

GEORGE MUNICIPALITY



CIDB DOCUMENT FOR TENDER NO: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE
SUPPLY, DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT
THE TOUWSRANTEN LIBRARY**

ENQUIRIES: MR. XOLANI HENGE / MS. RACHEL WILLIAMS
YORK STREET
GEORGE
(044) 801 9456 / (044) 801 9292

ISSUED BY:
THE CITY COUNCIL
MUNICIPALITY OF GEORGE
P O BOX 19
GEORGE, 6530

SUMMARY FOR TENDER OPENING PURPOSES

NAME OF BIDDER:

CENTRAL SUPPLIER DATABASE NO.: MAAA

TOTAL PRICE (ALL APPLICABLE TAXES
INCLUDED)

R

PREFERENCES CLAIMED FOR:

B-BBEE Status Level of Contributor:

Preference Points Claimed:

B-BBEE certificates submitted with the tender document MUST be VALID ORIGINAL B-BBEE CERTIFICATES or VALID CERTIFIED COPIES OF THE B-BBEE CERTIFICATES

TENDER CLOSES AT 12H00 ON TUESDAY, 08 NOVEMBER 2022

For official use.

**Signatures of SCM Officials at Tender
Opening**

1.

2.

BIDDER CONTACT DETAILS

This information shall be used for any correspondence or contact with the bidder.

Please indicate whether you want to receive any correspondence via e-mail or send to your postal address by registered mail.

| | | |
|--------------------------------|---|---|
| Name of Bidding Company: | | Mark choice of correspondence with X |
| Postal Address: | Postal Code: | |
| E-mail Address: | | |
| Telephone Number: | | |
| Cellular Number: | | |
| Facsimile Number: | | |

GEORGE MUNICIPALITY

TENDER No. BA049/2022

TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY, DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE TOUWSRANTEN LIBRARY

GENERAL TENDER INFORMATION

| | |
|--|--|
| TENDER ADVERTISED | : 20 October 2022 |
| ESTIMATED CIDB CONTRACTOR GRADING DESIGNATION | : 2GB |
| COMPULSORY SITE VISIT/CLARIFICATION MEETING | : Friday, 28 October 2022 at 10h00 |
| VENUE FOR SITE VISIT/CLARIFICATION MEETING | : Touwsranten Library, 37 Bester Street, Touwsranten, 6538 |
| CLOSING DATE | : Tuesday, 08 Nov. 2022 |
| CLOSING TIME | : 12H00 |
| LOCATION OF TENDER BOX | : Tender Box at the George Municipality, on the First Floor, Directorate: Financial Services, Supply Chain Management Unit, Civic Centre, York Street, George. |

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE
SUPPLY, DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT
THE TOUWSRANTEN LIBRARY**

| CONTENTS | | Pg No. |
|-----------------|--|----------------|
| PART T | The Tender | 5 |
| PART T1 | Tender Procedures | 5 |
| T1.1 | Tender Notice and Invitation to Tender | 6-7 |
| T1.2 | Tender Data | 8 – 42 |
| PART T2 | Returnable Documents (All documents / schedules are returnable) | 43 |
| T2.1 | List of Returnable Schedules Required for Tender Evaluation | 44 |
| T2.1 | Returnable Schedules | 45 – 55 |
| T2.2 | Other documents required for tender evaluation purposes | 56 – 58 |
| T2.2 | Returnable Schedules that will be incorporated in the contract | 59 – 62 |
| PART C | The Contract | 63 |
| PART C1 | Agreement and Contract Data | 64 |
| C1.1 | Form of Offer and Acceptance | 65 - 67 |
| C1.2 | Contract Data | 68 – 69 |
| C1.3 | Objections and Complainants form | 70 – 71 |
| C1.4 | Form of Performance Guarantee | 72 |
| PART C2 | Pricing Data | 73 |
| C2.1 | Pricing Instructions | 74 |
| C2.2 | Pricing Schedule | 75 – 76 |
| PART C3 | Specifications | 77 – 78 |
| C3 | Specifications | 77 – 78 |
| PART C4 | Health and Safety | 79 |

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

The Tender (Part T)

PART T1 Tender Procedures

- T1.1 Tender Notice and Invitation to Tender
- T1.2 Tender Data

PART T2 Returnable Documents (All documents / schedules are returnable)

- T2.1 List of Returnable Schedules Required for Tender Evaluation and Returnable Schedules
- T2.2 Other documents that will be incorporated into the contract
- T2.3 Returnable Schedules that will be incorporated in the contract

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

Tender Notice and Invitation to Tender (T1.1)

| | |
|--|---|
| <p>Tenders word hiermee ingewag vir die:</p> <p>AANSTELLING VAN 'N KONTRAKTEUR VIR DIE VERSKAFFING, AFLEWERING EN INSTALLERING VAN 'N MODULÊRE BIBLIOTEEK BY DIE TOUWSRANTEN-BIBLIOTEEK</p> <p>Voltooide tenders in 'n verseëelde koevert, duidelik gemerk:</p> <p>Tender Nr.: BA049/2022, moet voor Dinsdag, 08 November 2022 om 12:00 in die tender bus by die George Munisipaliteit, Eerste Vloer, Direkoraat: Finansiële Dienste, Voorsieningskanaaleenheid, Burgersentrum, Yorkstraat, George geplaas word. Geen tenders sal toegelaat word om na 12:00 in die tender bus geplaas te word nie. Tenders sal om 12:05 dieselfde dag in die Komiteekamer oopgemaak word. Laat of ongemerkte tenders sal nie oorweeg word nie. Geen tenders per faks of e-pos sal aanvaar word nie.</p> <p>Kwoteerders moet by die CIDB geregistreer wees en dit word geraam dat kwoteerders 'n graderingsvlak van 2GB of hoër moet hê.</p> <p>'n Verpligte inligtingsvergadering sal by Touwsranten Biblioteek, Besterstraat 37, Touwsranten, 6538, George op Vrydag, 28 Oktober 2022 om 10:00 gehou word.</p> <p>Indien die verpligte inligtingsvergadering nie bygewoon word nie, sal u tender gediskwalifiseer word.</p> <p>Tender dokumente is verkrygbaar teen 'n R253-00 nie-terugbetaalbare deposito by die Voorsieningskanaalbestuurseenheid op die 1ste Vloer, Burgersentrum, Yorkstraat, George.</p> <p>Tender dokumente is gratis op die George Munisipaliteit se webblad beskikbaar: www.george.gov.za.</p> <p><u>Tenders sal as volg ge-evalueer en toegeken word:</u></p> <p><u>Fase 1</u></p> <p>Alle tenderaars moet voldoen aan die Plaaslike Produksie en</p> | <p>Tenders are hereby invited for:</p> <p>APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY, DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE TOUWSRANTEN LIBRARY</p> <p>Completed tenders in a sealed envelope, clearly marked:</p> <p>Tender No.: BA049/2022 must be placed in the tender box at the George Municipality on the First Floor, Directorate: Financial Services, Supply Chain Management Unit, Civic Centre, York Street, George by no later than 12:00 on Tuesday, 08 November 2022. Tenders are not allowed to be placed in the tender box after 12:00. Tenders will be opened on the same day in the Committee Room at 12:05. Late or unmarked tenders will not be considered. No tenders per fax or e-mail will be accepted.</p> <p>Bidders must be registered with the CIDB and it is estimated that tenderers should have a grading designation of 2GB or higher.</p> <p>A compulsory briefing session will be held on Friday, 28 October 2022 at 10:00 at Touwsranten Library, 37 Bester Street, Touwsranten, 6538, George.</p> <p>Non-attendance of the compulsory briefing session will disqualify your tender.</p> <p>Tender documents are available at a non-refundable deposit of R253-00 each from the Supply Chain Management Unit, First Floor, Civic Centre, York Street, George.</p> <p>Tender documents are available on the George Municipality's website: www.george.gov.za, free of charge.</p> <p><u>Tenders will be evaluated as follows:</u></p> <p><u>Phase 1</u></p> <p>All tenderers must comply with Local Production and Content</p> |
|--|---|

