

O. R. TAMBO DISTRICT MUNICIPALITY



O.R. TAMBO DISTRICT MUNICIPALITY

TENDER NO.:	ORTDM SCMU 28-22/23
DESCRIPTION:	APPOINTMENT OF PANEL OF PROFESSIONAL SERVICE PROVIDERS TO PROVIDE BUILT ENVIRONMENT AND RELATED SERVICES FOR A PERIOD OF THREE (3) YEARS, AS WHEN NEEDED.

MARCH 2023

Issued by:

The Municipal Manager
O. R. Tambo District Municipality
Private Bag x 6043
MTHATHA
5100
Tel. No.: (047) 501 6400

Prepared by:

The Director
O. R. Tambo District Municipality
Private Bag x 6043
MTHATHA
5100
Tel. No.: (047) 501 6400

NAME OF BIDDER: _____

CSD SUPPLIER NUMBER: _____

SAR TAX COMPLIANCE STATUS PIN: _____

EMAIL ADDRESS: _____

PROFESSIONAL REGISTRATION NO: _____

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

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ORTDM SCMU 28-22/23

APPOINTMENT OF PANEL OF PROFESSIONAL SERVICE PROVIDERS TO PROVIDE BUILT ENVIRONMENT AND RELATED SERVICES FOR A PERIOD OF THREE (3) YEARS, AS WHEN NEEDED.

PLEASE CHECK

x / √

1. That you have read all the pages of the tender document.
2. That you have completed ALL the forms required to be completed in **NON-ERASEABLE INK**.
3. That your arithmetic calculation in the pricing schedule is correct.
4. That you have attached ALL necessary documentation relating to the composition of the tendering entity, i.e.
 - (a) Company registration documents naming the shareholders and directors / members of the company, close corporation etc
 - (b) Joint venture agreement, if tendering entity is a joint venture.
5. That the **COMPLETE** tender document is submitted.
6. That the **FORM OF OFFER** is completed in full and signed.
7. That ALL returnable documents are submitted.
8. That ALL returnable schedules are completed and signed.
9. Ensure that your tender is submitted by **12H00PM** on the closing date of the tender.

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PROJECT: ORTDM SCMU 28-22/23

To ensure that your Tender is not exposed to invalidation, documents are to be completed in accordance with the conditions and Tender rules contained in the Tender documents. Supporting documents must be sealed and externally endorsed **CONTRACT: ORTDM SCMU 22-22/23: APPOINTMENT OF PANEL OF PROFESSIONAL SERVICE PROVIDERS TO PROVIDE BUILT ENVIRONMENT AND RELATED SERVICES FOR A PERIOD OF THREE (3) YEARS, AS WHEN NEEDED** and be submitted in the tender box, Second Floor, O. R. Tambo District Municipality, Nelson Mandela Drive, O. R. Tambo House, Myezo, Mthatha, not later than the closing date and time as stated.

The lowest or any Bid will not necessarily be accepted and the O. R. Tambo District Municipality reserves the right not to consider any tender not suitably endorsed or comprehensively completed as well as the right to accept a Tender in whole or part. Tenders will be adjudicated in accordance with the Supply Chain Management Policy of the O. R. Tambo District Municipality.

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

THE TENDER		
Number	Heading	Colour of pages
Section 1	Tender notice and invitation to tender	White
Section 2	Standard conditions of tender	Pink
Section 3	Registration on the National Treasury Central Supplier Database	Pink
Section 4	Prequalification criteria	Pink
Section 5	Subcontracting as compulsory bidding criteria	Pink
Section 6	Tender evaluation criteria	Pink
Section 7	Returnable documents and schedules	Yellow
THE CONTRACT		
Number	Heading	Colour of pages
Section 1	Scope of Work	Blue
Section 2	Pricing schedule	Yellow
Section 3	Form of offer and acceptance	Yellow
Section 4	Schedule of variations to the bid	Yellow
Section 5	Special conditions of contract	Yellow
Section 6	General conditions of contract	Yellow

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THE TENDER

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

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

The OR Tambo District Municipality hereby invites suitable companies for the establishment of panel of professional service providers to provide various Built Environment and related services as outlined in this document. The panel or database will be valid for a period of three (3) years from the date of establishment and will be used by the municipality as and when needed.

Tender Number	Name and Description	Briefing session
ORTDM SCMU 28-22/23	APPOINTMENT OF PANEL OF PROFESSIONAL SERVICE PROVIDERS TO PROVIDE BUILT ENVIRONMENT AND RELATED SERVICES FOR A PERIOD OF THREE (3) YEARS, AS WHEN NEEDED.	Date: 03 April 2023 Time: 10H00 Venue: Tambo District Municipality Hall, Southernwood, Mthatha

A briefing/clarification meeting with representatives of the Municipality will take place on the aforementioned date(s), time(s) and venue(s).

THE MUNICIPALITY WILL NOT REPEAT ANY MATTERS ALREADY COVERED IN THE COMPULSORY BRIEFING MEETING TO BIDDERS WHO ARRIVE MORE THAN 10 MINUTES LATE TO THE MEETING, NOR WILL IT ALLOW SUCH BIDDERS TO COMPLETE THE ATTENDANCE REGISTER. ANY BID RECEIVED FROM A BIDDER WHO DID NOT ATTEND THE BRIEFING MEETING AND SIGN THE ATTENDANCE REGISTER WILL NOT BE CONSIDERED.

Bid documents will be available from the date of publication and may be downloaded on the e-Tender website (www.etenders.gov.za) alternatively on the O.R Tambo District Municipality website (www.ortambodm.gov.za) at no cost and **must be printed according to the colour scheme stipulated on page 3 above.**

Bids must be completed in black ink, enclosed in a sealed envelope clearly marked with the “**Tender number, tender name and description**”, and deposited in the Tender Box, Ground Floor, O. R. Tambo District Municipality Building, Nelson Mandela Drive, Myezo Park, Mthatha, Eastern Cape, not later than **Tuesday, 02 May 2023.**

It must be expressly understood that the Municipality accepts no responsibility for ensuring that bid submissions sent by courier or post, or delivered in any other way, are deposited in the Tender Box. It is therefore preferable for the bidder to ensure that its bid submission is placed in the Tender Box by its own staff or representative(s).

The Municipality reserves the right not to accept the only or lowest priced tender or any tender at all, or to accept the whole or part of any tender.

RETURNABLE DOCUMENTS TO BE SUBMITTED WITH BID:

- Copy of business registration documents, as issued by CIPC.
- Certified copy of identity documents of directors/ shareholders/ partners / members, as the case may be.
- Original Valid Tax Clearance Certificate or a Confirmation of Tax Validity with the pin issued by SARS.
- Proof of latest municipal rates and taxes statement **of the bidder** indicating that rates and taxes are not in arrears for more than 3 months.
- Proof of latest municipal rates and taxes statement of each **company director** indicating that rates and taxes are not in arrears for more than 3 months.
- Proof of latest municipal water and sanitation charges statement **of the bidder** indicating that rates and taxes are not in arrears for more than 3 months for bidders who reside in the O. R. Tambo District Municipality area.

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- Proof of latest municipal water and sanitation charges statement of each **company director** indicating that rates and taxes are not in arrears for more than 3 months for bidders who reside in the O. R. Tambo District Municipality area.
- Confirmation of address from a ward councillor where the bidder and company directors operate and reside in a peri-urban area where no rates and taxes and service charges are not billed.
- A copy of a valid lease agreement where the bidder does not own the property they are operating from.

NB: CERTIFICATION OF DOCUMENTS MUST NOT BE MORE THAN SIX (6) MONTHS FROM DATE CERTIFIED BY COMMISSIONER OF OATHS.

THE BID WILL BE REJECTED IF THE BIDDER FAILS TO:

- Complete fully the bid document or to provide the information requested, or to sign the bid at the appropriate spaces provided or next to errors.
- Fill and properly sign the form of offer.
- Attach proof of registration with CSD.
- Attach joint Venture Agreement or Consortium Agreement signed and initialled on each page (if applicable).
- Attach audited annual financial statements of the bidding entity (for projects in excess of R10 million);
- Attach unaudited annual financial statements for close corporations, as required by the Close Corporations Act (if applicable);

EVALUATION OF BIDS IN TERMS OF THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK REGULATIONS, 2022:

Bids will be evaluated in three stages, namely:

Stage 1- Compliance with bid rules and other requirements

Stage 2- Functionality assessment

Stage 3 - Price and preference

Failure to meet the pre-qualification criteria will render a bid non-responsive, and such bid will be disqualified and not proceed to be evaluated further. Bidders who fail to comply with the requirements in stage 1 will not be evaluated further in stage 2. Only Bidders who score a minimum of 70 points in Stage 2 will proceed to be evaluated further in stage 3.

ITEM	WEIGHT
Stage 1 Functionality (see detailed criteria below)	100
• Experience with respect to similar projects	40
• Capacity of the Company – Key Personnel	30
• Affiliation of the Company with Professional Entities listed by ECSA	15
• Resources and Design Software	15
Stage 3 of Evaluation- Price & Preference	100
• Specific goals	20
• Price	80

Tenders may only be submitted on tender documentation issued. No late, faxed, e-mailed, or other form of tender will be accepted.

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Technical enquiries: Mr N Noto 047 501 6400 / 6425, or email: nkosiyabon@ortambodm.gov.za

Supply Chain Management enquiries may be directed to Mr. S. Hopa, telephone number 047 501 6449 or email: sakhiwoh@ortambodm.org.za during office hours: Monday to Friday 08H00-13H00 and 13H30-16H30.

Tenders will be evaluated in terms of the Supply Chain Management policy of the O. R. Tambo District Municipality and the lowest tender will not necessarily be accepted and the right to accept the whole or part of any tender or not to consider any tender not suitably endorsed is fully reserved by the O. R. Tambo District Municipality. A 90/10 and 80/20 point system shall apply where 80 points is for the price and 20/10 points is in terms of preference as follows:

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
The promotion of enterprises located in a specific province (Eastern Cape)	10	20		

The Tenderer and Directors are based in the Eastern Cape and pay their municipal rates and taxes. Tenderers must submit copies of all supporting documents necessary to prove conformance with Specific Goal criteria listed above in order to be eligible for Specific Goal points.

B. Matomela
Acting Municipal Manager

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T1.2 TENDER DATA

The conditions of tender are the **Standard Conditions of Tender** as contained in Annexure F of the 30th January 2009 edition of the **CIDB Standard for Uniformity in Construction Procurement**. The Standard Conditions of Tender Procurements make several references to the Tender Data for details that apply specifically to the Tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard conditions of Tender. Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.

Please note that the word "Client" is used in this document and referred to as "Employer" in the Standard Conditions of Tender document.

