mixer, Water cart, Roller. (Pro-forma Agreement with Plant Hire)	15	Pro-forma Agreement with Plant Hire

**Only Bidders who achieve 60% the total available will qualify for the next stage of evaluation.**

**Stage 2: Points and Preferential Points**

Points for price will be evaluated as per the following formula:

$$Ps = 80x \frac{(1-(Pt-Pmin))}{Pmin}$$

Where

Pt = Points scored for price of tender under consideration

Pmin = Rand Value of tender under consideration

Pmin = Rand value of lowest acceptable tender

**The 20 points of the Scoring System**

**Determination of Scores**

The allocation of preferential points is based on the B-BBEE Level of Contribution as given in the respective current and valid B-BBEE Certificate:

**Preferential Points System – 80/20**

B-BBEE Contribution Level of Contributor	No. Of Points as per Score Card
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2

Clause	Wording		
	<table border="1"> <tr> <td data-bbox="241 651 286 762">Non – Compliant Contributor</td> <td data-bbox="241 284 286 331">0</td> </tr> </table>	Non – Compliant Contributor	0
Non – Compliant Contributor	0		
F3.13	<p data-bbox="629 815 663 1171"><b>Acceptance of Tender Offer</b></p> <p data-bbox="696 148 792 1171">Tender Offers will only be accepted if in addition to the conditions listed in the Standard Conditions of Tender, the Tenderer is judged to be Eligible in terms of Clause F2.1 as well as the items listed below.</p> <p data-bbox="826 116 922 1171">If the tendered value exceeds R10 million (VAT included), bidders are required to furnish–</p> <ol style="list-style-type: none"> <li data-bbox="848 116 922 1139">i. if the bidder is required by law to prepare annual financial statements for auditing, their audited annual financial statements – <ul style="list-style-type: none"> <li data-bbox="956 715 990 1078">• for the past three years; or</li> <li data-bbox="1001 244 1034 1078">• since their establishment if established during the past three years;</li> </ul> </li> <li data-bbox="1068 65 1164 1139">ii. a certificate signed by the bidder certifying that the bidder has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days;</li> <li data-bbox="1198 25 1294 1155">iii. particulars of any contracts awarded to the bidder by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract</li> <li data-bbox="1328 41 1424 1155">iv. a statement indicating whether any portion of the goods or services are expected to be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality or municipal entity is expected to be transferred out of the</li> <li data-bbox="1458 919 1491 1155">v. Republic; and</li> <li data-bbox="1525 49 1599 1155">vi. Stipulate that disputes must be settled by means of mutual consultation, mediation (with or without legal representation), or, when unsuccessful, in a South African court of law.</li> </ol> <p data-bbox="1610 41 1684 1182">During the evaluation of a service provider, the Bid evaluation committee will assess whether the service provider is currently rendering services to the municipality:</p> <ol style="list-style-type: none"> <li data-bbox="1695 73 1747 1155">i. If the service provider is currently rendering services to the municipality with a stage of completion less than 50% and</li> <li data-bbox="1758 41 1854 1155">ii. The service providers' performance is not in line with the project performance milestones, then the service provider should be disqualified from further evaluation, and should be placed on hold.</li> </ol> <p data-bbox="1877 25 1942 1182">F3.18 The number of paper copies of the signed contract to be provided by the Employer is one original plus one original duplicate.</p> <p data-bbox="1942 600 1975 1182">The additional conditions of tender are as follows:</p> <ol style="list-style-type: none"> <li data-bbox="1975 25 2009 1182">1. The BBBEE Certificate from an accredited organisation will be used to award preference points.</li> </ol>		