| | |
|--|---|
| <p>Inhoud en moet die MBD6.2 vorm, sowel as Aanhangsels C, D en E in die tender dokument vir die volgende produkte voltooi:</p> <ul style="list-style-type: none"> • Staal Konstruksie Materiaal – 100% • Aansluitingskomponente – 100% • Sement – 100% <p>Die vasgestelde minimum persentasies vir plaaslike produksie en inhoud is 100%, tenders wat nie aan hierdie vereiste voldoen nie, sal nie oorweeg word vir evaluasie nie.</p> <p><u>Fase 2</u></p> <p>Tenders sal ge-evalueer en toegeken word in terme van die Wet op die Raamwerk vir Voorkeurverkrigingsbeleid (Wet 5 van 2000) Regulasies 2017, asook George Munisipaliteit se Voorsieningskanaalbestuursbeleid, waar 80 punte ten opsigte van die prys en 20 punte ten opsigte van B-BBEE status toegeken sal word.</p> <p>Vir verdere inligting, kontak Mnr. Xolani Henge by (044) 801 9456 / xwhenge@george.gov.za of Me. Rachel Williams by (044) 801 9292 / rwilliams@george.gov.za.</p> <p>Die Munisipaliteit behou die reg voor om enige versoek vir 'n tender terug te trek en/of te her-adverteer of enige tender te verwerp of gedeeltelik te aanvaar. Die Munisipaliteit is nie daartoe gebind om die laagste of enige tender te aanvaar nie.</p> <p>'n "TCS PIN" vir tenderaars se belasting nakoming inligting moet ingesluit wees by die tender dokument.</p> <p>Dit sal van die suksesvolle tenderaar verwag word om op die Sentrale Verskaffersdatabasis (SVD) te registreer.</p> <p>DR M GRATZ MUNISIPALE BESTUURDER GEORGE MUNISIPALITEIT GEORGE, 6530</p> | <p>and complete the MBD6.2 form, as well as Annexures C, D and E in the tender document for the following products:</p> <ul style="list-style-type: none"> • Steel Construction Material – 100% • Joining Components – 100% • Cement – 100% <p>The stipulated minimum threshold percentages for local production and content is 100%, bids that does not comply with this requirement will not be considered for evaluation.</p> <p><u>Phase 2</u></p> <p>Tenders will be evaluated and adjudicated in terms of the Preferential Procurement Policy Framework Act (Act 5 of 2000) Regulations 2017 and the George Municipality's Supply Chain Management Policy, where 80 points will be scored for price and 20 points for B-BBEE status.</p> <p>For more information, contact Mr. Xolani Henge at (044) 801 9456 / xwhenge@george.gov.za / Ms. Rachel Williams at (044) 801 9292 / rwilliams@george.gov.za.</p> <p>The Municipality reserves the right to withdraw any invitation to tender and/or to readvertise or to reject any tender or to accept a part of it. The Municipality is not bound to accept the lowest or any tender.</p> <p>A TCS PIN for bidders' tax compliance information must be submitted with the tender document.</p> <p>It will be required from the successful bidder to register on the Central Supplier Database (CSD).</p> <p>DR M GRATZ MUNICIPAL MANAGER GEORGE MUNICIPALITY GEORGE, 6530</p> |
|--|---|

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

Tender Data (T1.2)

| | |
|----------------------|--|
| Clause number | The conditions of Tender are the Standard Conditions of Tender as contained in the Construction Industry Development Board (CIDB) Standard for Uniformity in Engineering and Construction Works Contracts, August 2019 (See www.cidb.org.za). The Standard Conditions of Tender for Procurements make several references to the Tender Data for details that apply specifically to this Tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the 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. |
| C.1 | General |
| C.1.1 | Actions |
| C.1.1.1 | The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In the dealings with each other, they shall discharge their duties and obligations as set out in C.2 and C.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices. |
| C.1.1.2 | <p>The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.</p> <p><i>Note: 1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result. 2) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.</i></p> |
| C.1.1.3 | The employer shall not seek, and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract. |
| C.1.2 | Tender Documents |
| | The documents issued by the employer for the purpose of a tender offer are listed in the tender data. |
| C.1.3 | Interpretation |
| C.1.3.1 | The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender. |

| | |
|----------------|--|
| C.1.3.2 | These conditions of tender, the tender data and tender schedules which are required for tender evaluation purposes, shall form part of any contract arising from the invitation to tender/quote. |
| C.1.3.3 | For the purposes of these conditions of tender, the following definitions apply: a) conflict of interest means any situation in which: i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfil his or her duties impartially; ii) an individual or tenderer is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or iii) incompatibility or contradictory interests exist between an employee and the tenderer who employs that employee. b) comparative offer means the price after the factors of a non-firm price and all unconditional discounts it can be utilized to have been taken into consideration; c) corrupt practice means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process; d) fraudulent practice means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels. |
| C.1.4 | Communication and employer's agent |
| | Each communication between the employer and a tenderer shall be to or from the employer's agent only, and in a form, that can be readily read, copied and recorded. Communications shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data. |
| C.1.5 | Cancellation and Re-Invitation of Tenders |
| C.1.5.1 | An employer may, prior to the award of the tender, cancel a tender if- a) due to changed circumstances, there is no longer a need for the engineering and construction works specified in the invitation; b) funds are no longer available to cover the total envisaged expenditure; or c) no acceptable tenders are received. d) there is a material irregularity in the tender process. |
| C.1.5.2 | The decision to cancel a tender invitation must be published in the same manner in which the original tender invitation was advertised. |
| C.1.5.3 | An employer may only with the prior approval of the relevant treasury cancel a tender invitation for the second time. |
| C.1.6 | Procurement procedures |
| C.1.6.1 | General |
| | Unless otherwise stated in the tender data, a contract will, subject to C.3.13, be concluded with the tenderer who in terms of C.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders. |
| C.1.6.2 | Competitive negotiation procedure |
| C.1.6.2.1 | Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of C.3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of C.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply. |

| | |
|------------------|--|
| C.1.6.2.2 | <p>All responsive tenderers or at least a minimum of not less than three responsive tenderers that are highest ranked in terms of the evaluation criteria stated in the tender data shall be invited to enter into competitive negotiations based on the principle of equal treatment, keeping confidential the proposed solutions and associated information.</p> <p>Notwithstanding the provisions of C.2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.</p> |
| C.1.6.2.3 | At the conclusion of each round of negotiations, tenderers shall be invited by the employer to revise their tender offer based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer. |
| C.1.6.2.4 | The contract shall be awarded in accordance with the provisions of C.3.11 and C.3.13 after tenderers have been requested to submit their best and final offer. |
| C.1.6.3 | Proposal procedure using the two stage-system |
| C.1.6.3.1 | Option 1 |
| | Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender. |
| C.1.6.3.2 | Option 2 |
| C.1.6.3.2.1 | Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents. |
| C.1.6.3.2.2 | The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data and award the contract in terms of these conditions of tender. |
| C.2 | Tenderer's obligations |
| C.2.1 | Eligibility |
| C.2.1.1 | Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer. |
| C.2.1.2 | Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders. |
| C.2.2 | Cost of tendering |
| C.2.2.1 | Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer comply with requirements. |

| | | | |
|--|--|--|---|
| C.2.2.2 | The cost of the tender documents charged by the employer shall be limited to the actual cost incurred by the employer for printing the documents. Employers must attempt to make available the tender documents on its website so as not to incur any costs pertaining to the printing of the tender documents. | | |
| C.2.3 | Check documents | | |
| | Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission. | | |
| C.2.4 | Confidentiality and copyright of documents | | |
| | Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation. | | |
| C.2.5 | Reference documents | | |
| | Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference. | | |
| C.2.6 | Acknowledge addenda | | |
| | Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary, apply for an extension to the closing time stated in the tender data, in order to take the addenda into account. | | |
| C.2.7 | Clarification meeting | | |
| | Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data. <table border="1" data-bbox="358 1157 1425 1224"> <tr> <td>Date: Friday, 28 October 2022 Starting Start: 10:00</td><td>Location: Touwsranten Library, 37 Bester Street, Touwsranten, George</td></tr> </table> | Date: Friday, 28 October 2022 Starting Start: 10:00 | Location: Touwsranten Library, 37 Bester Street, Touwsranten, George |
| Date: Friday, 28 October 2022 Starting Start: 10:00 | Location: Touwsranten Library, 37 Bester Street, Touwsranten, George | | |
| C.2.8 | Seek clarification | | |
| | Request clarification of the tender documents, if necessary, by notifying the employer at least five (5) working days before the closing time stated in the tender data. | | |
| C.2.9 | Insurance | | |
| | Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance. | | |
| C.2.10 | Pricing the tender offer | | |
| C.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 fourteen (14) days before the closing time stated in the tender data. | | |
| C.2.10.2 | Show VAT payable by the employer separately as an addition to the tendered total of the prices. | | |