Clause Number	
F.1	General
F.1.1	The Client is: O. R. Tambo District Municipality Private Bag x 6043 Mthatha, 5100
F.1.2	The Tender documents issued by the Client comprise: Tender T1.1 Project Notice and invitation to tender T1.2 Tender Data T2.1 List of Returnable Documents T2.2 Returnable Documents for tender evaluation purposes T2.3 Returnable Documents to be incorporated into the contract
	Contract Part 1 : Agreements and Contract data C1.1 Forms of Offer and Acceptance C1.2 Contract Data Part 2 : Pricing Data C2.1 Pricing Instructions C2.2 Bill of Quantities Part 3 : Scope of Work C3.1 Description of the Works C3.2 Applicable Standardised Specifications
F1.3	Interpretation 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 tender conditions.
F.1.4	Communication: Communication with all stakeholders shall be through the O. R. Tambo Municipality's District Engineer. Communication's shall be in the English language. The Employer shall not take any responsibility for non-receipt of communications from or by a tenderer
	Contact person: <u>Mr. Nkosiyabo Noto</u> Tel: 047 501 6400 / 6425
F.1.5	The employer's right to accept or reject any tender offer
F.1.5.1	Reject or accept 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 a cancellation and rejection but will give written reasons for such action upon written request to do so.
F.1.6	Procurement procedures
F.1.6.1	a contract will, subject to F.3.13, be concluded with the tenderer who in terms of F.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant,

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	based on the tender submissions that are received at the closing time for tenders.	
F.2	Tenderer's obligations	
F.2.1.1	<p>Eligibility Only those Tenderers who satisfy the following criteria to submit tenders:</p> <ol style="list-style-type: none"> Only those Tenderers who have the Directors as Projects leaders in their company who are registered as a Professional Engineer (Pr. Eng) or Professional Technologist (Pr. Tech Eng) in terms of the Engineering Professional Act, 2000 (Act No 46 of 2000) and who has a minimum Civil Engineering Degree or equivalent. Proof of qualifications must be submitted with the tender in the form of original certified copied. Only those bidders whose companies are registered as members with relevant Professional bodies i.e., CESA, SAICE, SABTACO, etc. Proof of Registration or Membership Certificate must be submitted with the bid (Certified Copies). 	
F.2.2	<p>Cost of tendering Accept that the Employer will not compensate the tenderers 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.</p>	
F.2.3	<p>Check documents Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.</p>	
F.2.4	<p>Confidentiality and copyright 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.</p>	
F.2.5	<p>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.</p>	
F.2.6	<p>Acknowledge Addenda Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary, apply for an extension of the closing time stated in the tender data, in order to take the addenda into account.</p>	
F.2.7	The arrangements for a compulsory clarification meeting are:	
	Date: Monday, 03 April 2023 Starting time: 10h00	Location: O. R. Tambo District Municipality Hall, Southernwood, Mthatha
F.2.8	<p>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.</p>	
F.2.10	Pricing the tender	
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 South African Rand	
F.2.11	<p>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.</p>	
F.2.12	<p>Alternative tender offers Alternative offers may be submitted 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.</p>	
F.2.13.5	The Client's address for delivery of Tender offers and identification details to be shown on each Tender offer package are:	

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	<p>Location of Tender box: Tender Box, Ground Floor, O. R. Tambo District Municipality Building, Nelson Mandela Drive, Myezo Park, Mthatha, Eastern Cape.</p> <p>Physical address: O. R. Tambo House, Nelson Mandela Drive, Mthatha</p>
F.2.14	<p>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.</p>
F.2.15	<p>Closing time The closing times for submission of Tenders are 12H00 on Tuesday, 02 May 2023.</p>
F.2.15	Telephonic, telegraphic, telex, facsimile or e-mailed Bid offers will not be accepted.
F.2.16	<p>Tender offer validity The Tender offer validity period is 90 Days as stated in the tender data.</p>
F.2.17	<p>Clarification of tender offer after submission The tenderer shall provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.</p>
F.2.18	<p>Provide other material The tenderer shall, when requested by the Employer to do so, 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.</p>
F.2.20	<p>Submit securities, bonds, policies Submit to the employer before formation of the contract, certificates of insurance required in terms of the conditions of contract identified in the contract data.</p>
F.2.23	<p>The tenderer is required to submit with his tender: (1) an original Tax Verification Pin issued by the South African Revenue Services; and (2) Certified copy of the original of all the Companies / CC Registration documents. (3) Joint Venture Agreement where applicable in CIDB format (signed & initialed on each page). (4) Proof of an individual who is registration with ECSA and is a Company Director (5) Certified copies of the original green bar-coded ID copies of Members of the companies. (6) Proof of Registration with CSD (7) Proof of Professional Indemnity to a minimum value of R10 million (8) Proof of Company Registration with the Engineering Professional Body</p>
F.3	The employer's undertakings
F.3.1	Respond to requests from the tenderer
F.3.1.1	Respond to a request for clarification received up to five working days before the tender closing time stated in the Tender Data and notify all tenderers who drew procurement documents.
F.3.2	<p>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.</p>
F.3.4	Opening of tender submissions
F.3.4.1	The employer shall open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.
F.3.4.2	Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where

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	applicable, the total of his prices, preferences claimed and time for completion for the main tender offer only, unless specified otherwise due to Covid 19 regulations.
F.3.4.3	The client shall not be obliged to make available the record outlined in F.3.4.2 to any tenderer who fail to attend the tender opening.
F.3.6	Non-disclosure The client shall 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.
F3.9	Arithmetical errors, omissions and discrepancies
F.3.9.1	Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.
F.3.9.2	Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with F.3.11 for: a) the gross misplacement of the decimal point in any unit rate; b) omissions made in completing the pricing schedule or bills of quantities; or c) arithmetic errors in: i) line-item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or ii) The summation of the prices.
F.3.9.3	Notify the tenderer of all errors or omissions that are identified in the tender offer and invite the tenderer to either confirm the tender offer as tendered or accept the corrected total of prices.
F.3.9.4	Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows: a) If bills of quantities or pricing schedules apply and there is an error in the line-item total resulting from the product of the unit rate and the quantity, the line-item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line-item total as quoted shall govern, and the unit rate shall be corrected. b) 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.3.10	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.
F3.11	Evaluation of tender offers <i>Replace the contents of the entire sub-clause with the following:</i> The procedure for evaluation of responsive tender offers will be method 2 of table F.1 of SANS 294: 2004. Financial offer & Preferences. The bid will be awarded to the bidder who has scored the highest points for price and preferences combined BUT the prerequisite will be to obtain at least 70 points for quality (functionality), which will be explained in Stage 1 below. Nevertheless, O. R. Tambo District Municipality retains the right to accept any bid. C. First stage in evaluation: Compliance with Bid Rules and other Requirements The bids will be checked to ensure that they comply with the bid rules and all other requirements of the project document. In particular, the following documentation must be completed and/or included within the bid: <ul style="list-style-type: none"> • The form of Offer and acceptance • Certified company registration documents and ID of members

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- Compulsory Enterprise Questionnaire
- Certificate of Authority for Signature
- Amendments, Qualifications and Alternatives
- Certificate of Good Standing
- Professional Indemnity insurance
- Relevant experience
- Details of key staff and CVs
- Preference Points Claim Form in Terms of the Preferential Procurement Regulations 2022

Note:

- All information supporting the above forms such as Curricula Vitae of staff who will work on the project and their functions, details of ownership, relevant experience etc.
- Addenda issued during the bid period, if any.
- The pricing schedules

Failure to supply the required information will compromise the bid

D. Next Stage in Evaluation: Pre-qualification; Quality / Functionality; Price & Preference

STAGE 2: FUNCTIONALITY/QUALITY EVALUATION

ITEM	WEIGHT
Functionality (see detailed criteria below)	100
• Experience with respect to similar projects	40
• Capacity of the Company – Key Personnel	30
• Affiliation of the Company with Professional Entities listed by ECSA	15
• Resources and Design Software	15

Only bidders who score **70 points or more** on stage 2 will be evaluated further and therefore eligible for award.

The maximum score for functionality shall be 100, distributed as follows:

Tender functionality / quality claimed

o.	Category of Quality / Functionality	Maximum tender evaluation points provided
1.	Experience with respect to Similar Projects – (Dams, Water Supply, Reticulation Networks) and Sanitation (Waterborne Sewer System, WWTW, Outfall Sewers, Sewer Reticulation network and VIP's) of not more than five (5) years	40
	Tenderer must have completed 4 or more similar projects to the value R100 Million in total (project cost). Similar Projects in terms of Water and Sanitation Infrastructure. Attach Referral letters signed by an Accounting Officer and the construction completion certificate (or letter of award to the Contractor if still under construction and	40

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	progress report).	
	Tenderer must have completed 3 or more similar projects to the value R50 Million in total (project cost). Attach Referral letters signed by an Accounting Officer and the construction completion certificate (or letter of award to the Contractor if still under construction and progress report).	30
	Tenderer must have completed 2 or more similar projects to the value R25 Million in total (project cost). Attach Referral letters signed by an Accounting Officer and the construction completion certificate (or letter of award to the Contractor if still under construction and progress report).	20
	Tenderer must have completed at least 1 similar project to the value R10 Million in total (project cost). Attach Referral letters signed by an Accounting Officer and the construction completion certificate (or letter of award to the Contractor if still under construction and progress report).	10
	Tenderer does not provide any documents that tally with the requested requirements.	0
2.	Capacity of the Company – Key Personnel	30
	2.1. Project leader (Civil Engineer) with a qualification in built environment (BSC/B-Tech or Similar Civil), registered with engineering council of South Africa (ECSA) as a Professional and NQF level 7 with years of experience managing similar projects. Attach CV's and certified copies of registration certificates as well as certified copies of qualifications	15
	2.1.1. 1 - 4 years of experience managing similar projects	5
	2.1.2. 5-9 Years of experience managing similar projects	10
	2.1.3. 10 years and above managing similar projects	15
	2.2. Design Engineer Mechanical or Electrical with a qualification in Mechanical or Electrical environment (BSC/B-Tech in Mechanical or Electrical Engineering or Similar), registered with Engineering Council of South Africa (ECSA) as a Professional with years of experience managing similar projects. Attach CV's and certified copies of registration certificates as well as certified copies of qualifications	10
	2.2.1. 1 - 3 years of experience managing similar projects	3
	2.2.2. 4 - 7 Years of experience managing similar projects	5
	2.2.3. 7 - 10 years and above managing similar projects	10
	2.3 Project Manager/Resident Engineer with a qualification in built environment (ND Civil), and NQF level 5 registered (as a Candidate) with the South African Council for the Project and Construction	5

