



NELSON MANDELA MUSEUM

CONTRACT No. **NMM-NGQ-2025-02**

FOR

APPOINTMENT OF A CONTRACTOR TO RENDER TURNKEY SERVICES FOR THE DESIGN AND CONSTRUCTION OF A HAZARDOUS STORAGE ROOM AT NGQUZA HILL MEMORIAL SITE IN FLAGSTAFF, EASTERN CAPE PROVINCE

CLOSING DATE: **24 January 2025**

CLOSING TIME: 12:00

PREPARED BY

NELSON MANDELA MUSEUM

Corner Owen Street and Nelson Mandela Drive

MTHATHA

5099

FIELD OF INTEREST

Tick the applicable box ✓

Civil Engineering Works (CE)	<input type="checkbox"/>
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NAME OF TENDERER:

**APPOINTMENT OF A CONTRACTOR TO RENDER TURNKEY SERVICES FOR THE
DESIGN AND CONSTRUCTION OF HAZARDOUS STORAGE ROOM AT NGQUZA HILL
MEMORIAL SITE IN FLAGSTAFF, EASTERN CAPE PROVINCE
CONTRACT NO. NMM-NGQ-2025-01**

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PART T1: TENDERING PROCEDURES

**APPOINTMENT OF A CONTRACTOR TO RENDER TURNKEY SERVICES FOR THE
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T1.0 TENDER NOTICE

This invitation for bids is issued by Nelson Mandela Museum (NMM), an agency of the Department of Sport, Arts and Culture. The Nelson Mandela Museum intends entering into agreements with interested and qualifying contractors and hereby Request of Quotation for **“Appointment of a Contractor to Render Turnkey Services for the Design and Construction of Hazardous Storage Room at Ngquza Hill Memorial Site in Flagstaff, Eastern Cape Province.** Interested bidders are hereby invited to submit proposals for evaluation.

Eligibility

1. CIDB Grading:

a) Only those tenderers who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25 (7A) of the Construction Industry Development Regulations, for a 2CE or higher class of construction work, are eligible to submit tenders:

b) Joint ventures are eligible to submit tenders provided that:

i) every member of the joint venture is registered with the CIDB;

(ii) the lead partner has a contractor CIDB grading designation in the 2CE or higher class of construction work; or not lower than one level below the required grading designation in the class of construction works under consideration and possess the required recognition status;

(iii) the combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered of CIDB 2CE class of construction work or a value determined in accordance with the Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations.

c) Only tenderers who comply with the following are eligible to submit tenders:

(i) Have the required and valid CIDB grading stated.

(ii) Achieved the minimum score for Functionality

(iii) Tenderer is not listed in the Register of Tender Defaulters and prohibited from doing business with the public sector.

(iv) The tenderer has not abused the Employer's supply chain management system

(v) The tenderer has not failed to perform on any previous contract with the employer.

2. Functionality Criteria:

Tenderers are required to score a minimum of 70 points out of a possible 100 points in order to be responsive: Tender Data, of the proposed functionality criteria and point system for evaluation. Refer to Clause F2.1 in the Tender Data

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Briefing Session:

A mandatory briefing meeting will be conducted on **at 12h00** on **Monday, 20 January 2025** at **Ngquza Hill Memorial Site in Flagstaff, Eastern Cape**, where representatives from the Nelson Mandela Museum will meet prospective bidders. The sharing of information and clarifications of issues related to this Bid as given by the Nelson Mandela Museum will form part of this Bid and responses.

Obtaining of Tender Documents:

The Request for Quote (RFQ) for this bid will be available from the Nelson Mandela Museum and www.etenders.gov.za for prospective bidders to download starting from **13 December 2024**

Submission of RFQ:

Completed RFQ should be submitted via email: supplychain@nelsonmandelamuseum.org.za not later than **12h00 on 24 January 2025**

- Posted bids or incomplete bids will not be accepted
- No late submissions will be accepted.

Enquiries:

No telephonic or any other form of communication with any other NMM member of staff, other than the named individual on the tender advert, relating to this request for the tender will be permitted. All enquiries regarding this tender must be in writing only, and must be directed to:

Bid Administration & service provider specifications:

- Ms M Mputa
- Email: mihlali@nelsonmandelamuseum.org.za

Technical Enquiries:

- Mr L Nongcaula
- Email: lihle@nelsonmandelamuseum.org.za

The NMM reserves the right not to accept the lowest quotation in part or in whole or any proposal.