| | |
|---------------|--|
| C.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. |
| C.2.10.4 | State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies. |
| C.2.11 | Alterations to documents |
| | Do 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. |
| C.2.12 | Alternative tender offers |
| C.2.12.1 | Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed. |
| C.2.12.2 | Accept that an alternative tender offer must be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer. |
| C.2.12.3 | An alternative tender offer must only be considered if the main tender offer is the winning tender. |
| C.2.13 | Submitting a tender offer |
| C.2.13.1 | Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works identified in the contract data and described in the scope of works, unless stated otherwise in the tender data. |
| C.2.13.2 | Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink. |
| C.2.13.3 | Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer. |
| C.2.13.4 | Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer. |
| C.2.13.5 | Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address. |

| | |
|---------------|--|
| C.2.13.6 | Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked “financial proposal” and place the remaining returnable documents in an envelope marked “technical proposal”. Each envelope shall state on the outside the employer’s address and identification details stated in the tender data, as well as the tenderer’s name and contact address. |
| C.2.13.7 | Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer’s address and identification details as stated in the tender data. |
| C.2.13.8 | Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated. |
| C.2.13.9 | Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data. |
| C.2.14 | Information and data to be completed in all respects |
| | Accept that tender offers, which do not provide all the data or information requested completely and, in the form, required, may be regarded by the employer as non-responsive. |
| C.2.15 | Closing time |
| C.2.15.1 | Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery. The closing time for submission of tender offers is at 12H00 on Tuesday, 08 November 2022. |
| C.2.15.2 | Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline. |
| C.2.16 | Tender offer validity |
| C.2.16.1 | Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data. The Tender offer validity period is 12 weeks (84 days). |
| C.2.16.2 | If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension. |
| C.2.16.3 | Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer’s agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted. If the validity period stated in C.2.16 lapses before the employer evaluating tender, the contractor reserves the right to review the price based on Consumer Price Index (CPI). |

| | |
|---------------|--|
| C.2.16.4 | Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted. If the validity period stated in C.2.16 lapses before the employer evaluating tender, the contractor reserves the right to review the price based on Consumer Price Index (CPI). |
| C.2.17 | Clarification of tender offer after submission |
| | Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted. <i>Note: Sub-clause C.2.17 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Employer elect to do so.</i> |
| C.2.18 | Provide other material |
| C.2.18.1 | 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. |
| C.2.18.2 | Dispose of samples of materials provided for evaluation by the employer, where required. |
| C.2.19 | Inspections, tests, and analysis |
| | Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data. |
| C.2.20 | Submit securities, bonds and policies |
| | If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data. |
| C.2.21 | Check final draft |
| | Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract. |
| C.2.22 | Return of other tender documents |
| | If so, instructed by the employer, return all retained tender documents within twenty-eight (28) days after the expiry of the validity period stated in the tender data. |
| C.2.23 | Certificates |
| | Include in the tender submission or provide the employer with any certificates as stated in the tender data. |
| C.3 | The employer's undertakings |
| C.3.1 | Respond to requests from the tenderer |

| | |
|--------------|---|
| C.3.1.1 | Unless otherwise stated in the tender Data, respond to a request for clarification received up to five (5) working days before the tender closing time stated in the Tender Data and notify all tenderers who collected tender documents. |
| C.3.1.2 | Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence: a) an individual firm, or a joint venture as a whole, or any individual member of the joint venture fails to meet any of the collective or individual qualifying requirements; b) the new partners to a joint venture were not prequalified in the first instance, either as individual firms or as another joint venture; or c) in the opinion of the Employer, acceptance of the material change would compromise the outcome of the prequalification process. |
| C.3.2 | Issue Addenda |
| | If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three (3) working 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 collected tender documents. |
| C.3.3 | Return late tender offers |
| | Return tender offers received after the closing time stated in the Tender Data, unopened, (unless it is necessary to open a tender submission to obtain a forwarding address), to the tenderer concerned. |
| C.3.4 | Opening of tender submissions |
| C.3.4.1 | Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened. |
| C.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 applicable, the total of his prices, number of points claimed for its BBEE status level and time for completion for the main tender offer only. |
| C.3.4.3 | Make available the record outlined in C.3.4.2 to all interested persons upon request. |
| C.3.5 | Two-envelope system |
| C.3.5.1 | Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened. |

| | |
|--------------|---|
| C.3.5.2 | Evaluate functionality of the technical proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the functionality evaluation more than the minimum number of points for functionality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any points claimed on BBEE status level. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for functionality. |
| C.3.6 | Non-disclosure |
| | Not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer. |
| C.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. |
| C.3.8 | Test for responsiveness |
| C.3.8.1 | Determine, after opening and before detailed evaluation, whether each tender offer properly received: a) complies with the requirements of these Conditions of Tender, b) has been properly and fully completed and signed, and c) is responsive to the other requirements of the tender documents. |
| C.3.8.2 | A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would: a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work, b) significantly change the Employer's or the tenderer's risks and responsibilities under the contract, or c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified. Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation. |
| C.3.9 | Arithmetical errors, omissions and discrepancies |
| C.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. |
| C.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 C.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. |

| | |
|---------------|---|
| C.3.9.3 | Notify the tenderer of all errors or omissions that are identified in the tender offer and either confirm the tender offer as tendered or accept the corrected total of prices. |
| C.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. |
| C.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. |
| C.3.11 | Evaluation of tender offers |

| | <p>The Standard Conditions of Tender standardize the procurement processes, methods and procedures from the time that tenders are invited to the time that a contract is awarded. They are generic in nature and are made project specific through choices that are made in developing the Tender Data associated with a specific project.</p> <p>Conditions of tender are by definition the document that establishes a tenderer's obligations in submitting a tender and the employer's undertakings in soliciting and evaluating tender offers. Such conditions establish the rules from the time a tender is advertised to the time that a contract is awarded and require employers to conduct the process of offer and acceptance in terms of a set of standard procedures.</p> <p>The CIDB Standard Conditions of Tender are based on a procurement system that satisfies the following system requirements:</p> <table> <tr> <th>Requirement</th><th>Qualitative interpretation of goal</th></tr> <tr> <td>Fair</td><td>The process of offer and acceptance is conducted impartially without bias, providing simultaneous and timely access to participating parties to the same information.</td></tr> <tr> <td>Equitable</td><td>Terms and conditions for performing the work do not unfairly prejudice the interests of the parties.</td></tr> <tr> <td>Transparent</td><td>The only grounds for not awarding a contract to a tenderer who satisfies all requirements are restrictions from doing business with the employer, lack of capability or capacity, legal impediments and conflicts of interest.</td></tr> <tr> <td>Competitive</td><td>The system provides for appropriate levels of competition to ensure cost effective and best value outcomes.</td></tr> <tr> <td>Cost effective</td><td>The processes, procedures and methods are standardized with sufficient flexibility to attain best value outcomes in respect of quality, timing and price, and least resources to effectively manage and control procurement processes.</td></tr> </table> <p>The activities associated with evaluating tender offers are as follows:</p> <ol style="list-style-type: none"> Open and record tender offers received Determine whether or not tender offers are complete Determine whether or not tender offers are responsive Evaluate tender offers Determine if there are any grounds for disqualification Determine acceptability of preferred tenderer Prepare a tender evaluation report Confirm the recommendation contained in the tender evaluation report | Requirement | Qualitative interpretation of goal | Fair | The process of offer and acceptance is conducted impartially without bias, providing simultaneous and timely access to participating parties to the same information. | Equitable | Terms and conditions for performing the work do not unfairly prejudice the interests of the parties. | Transparent | The only grounds for not awarding a contract to a tenderer who satisfies all requirements are restrictions from doing business with the employer, lack of capability or capacity, legal impediments and conflicts of interest. | Competitive | The system provides for appropriate levels of competition to ensure cost effective and best value outcomes. | Cost effective | The processes, procedures and methods are standardized with sufficient flexibility to attain best value outcomes in respect of quality, timing and price, and least resources to effectively manage and control procurement processes. |
|-----------------|--|-------------|------------------------------------|------|---|-----------|--|-------------|--|-------------|---|----------------|--|
| Requirement | Qualitative interpretation of goal | | | | | | | | | | | | |
| Fair | The process of offer and acceptance is conducted impartially without bias, providing simultaneous and timely access to participating parties to the same information. | | | | | | | | | | | | |
| Equitable | Terms and conditions for performing the work do not unfairly prejudice the interests of the parties. | | | | | | | | | | | | |
| Transparent | The only grounds for not awarding a contract to a tenderer who satisfies all requirements are restrictions from doing business with the employer, lack of capability or capacity, legal impediments and conflicts of interest. | | | | | | | | | | | | |
| Competitive | The system provides for appropriate levels of competition to ensure cost effective and best value outcomes. | | | | | | | | | | | | |
| Cost effective | The processes, procedures and methods are standardized with sufficient flexibility to attain best value outcomes in respect of quality, timing and price, and least resources to effectively manage and control procurement processes. | | | | | | | | | | | | |
| C.3.11.1 | General | | | | | | | | | | | | |
| | The employer must appoint an evaluation panel of not less than three persons conversant with the proposed scope of works to evaluate each responsive tender offer using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data. | | | | | | | | | | | | |
| C.3.12 | Insurance provided by the employer | | | | | | | | | | | | |
| | If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide. | | | | | | | | | | | | |
| C.3.13 | Acceptance of tender offer | | | | | | | | | | | | |