Clause	Wording
F.3.19	<p data-bbox="241 1002 275 1203"><b>Appeal Process</b></p> <p data-bbox="309 39 398 1203">In terms of Regulation 49 of the Public Supply Chain Management Regulations persons aggrieved by decisions or actions taken by Dr Nkosazana Dlamini Zuma Municipality, may lodge an appeal within 14 days of the decision or action, in writing to Dr Nkosazana Dlamini Zuma Municipality.</p> <p data-bbox="432 39 499 1203">Tenderers are advised that the following is the appeal process and in dealing with these appeals the Chief Executive shall follow the following procedure:</p> <ol data-bbox="521 39 1160 1171" style="list-style-type: none"> <li data-bbox="521 39 589 1171">(1) The appeal (clearly setting out the reasons for the appeal) and queries with regard decision of award are to be directed to the office of the. Attention: Manager: Supply Chain Management, Dr Nkosazana Dlamini Zuma Municipality, P.O Box 62, Creighton, 3263</li> <li data-bbox="667 39 734 1171">(2) A copy of the appeal will be forwarded to the Chairperson of the Bid Adjudication Committee who must provide a response in writing within seven days.</li> <li data-bbox="734 39 801 1171">(3) In the event that there are allegations made against third parties, they will also be given an opportunity to respond to the allegations within seven days.</li> <li data-bbox="801 196 824 1171">(4) These responses will then be sent to the Appellant for a reply within five days.</li> <li data-bbox="857 39 947 1171">(5) The appeal will be considered on these written submissions, unless the appeal authority is of the view that there is a need for oral submissions, in which case, the Appellant will be notified of the date, place and time of such hearing.</li> <li data-bbox="981 39 1070 1171">(6) The Appeal Authority will consider the appeal and may confirm, vary or revoke the decision of the Committee, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.</li> <li data-bbox="1104 39 1160 1171">(7) The Appeal Authority must commence with the appeal within six (6) weeks and decide the appeal within a reasonable period.</li> </ol>
F.3.20	<p data-bbox="1238 448 1272 1203"><b>Prohibition of Awards to Persons in the Service of the State</b></p> <p data-bbox="1305 39 1373 1203">Regulation 44 of the Supply Chain Management Regulations states that the Public Entity may not make any award to a person:-</p> <ol data-bbox="1395 39 1552 1155" style="list-style-type: none"> <li data-bbox="1395 699 1429 1155">(a) Who is in the Service of the State</li> <li data-bbox="1451 39 1552 1155">(b) If that person is not a natural person, of which any Director, Manager, principal, Shareholder or Stakeholder is a person in the service of the State; or who is an Advisor or Consultant contracted with the public entity.</li> </ol>



**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**PART T2 : RETURNABLE DOCUMENTS**

**T2.1 List of Returnable Documents**

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**T2.1 : LIST OF RETURNABLE DOCUMENTS**

The following documents are to be completed and returned as they constitute the tender. Whilst many of the returnable are required for the purpose of evaluating the tenders, some will form part of the subsequent contract, as they form the basis of the tender offer. For this reason, it is very important that tenderers return **all information requested**.

**1. RETURNABLE SCHEDULES REQUIRED FOR TENDER EVALUATION PURPOSES (included hereafter for completion)**

T2 – 3 Schedule : 1A	Certificate of Attendance at Clarification Meeting
T2 – 4 Schedule : 1B	Authority of Signatory*
T2 – 8 Schedule : 1C	Proof of Purchase of Tender Document
T2 – 9 Schedule : 1D	Certificate of Authority for Joint Ventures
T2 – 10 Schedule : 1E	Key Personnel Schedule
T2 – 14 Schedule : 1F	Schedule of Plant and Equipment available for the Contract
T2 – 15 Schedule : 1G	Schedule of Similar Work Undertaken by the Tenderer
T2 – 16 Schedule : 1H	Estimated Monthly Cash-flow
T2 – 17 Schedule : 1I	Schedule of Proposed Subcontractors
T2 – 18 Schedule : 1J	Proposed Amendments and Qualifications
T2 – 19 Schedule : 1K	Declaration of Interest (MBD 4)
T2 – 22 Schedule : 1L	Preferential points (MBD 6.1)
T2 – 27 Schedule : 1M	Declaration Certificate for Local Production and Content (MBD 6.2)
T2 – 30 Schedule : 1N	Tenderer's Financial Standing
T2 – 31 Schedule : 1O	Municipal Account
T2 – 32 Schedule : 1P	Declaration of Bidder's Past Supply Chain Management Practices (MBD 8)
T2 – 34 Schedule : 1Q	Certificate of Independent Bid Determination (MBD 9)
T2 – 37 Schedule : 1R	Compulsory Enterprise Questionnaire
T2 – 39 Schedule : 1S	Current Commitments
T2 – 40 Schedule : 1T	Certificate For Municipal Services