Vuyani Booi

Chief Exécutive Officer

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T1.1 TENDER NOTICE AND INVITATION TO TENDER

SBD:1

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE NELSON MANDELA MUSEUM			
BID NUMBER:		CLOSING DATE:	CLOSING TIME:
DESCRIPTION	APPOINTMENT OF A CONTRACTOR TO RENDER TURNKEY SERVICES FOR THE DESIGN AND CONSTRUCTION OF HAZARDOUS STORAGE ROOM IN NGQUZA HILL MEMORIAL SITE IN FLAGSTAFF, EASTERN CAPE PROVINCE		
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)			
Nelson Mandela Museum			
Bhunga Building, Corner Owen Street and Nelson Mandela Drive			
Mthatha			
5099			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		TECHNICAL ENQUIRIES MAY BE DIRECTED TO:	
CONTACT PERSON	Ms M Mputa	CONTACT PERSON	Mr L Nongcaula
TELEPHONE NUMBER	047 501 9504	TELEPHONE NUMBER	047 501 9517
FACSIMILE NUMBER	n/a	FACSIMILE NUMBER	n/a
E-MAIL ADDRESS	mihlali@nelsonmandelamuseum.org.za	E-MAIL ADDRESS	lihle@nelsonmandelamuseum.org.za
SUPPLIER INFORMATION			
NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE		NUMBER
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE		NUMBER
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			

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SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS/ SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS/ SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?					<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?					<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?					<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?					<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?					<input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

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PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BID WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

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T 1.2 TENDEDR DATA

The tender conditions are the Standard Conditions of Tender as contained in Annexure F of the CIDB Standard for Uniformity for Construction Procurement, Board Notice 136 Government Gazette No 38960 of 10 July 2015 (see www.cidb.org.za) which are reproduced without amendment or alteration for the convenience of Tenderers and attached to this Tender Data.

The Standard Conditions of Tender make several references to the Tender Data which specifically applies to the tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender. Each item of data given below shall be cross-referenced to the Clause in the Standard Conditions of Tender to which it mainly applies.

The additional conditions of Tender are:

Clause Number	Description
F.1	GENERAL
F.1.1	The Employer is the NELSON MANDELA MUSEUM
	The purpose is to request proposal for the Provision of Turnkey Services for the Design and Construction of a typical flameproof store – galvanised steel 2500 L – 450X210X180
F.1.2	Tender documents
	<p>The tender documents issued by the Employer comprise of:</p> <p>The Tender</p> <p>Part T1 Tendering Procedures</p> <p>Part T1.1 Tender notice and invitation to tender</p> <p>Part T1.2 Tender Data</p> <p>Part T2 Returnable documents</p> <p>Part T2.1 List of Returnable documents</p> <p>Part T2.2 Returnable schedules</p> <p>The Contract</p> <p>Part C1 Agreements and contract data</p> <p>Part C1.1 Form of Offer and Acceptance</p>

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	<p>Part C1.2 Contract Data (Part 2: Data provided by the contractor)</p> <p>Part C2 Pricing data</p> <p>Part C2.1 Pricing Instructions</p> <p>Part C2.2 Pricing Schedule</p>
F1.3.3 (Interpretation)	<p>g) A tendered sum and or rate(s) may be regarded as being unduly low should it be considered to compromise the ability of a service provider to complete the contract i.e. it presents an unacceptable commercial risk to the Employer, or the Tenderer will have insufficient financial capability to perform the contract.</p>
F1.4	Communication and employer's agent
	<p>Delete the first sentence of the clause and replace with the following:</p> <p>Verbal or any other form of communication, from the Employer, its employees, agents or advisors during site visits/clarification meetings or at any other time prior to the award of the Contract, will not be regarded as binding on the Employer, unless communicated by the Employer be in writing to the tenderers. In addition, this communication shall only be to or from, the authorised person as stated below.</p> <p>Technical Enquiries:</p> <p>Name: Lihle Nongcaula</p> <p>Address: Nelson Mandela Museum</p> <p style="padding-left: 40px;">Corner Owen Street and Nelson Mandela Drive</p> <p style="padding-left: 40px;">Mthatha, 5099</p> <p>E-mail: lihle@nelsonmandelamuseum.org.za</p> <p>No telephonic or any other form of communication with any other Nelson Mandela Museum member of staff, other than the named individuals on the Tender Notice and Tender Data, relating to this tender will be permitted.</p>
F1.5	Cancellation and Re-Invitation of RFQ
F1.5.1	<p>e) where it is believed that the RFQ sum or specific rate(s) is excessive, the employer may request the tenderer to adjust his tendered sum and or affected rate(s) downward during tender evaluation stage through Bid Evaluation and or Adjudication Committee. Should a tenderer not elect to do so, the employer may consider moving to the next highest ranked tenderer or tenderer scoring the highest points and the process would be repeated until the risk has reached an acceptable level.</p>