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	Management Professionals (SACPCMP) and or Engineering Council of South Africa (ECSA) with years of experience managing similar projects. Attach CV's and certified copies of registration certificates as well as certified copies of qualifications	
	2.3.1. 1 - 3 years of experience managing similar projects	3
	2.3.2. 4 – 5 and above Years of experience managing similar projects	5
	2.3.3. No Experience managing similar projects	0
3.	Affiliation of Company with Professional Entities listed by ECSA such as IMESA, SAICE, CESA	15
	The bidder submits proof of affiliation of the Company with any Professional entity listed by ECSA Certified copies of such must be submitted to obtain points	15
	The bidder did not submit the proof of affiliation of the company with Professional entity.	0
4.	Resources and Design Software	15
	The Bidder owns a Design Package such as Civil Designer, AutoCAD, Techno cad. Proof of Ownership must be attached with Licences	15
	The Bidder does not own a Design Package such as Civil Designer, AutoCAD, Techno cad, and there is no proof attached.	0
		100

STAGE 3: EVALUATION FOR PRICE AND PREFERENCE (90/10 and 80/20)

The procedure for Stage 2 of evaluation of responsive tenders is **Method 2**

- a) PRICE:90/ 80**
b) SPECIFIC GOALS:10/ 20

Points Awarded for Price (Ps)

A total of 90/80 points will be awarded to the Tenderer with the lowest balanced price. The **other tenders will be awarded points on the ratio to benchmark price as follows:**

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

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

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmin = Price of lowest acceptable tender

Points awarded for specific goals

In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender. Specific goals for the

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tender and points claimed are indicated per the table below.					
	The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
	The promotion of enterprises located in a specific province (Eastern Cape)	10	20		
<p>The Tenderer and Directors are based in the Eastern Cape province and pay their municipal rates and taxes. Tenderers must submit copies of all supporting documents necessary to prove conformance with Specific Goal criteria listed above in order to be eligible for Specific Goal points.</p> <p>The total calculated points will be rounded to the second decimal place.</p>					
F.3.13	Acceptance of tender offer				
F3.13.1	<p>Accept the tender offer, if in the opinion of the employer, it does not present any unacceptable commercial risk and only if the tenderer:</p> <p>a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement,</p> <p>b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,</p> <p>c) has the legal capacity to enter into the contract,</p> <p>d) is not insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,</p> <p>e) complies with the legal requirements, if any, stated in the tender data, and</p> <p>f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.</p>				
	<p>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.</p>				
F.3.14	<p>Notice to unsuccessful tenderers</p> <p>After the successful tenderer has acknowledged the employer's notice of acceptance, after written request, the employer will notify the tenderers that their tender offers have not been accepted in O.R Tambo District Municipality's website: www.ortambodm.gov.za by listing the successful tender.</p>				
F.3.15	<p>Prepare contract documents</p> <p>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:</p> <p>a) addenda issued during the tender period,</p> <p>b) inclusion of some of the returnable documents,</p> <p>c) other revisions agreed between the employer and the successful tenderer, and</p> <p>d) The schedule of deviations attached to the form of offer and acceptance, if any.</p>				
F.3.16	<p>Issue final contract</p> <p>Prepare and issue the final draft of the contract 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</p>				

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	the schedule of deviations, if any).
Additional Conditions of Tender	
6.1	<p>Tenderers will be considered non-responsive if, inter alia;</p> <ol style="list-style-type: none"> 1) The tenderer does not comply with the required criteria as specified in F.2.1.1 above; 2) The Tenderer failed to submit one Offer per tendering entity; 3) The Tenderer failed to submit additional information by the due date; 4) The Tenderer failed to complete or sign the Form of Offer bound into this tender document; 5) The tender is not completed in non-erasable ink; 6) The tender contained material qualifications or deviations that affected the scope, quality or performance of the works, significantly changed the parties' risk and responsibilities affected the competitive position of other Tenderers if they were to be rectified
6.2	<ol style="list-style-type: none"> 1) Tenderers will be evaluated according to O. R. Tambo District Municipality's SCM Policy 2) The lowest, the highest or any tender will not necessarily be accepted and the Council reserves the right to accept any tender wholly or partially or to withdraw the tender 3) All copies of certificates submitted with the tender must be certified originals by the commissioner of Oaths. 4) Tenders which are late, incomplete, unsigned, completed in pencil, submitted by facsimile or electronically, will not be accepted; 5) Tenderers with any municipal account outstanding for more than 30 days will be rejected.
6.3	<p>O. R. Tambo District Municipality intends to appoint a Civil Engineering Professional Service Provider on a Panel of professional service providers for the planning and design, project management and commissioning of water and sanitation services infrastructure as and when their services required by o. R. Tambo district municipality period of 36 months</p>

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SECTION 2: STANDARD CONDITIONS OF TENDER

BIDDERS ARE REQUIRED TO FAMILIARIZE THEMSELVES WITH THE TENDERING CONDITIONS AND PROCEDURES DETAILED IN THIS SECTION.

1. No tender will be considered unless it is submitted on this O. R. Tambo bid document. Under no circumstances whatsoever may this bid document be retyped or redrafted.
2. The whole, original bid document as issued by O. R. Tambo District Municipality must be completed. A tender will be considered invalid and will not be accepted, if any part of this bid document is not submitted.
3. The bidder is advised to check the number of pages and to satisfy him/herself that none are missing or duplicated.
4. Bids submitted must be complete in all respects.
5. Telephonic, telegraphic, telex, facsimile or emailed tender offers will not be accepted, unless stated otherwise in these tender conditions.
6. Bid submissions must be properly deposited, on or before the closing date and time of the tender, in the **Tender Box** located at Ground Floor, O. R. Tambo House, Myezo, Mthatha.
7. Each bid shall be lodged in a separate sealed envelope, with the name and address of the bidder, the bid number and closing date indicated on the envelope. The envelope shall not contain documents relating to any bid other than that shown on the envelope. If this provision is not complied with, such bids may be rejected as being invalid.
8. O. R. Tambo Municipality accepts no responsibility for ensuring that tenders are placed in the correct tender box, and should a tender be placed in the incorrect tender box, it will not be accepted.
9. No bid sent through the post will be considered if it is received after the closing date and time stipulated in the bid documentation, and proof of posting will not be accepted as proof of delivery.
10. Bids received after the closing time and/or date shall not be considered.
11. Bidders will be responsible for all costs associated with the preparation and submissions of their bids.
12. The bid must be signed by a person duly authorised to do so.
13. Any alterations made to the bid document must be initialled by the person or persons authorised to sign the bid document. The use of correcting fluid is prohibited.
14. Bids will be opened in public, as soon as possible after the closing time of the bid. Where practical, bid prices will be read out at the time of opening bids.
15. **National Treasury Central Supplier Database**
 - 15.1 Bidders must be registered on the National Treasury Central Supplier Database ('CSD'), and must provide their CSD supplier number in their bid submission.
 - 15.2 The municipality will verify on the CSD, the following information relating to bidders –
 - 15.2.1 business registration, including details of directorship and membership;

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15.2.2 bank account information;

15.2.3 tax compliance status;

15.2.4 identity documents of directors, members or trustees, as the case may be;

15.2.5 tender defaulters and restrictions status;

15.2.6 whether the bidder has any directors, managers, principal shareholders or stakeholders in the service of the state.

15.3 Bidders must ensure that their information on the CSD is up to date and correct.

16. Tax compliance status

16.1 Bidders must ensure that their tax matters are in order. No award will be made to any bidder whose tax matters have been declared to be in order by the South African Revenue Services (SARS).

16.2 Each party to a joint venture, consortium or partnership must comply with the above requirement.

17. Bid validity period

17.1 The validity period for the bid is ninety (90) days from the close of the bid.

17.2 All bids submitted shall remain valid, irrevocable and open for acceptance by the Municipality within the validity period, or such extended period as may be applicable.

17.3 If the bid validity period expires on a Saturday, Sunday or public holiday, the bid offer shall remain valid and open for acceptance until the closure of business on the following working day.

17.4 The bid offer may not be amended during the aforesaid bid validity period.

17.5 Where required, the Municipality may request all bidders to agree to the extension of the validity period on the same terms and conditions as the original bid, or such amended terms and conditions as may be allowed by the Municipality.

17.6 A request for a bid validity extension request will be done in writing, before the expiry of the original validity period.

18. Withdrawal or modification of a tender prior to closing time

18.1 Tenderers may withdraw their tender before the tender closes.

18.2 Insofar as a modification will affect the information that will be made available at the public opening, the Municipality shall have the authority to make such information from the submissions available to the other tenderers.

19. Withdrawal of a tender after the closing time

Tenderers may withdraw their tender submission before the tender is awarded provided that they do so in writing, and ensure that such withdrawal reaches the Municipality and the Municipality confirms receipt in writing before the tender is awarded. The tender as modified will be considered as the tenderer's offer.

20. Prequalification criteria

20.1 Prequalification criteria may be applied to the tender to advance designated groups.

20.2 Should prequalification criteria be applicable to this tender, the basis of such criteria will be detailed in Section 4 below.

21. Tender evaluation

21.1 Tenders will be evaluated in accordance with the tender evaluation criteria stipulated in this document.

21.2 Tenders will be evaluated for price and preference using the 80/20 preference points system.

21.3 Unless otherwise stated in this document, a contract will be concluded with the bidder who complies with the tender evaluation criteria, and scores the highest total price and BBBEE points.

22. Test for tender responsiveness

22.1 Invalid tenders

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Tenders shall be invalid if –

- (a) The tender document is completed in non-erasable ink;
- (b) The form of offer is not completed and signed by the bidder;
- (c) In a two-envelope system, a bidder fails to submit both a technical proposal and a separate, sealed financial offer;
- (d) The bidder has been listed on the National Treasury's Register for Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, or has been listed on the National Treasury's List of Restricted Suppliers and who is therefore prohibited from doing business with the public sector;
- (e) The bidder is having been restricted from doing business with the Municipality Clause 38A of the O. R. Tambo Municipality Supply Chain Management Policy.

22.2 Non-responsive tenders

Tenders will be held to be non-responsive and eliminated from further consideration in the following circumstances –

- (a) The tender does not comply with the tendering procedures, where such procedures have been indicated as mandatory.
- (b) The tender does not comply with the prequalification criteria for the tender, if any, or the tender evaluation criteria, including any functionality criteria.
- (c) Where there are material deviations from, or qualifications to the tender, which in the Municipality's opinion would –
 - (i) detrimentally affect the scope, quality or performance of the services or supply identified in the scope of services;
 - (ii) significantly change the Municipality's or the bidder's risks and responsibilities under the contract, or
 - (iii) affect the competitive position of the bidder, or other bidders presenting responsive tenders, if it were to be rectified.
- (d) The bid will be declared non-responsive in the event that the bidder's tax matters, as verified on the government Central Supplier Database, are shown not be in order, and the bidder fails to ensure that its tax matters are in order within such timeframe as may be required by O.R Tambo District Municipality in writing.

23. Clarification of the tender offer after submission

The bidder must provide clarification of its tender offer in response to a request to do so from the Municipality during the bid evaluation or adjudication stages. 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 bidders or substance of the tender offer may be sought, offered, or permitted.

24. Inspections, tests and analyses

The bidder shall, at the request of the Municipality, provide access during working hours to its business premises, or any other specified premises, for any inspections, tests and analyses as required in this document.