**2. OTHER DOCUMENTS REQUIRED FOR TENDER EVALUATION PURPOSES (append to schedule in document)**

T2 – 41 Schedule : 2A	Details if Registration With CIDB
T2 – 42 Schedule : 2B	Certified copy of Company registration (CK Document/ Sole Proprietary)
T2 – 43 Schedule : 2C	Certified copies of Identification documents of all members/ directors of entity
T2 – 44 Schedule : 2D	Valid Tax Clearance Certificate and Tax Compliance Status PIN
T2 – 47 Schedule : 2E	Joint Venture Agreement, if applicable
T2 – 48 Schedule : 2F	Proof of registration with Central Suppliers Data Base (CSD)
T2 – 49 Schedule : 2G	Letter of Good Standing from workman compensation
T2 – 51 Schedule : 2I	Certified copy of latest Municipal Accounts statement
T2 – 52 Schedule : 2K	Certified copy of B-BBEE Certificate or sworn affidavit

**3. RETURNABLE SCHEDULES THAT WILL BE INCORPORATED INTO THE CONTRACT (to be attached with submission)**

T2 – 53 Schedule : 3A	Record of Addenda to Tender Documents
T2 – 54 Schedule : 3B	Contractors Health and Safety Declaration
T2 – 56 Schedule : 3C	Declaration Concerning Fulfilment of the Construction Regulations, 2003

**4. OTHER SCHEDULES AND AFFIDAVITS THAT WILL BE INCORPORATED INTO THE CONTRACT**

C1-1  
C1-4  
C1-5  
C1-12  
C1-14  
C1-16  
C1-18  
C1-20  
C2-3

**(included hereafter for completion)**

- C1.1 The Offer portion of the Form of Offer and Acceptance\*
- C1.2 Confirmation of Receipt
- C1.3 Contract Data (Parts 1 and 2)\*
- C1.4 Form of Guarantee (Pro Forma)
- C1.5 Adjudicator's Agreement
- C1.6 Safety Agreement (Pro Forma)
- C1.7 Transfer of Rights
- C1.8 Retention Money Guarantee
- C2.2 Bill of Quantities

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS**

**CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**SCHEDULE 1A: CERTIFICATE OF ATTENDANCE AT CLARIFICATION MEETING**

**NB: Bidders to attach proof of attendance of Virtual clarification meeting (screen shorts)**

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**SCHEDULE 1B: AUTHORITY OF SIGNATORY**

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category and attach any supporting documentation to the relevant schedule.

A Company	B Partnership	C Joint Venture	D Sole Proprietor	E Close Corporation

**A. CERTIFICATE FOR COMPANY**

I,....., chairperson of the board of directors of..... hereby confirm that by resolution of the board (**copy attached**) taken on..... 20....., Mr/Ms..... acting in the capacity of , was authorized to sign all documents in connection with this tender and any contract resulting from it on behalf of the company

**As witnesses:**

1. \_\_\_\_\_ Signature : Sole owner: \_\_\_\_\_
2. \_\_\_\_\_ Date : \_\_\_\_\_

**Tenderers must attach a copy of the Resolution of the Board - refer to Schedule 2.....**

**B. CERTIFICATE FOR PARTNERSHIP**

We, the undersigned, being the key-partners in the business trading as ..... hereby authorize Mr/Ms ..... acting in the capacity of ..... to sign all documents in connection with this tender and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

**NOTE:** This certificate is to be completed and signed by all of the key-partners upon who rests the direction of the affairs of the Partnership as a whole.

**C. CERTIFICATE FOR JOINT VENTURE**

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

This authorization is evidenced by the attached power of attorney signed by legally authorized signatories of all the partners to the Joint Venture.

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME & CAPACITY
Lead partner		

**D. CERTIFICATE FOR SOLE PROPRIETOR**

I, ..... hereby confirm that I am the sole owner of the business trading as .....