| | |
|---------------|--|
| | <p>Accept the tender offer; if in the opinion of the employer, it does not present any 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, under Business Rescue as provided for in chapter 6 of the Companies Act No. 2008, bankrupt or being wound up, has his/her affairs administered by a court or a judicial officer, has suspended his/her 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> |
| C.3.14 | Prepare contract documents |
| C.3.14.1 | <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 and</p> <p>c) other revisions agreed between the employer and the successful tenderer.</p> |
| C.3.14.2 | Complete the schedule of deviations attached to the form of offer and acceptance, if any. |
| C.3.15 | Complete adjudicator's contract |
| | Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed. |
| C.3.16 | Registration of the award |
| | An employer must, within twenty-one (21) working days from the date on which a contractor's offer to perform a construction works contract is accepted in writing by the employer, register and publish the award on the cidb Register of Projects. |
| C.3.17 | Provide copies of the contracts |
| | Provide to the successful tenderer the number of copies stated in the Tender Data of the signed copy of the contract as soon as possible after completion and signing of the form of offer and acceptance. |
| C.3.18 | Provide written reasons for actions taken |
| | Provide upon request written reasons to tenderers for any action that is taken in applying these conditions of tender but withhold information which is not in the public interest to be divulged, which is considered to prejudice the legitimate commercial interests of tenderers or might prejudice fair competition between tenderers. |

B-BBEE certificates submitted with the tender documents MUST be a VALID ORIGINAL B-BBEE CERTIFICATE or VALID CERTIFIED COPY OF THE B-BBEE CERTIFICATE.

In the case of a Trust, Consortium or Joint Venture, they will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

TAX COMPLIANCE INFORMATION**PART A**

| | | | | | |
|---|---|--|----|--|--|
| Tax Compliance Status | TCS Pin: | | or | CSD No: | |
| B-BBEE Status Level Verification Certificate [Tick Applicable Box] | <input type="checkbox"/> Yes <input type="checkbox"/> No | | | B-BBEE Status Level Sworn Affidavit | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| [A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE / SWORN AFFIDAVIT (FORM EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE] | | | | | |
| Are You The Accredited Representative In South Africa For The Goods / Services / Works Offered? | <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 2.] |
| Signature of Bidder | | | | Date | |

PART B

TERMS AND CONDITIONS FOR BIDDING

| | | |
|--|--|--------|
| 1. TAX COMPLIANCE REQUIREMENTS | | |
| 1.1 | BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. | |
| 1.2 | 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. | |
| 1.3 | 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 . | |
| 1.4 | FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B2. | |
| 1.5 | BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. | |
| 1.6 | IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. | |
| 1.7 | WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL CUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. | |
| 2. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS [Tick Applicable Box] | | |
| 2.1 | Is the entity a resident of the Republic of South Africa (RSA)? | YES NO |
| 2.2 | Does the entity have a branch in the RSA? | YES NO |
| 2.3 | Does the entity have a permanent establishment in the RSA? | YES NO |
| 2.4 | Does the entity have any source of income in the RSA? | YES NO |
| 2.5 | Is the entity liable in the RSA for any form of taxation? | YES NO |
| IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 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:

MBD 4

DECLARATION OF INTEREST

| | | | |
|-------|--|-----------------|-----------------|
| 1. | No bid will be accepted from persons in the service of the state*. | | |
| 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 the 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 / her representative: | | |
| 3.2 | Identity number: | | |
| 3.3 | Position occupied in the Company (director, trustee, shareholder ²): | | |
| 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 (where applicable) 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 the following particulars: Name of person / director / trustee / shareholder member: Name of state institution at which you or the person connected to the bidder is employed: Position occupied in the state institution: Any other particulars: | | |
| 3.9 | Have you been in the service of the state for the past twelve months? | | YES / NO |

| | | |
|--------|---|-----------------|
| 3.9.1 | If so, 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 | <p>If yes, furnish the following particulars:</p> <p>Name of person:</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>Position occupied in the state institution:</p> <p>Any other particulars:</p> <p>.....</p> | |
| 3.11 | Are you aware of any relationship (family, friend, other) between the bidder and any person in the service of the state who may be involved with the evaluation and or adjudication of this bid? | YES / NO |
| 3.11.1 | <p>If yes, furnish the following particulars:</p> <p>Name of person:</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>Position occupied in the state institution:</p> <p>Any other particulars:</p> <p>.....</p> | |
| 3.12 | Are any of the company's directors, managers, principal shareholders or stakeholders in the service of the state? | YES / NO |
| 3.12.1 | <p>If yes, furnish the following particulars:</p> <p>Name of person / director / trustee / shareholder / member:</p> | |

| | | | | |
|---|--|--|---------------------------------------|-------------------------------------|
| | Name of state institution at which you or the person connected to the bidder is employed: Position occupied in the state institution: Any other particulars: | | | |
| 3.13 | Is any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in the service of the state? | YES / NO | | |
| 3.13.1 | If yes, furnish the following particulars: Name of person / director / trustee / shareholder / member: Name of state institution at which you or the person connected to the bidder is employed: Position occupied in the state institution: Any other particulars: | | | |
| 3.14 | Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract? | YES / NO | | |
| 3.14.1 | If yes, furnish particulars: | | | |
| 4. Full details of directors / trustees / members / shareholders: | | | | |
| THE FOLLOWING INFORMATION IS COMPULSORY TO COMPLETE: | | | | |
| Full Name | Identity Number | <table border="1"> <tr> <td>Individual Tax Number for each</td> <td>State Employee Number (where</td> </tr> </table> | Individual Tax Number for each | State Employee Number (where |
| Individual Tax Number for each | State Employee Number (where | | | |

| | | | |
|-----------|--|-----------------|--------------------|
| | | Director | applicable) |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| 5. | The contract will be automatically cancelled if there is a conflict of interest which is not disclosed by the bidder. | | |

Protection of Personal Information Act, 2013 (Act no.4 of 2013) (POPIA)

All parties agree that they will comply with Protection of Personal Information Act, 2013 (Act no.4 of 2013) (POPIA) and process all the information and/or personal data in respect of the goods and/or services being rendered in accordance with the said act and only for the purpose of providing the goods and/or services set out in the agreement to provide such goods and/or services.

The contract between the municipality and the service provider must ensure compliance with the Protection of Personal Information Act, 2013 (Act no.4 of 2013) (POPIA), in that the service provider establishes and maintains security measures to safeguard personal information being processed on behalf of the municipality. The service provider must notify the municipality immediately in an event where there are reasonable grounds to believe personal information has been accessed by an unauthorized person.

The contract with a service provider must ensure confidentiality of personal information processed on behalf of the municipality. A supply contract with a service provider must include standard clauses outlining joint responsibility in terms of the protection of personal information.

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

¹MSCM 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 or 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 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 exercise control over the company.

MBD 6.1

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2017**

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

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

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

1.2

- a) The value of this bid is estimated no to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

1.3 Points for this bid shall be awarded for:

- (a) Price; and
(b) B-BBEE Status Level of Contributor.