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	If the risk cannot be brought to acceptable level through this process (all responsive tenderers have been requested), the employer may consider cancellation of the tender, revise the scope of work, and call for fresh tenders.
F.2	TENDERER'S OBLIGATIONS
F.2.1	Eligibility and Determination of responsive Bidders
F2.1 cont.	Eligibility
	<p>A Tenderer will <u>not be eligible</u> to submit a tender if:</p> <ul style="list-style-type: none"> ● The Contractor submitting the tender is under restrictions or has principals who are under restriction to participate in the Employer's procurement due to corrupt or fraudulent practices. ● The Tenderer does not have the legal capacity to enter into the contract. ● The Contractor submitting the tender is insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court, or a judicial officer has suspended his business activities, or is subject to legal proceedings in respect of the foregoing. ● The Tenderer does not comply with the legal requirements stated in the Employer's procurement policy applicable to this tender. ● The Tenderer cannot demonstrate that he possesses the necessary professional and technical qualifications and competent, financial resources, equipment and other physical facilities, managerial capability, personnel, experience and reputation to perform the contract. ● The Tenderer cannot provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the contract.
F.2.1.2	<i>Construction Industry Development Board (CIDB) Registration</i>

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	<p><i>Only those tenderers who are registered with the CIDB as defined in the Regulations (09 June 2004 and 22 July 2005), in terms of the CIDB Act No 38 of 2000, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered.</i></p> <p><i>A contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25(1B) or 25(7A) of the Construction Industry Development Regulations, the following Categories are required</i></p> <table border="1" data-bbox="432 667 1442 730"> <thead> <tr> <th><i>Categories</i></th> <th><i>Abrv</i></th> <th><i>Grade</i></th> </tr> </thead> <tbody> <tr> <td><i>Civil Engineering</i></td> <td><i>CE</i></td> <td><i>1 or Higher</i></td> </tr> </tbody> </table> <p><i>Joint Ventures are eligible to submit tenders provided that:</i></p> <p>(a) <i>Every member of the Joint Venture is registered with the CIDB.</i></p> <p>(b) <i>The lead partner must be registered in the relevant class of construction work.</i></p> <p>(c) <i>The combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for the following Categories are required</i></p> <table border="1" data-bbox="432 1146 1442 1209"> <thead> <tr> <th><i>Categories</i></th> <th><i>Abrv</i></th> <th><i>Grade</i></th> </tr> </thead> <tbody> <tr> <td><i>Civil Engineering</i></td> <td><i>CE</i></td> <td><i>1 or Higher</i></td> </tr> </tbody> </table> <p>(d) <i>The lead partner is mandated by the joint venture to attend meetings, answer questions and sign documentation of a legal nature.</i></p>	<i>Categories</i>	<i>Abrv</i>	<i>Grade</i>	<i>Civil Engineering</i>	<i>CE</i>	<i>1 or Higher</i>	<i>Categories</i>	<i>Abrv</i>	<i>Grade</i>	<i>Civil Engineering</i>	<i>CE</i>	<i>1 or Higher</i>
<i>Categories</i>	<i>Abrv</i>	<i>Grade</i>											
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<i>Categories</i>	<i>Abrv</i>	<i>Grade</i>											
<i>Civil Engineering</i>	<i>CE</i>	<i>1 or Higher</i>											
<p>F.2.7</p>	<p>Clarification meeting</p>												
	<p>A mandatory briefing meeting will be conducted on at 12h00 on Monday, 20th January 2025 at Ngquza HILL MEMORIAL SITE Location co-ordinates: 31°10'42.60"SLatitude 29°44'59.10"ELongitude</p>												
<p>F.2.10</p>	<p>Pricing the tender offer:</p>												
	<p>(a) <u>Value Added Tax</u></p> <p>The Valued Added Tax (VAT) rate shall be 15% or as otherwise provided for by Legislation.</p> <p>The successful Tenderer shall be required to produce a VAT invoice that shall only be prepared once measurements and valuations for work done in terms of the contract offer has been agreed with the Employer's agent and a certificate of payment issued.</p>												