25. Samples

Where applicable, samples shall be provided strictly in accordance with the instructions stipulated in this bid document.

26. Pricing the tender offer

Bidders must –

- 26.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (including Value Added Tax (VAT), and other levies applicable.
- 26.2 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as specified in this tender document.
- 26.3 State the rates and prices in Rand unless instructed otherwise.

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27. Imbalance in tendered rates or prices

If the Municipality declares any rate or price to be unacceptably high or low, the tenderer shall be requested to provide evidence to support the tendered rate or price. If the Municipality remains unsatisfied with the rate or price, it may propose to the tenderer an amended rate or price together with counterbalancing change(s) elsewhere in the Pricing Schedule such that the tender sum remains unchanged. Should the tenderer refuse to amend his / her tender as proposed by the Municipality, his / her tender may be regarded as non-responsive.

28. Inducements, gifts, rewards and other abuses of the supply chain management system

28.1 No bidder may directly or indirectly commit any fraudulent act during the tender process or abuse the supply chain management system of the Municipality.

28.2 Should a bidder be found to have committed fraud or abused the supply chain management system, its bid will be rejected, any existing contract between it and the Municipality will be cancelled, and any other remedies available to the Municipality as provided for in the Supply Chain Management Regulations or other relevant legislation shall be imposed, including blacklisting.

29. Alternative offers

Alternative offers may be considered, provided that a bid free of qualifications and strictly in accordance with the tender document is also submitted. The Municipality shall not be bound to consider alternative bid offers.

30. Objections, complaints, queries and disputes / Appeals in terms of Section 62 of the Municipal Systems Act

30.1 Objections, complaints, queries and disputes

Persons aggrieved by decisions or actions taken by the Municipality in the implementation of the supply chain management system, or any matter arising from a contract awarded in terms of the supply chain management system may, within 14 days of the decision or action, lodge a written objection or complaint or query or dispute against the decision or action.

30.2 Section 62 appeals

(a) In terms of section 62 of the Systems Act, a person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority, may appeal against that decision by giving written notice of the appeal and reasons to the Accounting Officer within 21 days of the date of notification of the decision.

(b) An appeal shall contain the following:

- (i) The reasons and/or grounds for the appeal;
- (ii) The manner in which the appellant's rights have been affected;
- (iii) The remedy sought by the appellant.

30.3 Lodging of appeals, objections, complaints, queries and disputes relating to this tender

Appeals, objections, complaints, requests for information, queries and disputes must be submitted in writing to the Office of the Municipal Manager, O. R. Tambo House, Myezo, Mthatha.

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SECTION 3: REGISTRATION ON THE NATIONAL TREASURY CENTRAL SUPPLIER DATABASE (CSD)

1. In terms of National Treasury MFMA Circular No. 81, Accounting Officers of Municipalities are required to encourage their prospective suppliers to register on the Central Supplier Database ('CSD').
2. Bidders may apply for online registration, using the following website link: www.csd.gov.za.
3. Bidders must register on CSD. **FAILURE TO REGISTER BEFORE THE CLOSE OF THIS TENDER WILL RESULT IN THE DISQUALIFICATION OF THE BIDDER'S TENDER.**

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SECTION 4: PREQUALIFICATION CRITERIA

Only bidders that meet the requirements indicated as applicable below, may respond to this tender -

No.	Criteria	Applicable / Not applicable	Indicate compliance (Yes / No)
		<u>TO BE SPECIFIED BY THE MUNICIPALITY</u>	<u>TO BE COMPLETED BY THE BIDDER</u>
1.	Bidders must have a stipulated minimum BBBEE status level to prequalify for this bid	Not applicable	
1.1	The stipulated BBBEE level required to prequalify for this bid is	Not applicable	
2.	Bidders must be an Exempted Micro Enterprise (EME) or a Qualified Small Enterprise (QSE)	Not applicable	
3.	Bidders must subcontract a minimum of 30 percent of the value of the contract to:		
3.1	an EME or QSE	Not applicable	
3.2	an EME or QSE which is at least 51% owned by black people	Not applicable	
3.3	an EME or QSE which is at least 51% owned by black people who are youth	Not applicable	
3.4	an EME or QSE which is at least 51% owned by black people who are women	Not applicable	
3.5	an EME or QSE which is at least 51% owned by black people with disabilities	Not applicable	
3.6	an EME or QSE which is at least 51% owned by black people living in rural or underdeveloped areas or townships	Not applicable	
3.7	A cooperative which is at least 51% owned by black people	Not applicable	
3.8	an EME or QSE which is at least 51% owned by black people who are military veterans	Not applicable	

A TENDER THAT FAILS TO MEET THE APPLICABLE PREQUALIFICATION CRITERIA INDICATED ABOVE WILL BE HELD TO BE NON-RESPONSIVE.

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SECTION 5: SUBCONTRACTING AS COMPULSORY BIDDING CRITERIA

This section applies only to tenders which exceed the value of R30 million.

No.	Criteria	Yes / No / Not applicable (Indicate)	Agree / Do Not Agree
		<u>TO BE SPECIFIED BY THE MUNICIPALITY</u>	<u>TO BE COMPLETED BY BIDDER</u>
1.	The estimated value of this contract exceeds R30 million	NO	
2.	If the estimated value of the contract exceeds R30 million, is it feasible for this contract to be sub-contracted?	Not applicable	
3.	If sub-contracting is feasible, bidders <u>MUST</u> agree to subcontract the contract to one, or more of the following designated groups -	Not applicable	
3.1	an EME or QSE	Not applicable	
3.2	an EME or QSE which is at least 51 percent owned by black people	Not applicable	
3.3	an EME or QSE which is at least 51 percent owned by black people who are youth	Not applicable	
3.4	an EME or QSE which is at least 51 percent owned by black people who are women	Not applicable	
3.5	an EME or QSE which is at least 51 percent owned by black people with disabilities	Not applicable	
3.6	an EME or QSE which is at least 51 percent owned by black people living in rural or underdeveloped areas or townships	Not applicable	
3.7	a cooperative which is at least 51 percent owned by black people	Not applicable	
3.8	an EME or QSE which is at least 51 percent owned by black people who are military veterans	Not applicable	

FAILURE OF A BIDDER TO AGREE TO SUBCONTRACT AS SPECIFIED ABOVE WILL RESULT IN ITS BID BEING HELD TO BE NON-RESPONSIVE.

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SECTION 6: TENDER EVALUATION CRITERIA

Bids will be evaluated in three stages, namely:

- Stage 1 – Compliance with bid rules and other requirements
- Stage 2- Functionality assessment/ Quality
- Stage 3 – Price and preference points

Stage 2 - Functionality Assessment

Only bidders who have submitted the documents in stage 1 will be evaluated further under stage 2.

No.	Category of Quality / Functionality	Maximum tender evaluation points provided
1.	<p>Experience with respect to Similar Projects – (Dams, Water Supply, Reticulation Networks) and Sanitation (Waterborne Sewer System, WWTW, Outfall Sewers, Sewer Reticulation network and VIP's) of not more than five (5) years</p> <p>Tenderer must have completed 4 or more similar projects to the value R100 Million in total (project cost). Similar Projects in terms of Water and Sanitation Infrastructure. Attach Referral letters signed by an Accounting Officer and the construction completion certificate (or letter of award to the Contractor if still under construction and progress report).</p> <p>Tenderer must have completed 3 or more similar projects to the value R50 Million in total (project cost). Attach Referral letters signed by an Accounting Officer and the construction completion certificate (or letter of award to the Contractor if still under construction and progress report).</p> <p>Tenderer must have completed 2 or more similar projects to the value R25 Million in total (project cost). Attach Referral letters signed by an Accounting Officer and the construction completion certificate (or letter of award to the Contractor if still under construction and progress report).</p> <p>Tenderer must have completed at least 1 similar project to the value R10 Million in total (project cost). Attach Referral letters signed by an Accounting Officer and the construction completion certificate (or letter of award to the Contractor if still under construction and progress report).</p> <p>Tenderer does not provide any documents that tally with the requested requirements.</p>	<p>40</p> <p>40</p> <p>30</p> <p>20</p> <p>10</p> <p>0</p>
2.	<p>Capacity of the Company – Key Personnel</p> <p>2.1. Project leader (Civil Engineer) with a qualification in built environment (BSC/B-Tech or Similar Civil), registered with engineering council of South Africa (ECSA) as a Professional and NQF level 7 with years of experience managing similar projects. Attach CV's and certified copies of registration certificates as well as certified copies of qualifications</p> <p>2.1.1. 1 - 4 years of experience managing similar projects</p>	<p>30</p> <p>15</p> <p>5</p>

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	2.1.2. 5-9 Years of experience managing similar projects	10
	2.1.3. 10 years and above managing similar projects	15
	2.2. Design Engineer Mechanical or Electrical with a qualification in Mechanical or Electrical environment (BSC/B-Tech in Mechanical or Electrical Engineering or Similar), registered with Engineering Council of South Africa (ECSA) as a Professional with years of experience managing similar projects. Attach CV's and certified copies of registration certificates as well as certified copies of qualifications	10
	2.2.1. 1 - 3 years of experience managing similar projects	3
	2.2.2. 4 - 7 Years of experience managing similar projects	5
	2.2.3. 7 - 10 years and above managing similar projects	10
	2.3 Project Manager/Resident Engineer with a qualification in built environment (ND Civil), registered with the South African Council for the Project and Construction Management Professionals (SACPCMP) and NQF level 5 with years of experience managing similar projects. Attach CV's and certified copies of registration certificates as well as certified copies of qualifications	5
	2.3.1. 1 - 3 years of experience managing similar projects	3
	2.3.2. 4 - 7 Years of experience managing similar projects	5
	2.3.3. 7 - 10 years and above managing similar projects	10
3.	Affiliation of Company with Professional Entities listed by ECSA such as IMESA, SAICE, CESA	15
	The bidder submits proof of affiliation of the Company with any Professional entity listed by ECSA Certified copies of such must be submitted to obtain points	15
	The bidder did not submit the proof of affiliation of the company with Professional entity.	0
4.	Resources and Design Software	15
	The Bidder owns a Design Package such as Civil Designer, AutoCAD, Techno cad. Proof of Ownership must be attached with Licences	15
	The Bidder does not own a Design Package such as Civil Designer, AutoCAD, Techno cad, and there is no proof attached.	0
		100

Only bidders who score 70 points or more in stage 2 will be evaluated further under stage 3 and therefore eligible for the award.

STAGE 3: EVALUATION FOR PRICE AND PREFERENCE (80/20 and 90/10)

The procedure for Stage 3 of evaluation of responsive tenders is **Method 2**

a) **PRICE:** **80/90**

b) **SPECIFIC GOALS:** **20/10**

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Points Awarded for Price (Ps)

A total of 80/90 points will be awarded to the Tenderer with the lowest balanced price. The **other tenders will be awarded points on the ratio to bench mark price as follows:**

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

Points awarded for specific goals

In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in the table below as may be supported by proof/ documentation stated in the conditions of this tender. Specific goals for the tender and points claimed are indicated per the table below.