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

| | POINTS |
|--|------------|
| PRICE | 80 |
| B-BBEE STATUS LEVEL OF CONTRIBUTOR | 20 |
| Total points for Price and B-BBEE must not exceed | 100 |

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

- (a) “**B-BBEE**” means broad-based black economic empowerment as defined in

section 1 of the Broad-Based Black Economic Empowerment Act;

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

P_{min} = Price of lowest acceptable bid

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

4.1 POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{max} = Price of highest acceptable bid

5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 5.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

6. BID DECLARATION

- 6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 7.1 B-BBEE Status Level of Contributor: =(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

8. SUB-CONTRACTING

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

(***Tick applicable box***)

| | | | |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

- 8.1.1 If yes, indicate:

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

(***Tick applicable box***)

| | | | |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

| Designated Group: An EME or QSE which is at last 51% owned by: | EME √ | QSE √ |
|---|----------|----------|
| Black people | | |
| Black people who are youth | | |
| Black people who are women | | |
| Black people with disabilities | | |
| Black people living in rural or underdeveloped areas or townships | | |
| Cooperative owned by black people | | |
| Black people who are military veterans | | |
| OR | | |
| Any EME | | |
| Any QSE | | |

9. DECLARATION WITH REGARD TO COMPANY/FIRM

- 9.1 Name of company/firm:.....
- 9.2 VAT registration number:.....
- 9.3 Company registration number:.....
- 9.4 TYPE OF COMPANY/ FIRM

☐ Partnership/Joint Venture / Consortium

- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

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

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

MBD 6.1(a)

SWORN AFFIDAVIT – BBBEE EXEMPTED MICRO ENTERPRISE**SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE**

I, the undersigned,

| | |
|--------------------------------|--|
| Full name & Surname | |
| Identity number | |

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf:

| | |
|----------------------------|--|
| Enterprise Name | |
| Trading Name | |
| Registration Number | |
| Enterprise Address | |

3. I hereby declare under oath that:
 - The enterprise is _____ % black owned;
 - The enterprise is _____ % black woman owned;
 - Based on the management accounts and other information available on the _____ financial year, the income did not exceed R10,000,000.00 (ten million rands);
 - Please confirm on the table below the B-BBEE level contributor, **by ticking the applicable box.**

| | | |
|---------------------------|---|--|
| 100% black owned | Level One (135% B-BBEE procurement recognition) | |
| More than 51% black owned | Level Two (125% B-BBEE procurement recognition) | |
| Less than 51% black owned | Level Four (100% B-BBEE procurement recognition) | |

4. The entity is an empowering supplier in terms of **the dti** Codes of Good Practice.
5. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.
6. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: _____

Date: _____

 Commissioner of Oaths
 Signature & stamp

MBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

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

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

Where

x is the imported content in Rand

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

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

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

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

| <u>Description of services, works or goods</u> | <u>Stipulated minimum threshold</u> |
|--|-------------------------------------|
| Steel Construction Material | 100% |
| Joining Components | 100% |

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

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

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

The relevant rates of exchange information is accessible on www.reservebank.co.za

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

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

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

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

LOCAL CONTENT DECLARATION
(REFER TO ANNEX B OF SATS 1286:2011)

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

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Institution):

.....
 NB

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

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thdti.gov.za/industrial_development/ip.jsp. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

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

(a) The facts contained herein are within my own personal knowledge.

(b) I have satisfied myself that:

(i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and

(c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

| | |
|--|--|
| Local content %, as calculated in terms of SATS 1286:2011 | |
| <p>If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.</p> <p>(d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.</p> <p>(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>SIGNATURE: _____</p> <p>WITNESS No. 1 _____</p> <p>WITNESS No. 2 _____</p> </div> <div style="width: 45%;"> <p>DATE: _____</p> <p>DATE: _____</p> <p>DATE: _____</p> </div> </div> | |

MBD8

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:
 - 3.1 abused the municipality’s / municipal entity’s supply chain management system or committed any improper conduct in relation to such system;
 - 3.2 been convicted for fraud or corruption during the past five years;
 - 3.3 willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - 3.4 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 | <p>Is the bidder or any of its directors listed on the National Treasury’s database as a company or person prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury’s ebsite (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p> | <p>Yes</p> <p><input type="checkbox"/></p> | <p>No</p> <p><input type="checkbox"/></p> |
| 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"/> |
| 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"/> |
| 4.5.1 | 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

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:
 - 3.1 take all reasonable steps to prevent such abuse;
 - 3.2 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
 - 3.3 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 (MBD9) must be completed and submitted with the bid:
- ¹ Includes price quotations, advertised competitive bids, limited bids and proposals.
- ² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY, DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE TOUWSRANTEN LIBRARY

in response to the invitation for the bid made by:

GEORGE 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)

6. I have read and I understand the contents of this Certificate;
7. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
8. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
9. 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;
10. 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:
 - 10.1 has been requested to submit a bid in response to this bid invitation;
 - 10.2 could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - 10.3 Provides the same goods and services as the bidder and/or is in the same line of business as the bidder.

MBD9

- 11 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
- 12 In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- 12.1 prices;
 - 12.2 geographical area where product or service will be rendered (market allocation);
 - 12.3 methods, factors or formulas used to calculate prices;
 - 12.4 the intention or decision to submit or not to submit, a bid;
 - 12.5 the submission of a bid which does not meet the specifications and conditions of the bid; or bidding with the intention not to win the bid.
13. 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.
14. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
15. 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.

CERTIFICATE FOR MUNICIPAL SERVICES (COMPULSORY TO COMPLETE)

Information required in terms of the Supply Chain Management Regulations, Regulation 28 (1) (c).

Tender Number: BA049/2022

Name of the Bidder: _____

DETAILS OF THE BIDDER/S: Owner / Proprietor / Director(s) / Partner(s), etc:

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

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

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

I, _____, the undersigned,
(full name in block letters)

certify that the information furnished on this declaration form is correct and that I/we have no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days.

Signature

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

at _____ on the _____ day of _____ 2022

PLEASE NOTE:

MUNICIPAL ACCOUNTS FOR ALL PROPERTIES OWNED BY BIDDER/S MUST BE ATTACHED TO THE TENDER DOCUMENT!

Even if the requested information is not applicable to the Bidder, the table above should be endorsed **NOT APPLICABLE** with a reason and **THIS DECLARATION MUST STILL BE COMPLETED AND SIGNED.** In the event of leasing, a lease agreement **MUST** be attached to the tender document.

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY

Returnable Documents (Part T2)

*(ALL Documents and Schedules **MUST BE RETURNED** for the
TENDER to Qualify)*

- | | |
|------|--|
| T2.1 | List of Returnable Schedules Required for Tender Evaluation & Returnable Schedules |
| T2.2 | Other documents that will be incorporated into the contract |
| T2.3 | Returnable Schedules that will be incorporated in the contract |

NOTE:

Although the documents under Part T2 is headed “Returnable Documents” in line with the CIDB model, these are not the only documents to be returned together with the Tender. **All** the documents indicated on document T1, must be completed and signed where applicable and submitted as a **complete set of documents**.

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

**List of Returnable Schedules Required for Tender
Evaluation Purposes (T2.1)**

| | |
|------------|--|
| Form 2.1.1 | General Information |
| Form 2.1.2 | Authority for Signatory |
| Form 2.1.3 | Schedule of Work Carried Out by Tenderer |
| Form 2.1.4 | Proposed Key Personnel |
| Form 2.1.5 | Schedule of Infrastructure and Resources |
| Form 2.1.6 | Schedule of Approach and Methodology |
| Form 2.1.7 | Schedule of Proposed Sub-Contractors |
| Form 2.1.8 | Financial References |

FORM 2.1.1 GENERAL INFORMATION

1. Name of tendering entity: _____

1. Contact details

Address : _____

Tel no : (_____) _____

Fax no : (_____) _____

E-mail address : _____

2. Legal entity: Mark with an **X**.

| | |
|-------------------|--|
| Sole proprietor | |
| Partnership | |
| Close corporation | |
| Company (Pty) Ltd | |
| Joint venture | |

In the case of a Joint venture, provide details on joint venture members:

| Joint venture member | Type of entity (as defined above) |
|----------------------|-----------------------------------|
| | |
| | |
| | |
| | |
| | |

3. Income tax reference number: _____
(in the case of a joint venture, provide for all joint venture members)

4. Regional services area where the enterprise is registered: _____
(In the case of a joint venture, provide for all joint venture members)

5. Regional services levy registration number: _____
(In the case of a joint venture, provide for all joint venture members)

6. VAT registration number: _____
(In the case of a joint venture, provide for all joint venture members)

8. Company or closed corporation registration number: _____
(In the case of a joint venture, provide for all joint venture members)
9. Details of proprietor, partners, closed corporation members, or company directors, indicating technical qualifications where applicable (Form on the next page).
10. For joint ventures the following must be attached (**COMPULSORY**):
- Written power of attorney for authorised signatory.
 - **Pro-forma of the joint venture agreement.**
* If the Joint Venture Agreement is not attached, the tender will not be considered!