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	Payment of VAT to non-VAT vendors shall be processed from the month in which the Tenderer's liability with the South African Revenue Services is effective.
F.2.11	Alterations to document:
	A Tender offer shall not be considered if alterations have been made to the forms of tender data or contract data (unless such alterations have been duly authenticated by the Tenderer) or if any particulars required therein have not been completed in all respects.
F.2.12	Alternative tender offers:
F.2.12.1	No alternative Tender offer will be considered.
F.2.13	Submitting a Tender offer:
F.2.13.1	Submit one tender offer only, either as a single tendering entity or as a member of a joint venture to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.
F.2.13.2	Return all returnable documents to the employer after completing them in their entirety in non-erasable black ink. Under no circumstances whatsoever may the tender forms be retyped or redrafted.
F.2.13.3	Tender offers shall be submitted as an original.
F.2.13.4	Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint venture shall state which of the signatories is the lead partner, whom the employer shall hold liable for the purpose of the tender offer.

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F.2.13.5	<p>One original of the completed bid document shall be placed in a sealed envelope clearly marked: “NMM-NGQ-2025-01: APPOINTMENT OF A CONTRACTOR TO RENDER TURNKEY SERVICES FOR THE DESIGN AND CONSTRUCTION OF HAZARDOUS STORAGE ROOM IN NGQUZA HILL MEMORIAL SITE IN FLAGSTAFF, EASTERN CAPE PROVINCE</p> <p>The Employer’s address for delivery of tender offers and identification details are:</p> <p>Nelson Mandela Museum, Bhunga Building, Cnr Owen and Nelson Mandela Drive, Mthatha - at the reception desk</p> <p>The identification details are: “NMM-NGQ-2025-01: APPOINTMENT OF A CONTRACTOR TO RENDER TURNKEY SERVICES FOR THE DESIGN AND CONSTRUCTION OF HAZARDOUS STORAGE ROOM IN NGQUZA HILL MEMORIAL SITE IN FLAGSTAFF, EASTERN CAPE PROVINCE</p>
F.2.13.9	<p>Accept that tender offers submitted by facsimile or email will be rejected by the employer, unless stated otherwise in the tender data.</p>
F.2.15	Closing Time:
F.2.15.1	<p>Ensure that the employer received 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.</p> <p>The closing time for submission of tender offers is 12H00 at Nelson Mandela Museum, Cnr Owen and Nelson Mandela Drive, Mthatha, in the tender box at on 24 January 2025 .</p> <p>Telephonic, facsimile, electronic or e-mailed tenders will not be accepted.</p>
F.2.16	Tender Offer Validity
F.2.16.1	<p>The Tender offer validity period is ninety (90) calendar days from closing time for submission of tenders.</p>
F.2.17	Clarification of Tender after submission
	<p>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</p>

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	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.
F.2.18	Provide other Material
F.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), referencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment. Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.
F.2.23	Certificates
	<p>The tenderer is required to submit with his tender the following:</p> <ul style="list-style-type: none"> ● Authority for Signatory (in Tender's letter Head) ● JV Agreement (if applicable) ● National Treasury - Central Supplier Database Registration ● Certified copy of business registration documents, as issued by CIPC ● Certified copy of Identity Document (All Company Director(s) of the Tendering Entity(ies)) ● Certified Certificate of Contractor Registration issued by the Construction Industry Development Board ● Certificate with Department of Labour and Employment ● SARS - Tax compliance PIN letter ● Tax Compliance Status (TCS) ● CSD Registration Report (Full Report not Summary) ● COIDA- certificate of good standing ● Unemployment Insurance Fund - certificate of good standing ● Similar Projects - Awards, or Completions Certificates and or Reference Letters ● Key Personnel CV's and certified copies of Certificates (qualification & professional registration)

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F.3	THE EMPLOYER’S UNDERTAKINGS
F.3.4	Opening of Tender submissions:
F.3.4.1	<p>Tenders will not be opened immediately after the closing. Opening Register shall be distributed to all the Contractors that made submission within 48 hours by email.</p> <p>Contractors are required to include contactable email address in the Contract of the Service Provider – Contract Data</p>
F3.5	Two-envelope system
	A two-envelope procedure will NOT be followed.
F.3.11	Evaluation of Tender Offers
F.3.11.3	<p>Only Responsive tenders will be evaluated in terms of Method 2: Functionality, Price and Preference.</p> <p>The responsive tender with the highest combined total points for financial offer and preferences, is the preferred tender.</p> <p>The responsive tender with the highest total points of $P_s + N_p$ as defined below, will be considered, but NMM reserves the right not to award the bidder with highest points:</p> <p>(a) P_s (Financial Offer)</p> <p>The points awarded for price in terms of the Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2022 is calculated as follows:</p> <p>The contract shall be awarded in line with the NMM SCM Policy, which is based on the Preferential Procurement Policy Framework Act 5 of 2000, Preferential Procurement Regulations 2022 and Section 217 (1) and Section 217(2) of the Constitution of the Republic of South Africa,</p>
	<p>THE 80/20 PREFERENCE POINT SYSTEMS:</p> <p>A maximum 80 points is allocated for price on the following basis:</p> $P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$