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
The promotion of enterprises located in a specific province (Eastern Cape)	10	20		

The Tenderer and Directors are based in the Eastern Cape and pay their municipal rates and taxes. Tenderers must submit copies of all supporting documents necessary to prove conformance with Specific Goal criteria listed above in order to be eligible for Specific Goal points.

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SECTION 7: RETURNABLE DOCUMENTS AND SCHEDULES

RETURNABLE DOCUMENTS

Bidders must submit the following documentation with their tenders:

No.	Returnable document	Compulsory (Yes / No)	Non-submission will render Tender non-responsive (Yes / No)
1.	Business registration documents	YES	YES (if proof of its business status and registration cannot be verified on CSD)
2.	Business premises municipal account not older than 90 days OR proof that bidder leases its business premises	YES	YES (if the bidder is recommended for the award of the tender)
3.	Certified copy of identity documents of directors / shareholders / partners / members, as the case may be	YES	YES
4.	Signed joint venture or consortium agreement	YES (if applicable)	YES (if applicable)
5.	Proof of registration with ECSA	Yes	NO (Non-submission will affect functionality)
6.	Proof of registration with IMESA, SAICE, CESA	YES	NO (Non-submission will affect functionality)

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RETURNABLE SCHEDULES

All returnable schedules below must be completed by the bidding entity, save for those schedules which are not applicable to it in which case the bidding entity must indicate which schedules are not applicable.

Bidders must complete the following returnable schedules:

No.	Returnable schedule	Compulsory (Yes / No)	Non-submission will render Tender non-responsive (Yes / No)
1.	Confirmation of registration on the National Treasury Central Supplier Database (Schedule A)	YES	YES
2.	Authority of bid signatory (Schedule B)	YES	YES
3.	Briefing session / site inspection certificate (Schedule C)	YES (if applicable)	YES (if applicable)
4.	Municipal Bidding Documents (Schedule D)		
4.1	MBD 4 – Declaration form confirming the bidder is not in the service of the state	YES	YES
4.2	MBD 5 – Declaration for procurement above R10 million	YES (if applicable)	YES (if applicable)
4.2	MBD 6.1, 8 and 9 forms – completed and signed	YES	YES
4.5	MBD 8 – Declaration of bidders' past supply chain management practices	YES	YES
4.6	MBD 9 – Declaration of independent bid determination	YES	YES
5.	Form of offer (The Contract: Section 3)	YES	YES

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

SCHEDULE A – CONFIRMATION OF REGISTRATION OF BIDDER ON CENTRAL SUPPLIER DATABASE (CSD)

BIDDER NAME	REGISTERED ON CSD? (YES/NO)	CSD SUPPLIER NUMBER

Bidders are required to register as suppliers on the National Treasury Central Supplier Database (CSD) prior to submission of this bid, and provide their CSD supplier number in the table above.

It is the responsibility of bidders to ensure that this requirement is complied with. In the case of Joint Ventures and Consortia, this requirement will apply to each party to the Joint Venture or Consortium.

BIDDER'S SIGNATURE:

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SCHEDULE B: AUTHORITY OF BID SIGNATORY

Indicate the status of the bidder by ticking the appropriate box hereunder with an x.

COMPANY	CLOSE CORPORATION	PARTNERSHIP	SOLE PROPRIETORSHIP

JOINT VENTURE	CONSORTIUM	CO-OPERATIVE

NOTE:

BIDDERS MUST ATTACH A LETTER OF AUTHORITY TO THIS PAGE, AUTHORIZING THE SIGNATORY TO THIS BID TO SIGN ALL DOCUMENTS IN CONNECTION THEREWITH ON BEHALF OF THE BIDDING ENTITY, AS WELL AS SIGN ANY CONTRACT ARISING THEREFROM ON BEHALF OF THE BIDDING ENTITY.

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ATTACH LETTER OF AUTHORITY

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

SCHEDULE C: TENDER BRIEFING / SITE INSPECTION CERTIFICATE

Note: This certificate is only to be completed if applicable to the tender.

CERTIFICATE OF ATTENDANCE

THIS IS TO CERTIFY THAT (NAME) ON BEHALF OF

..... (BIDDING ENTITY), ATTENDED

THE OFFICIAL TENDER BRIEFING SESSION AND / OR SITE INSPECTION ON

(DATE) AT (VENUE).

I FURTHER CERTIFY THAT I AM SATISFIED WITH THE DESCRIPTION OF THE SERVICES TO BE PERFORMED AND THE EXPLANATIONS (IF ANY) GIVEN TO ME BY THE MUNICIPALITY'S REPRESENTATIVES. I AM ALSO FAMILIAR WITH THE MANNER IN WHICH THE SERVICES ARE TO BE PERFORMED UNDER THE INTENDED CONTRACT.

.....
BIDDER / AUTHORISED REPRESENTATIVE
(PRINT NAME)

.....
SIGNATURE

.....
DATE

.....
MUNICIPAL REPRESENTATIVE
(PRINT NAME)

.....
SIGNATURE

.....
DATE

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

SCHEDULE D: MUNICIPAL BIDDING DOCUMENTS (MBDs)

MBD 1

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF O. R. TAMBO DISTRICT MUNICIPALITY					
BID NUMBER:	ORTDM SCMU 28-22/23	CLOSING DATE:	02 MAY 2023	CLOSING TIME:	12H00 PM
DESCRIPTION:	Panel of Professional Service Providers for The Planning and Design, Project Management and Commissioning of Water and Sanitation Services Infrastructure as and When Their Services Required by O. R. Tambo District Municipality Period Of 36 Months.				

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT:

TENDER BOX, GROUND FLOOR, O. R. TAMBO DISTRICT MUNICIPALITY BUILDING

NELSON MANDELA DRIVE

MYEZO PARK

MTHATHA

EASTERN CAPE

SUPPLIER INFORMATION

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:			CSD No:	
COMPANY REGISTRATION DOCUMENTS	<input type="checkbox"/> Yes <input type="checkbox"/> No		STATEMENT OF RATES AND TAXES	<input type="checkbox"/> Yes <input type="checkbox"/> No	

[COMPANY REGISTRATION DOCUMENTS PLUS STATEMENT OF RATES AND TAXES) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS]

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

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	SCM DEPARTMENT	CONTACT PERSON	MR NKOSIYABO NOTO
CONTACT PERSON	MR. SAKHIWO HOPA	TELEPHONE NUMBER	047 501 6425
TELEPHONE NUMBER	047 501 6449	FACSIMILE NUMBER	
E-MAIL ADDRESS	sakhiwoh@ortambodm.org.za	E-MAIL ADDRESS	nkosiyabon@ortambodm.gov.za

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PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED).
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA .
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.7	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

MBD 4

DECLARATION OF INTEREST

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

3.1 Full Name of bidder or his or her representative:

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²):

.....

3.4 Company Registration Number:

3.5 Tax Reference Number:

3.6 VAT Registration Number:

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.....

.....

¹ 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.

² 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

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.....
 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, principal 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, principal 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, principal 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

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

MBD 5

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

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

NO.	QUESTION	ANSWER (TICK WHICH RESPONSE IS APPLICABLE)	
		YES	NO
1.	Are you by law required to prepare annual financial statements?		
1.1	If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the last 3 years.		

NO.	QUESTION	ANSWER (TICK WHICH RESPONSE IS APPLICABLE)	
		YES	NO
2.	Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than 3 months or any other service provider in respect of which payment is overdue for more than 30 days?		
2.1	If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than 3 months or other service provider in respect of which payment is overdue for more than 30 days.		
2.2	If yes, provide details:		

NO.	QUESTION	ANSWER (TICK WHICH RESPONSE IS APPLICABLE)	
		YES	NO
3.	Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?		
3.1	If yes, provide details:		

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NO.	QUESTION	ANSWER (TICK WHICH RESPONSE IS APPLICABLE)	
		YES	NO
4.	Will any portion of the goods of services be sourced from outside the Republic, and if so, what portion, and whether any portion of payment from the municipality is expected to be transferred outside of the Republic?		
4.1	If yes, provide details:		

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Both the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.\

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80/90
SPECIFIC GOALS	20/10
Total points for Price and SPECIFIC GOALS	100

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- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right) \text{ or } Ps = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
The promotion of enterprises located in a specific province (Eastern Cape)	10	20		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;

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- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

 SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:
DATE:
ADDRESS:

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

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:
- abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - been convicted for fraud or corruption during the past five years;
 - willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - 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 of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	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"/>

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

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

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

3 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:

O. 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:

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

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

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

ORTDM SCMU 28-22/23: PANEL OF PROFESSIONAL SERVICE PROVIDERS FOR THE PLANNING AND DESIGN, PROJECT MANAGEMENT AND COMMISSIONING OF WATER AND SANITATION SERVICES INFRASTRUCTURE AS AND WHEN THEIR SERVICES REQUIRED BY THE O. R. TAMBO DISTRICT MUNICIPALITY PERIOD OF 36 MONTHS.

in response to the invitation for the bid made by:

O. R. Tambo District Municipality

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 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

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MBD 9

6. The bidder has arrived at the accompanying quotation independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
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 this invitation; or
 - (f) submitting a bid 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 bid.
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

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract

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THE CONTRACT

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SECTION C1: SCOPE OF WORKS

1. EMPLOYER'S OBJECTIVES

The Employer's objective is to deliver physical infrastructure within the O. R. Tambo District municipal area in support of the municipality's basic service delivery mandate. The objective of the terms of reference is to enable O. R. Tambo District Municipality to appoint competent and suitable panel of consulting companies within various engineering fields and/or expertise for the implementation of various Built Environment and related Services within O. R. Tambo municipal area, for a period of three years.

The Employer's objective in entering into a Panel contract over a 3-year Panel of Professional Service Providers term for professional civil engineering services relating to the Basic Service Delivery in terms of Water and Sanitation Infrastructure within the O. R. Tambo District Municipal area, on an as and when instructed basis, is to secure the services of a specialist service provider to serve the Employer's current and emerging needs.

2. BACKGROUND

O. R. Tambo District Municipality (ORTDM) was granted Water Services Authority status in 2003 wherein it's responsible for water services infrastructure development projects to eradicate backlog and improve service delivery within its area of jurisdiction.

ORTDM had a panel of professional service providers to assist with planning and design of water services infrastructure as and when their services were required. The contract was extended but lapsed at the end of August 2021. It is, therefore, imperative to commence with the procurement of the new panel of professional service providers as a matter of urgency. Currently the ORTDM planning, and design section does not have enough personnel to prepare the feasibility studies and technical reports considering the magnitude of the water services contracts within the district.