DETAILS OF PROPRIETOR, PARTNERS, CLOSED CORPORATION MEMBERS OR COMPANY DIRECTORS

| Name and Identity Number | Relevant qualifications and experience | Years of relevant experience |
|--------------------------|--|------------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Name of Tendering Entity : _____

Signature : _____

Date : _____

FORM 2.1.2 AUTHORITY FOR SIGNATORY

Details of person responsible for Tender process

Name

Contact number ()

Address of office submitting the Tender

Telephone no ()

Fax no ()

E-mail address

Signatories for close corporations and companies shall confirm their authority by attaching to this form a **duly signed and dated original or certified copy** of the relevant resolution of their members or their board of directors, as the case may be.

"By resolution of the board of directors passed on (*date*)

Mr.

has been duly authorized to sign all documents in connection with the Tender for Contract Numberand any Contract which may arise there from on behalf of

(BLOCK CAPITALS)

SIGNED ON BEHALF OF THE COMPANY

IN HIS CAPACITY AS

DATE

FULL NAMES OF SIGNATORY

AS WITNESSES 1.

2.

FORM 2.1.3 SCHEDULE OF WORK CARRIED OUT BY TENDERER**Previous experience**

Provide the following information on relevant previous experience (indicate specifically projects of similar or larger size and/or which is similar with regard to type of work. In addition to any requirements, bidders must furnish particulars of:

- a. all construction works provided to an organ of state in the last five years;
- b. any similar construction works provided to an organ of state in the last five years.

This information is material to the award of the Contract.

| Description | Value (R, VAT excluded) | Year(s) executed | Reference | | |
|-------------|-------------------------------|---------------------|-----------|------------------|--------|
| | | | Name | Organisati on | Tel no |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Name of Tendering
Entity:

Signature :

Date :

FORM 2.1.4 PROPOSED KEY PERSONNEL

The Tenderer shall list below the key personnel (including first nominee and the second-choice alternate), whom he proposes to employ on the project should his tender be accepted, both at his headquarters and on the Site, to direct and for the execution of the work, together with their qualifications, experience, positions held and their nationalities.

| DESIGNATION | NAME OF | NATIONALITY: | SUMMARY OF | | HDI Status Yes/No | Fee (Time Based) |
|---|---------------------------|--------------|---------------------------------------|--------------------------------------|----------------------|---------------------|
| | NOMINEE (ii) ALTERNATE | | QUALIFICAT- IONS AND NQF STATUS | EXPERIENCE AND PRESENT OCCUPATION | | |
| <u>HEADQUARTERS</u> Partner/director | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Project manager | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Other key staff (give designation) | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Name of Tendering Entity : _____

Signature : _____

Date : _____

Returnable Schedules Required For Tender Evaluation

Part T2.1

Form 2.1.4 continued

| DESIGNATION | NAME OF | NATIONALITY: | SUMMARY OF | | HDI Status Yes/No | Fee (Time Based) |
|--|---------------------------|--------------|---------------------------------------|--------------------------------------|----------------------|---------------------|
| | NOMINEE (ii) ALTERNATE | | QUALIFICAT- IONS AND NQF STATUS | EXPERIENCE AND PRESENT OCCUPATION | | |
| <u>CONSTRUCTION MONITORING</u> | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Other key staff (give designation) | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Name of Tendering Entity :

Signature :

Date :

FORM 2.1.5 SCHEDULE OF INFRASTRUCTURE AND RESOURCES

Provide information on the following:

Infrastructure and resources available

Physical facilities

| Description | Address | Area (m ²) |
|-------------|---------|------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

Equipment

Provide information on equipment and resources that you have available for this project
(attach details if the spaces provided are not enough)

| Description : Equipment owned | Number of units |
|-------------------------------|-----------------|
| | |
| | |
| | |
| | |
| | |
| | |

Size of enterprise and current workload:

What was your turnover in the previous financial year?

What is the estimated turnover for your current financial year?

List your current contracts and obligations:

| Description | Value ® | Start date | Duration | Expected completed date |
|-------------|---------|------------|----------|-------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Do you have the capacity to supply the goods and services described in this Tender, should the contract be awarded to you? YES / NO

Staffing Profile:

Provide information on the staff that you have available to execute this contract (attach a separate list if the space provided is insufficient)

| Permanently employed staff : gender and race | Number of staff |
|--|-----------------|
| | |
| | |
| | |
| | |
| Temporary staff to be employed for the project : gender and race | Number of staff |
| | |
| | |
| | |

Name of Tendering Entity :

Signature :

Date :

FORM 2.1.6 SCHEDULE OF APPROACH AND METHODOLOGY/ WORK PLAN**Understanding the terms of reference / brief**

1. Do you as the contractor understand what is required in terms of the project stated above?

| | | | |
|------------|--|-----------|--|
| Yes | | No | |
|------------|--|-----------|--|

 (Tick Appropriate Block)

2. If you answered Yes to question 1 above, please explain briefly your understanding of the project in no more than 50 words.

| |
|--|
| |
| |
| |
| |
| |
| |

3. Considering questions 1 and 2 above, please provide in summary, details of your proposed approach and work plan to the successful completion of the above project.

| |
|--|
| |
| |
| |
| |
| |
| |
| |

4. Briefly state if you have any innovative approach for this particular project mentioned above, that you feel will be unique but also economically superior to the normal workable approach at presently undertaken as the norm.

| |
|--|
| |
| |
| |
| |
| |
| |

Name of Tendering Entity : _____

Signature : _____

Date : _____

FORM 2.1.7 SCHEDULE OF SUB-CONTRACTORS

The Bidder shall, in accordance with the provisions of condition of Tender, list below the sub-contractors he/she proposes to employ for part(s) of the work.

If any or all of the sub-contractor/s listed hereunder are not approved subsequent to acceptance of the Tender, it shall in no way invalidate the Tender or the Contract, and the Tendered unit rates for the respective items of work shall remain final and binding even if a sub-contractor/s not listed below is approved by the Employer.

| Sub- Contractor's Name | Work Activities to be undertaken by the Sub-contractor | Work Recently Executed by Sub-contractor |
|------------------------|--|--|
| | | |

FORM 2.1.8 FINANCIAL REFERENCES**FINANCIAL STATEMENTS**

I/We agree, if required, to furnish an audited copy of the latest set of financial statements together with my/our Directors' and Auditors' report for consideration by the Employer.

DETAILS OF TENDERING ENTITY'S BANK

I/We hereby authorize the Employer/Engineer to approach all or any of the following banks for the purposes of obtaining a financial reference:

| DESCRIPTION OF BANK DETAIL | BANK DETAILS APPLICABLE TO TENDERER 'S HEAD OFFICE |
|----------------------------|--|
| Name of bank | |
| Branch name | |
| Branch code | |
| Street address | |
| Postal address | |
| Name of manager | |
| Telephone number | () |
| Fax number | () |
| Account number | |

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

**Other Documents Required For Tender Evaluation
Purposes (Part T2.2)**

- | | |
|------------|---|
| Form 2.2.1 | Certificate of Tenderer's Attendance at the Compulsory Information Session / Site Meeting |
| Form 2.2.2 | Written Proof of Tenderers registration at the Construction Industry Development Board (CIDB) |

**FORM 2.2.1 CERTIFICATE OF TENDERER'S ATTENDANCE AT THE
COMPULSORY CLARIFICATION MEETING**

This is to certify that I, ,
representative of (Tenderer)

.....
of (address)

.....
Telephone number

Fax number

attended compulsory Clarification Meeting on **Friday, 28 October 2022 at 10:00** in the

company of (George Municipality / Employer's Representative)

PLEASE NOTE:

Tenderers are requested to submit the minutes received at above-mentioned compulsory information session/meeting with their Tender documents. (Non-submission of this information may lead to rejection of this Tender)

TENDERER 'S REPRESENTATIVE:

GEORGE MUNICIPALITY / EMPLOYER'S REPRESENTATIVE:

**FORM 2.2.2 PROOF OF REGISTRATION AT THE CONSTRUCTION INDUSTRY
DEVELOPMENT BOARD (CIDB)**

The Tenderer is to affix to this page:

- Written proof of Tenderers registration at the CIDB.
- CRS Number:

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

**Returnable Schedules that will be Incorporated in
the Contract (Part T2.3)**

Form 2.3.1

Record of Addenda to Tender Documents

FORM 2.3.1 RECORD OF ADDENDA TO TENDER DOCUMENTS

We confirm that the following communications received from the Employer before the submission of this Tender offer, amending the Tender documents, have been taken into account in this Tender offer:

| | Date | Title or Details |
|----|------|------------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |

Attach additional pages if more space is required.