**As witnesses:**

- ..... Signature : Sole owner : .....
- ..... Date : .....

**E. CERTIFICATE FOR CLOSE CORPORATION**

We, the undersigned, being the key members in the business trading as ..... hereby authorize Mr/Ms ..... acting in the capacity of ..... , to sign all documents in connection with this tender and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

**NOTE:** This certificate is to be completed and signed by all of the key-members upon who rests the direction of the affairs of the Partnership as a whole.

**D. RESOLUTION OF BOARD OF DIRECTORS TO ENTER INTO CONSORTIA OR JOINT VENTURES**

Resolution of a meeting of the Board of Directors/Members/Partners\* of:

\_\_\_\_\_

\_\_\_\_\_

(Legally correct full name and registration number, if applicable, of the Enterprise)

Held at \_\_\_\_\_ (place) on \_\_\_\_\_ (date)

Resolved that:

1. The Enterprise submit a Bid/Tender, in consortia/joint venture with the following enterprise.

\_\_\_\_\_

\_\_\_\_\_

(list all the legally correct full names and registration numbers, if applicable, of the Enterprises forming the consortia/joint venture)

To the Employer and for the work explained in the Scope of Work.

Tender No: \_\_\_\_\_ (Tender Number as per Tender Document)

2. Mr/Mrs/Miss/Ms\*: \_\_\_\_\_  
in his/her\* capacity as: \_\_\_\_\_ (position in the Enterprise)  
and who will sign as follows: \_\_\_\_\_

be, and us hereby, authorised to sign a consortium/joint venture agreement with the parties listed under item 1 above, and any and all other documents and/or correspondence in connection with the relating to the consortium/joint venture, in respect of the project described under Item 1 above.

3. The Enterprise accepts joint and several liability with the parties listed under item 1 above for the due fulfilment of the obligations of the joint venture/consortium deriving from, and in any way connected with, the Contract to be entered into with the Employer in respect of the project described under Item 1 above.

The Enterprise chooses as its domicilium citandi et executandi for all purposes arising from this joint venture/consortium agreement and the Contract with the Employer in respect of the project under Item 1 above.

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

Postal address: \_\_\_\_\_

\_\_\_\_\_

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

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

	NAME	Enterprise	Capacity	Signature
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				

- Note:
1. \* Delete which is not applicable
  1. This resolution must be signed by all the Directors/Members/Partners of the Budding Enterprise
  2. Should the number of Directors/Member's/Partners exceed the space available above, additional names and signature must be added on a separate page.

Signed: .....

As Witnesses: 1.....

2.....

Date: .....



**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS**

**CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**SCHEDULE 1C: PROOF OF PURCHASE OF TENDER DOCUMENTS**

The Tenderer must insert here proof of purchase of the tender documents in the form of an official receipt or other acceptable form of proof.

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**SCHEDULE 1D: CERTIFICATE OF AUTHORITY FOR JOINT VENTURES**

This returnable schedule is to be completed by joint ventures.

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

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

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

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N<sup>o</sup> PWBS: B007/21/22**

**SCHEDULE 1E: KEY PERSONNEL**

In terms of the Project Specification and the Conditions of Tender, unskilled workers may only be brought in from outside the local community if such personnel are not available locally.

Contractor 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.

Designation	Name	Qualification	Years' Experience
Contract Manager			
Site Agent			
Foreman			

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

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







**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**SCHEDULE 1F : SCHEDULE OF PLANT AND EQUIPMENT  
AVAILABLE FOR THE CONTRACT**

The following are lists of major items of relevant equipment that I/we **presently** own or lease and will have available for this contract or will acquire or hire for this contract if my/our tender is accepted.

(a) Details of major equipment that is owned by and immediately available for this contract.

Quantity	Description, Size, Capacity, etc

Attach additional pages if more space is required.

(b) Details of major equipment that will be hired, or acquired for this contract if my/our tender is acceptable.

Quantity	Description, Size, Capacity, etc

Attach additional pages if more space is required.

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

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

Tenderer .....