The water services infrastructure must be properly planned and designed by experienced individuals to avoid unnecessary failures during project implementation

3. SCOPE OF WORK

ORTDM has to appoint Consulting firms to provide professional inputs, advice and support for the implementation of new services projects through the provision of appropriate and technical expertise for following services but not limited: -

- Water resource investigations,
- Options analyses,

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- Feasibility studies,
- Funding applications,
- License applications,
- Planning and design,
- Contract administration and supervision,
- Identification and development of new water sources,
- Augmentation,
- Upgrading, refurbishment and replacement of existing sources and bulk water infrastructure,
- Submission of record drawings and asset registers in compliance with GRAP (Generally Recognized Accounting Practice) for the following components; (Water Resources & Bulk Water, Water Reticulation, Water Treatment, Dam Safety, Bulk Sewer Systems and Sewer Reticulation

4. DURATIONS AND DELIVERABLES OF THE CONTRACT.

The duration of the panel of consultants will be for three (03) years, the commencement date will depend upon the signing of the contract.

5. DELIVERABLES

5.1. INCEPTION

Planning, Studies, Investigations and Assessments

The appointed bidder must establish client requirements and preferences, refine user needs and options, appoint necessary consultants, establish the project brief including project objectives, priorities, constraints, assumptions aspirations and strategies

- Assist in developing a clear project brief.
- Attend project initiation meetings.
- Advise on procurement policy for the project.
- Advise on the rights, constraints, consents and approvals.
- Define the services and scope of work required.
- Conclude the terms of the agreement with the client.
- Inspect the site and advise on the necessary surveys, analyses, tests and site or other
- investigations where such information will be required for Stage 2 including the availability and
- location of infrastructure and services.
- Determine the availability of data, drawings and plans relating to the project.
- Advise on criteria specific to own scope of work that could influence the project life cycle cost significantly.
- Prepare and submit progress reports on a **Monthly Basis**

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- Provide necessary information within the agreed scope of the project to other consultants involved.

5.1.2. DELIVERABLES:

- Agreed services and scope of work.
- Signed agreement.
- Report on project, site and functional requirements.
- Schedule of required surveys, tests, analyses, site and other investigations.
- Schedule of consents and approvals and related lead times.

5.2. CONCEPT AND VIABILITY (PRELIMINARY DESIGN)

The appointed bidder must prepare and finalise the project concept in accordance with the brief, including project scope, scale, character, form and function, plus preliminary programme and viability of the project):

- Agree documentation programme with principal consultant and other consultants involved.
- Attend design and consultants' meetings.
- Establish the concept design criteria.
- Prepare initial concept design and related documentation.
- Advise the client regarding further surveys, analyses, tests and investigations which may be required.
- Establish regulatory authorities' requirements and incorporate into the design.
- Refine and assess the concept design to ensure conformance with all regulatory requirements and consents.
- Establish access, utilities, services and connections required for the design.
- Coordinate design interfaces with other consultants involved.
- Prepare preliminary process designs, preliminary designs, and related documentation for approval by authorities and client and suitable for costing.
- Provide cost estimates and comment on life cycle costs as required.
- Prepare and submit progress reports on a **Monthly Basis**
- Liaise, co-operate and provide necessary information to the client, principal consultant and other consultants involved.

5.2.1. DELIVERABLES:

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

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5.3. DESIGN DEVELOPMENT (DETAIL DESIGN)

The appointed bidder must develop the approved concept to finalise the design, outline specifications, cost plan, financial viability and programme for the project.

- Review documentation programme with principal consultant and other consultants involved.
- Attend design and consultants' meetings.
- Incorporate client's and authorities' detailed requirements into the design.
- Incorporate other consultants' designs and requirements into the design.
- Prepare design development drawings including draft technical details and specifications.
- Review and evaluate design and outline specification and exercise cost control.
- Prepare detailed estimates of construction cost.
- Liaise, co-operate and provide necessary information to the principal consultant and other consultants involved.
- Prepare and submit progress reports on a **Monthly Basis**
- Submit the necessary design documentation to local and other authorities for approval.

5.3.1. DELIVERABLES:

- Design development drawings.
- Outline specifications.
- Local and other authority submission drawings and reports.
- Detailed estimates of construction costs.

5.4. DOCUMENTATION AND PROCUREMENT

The appointed bidder must prepare procurement and construction documentation, confirm and implement the procurement strategies and procedures for effective and timeous procurement of necessary resources for execution of the project.)

- Attend design and consultants' meetings.
- Prepare specifications and preambles for the works.
- Accommodate services design.
- Check cost estimates and adjust designs and documents if necessary to remain within budget.
- Formulate the procurement strategy for contractors or assist the principal consultant where relevant.
- Prepare documentation for contractor procurement.
- Review designs, drawings and schedules for compliance with approved budget.
- Call for tenders and/or negotiation of prices and/or assist the principal consultant where relevant.
- Liaise, co-operate and provide necessary information to the principal consultant and the other consultants as required.
- Prepare and submit progress reports on a **Monthly Basis**
- Evaluate tenders.
- Prepare contract documentation for signature

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- Assist in pricing, documentation and tender evaluation as required when the detailed services for these activities are provided by others.
- Assess samples and products for compliance and design intent.

DELIVERABLES:

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

5.5. CONTRACT ADMINISTRATION AND INSPECTION

The appointed bidder must prepare manage, administer and monitor the construction contracts and processes including preparation and coordination of procedures and documentation to facilitate practical completion of the works)

- Attend site handover.
- Issue construction documentation in accordance with the documentation schedule including, in the case of structural engineering, reinforcing bending schedules and detailing and specifications of structural steel sections and connections.
- Carry out contract administration procedures in terms of the contract.
- Prepare schedules of predicted cash flow.
- Prepare pro-active estimates of proposed variations for client decision making.
- Attend regular site, technical and progress meetings.
- Review the Contractor's quality control programme and advise and agree a quality assurance plan.
- Inspect the works for quality and conformity to contract documentation, on average once every 2 weeks during the course of the works
- Review the outputs of quality assurance procedures and advise the contractor and client on the adequacy and need for additional controls, inspections and testing.
- Adjudicate and resolve financial claims by contractor(s).
- Assist in the resolution of contractual claims by the contractor.
- Establish and maintain a financial control system.
- Clarify details and descriptions during construction as required.
- Prepare valuations for payment certificates to be issued by the principal agent.
- Instruct witness and review all tests and mock-ups carried out both on and off site.
- Check and approve contractor drawings for design intent.
- Update and issue drawings register.
- Issue contract instructions as and when required.
- Prepare and submit progress reports on a **Monthly Basis**

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- Review and comment on operation and maintenance manuals, guarantee certificates and warranties.
- Inspect the works and issue practical completion and defects lists.
- Arrange for the delivery of all test certificates, statutory (regulatory) and other approvals, as built drawings and operating manuals.

5.5.1. DELIVERABLES:

- Schedules of predicted cash flow.
- Construction documentation.
- Drawings register.
- Estimates for proposed variations.
- Contract instructions.
- Financial control reports.

5.6. CLOSE-OUT

The appointed bidder must fulfil and complete the project close-out including necessary documentation to facilitate effective completion, handover and operation of the project

- Inspect and verify the rectification of defects
- Receive, comment and approve relevant payment valuations and completion certificates
- Facilitate and/or procure final operations and maintenance manuals, guarantees and warranties.
- Prepare and/or procure as-built drawings and documentation.
- Prepare and submit progress reports on a **Monthly Basis**
- Conclude the final accounts where relevant.

5.6.1. DELIVERABLES:

- Valuations for payment certificates
- Works and final completion list
- Operations and maintenance manuals, guarantees and warranties
- As-built drawings and documentation
- Final account

5.7. MEDIATION, ARBITRATION AND LITIGATION PROCEEDINGS AND SIMILAR SERVICES

Where the client requires the consulting engineer to, on his behalf, perform the services listed hereunder or similar work, the extent thereof and remuneration therefore is subject to agreement between the client and the consulting engineer:

- Dealing with matters of law, obtaining parliamentary or other statutory approval, licenses or permits.
- Assisting with or participating in contemplated or actual mediation, arbitration or litigation proceedings such as Contractor disputes.
- Officiating at or attending courts and commissions of enquiry, select committees and similar bodies

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convened by statute, regulation or decree.

5.8. PRINCIPAL AGENT OF THE CLIENT

When a consulting engineer is, in addition to his normal functions as consulting engineer, appointed as the principal agent of the client on a building or multi-disciplinary project for the purposes of procurement and construction on a project, the consulting engineer will also be responsible for the design development services

- Prepare, co-ordinate, agree and monitor a detailed design and documentation programme

5.8.1. DELIVERABLES:

- Detailed design and documentation programme:

5.9. CONSTRUCTION ADMINISTRATION SERVICES

- Arrange site handover to the contractor
- Establish construction documentation issue process
- Agree and monitor issue and distribution of construction documentation
- Instruct the contractor on behalf of the client to appoint subcontractors
- Conduct and record regular site meetings
- Review, approve and monitor the preparation of the construction programme by the contractor
- Regularly monitor performance of the contractor against the construction programme
- Adjudicate entitlements that arise from changes required to the construction programme
- Receive, co-ordinate and monitor approval of all contract documentation provided by contractor(s)
- Agree quality assurance procedures and monitor implementation thereof by the other consultants and the contractors
- Monitor preparation and auditing of the contractor's health and safety plan and approval thereof by the health and safety consultant
- Monitor preparation of the environmental management plan by the environmental consultant
- Establish procedures for monitoring scope and cost variations
- Monitor, review, approve and issue certificates
- Receive, review and adjudicate any contractual claims
- Monitor preparation of financial control reports by the other consultants
- Prepare and submit progress reports on a **Monthly Basis**
- Co-ordinate, monitor and issue practical completion lists and the certificate of practical completion

5.9.1. DELIVERABLES:

- Signed contracts
- Approved construction programme
- Construction documentation
- Payment certificates

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- Progress reports
- Record of meetings
- Certificate(s) of practical completion and coordination of defects list

Close out

- Facilitate and expedite receipt of occupation certificates for close out Services
- Co-ordinate and monitor rectification of defects
- Manage procurement of operations and maintenance manuals, warranties guarantee and
- Manage preparation of record drawings and documentation
- Manage procurement of outstanding statutory certificates
- Monitor, review and issue payment certificates
- Issue completion certificates
- Manage agreement of final account(s)
- Prepare and present the project close-out report

DELIVERABLES:

- Completion certificates
- Record of necessary meetings
- Project close-out report

6. RESOURCES

Where possible work must preferably be labour intensive based. All technical works, source development, infrastructure development must be done by professionals with experience no less than 5 years.

REQUIRED KEY PERSONNEL: -

6.1. A Project Leader who is a registered as Professional Engineer or registered Professional Technologist (Civil) with the Engineering Council of South Africa (ECSA) and NQF level 7, with at minimum years verifiable post graduate experience in the provision of consulting engineering services and project management w.r.t. Municipal Infrastructure, relevant to the disciplines tendered for. The person must demonstrate competence w.r.t. experience and qualification and/or completion of relevant courses.