Signed: Date:

Name: Position:

SIGNED ON BEHALF OF TENDERER:

1. Infrastructure and resources available

Evaluation of the following in terms of the size, nature and complexity of goods and/or services required:

- Physical facilities.
- Infrastructure and resources available for the contract owned by the Tenderer.
- Infrastructure and resources the Tenderer intends renting, should the contract be awarded to him.

2. Size of enterprise, and current workload

Evaluation of the Tenderer's position in terms of:

- Previous and expected current annual turnover
- Current contractual obligations
- Capacity to execute the contract

3. Staffing profile

Evaluation of the Tenderer's position in terms of:

- Staff available for this contract being Tendered for
- Qualifications and experience of key staff to be utilized on this contract.

4. Previous experience

Evaluation of the Tenderer's position in terms of his previous experience. Emphasis will be placed on the following:

- Experience in the relevant technical field
- Experience of contracts of similar size
- Some or all of the references will be contacted to obtain their input.

5. Financial ability to execute the contract

Evaluation of the Tenderer's financial ability to execute the contract. Emphasis will be placed on the following:

- Professional indemnity
- Contact the Tenderer's bank manager to assess the Tenderer's financial ability to execute the contract and the Tenderer hereby grants his consent for this purpose.

If the Tender does **not** meet the requirements contained in the George Municipality Procurement Policy, and the mentioned framework, it will be rejected by the Council, and may not subsequently be made acceptable by correction or withdrawal of the non-conforming deviation or reservation.

6. Penalties

The George Municipality will if upon investigation it is found that a preference in terms of the Act and these regulations has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract, on discretion of the Departmental Head, one or more of the following penalties will be imposed:

- Cancel the contract and recover all losses or damages incurred or sustained from the Tenderer.
- Impose a financial penalty of twice the theoretical financial preference associated with the claim, which was made in the Tender.

- Restrict the Tenderer, its shareholders and directors on obtaining any business from the George Municipality for a period of 5 years.

Compliance with Employment Equity Act 55 of 1998

Attach a valid certificate from the Department of Labour, or a declaration (Refer to Equity Ownership Table) by the designated EMPLOYER, that the EMPLOYER complies with the relevant chapters of the Employment Equity Act.

A failure to comply with the above is sufficient ground for rejection of any offer to conclude an agreement or for cancellation of the agreement.

Definitions in terms of the last-mentioned Act.

“designated EMPLOYER means-

- a EMPLOYER who employs 50 or more employees;
- a EMPLOYER who employs fewer than 50 employees, but has a total annual turnover that is equal to or above the applicable annual turnover of a small business in terms of Schedule 4 to this Act.”

“Schedule 4”

TURNOVER THRESHOLD APPLICABLE TO DESIGNATED EMPLOYERS

| Sector or sub sector in accordance with the Standard Industrial Classification | Total annual turnover |
|---|------------------------------|
| Agriculture | R 2,00 m |
| Mining and Quarrying | R 7,50 m |
| Manufacturing | R 10,00 m |
| Electricity, Gas and Water | R 10,00 m |
| Construction | R 5,00 m |
| Retail and Motor Trade and Repair Services | R 15,00 m |
| Wholesale Trade, Commercial Agents and Allied Services | R 25,00 m |
| Catering, Accommodation and other Trade | R 5,00 m |
| Transport, Storage and Communications | R 10,00 m |
| Finance and Business Services | R 10,00 m |
| Community, Social and Personal Services | R 5,00 m |

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

The Contract (Part C)

| | |
|---------|---------------------------------|
| Part C1 | Agreement and Contract Data |
| Part C2 | Pricing Data |
| Part C3 | Scope of Works / Specifications |

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

Agreement And Contract Data (Part C1)

| | |
|-----------|----------------------------------|
| Part C1.1 | Form of Offer and Acceptance |
| Part C1.2 | Contract Data |
| Part C1.3 | Objections and Complainants Form |
| Part C1.4 | Form of Guarantee |

**GEORGE MUNICIPALITY
DIRECTORATE: CORPORATE SERVICES**

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

Form of Offer and Acceptance (Part C1.1)

(AGREEMENT) OFFER

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

.....

The Tenderer, identified in the Offer signature block below, has examined the documents listed in the Tender Data and addenda thereto as listed in the Tender schedules, and by submitting this Offer has accepted the Conditions of Tender.

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

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:

.....

.....rand (in words); R (in figures),

This Offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document to the Tenderer before the end of the period of validity stated in the Tender Data, whereupon the Tenderer becomes the party named as the Service Provider in the Conditions of Contract identified in the Contract Data.

Signature(s) _____

Name(s) _____

Capacity _____

(Name and address of organisation)

ACCEPTANCE

By signing this part of this Form of Offer and Acceptance, the Employer identified below accepts the Tenderer's Offer. In consideration thereof, the Employer shall pay the Service Provider 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 C1 Agreements and Contract Data
(which includes this Form of Offer and Acceptance)
Part C2 Pricing Data
Part C3 Scope of Work / Specifications

and drawings and documents or parts thereof, which may be incorporated by reference into Parts C1 to C3 above.

The Tenderer shall within two weeks after receiving a completed copy of this Agreement, contact the Employer's representative (whose details are given in the Contract Data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the, Conditions of Contract identified in the Contract Data. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this Agreement.

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

Signature: _____

Name

Capacity **ACTING DIRECTOR: CORPORATE SERVICES**

GEORGE MUNICIPALITY
CIVIC CENTRE
YORK STREET
GEORGE

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the Tender documents and the receipt by the Tenderer of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this Agreement.

FOR THE TENDERER:

Signature(s) _____

Name(s) _____

Capacity _____

(Name and address of organisation)**FOR THE EMPLOYER:**

Signature: _____

Name

Capacity **ACTING DIRECTOR: CORPORATE SERVICES**

**GEORGE MUNICIPALITY
CIVIC CENTRE
YORK STREET
GEORGE**

GEORGE MUNICIPALITY
DIRECTORATE: CORPORATE SERVICES
TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

Contract Data (Part C1.2)

C1.2 CONTRACT DATA

The General Conditions of Contract for Construction Works, Third Edition, 2015 published by the South African Institution of Civil Engineering, Private Bag X200, Halfway House, 1685, is applicable to this Contract and is obtainable from www.saice.org.za.

The Conditions of Contract are:

- the “General Conditions of Contract”

as they appear in the commercially-available publication “*General Conditions of Contract for Construction Works, Third Edition (2015)*”, published by the South African Institution of Civil Engineering (SAICE) as the August 2015 print edition, hereinafter referred to as GCC 2015; and

- specific data as contained in this Contract Data.

Each party to the Contract shall purchase its own copy of the GCC 2015, from a duly authorised commercial vendor or directly from the publisher:

South African Institution of Civil Engineering
Private Bag X200
Halfway House 1685
South Africa
Tel +27 (0)11 805 5947

PART 1: DATA PROVIDED BY THE EMPLOYER

The following contract specific data are applicable to this Contract:

| | | |
|-------------|--|--|
| Clause 1 | The Employer is the George Municipality. | |
| 3.4 and 3.5 | The Authorised and Designated representative of the Employer is: | |
| | Name: Mr. Xolani Henge / Ms. Rachel Williams (Project Managers) | |
| | The Employer's address for receipt of communications is: | |
| | <u>Physical address:</u> George Municipality York Street George, 6530 | <u>Postal address:</u> George Municipality PO Box 19 George, 6530 |

| | |
|-----------------------------------|--|
| Clause 1 | The Employer is the George Municipality. |
| | Telephone: (044) 801 9456 / (044) 801 2002 |
| | The Project is for the supply, delivery and installation of modular library at the Touwsrante library. |
| 3.6 | The Service Provider may release public or media statements or publish material related to the Services or Project subject to the approval of the Employer. |
| 3.7 | The Services Provision shall be completed for the portions as set out in the Scope of Works. |
| 5.1.1 and 5.1.2 | The Service Provider is required to provide the Service with all reasonable care, diligence and skill in accordance with generally accepted professional techniques and standards. Where services include the powers to certify, decide or otherwise exercise discretion in regard to a contractor agreement between the Employer and others then the Service provider shall act in respect of that contract/agreement as an independent |
| 5.4.1 | The Service Provider is required to provide the following insurances: |
| | 1. Insurance against Form of Guarantee |
| | Cover is: Equivalent to the project value |
| | Period of cover: Duration of Project |
| | Deductibles are: |
| 5.5 | The Service Provider is required to obtain the Employer's prior approval in writing before taking any of the following actions: 1. Appointing Sub-Contractors for the performance of any part of the Services. |
| Additional Clause to be added 7.3 | The Employer will not be responsible for any overtime worked by or overtime payments made to personnel, or any additional costs not specified in the tender submitted by the Tenderer. |
| 9.1 | Copyright of documents prepared for the Project shall be vested with George Municipality. |
| 12.1 | Settlement of disputes is to be in terms of Clause 49 and 50 of the Supply Chain Management Policy of the George Municipality. See Document C1.3. |
| 14 | Where not specifically indicated, all tendered prices, rates, tariffs, fees, etcetera are to include 15% VAT. |