**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS**

**CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**SCHEDULE 1H: ESTIMATED MONTHLY CASH-FLOW**

The Tenderer shall state below the estimated value of work to be completed every month, based on his preliminary programme and his tendered unit rates.

The amounts for Contingencies and Contract Price Adjustment must not be included. The Tenderer must make note of any cash-flow restrictions.

<b>MONTH</b>	<b>VALUE</b>
1	
2	
3	
4	
5	
6	
<b>TOTAL</b>	

Signed .....

Date

Name .....

Position

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS**

**CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N<sup>o</sup> PWBS:B007/21/22**

**SCHEDULE 1I: SCHEDULE OF PROPOSED SUBCONTRACTORS**

We notify you that it is our intention to employ the following Subcontractors to work on this contract. If we are awarded the 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. **In support of LED and SCM Policy of the municipality, a project that's is CIDB Grade 3 and higher shall sub contract to local smme 20% of the tender value.**

No	Name and Address of Proposed Subcontractor	Nature and Extent of Work	Previous Experience with Subcontractor
1.			
2.			
3.			
4.			
5.			
6.			
7.			

Signed .....

Date

Name .....

Position

Tenderer .....

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS**

**CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**SCHEDULE 1J: 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 F.3.8 of the Standard Conditions of Tender referenced in the Tender Data regarding the employer's handling of material deviations and qualifications.

Page	Clause or Item	Proposal

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

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

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N<sup>o</sup> PWBS: B007/21/22**

**SCHEDULE 1K: DECLARATION OF INTEREST**

**MBD 4**

**DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
1. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.
  - 3.1 Full Name of bidder or his or her representative.....
  - 3.2 Identity Number: .....
  - 3.3 Position occupied in the Company (director, trustee, hareholder<sup>2</sup>):.....
  - 3.4 Company Registration Number: .....
  - 3.5 Tax Reference Number:.....
  - 3.6 VAT Registration Number: .....
  - 3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.
  - 3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars. ....

<sup>1</sup>MSCM Regulations: "in the service of the state" means to be –

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

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

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

3.9.1 If yes, furnish particulars.....  
.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? ..... **YES / NO**

3.10.1 If yes, furnish particulars.  
.....  
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? ..... **YES / NO**

3.11.1 If yes, furnish particulars  
.....  
.....

3.12 Are any of the company’s directors, trustees, managers, principle shareholders or stakeholders in service of the state? ..... **YES / NO**

3.12.1 If yes, furnish particulars.  
.....  
.....

3.13 Are any spouse, child or parent of the company’s directors trustees, managers, principle shareholders or stakeholders in service of the state? ..... **YES / NO**

3.13.1 If yes, furnish particulars.  
.....  
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. .... **YES / NO**

3.14.1 If yes, furnish particulars:  
.....  
.....

4. FULL DETAILS OF DIRECTORS / TRUSTEES / MEMBERS / SHAREHOLDERS.

Full Name	Identity Number	State Employee Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

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

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**SCHEDULE 1L: PREFERENTIAL POINTS**

**MBD 6.1**

**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 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 utilised 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.





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

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

Registered Account No: .....

Stand No: .....

**(LOCAL MUNICIPALITY ACCOUNT) \*RATES, REFUSE, ELECTRICITY 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 -
  - (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:**

- 3. ....
- 4. ....

.....  
Signature(s) of bidders

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS**  
**CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**SCHEDULE 1M: DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT**

**MBD 6.2**

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201x.

1. General Conditions
- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9.(1) and 9.(3) make provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Regulation 9.(3) prescribes that where there is no designated sector, a specific bidding condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.
- 1.4. Where necessary, for bids referred to in paragraphs 1.2 and 1.3 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.5. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.6. The local content (LC) as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 201x as follows:

$$LC = 1 - \left( \frac{x}{y} \right) \times 100$$

Where

- x imported content
- y bid price excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid as required in paragraph 4.1 below.

- 1.7. A bid will be disqualified if:
  - the bidder fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and
  - this declaration certificate is not submitted as part of the bid documentation.