6.2. The Project Manager must have acted as the “Engineer” in terms of the latest General conditions of Contract for Construction Works within the last three years and registered as a professional with the Engineering Council of South African (ECSA), NQF level 5, and South African Council for the Project and Construction Management Professionals (SACPCMP) with at least three (3) years verifiable post graduate experience in the development and management of groundwater projects.

6.3. The CAD Operator with multi-disciplinary draughting National Certificate (MDDOP N4/5) or CAD Certificate or GIS and minimum of two (2) years’ experience in providing professional services in water

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services and water source infrastructure projects.

6.4. Resident Engineer with a minimum National Diploma in Civil Engineering and registered as a candidate with the Engineering Council of Engineers and NQF level 5 Labour intensive

6.5 The Consultant shall in the provision of the services observe all relevant statutes, by-laws and associated regulations, standards of professional conduct and industry norms established in relevant South African national standards published in terms of the Standards Act of 2008 or standards recommended by professional associations.

6.6 The **key person** Must be intimately involved in the provision of the services and any interactions which may be required with statutory councils and authorities.

6.7 The Consultant shall provide the services in accordance with the relevant provisions of the O. R. Tambo District Municipality's *Standard Scope of Professional Services associated with the delivery of a Package.*

6.8 Facilities and equipment to be provided by the Employer

No facilities or equipment are provided by the Employer.

6.9 Facilities and equipment to be provided by the Consultant

The Consultant shall provide all equipment and facilities required to provide the services.

7. PAYMENTS

The payment for the professional service will be paid as per ECSA guidelines.

7.1 Retention of Consultant's documents

All documents produced by the Consultant shall be retained in an electronic format that can be accessed and read by the Employer.

8 Rights to material

The Consultant may use material prepared by him under the contract for any purpose.

9 Invoices

Invoices submitted shall be a Tax invoice and contain the information required by the Employer.

10 Skills development requirements

10.1 General

The *Consultant* shall attain or exceed a Contract Skills Development Goal in the execution of an order by providing structured work experience opportunities for persons who are residents of the O. R. Tambo District

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Municipality at large and who are South Africans by birth, decent or naturalisation towards registration as an engineering professional registered in terms of the Engineering Profession Act of 2000.

10.2 Contract Skills Development Goal

A Contract Skills Development Goal is the number of hours of skills development opportunities that a *consultant* contracts to provide in relation to work directly related to a Task Order up to Completion.

The *Consultant* attains or exceeds the Contract Skills Development Goal in the execution of an order by providing structured work experience opportunities for residents of the O. R. Tambo District Municipality at large and who are South Africans by birth, decent or naturalisation towards registration as an engineering professional registered in terms of the Engineering Profession Act of 2000.

10.3 Structured mentorship opportunities for candidates

Mentoring associated with structured work experience for candidates is in accordance with the prescripts of the Engineering Council of South Africa (ECSA).

The *Consultant*:

- a) appoints a supervisor who is actively engaged in work directly associated with the contract to issue tasks, oversee their implementation and provide input to the candidate on an on-going basis;
- b) identifies a suitable mentor for the candidate, if such candidate does not have a mentor, who enters into a mentoring agreement with the candidate or the Consultant as required by the ECSA; and
- c) issues each candidate with a portfolio of evidence file which is kept up to date with all the documentation issued or prepared including the workplace training plan and all revisions thereof as well as copies of the logbook entries and training period reports;
- d) The mentor provides and updates from time to time a workplace training plan for a candidate outlining the activities in which the candidate will be involved that includes activities required by ECSA. The mentor requires candidates to maintain a logbook issued by ECSA. The mentor signs off such logbook at quarterly presentations and progress review meetings.

The Consultant submits to the Employer's Agent, in respect of each candidate:

- a) within one month of commencing work directly related to the contract or order, a workplace training plan together with name of the candidate's mentor and supervisor
- b) within three months of commencing work directly related to the contract or order:
 - 1) proof of registration as a candidate with the relevant professional body or statutory council; and

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- 2) a copy of the mentorship agreement entered into with the candidate or the company mentorship agreement entered into ECSA;
- c) within two weeks of updating a workplace training plan, the revised workplace training plan.
- d) a quarterly progress report and a final report at the end of the structured mentorship period including a log of exposure and interactions with the mentor in sufficient detail to demonstrate compliance with requirements, signed off by the mentor, the supervisor and the candidate.

Candidates are required by the mentor to complete training reports required by ECSA whenever a substantial activity or training period has been completed.

The mentor and supervisor sign off all reports and logbooks to allow the candidate to move to other projects or employment and continue on the path towards registration where the work related to the Task Order ends for whatever reason prior to the candidate gaining sufficient experience for registration.

10.4 Granting and denial of credits

Credits towards the Contract Skills Development Goal are granted by summing the hours of opportunities provided. No more than 8 hours may be claimed for any 24-hour period for any individual. Credits towards the Contract Skills Development Goal is denied should:

- a) the opportunities not be directly linked to the Task Order;
- b) a mentorship plan for a candidate not be provided;
- c) the training reports covering a period not be provided;
- d) the required records, specified documents and signatures not be provided;
- e) the structured mentorship is found not to be in accordance with the requirements of SACAP;
- f) the *Consultant* does not maintain the required training records or an audit reveals that there is insufficient information to substantiate claims for credits; and
- g) a candidate fails to present their credentials for assessment when they have, in the opinion of the mentor, sufficient structured work experience or structured mentorship to do so.

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10.5 Records

The Consultant, upon termination of the opportunities provided in order to satisfy the contract skills development goal, certifies the quantum and nature of the opportunity and submits the certificate, counter-certified by the relevant individual, to the Employer's Agent for record-keeping purposes.

11 Disciplines/Areas of expertise tendered for:

(Tick applicable below)

Sufficient information must be provided in the returnable documents to confirm expertise in all disciplines/fields tendered for.

Water Resources and Bulk Water		VIP Sanitation Roll-out	
Water Reticulation (Pipelines and associated Works)		Water Treatment	
Water Conservation and Demand Management		Water Services Institutional Plans/Audits	
Bulk Sewer and Sewer Retic		Labour Intensive Projects	
Water and Sanitation Master Planning		Waste Water Treatment	
Strategic Planning		Infrastructure Projects (Structural Including associated Electrical and Mechanical Works)	
Asset Management Planning		Water and pipeline replacement and rehabilitation works	
Electrical		Mechanical	
Architectural			

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SECTION C2: PRICING SCHEDULE
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PROJECT NO.: ORTDM SCMU 28-22/23

APPOINTMENT OF ADDITIONAL PANEL OF PROFESSIONAL SERVICE PROVIDERS TO PROVIDE BUILT ENVIRONMENT AND RELATED SERVICES FOR A PERIOD OF THREE (3) YEARS, AS WHEN NEEDED.

1. FEES BASE ON CONSTRUCTION COSTS:

It is compulsory to fill percentage fee for all categories under Contract Award Amount and failure to do so will conclude your bid incomplete and be disqualified for further evaluation

Contract Award Amount	% fees (A)	Amount R (B)
R0 – R10 million		
R11 – R20 million		
R21 – R30 million		
R31 – R40 million		
R41 – R50 million		
R51 – R60 million		
R61 – R70 million		
R71 – R80 million		
R81 – R90 million		
R91 – R100 million		

2. OTHER CONSULTING FEES

- a) All service providers for additional services shall be appointed by the successful bidder in consultation with the client and these will be included in the schedules of the SLA
- b) **The Level of Service:** This will form part of the SLA and be project specific.
- c) **Disbursements:** This cost will be based on the costs issued by the Department of Public Works and shall form part of the schedule in the SLA for specific projects

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

Pricing instructions:

- (i) The bidder's price offer shall be valid for 90 days from the closing date of this tender, or for such extended period as may be requested by the municipality and accepted by the bidder.
- (ii) The rates and prices submitted by the bidder must be entered into the pricing schedule above.
- (iii) No deviations from the pricing schedule will be permitted, except where indicated separately in the Schedule of Variations from Goods and Services.
- (iv) The bid price must be inclusive of VAT, where the bidder is a registered VAT vendor.
- (v) Bidders must 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.
- (vi) Should there be a discrepancy between the total bid amount in the pricing schedule, and that in the form of offer; the price in the form of offer will take precedence. Where there is a discrepancy between the amount in figures and the amount in words, the amount in words will govern.

.....
Name of bidder

.....
Signature

.....
Bidder's stamp

.....
Date

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

SECTION C3: FORM OF OFFER AND ACCEPTANCE

PART 1 (OFFER TO BE COMPLETED BY THE BIDDER)

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract in respect of the following works:

APPOINTMENT OF ADDITIONAL PANEL OF PROFESSIONAL SERVICE PROVIDERS TO PROVIDE BUILT ENVIRONMENT AND RELATED SERVICES FOR A PERIOD OF THREE (3) YEARS, AS WHEN NEEDED.

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

By the representative of the Bidder deemed to be duly authorised, signing this part of this Form of Offer and Acceptance, the Bidder offers to perform all of the obligations and liabilities of the Consulting Engineer under the Contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the Conditions of Contract identified in the Contract Data.

The offered total of the prices inclusive of Value Added Tax is: R.....

(in Words)

..... Rand

1. I, the Bidder, hereby undertake to provide all of the services and/or works described in the attached bidding documents to O. R. Tambo District Municipality in accordance with the requirements and specifications stipulated in bid number: ORTDM SCMU 28-22/23 at the price/s quoted. My offer/s shall remain binding upon me and open for acceptance by the Municipality during the validity period indicated and calculated from the closing time of bid.
2. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
3. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
4. I confirm that I am duly authorized to sign this contract.

This offer may be accepted by the authorised O. R. Tambo District Municipality representative signing the acceptance part of this form of offer and acceptance, and returning one copy of this document to the tenderer before the end of the period of validity stated in the tender conditions, whereupon the tenderer becomes the party named as the appointed service provider in terms of the conditions of contract.

NAME (PRINT)
CAPACITY
SIGNATURE
NAME OF FIRM
DATE

WITNESSES:
1
2
DATE:

FAILURE BY THE BIDDER TO COMPLETE THIS FORM IN ITS ENTIRETY INCLUDING SIGNING THE FORM, SHALL DISQUALIFY ITS BID.

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

PART 2 (ACCEPTANCE TO BE COMPLETED BY O. R. TAMBO DISTRICT MUNICIPALITY)

B. ACCEPTANCE

By signing this part of the Form of Offer and Acceptance, the Employer identified below accepts the Tenderer's Offer. In consideration thereof, the Employer shall pay the Consultant the amount due in accordance with the Conditions of Contract identified in the Contract Data. Acceptance of the Tenderer's Offer shall form an agreement between the Employer and the Tenderer upon the terms and conditions contained in this Agreement and in the Contract that is the subject of this Agreement. The terms of the contract are contained in

Part 1 Agreement, and Specifications (Agreement to be finalised after award)
Part 2 Pricing Schedule

and the schedules, forms and documents or parts thereof, which may be incorporated by reference into Parts 1 to 4 above.