PART 2: DATA PROVIDED BY THE SERVICE PROVIDER

| | | |
|--------|--|-----------------|
| Clause | | |
| 5.1 | The Service Provider is: | |
| | | |
| 5.3 | The authorized and designated representative of the Service Provider is: | |
| | Name: | |
| | The Service Provider's address for receipt of communications is | |
| | Physical address: | Postal address: |
| | | |
| | | |
| | Telephone: | |
| | Fax: | |
| | E-mail: | |

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

Objections and Complainants Form (Part C1.3)

(Section 4, item 50 of the George Municipality's Supply Chain Management Policy)

(1) Details of Objector/Complainant

Name: _____

Address: (postal and street): _____

Tel: _____ Fax: _____

Contact person: _____

Reference number of Tender : _____

Other Party's Details (If any)

Name: _____

Address: (postal and street): _____

Tel: _____ Fax: _____

Contact person: _____

Reference number of Tender: _____

Description of Issue[s] in Dispute

List of Documents Attached

Determination Sought in Respect of Objection or Complaint

Form submitted by:

Name:

Signature:

Position:

Date:

Place:

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

Form of Performance Guarantee

(Part C1.4)

The Tenderer must affix proof of Form of Performance Guarantee to this page.

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

Pricing Data (Part C 2)

C2.1 Pricing Instructions

C2.2 Specifications

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

Pricing Instructions (Part C2.1)

C2.1 PRICING INSTRUCTIONS

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.
2. Show VAT payable by the employer separately as an addition to the tendered total of the prices.
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.
4. State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

GEORGE MUNICIPALITY**DIRECTORATE: CORPORATE SERVICES****TENDER NUMBER: BA049/2022****TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY****Pricing Schedule (Part C2.2)**

| DESCRIPTION | UNIT | QTY | PRICE (VAT EXCLUDED) |
|---|--------|-----|-------------------------|
| Preliminary & General | | | |
| Preliminary and General items (Defined works area, Inspection of site, Existing premises occupied, Protection of existing services, Security of works and equipment, management of works, Program for the works, Labour and plant, Telecommunications, insurances and all other overheads). | Pc Sum | 1 | R |
| Preparation of Site, Removal of Existing building, and Construction of concrete piers | M2 | 140 | R |
| Extension of Slab and Cutting of Paving and reconstruction of cabs | M2 | 60 | R |
| Removal of trees | No. | 2 | R |
| Purchase for Supply and Installation of Factory Assembled Modular Library 7.2 M X 15.6m with 1.5m Wide Standard Canopy Over Verandah | No. | 1 | R |
| Delivery/Transportation: Once-off (to Touwsranten) | No. | 1 | R |
| Water Tanks 2500L | No. | 2 | R |
| SUBTOTAL | | | R |
| 15% VAT | | | R |
| TOTAL (ALL APPLICABLE TAXES INCLUDED) | | | R |

GENERAL REQUIREMENTS

- Bidder must quote for each line item. Failure to do so, will result in your bid being non-responsive.

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

Specifications (C3)

ERF: 71 York Street

AREA: GEORGE

SPECIFICATION

Any deviation from the specification or minimum standards must be approved by the Director: Corporate Services prior to any work being done.

Modular Library Unit Specifications

NOTES:

- **Successful bidder to provide Workshop drawings of the Modular structure for approval before manufacturing!**
- **Successful bidder to provide samples of the furniture for approval before placing order.**
- **Standard and quality to comply with ISO 9001/2008 QMS.**
- **For more detailed information refer attached drawings.**

Site preparation: Prepare flat platform to receive the building. This is a responsibility of the service provider.

Size: 7.2m x 15.6m unit, to hold 10,000 books, with 1.5m wide standard canopy over the verandah in front of the building (re attached drawing).

Material: Unit shall be made of hard wearing, durable material with good quality finishes and fittings.

Climatic specification: Unit shall be earthed and shall be built to withstand harsh outdoor climatic conditions.

Usage: Unit shall be ready for immediate use once erected on Site, with electrical power supply ready for connection. There shall be flexibility and versatility in the unit's design and application.

Construction: Factory assembled unit or pre-manufactured unit's components shall be delivered on Site, and the structure shall be placed/erected on a beforehand constructed brick/concrete pier and shall be facing "North" or 'North-East' direction. Due to the different terrain and soil conditions on the different sites, it is the successful bidder's responsibility to employ services of a professional engineer for the design and construction of the supporting piers.

Extension of estimated 60 square meters(m2) existing slab to accommodate the modular library and

Cutting of paving and reconstruction of cabs.

Removal of trees x2

Mobility: Unit shall be 100% re-locatable.

Chassis: Unit chassis shall be manufactured from full lengths steel lipped channels with heavy duty cross members welded together into a rigid frame (by engineer), painted with a vinyl-based underbody coating as final coat.

Floor: Unit's floor shall be of 20mm thick treaded marine ply floorboards, covered with 2.5mm thick fully flexible vinyl sheets, color "Light Gray".

Walls: Unit's walls shall be constructed of sandwich 1.2m wide interlocking panels, with at least 40mm high-density fire resistant polyurethane core insulation of U-value = 0, 55 W/M² C°, or 60mm high-density fire resistant polystyrene insulation of U-value = 0, 60 W/M² C°, with 0,5mm rigidized Chromadek on both sides, providing a flush weatherproof joint.

Roof: Chromadek roof panels by manufacturer, color "Blue", with roof pitch of 15°.

Ceiling: Roof panels to form the ceiling; interior surface to be color "White".

Windows: Shall be standard Powder Coated Top Hung Aluminum windows colour "Blue" (re attached drawing), with 6mm tinted shutter-proof glazing. Powder Coated aluminum burglar bars colour "Blue" shall be installed to the inside of all windows. Provide "Vertical Blinds" colour "Gray" to all windows.

Doors:

Exterior door – Shall be standard single aluminum Powder Coated (colour Blue) Cottage-Pane 900mm wide door, opening outside. Glazing to be the same as the windows.

Provide inside steel folding burglar door, colour "White" (re attached drawing).
Provide adjustable galvanized steel ramp to cater for people with disability, and for delivery trolleys.

Electrical:

All light fittings to be surface mounted. Power points shall be surface mounted or placed in power skirting. "Certification of Compliance" (COC) shall be supplied with each building.

Air Conditioning:

Provide 4 (four) high- wall mounted 12 000 BTU/HAC split units.

Water Tanks:

Provide 2 (two) 2500L standard water tanks.

NOTES

- All building operations are to be confined within the property boundaries.
- Contractor to ensure that the building site is properly secured with controlled access to and from the building site.
- Contractor to liaise with municipality as to where to place site office, building material and rubble so as not to interfere with movement of traffic.
- Contractor will be responsible for the provision of required safety and access signage to all accesses to building site.
- Contractor will be held liable for any damages to municipal property, directly or indirectly, as a result of the construction process, delivery of materials or as a result of damages caused by any labour or sub-contractors employed by the contractor.

GEORGE MUNICIPALITY

DIRECTORATE: CORPORATE SERVICES

TENDER NUMBER: BA049/2022

**TENDER FOR THE APPOINTMENT OF A CONTRACTOR FOR THE SUPPLY,
DELIVERY AND INSTALLATION OF A MODULAR LIBRARY AT THE
TOUWSRANTEN LIBRARY**

Health and Safety (Part C4)

The appointed contractor must submit a health and safety plan from a registered Health & Safety Practitioner. The cost for the health and safety plan must be included in the quoted amount and will not be paid as a separate cost.

Workforce will have to wear personal protective clothing, i.e. overalls, safety boots, safety eyewear, hard hats, protective gloves and reflective vests.

Site area must be demarcated to restrict access for individuals or any animals from the surrounding area. If necessary, safety cones and construction signs will have to be placed on the fence / screen and in the road to make oncoming traffic aware of the construction taking place.