2. Definitions
- 2.1. **“bid”** includes advertised competitive bids, written price quotations or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

3. **The stipulated minimum threshold(s) for local production and content for this bid is/are as follows:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
• Clothing, Textile, leather and foot wear	100%
• Furniture	65 – 100%
• PVC pipes	100%
• Reinforcing bars	100%
• Wire Products (Gabions)	100%
• Steel Plates (Guard rails)	100%
• Galvanized Sheets	
o (Sign boards and	100%
o Road signs	100%
• Wire Rod and Drawn Wire	100%

4. Does any portion of the services, works or goods offered have any imported content? **YES / NO**
- 4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.6 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid.

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

Indicate the rate(s) of exchange against the appropriate currency in the table below:

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

**IN RESPECT OF BID No.** .....  
**ISSUED BY:** (Procurement Authority / Name of Municipality / Municipal Entity): .....

NB The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

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

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286.
- (c) The local content has been calculated using the formula given in clause 3 of SATS 1286, the rates of exchange indicated in paragraph 4.1 above and the following figures:

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

If the bid is for more than one product, a schedule of the local content by product shall be attached.

(d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

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

**WITNESS No. 1** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**SCHEDULE 1N: TENDERER'S FINANCIAL STANDING**

In terms of the Conditions of Tender the employer may make inquiries to obtain a bank rating from the Tenderer's bank.

To that end the tenderer must provide with his tender a bank rating, certified by his banker, to the effect that he will be able to successfully complete the contract at the tendered amount within the specified time for completion.

However, should the tenderer be unable to provide a bank rating with his tender, he shall state the reasons as to why he is unable to do so, and in addition provide the following details of his banker and bank account that he intends to use for project:

Name of account holder: .....

Name of Bank: .....

Branch: .....

Account number: .....

Type of account: .....

Telephone number: .....

Facsimile number: .....

Name of contact person (at bank): .....

***Failure to provide either the required bank details or a certified bank rating with his tender, will lead to the conclusion that the tenderer does not have the necessary financial resources at his disposal to complete the contract successfully within the specified time for completion.***

The employer undertakes to treat the information thus obtained as confidential, strictly for the use of evaluation of the tender submitted by the tenderer.

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

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

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N<sup>o</sup> PWBS: B007/21/22**

**SCHEDULE 10: MUNICIPAL ACCOUNT**



**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N° PWBS: B007/21/22**

**SCHEDULE 1P: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

**MBD 8**

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

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

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector?  <i>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<b>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>  <i>(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).</i>	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 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:		
4.4	<i>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?</i>	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**

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS**  
**CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N<sup>o</sup> PWBS: B007/21/22**

**SCHEDULE 1Q: CERTIFICATE OF INDEPENDENT BID DETERMINATION**

**MBD 9**

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.
- 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 (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.

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

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

<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

**DR NKOSAZANA DLAMINI ZUMA MUNICIPALITY MIG PROJECTS  
CONSTRUCTION OF SDANGENI BRIDGE ROAD: WARD 4**

**TENDER N<sup>o</sup> PWBS: B007/21/22**

**SCHEDULE 1T: CERTIFICATE FOR MUNICIPAL SERVICES**

Information required in terms of the Dr Nkosazan Dlamini Zuma Municipality's Supply Chain Management Policy. Latest municipal services account statement must be attached.

**Tender Number: PWBS:B007/21/22**

**Name of the Tenderer:** \_\_\_\_\_

**FURTHER DETAILS OF THE BIDDER/S: Proprietor / Director(s) / Partners, etc:**

Physical Business address of the Bidder	Municipal Account Number(s)

If there is not enough space for all the names, please attach the additional details to the Tender document.

Name of Director / Member / Partner	Identity Number	Physical residential address of Director / Member / Partner	Municipal Account number(s)

I, \_\_\_\_\_, **the undersigned**,  
(full name in block letters)  
certify that the information furnished on this declaration form is correct and that I/we have no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days.

Signature \_\_\_\_\_

THIS DONE AND SIGNED for and on behalf of the Bidder / Contractor

at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 2021

**Please note:**

**Even if the requested information is not applicable to the Bidder, the table above should be endorsed NOT APPLICABLE and THIS DECLARATION MUST STILL BE SIGNED.**