Deviations from and amendments to the documents listed in the Specifications and any addenda thereto listed in the Tender Schedules as well as any changes to the terms of the Offer agreed by the Tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Agreement. No amendments to or deviations from said documents are valid unless contained in this Schedule, which must be duly signed by the authorised representatives of both parties.

Notwithstanding anything contained herein, this Agreement comes into effect on the date when the Tenderer receives one fully completed original copy of this document, including the Schedule of Deviations (if any). Unless the Tenderer (now Service Provider) within five days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this Agreement, this Agreement shall constitute a binding contract between the parties.

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

SIGNED AT ON20__

NAME (PRINT)

SIGNATURE

CAPACITY:

NAME OF EMPLOYER (*organisation*).....

Address:

Witness:

Name: Signature:

Date:




Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

SECTION C5: SPECIAL CONDITIONS OF CONTRACT

- (1) Bidders must have the capacity to deliver within a minimum of three (3) working days after receipt of an official Purchase Order.
- (2) Bidders must have the capacity to deliver within the O. R. Tambo District Municipality.
- (3) Professional service providers are expected to, along mandatory and compliance issues, be registered with a relevant professional body (where applicable) to be admitted into the list. Application forms from Members who hold the candidate status in the relevant built environment professional bodies will not be accepted by the municipality. Relevant regulatory council rules will apply.
- (4) Qualifying companies will be admitted to the panel list of professional service providers to provide services as per each Built Environment Professional's Identification of Work and any other service identified by the employer within the boundaries of OR Tambo District Municipality for a period of three (3) years.
- (5) Qualified companies from the list would then be invited, as and when required by municipality. Each professional firm is expected to have its resources and planning processes ready to urgently respond to whichever need that may arise within the municipality.

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

SECTION C6: GENERAL CONDITIONS OF CONTRACT

 <p>O.R. TAMBO DISTRICT MUNICIPALITY</p>	<p>O. R. Tambo District Municipality</p>
	<p>Contract Number: ORTDM SCMU 28-22/23</p>
	<p>APPOINTMENT OF PANEL OF PROFESSIONAL SERVICE PROVIDERS TO PROVIDE BUILT ENVIRONMENT AND RELATED SERVICES FOR A PERIOD OF THREE (3) YEARS, AS WHEN NEEDED.</p>
<p>Part C1.2 Contract Data</p>	
<p>The <i>Consultant</i> is advised to read the NEC3 Professional Service (Third edition of April 2013) and the relevant Guidance Notes and Flow Charts, published by the Institution of Civil Engineers, in order to understand the implications of this Data which is required. Copies of these documents may be obtained from the Engineering Contract Strategies (telephone (27) 011 803 3008).</p>	
<p>Each item of data given below is cross-referenced to the clause in the NEC3 Professional Service Contract to which it mainly applies.</p>	
<p>Part One - Data provided by the Consultant</p>	
<p>1 General</p>	
<p>The <i>conditions of contract</i> are the core clauses and the clauses for main Options C of the NEC 3 Professional Services Contract (PSC)</p>	
10.1	<p>The Employer is: O. R. Tambo District Municipality Physical Address: O. R. Tambo District Municipality House Nelson Mandela Drive, MYEZO PARK, MTHATHA – 5099 Postal Address: Private Bag X6043, MTHATHA 5099 Telephone: 047 501 6400 / 6407</p>
11.2(11)	The <i>Scope</i> is as given in section C1 : Scope of works of tender documents
12.2	The <i>law of the contract</i> is the law of the Republic of South Africa
13.1	The <i>language of this contract</i> is English
13.3	The <i>period of reply</i> is 2 (two) weeks
<p>2 The Parties' main responsibility</p>	
24.4	In case of Sub-contracting (limited to a minimum of 30% value of the tender), properly filled in schedule of proposed sub-consultants submitted
<p>3 Time</p>	
30.1	The <i>starting date</i> is 14 days after the date of issuance (exclusive) of the award letter unless otherwise agreed by the Parties.
31.1	The <i>Consultant</i> submits programme with the tender according to the <i>Scope</i> , considering the <i>starting date</i> and <i>completion date</i> , which will be adjusted, if need be, based on proposed duration in the programme through consultation.
<p>4 Quality</p>	
41.1	The <i>defects Liability Period</i> is 12 Months (52 weeks) after completion of the whole of the <i>services</i> ; <i>date of completion</i> exclusive of the period.
<p>5 Payment</p>	
50.1	The <i>assessment interval</i> is monthly on or before the 15th day of each successive month.
51.1	The period within which the payments are made is thirty (30) days from the date of receipt (exclusive) of the Tax invoice.
51.2	The <i>currency of this contract</i> is the South African Rand.
51.4	The <i>interest rate</i> is the Prime lending rate of the <i>Employer's</i> Bank.
<p>6 Compensation events</p>	
<p>No data required for this section of the <i>conditions of contract</i>.</p>	
<p>7 Rights to material</p>	
<p>No data required for this section of the <i>conditions of contract</i>.</p>	

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

8	Indemnity, insurance and liabilities		
81.1	The amounts of insurance and the periods for which the <i>Consultant</i> maintains insurance are		
	Event	Cover	Period following Completion of the whole of the services or earlier termination
	Failure by the <i>Consultant</i> to use the skill and care normally used by professionals providing services similar to the <i>services</i>	R 10 million in respect of each claim, without limit to the number of claims	Till the end of the <i>defects Liability date</i> .
81.1	The <i>Employer</i> provides no insurance cover.		
81.2	The <i>Consultant</i> provides the certificate(s) from accredited insurer(s) or broker(s) of South Africa stating that the insurance(s) required by this contract are in force prior to the signing of the contract arising from the award.		
9	Termination and dispute resolution		
10	Data for main Option clause		
11	Data for Option W1		
W1.1	The Adjudicator is the person selected by the Parties from the Panel of NEC Adjudicators set up by ICE-SA, a joint division of the Institution of Civil Engineering and the South African Institute of Civil Engineers		
W1.2(3)	The adjudicator nominating body is the Chairman of ICE-SA, a Joint Division of the Institution of Civil Engineers and the South African Institute of Civil Engineers.		
W1.4((2)	The tribunal refers to a South African Court of Law		
12	Data for secondary Option clause(s)		
X1	Price adjustment for inflation is Zero		
X2	Change in the law		
X2.1	The law of the project is the law of the Republic of South Africa subject to the jurisdiction of the Courts of South Africa.		
X7	The consultant pays delay damages per given milestone at the rate of R500.00 for each day from the document submission dates until Completion		
X10	Employer's Agent		
X10.1	<p>The Employer's Agent is: Mr Nkosiyabo Noto Physical Address: O. R. Tambo District Municipality Nelson Mandela Drive, MYEZO PARK, MTHATHA – 5099 Postal Address: Private Bag X6043, MTHATHA – 5099 Telephone: 047 501 6400 / 6425</p>		
Z	Additional conditions of contract		
The <i>additional conditions of contract</i> are			
Z1	<p>Tax invoices The Consultant's invoice. Invoices submitted by the <i>Consultant</i> to the <i>Employer</i> include a) the details stated in the <i>Scope / Price List</i> to show how the amount due has been assessed, and the details required by the <i>Employer</i> for a valid tax invoice. The <i>Employer</i> makes each payment within thirty (30) days from the date of receipt (exclusive) of the <i>Consultant's</i> invoice showing the details, which this contract requires or, if a different period is stated in the <i>Contract Data</i>, within the period stated.</p>		
Z2	<p>Selection and appointment of the Adjudicator Within 4 weeks after declaring a dispute and if the Adjudicator was not yet appointed with a previous dispute, the notifying Party notifies the other Party of the names of two persons he has chosen from the Panel of NEC Adjudicators set up by ICE-SA, a joint division of the Institution of Civil Engineers and Mechanical Engineers, whose availability to act as the Adjudicator the notifying Party has confirmed. The other Party selects one of the three persons chosen to be the Adjudicator within four days of receiving the notice, failing which the person chosen by the notifying Party will be the Adjudicator for the Contract. The Parties appoint the selected Adjudicator under the NEC3 Adjudicator's Contract, April 2013.</p>		

Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

Z3	<p>Acts or omissions by mandatories</p> <p>In terms of Section 37(2) of the Occupational health and Safety Act of 1993 (Act 85 of 1993), the Consultant hereby agrees that the Employer is relieved of any and all of its liabilities in terms of Section 37(1) of this Act in respect of any acts or omissions of the Consultant and his employees to the extent permitted by this Act, and that this contract comprises the written agreement between the Employer and the Consultant contemplated in section 37(2).</p>
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Part two - Data provided by the Consultant

10.1	<p><i>The Consultant is</i></p> <p>Name: _____</p> <p>Physical Address: _____</p> <p>_____ Post Code: _____</p> <p>Postal Address: _____ Post Code: _____</p> <p>Telephone: _____ Fax: _____</p> <p>Mobile: _____ Email: _____</p>
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22.1	<p>The <i>Consultant's</i> key persons are:</p> <p>1 Name: _____</p> <p>Position in the Project Team: _____</p> <p>Responsibilities: _____</p> <p>Qualifications: _____</p> <p>Physical Address: _____</p> <p>_____ Post Code: _____</p> <p>Postal Address: _____ Post Code: _____</p> <p>Telephone: _____ Fax: _____</p> <p>Mobile: _____ Email: _____</p> <p>(Please use separate pages referring to this clause for detailing this information for all key <i>Consultant's</i> key persons)</p>
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Appointment of Panel of Professional Service Providers to Provide Built Environment and Related Services for a Period of Three (3) Years, As When Needed.

22.2	<p>The <i>Consultant's</i> key persons are:</p> <p>2 Name: _____</p> <p>Position in the Project Team: _____</p> <p>Responsibilities: _____</p> <p>Qualifications: _____</p> <p>Physical Address: _____</p> <p>_____ Post Code: _____</p> <p>Postal Address: _____ Post Code: _____</p> <p>Telephone: _____ Fax: _____</p> <p>Mobile: _____ Email: _____</p>
22.3	<p>The <i>Consultant's</i> key persons are:</p> <p>3 Name: _____</p> <p>Position in the Project Team: _____</p> <p>Responsibilities: _____</p> <p>Qualifications: _____</p> <p>Physical Address: _____</p> <p>_____ Post Code: _____</p> <p>Postal Address: _____ Post Code: _____</p> <p>Telephone: _____ Fax: _____</p> <p>Mobile: _____ Email: _____</p> <p>(Please use separate pages referring to this clause for detailing this information for all key <i>Consultant's</i> key persons)</p>

-End-