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	<p>Where:</p> <p>Ps = Points scored for comparative price of tender or offer under consideration.</p> <p>Pt = Comparative price of tender or offer under consideration; and</p> <p>Pmin = Comparative price of lowest acceptable tender or offer.</p> <p>4. POINTS AWARDED FOR SPECIFIC GOALS</p> <p>4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:</p> <p>4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—</p> <p>(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system: or</p> <p>(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,</p> <p>then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.</p>																											
	Specific Goals																											
	<table border="1"> <thead> <tr> <th data-bbox="352 1626 580 1749">Category</th> <th data-bbox="580 1626 695 1749">Points</th> <th data-bbox="695 1626 979 1749">Sub-categories</th> <th data-bbox="979 1626 1114 1749">Specific goals points</th> <th data-bbox="1114 1626 1437 1749">Verification documents</th> </tr> </thead> <tbody> <tr> <td data-bbox="352 1749 580 1939" rowspan="4">Local Supplier</td> <td data-bbox="580 1749 695 1939" rowspan="4">5</td> <td data-bbox="695 1749 979 1798">OR Tambo</td> <td data-bbox="979 1749 1114 1798">5</td> <td data-bbox="1114 1749 1437 1939" rowspan="4">CIPC Registration Certificate and Proof of Address</td> </tr> <tr> <td data-bbox="695 1798 979 1848">Eastern Cape</td> <td data-bbox="979 1798 1114 1848">4</td> </tr> <tr> <td data-bbox="695 1848 979 1897">South African</td> <td data-bbox="979 1848 1114 1897">3</td> </tr> <tr> <td data-bbox="695 1897 979 1939">Non-South African</td> <td data-bbox="979 1897 1114 1939">0</td> </tr> <tr> <td data-bbox="352 1939 580 2078" rowspan="2">Women Owned</td> <td data-bbox="580 1939 695 2078" rowspan="2">4</td> <td data-bbox="695 1939 979 1989">Black African Women</td> <td data-bbox="979 1939 1114 1989">4</td> <td data-bbox="1114 1939 1437 2078" rowspan="2">CIPC Certificate, Certified ID Copy, Share</td> </tr> <tr> <td data-bbox="695 1989 979 2078">No-Black South African Women</td> <td data-bbox="979 1989 1114 2078">2</td> </tr> </tbody> </table>					Category	Points	Sub-categories	Specific goals points	Verification documents	Local Supplier	5	OR Tambo	5	CIPC Registration Certificate and Proof of Address	Eastern Cape	4	South African	3	Non-South African	0	Women Owned	4	Black African Women	4	CIPC Certificate, Certified ID Copy, Share	No-Black South African Women	2
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					Certificate and BBBEE Certificate, CSD
	Youth Owned	4	Youth Owned (<35-year-old person)	4	CIPC Certificate, Certified ID Copy, Share Certificate and BBBEE Certificate, CSD
			Youth Owned (> 35-year-old person)	2	CIPC Certificate, Certified ID Copy, Share Certificate and BBBEE Certificate, CSD
	People living with disability	3	People living with Disability	3	CSD Full Report
	Small Micro, Medium Enterprise	4	SME – Owned by people with disability	4	BBBEE Certificate or Construction Sector compliant BBBEE Sworn Affidavit
			SME – Owned by black people	3	
			SME – Other	0	
F.3.11.2	Scoring Financial offers:				
	The procedure for the evaluation of responsive tenders is contained in the Part T1.3 Evaluation and Scoring of Tender Offers on Empowerment Objectives and Price.				
F.3.11.3	Scoring quality (Functionality)				
	For Functionality scoring bidders must achieve a minimum threshold of 60% in order to be considered for next stage evaluation				
F.3.11.6	Decimal Places				
	Score price, preference and functionality, as relevant, to two decimal places.				
F.3.13	Acceptance of Tender Offer:				
	Tender offers will be accepted if:				

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	<ul style="list-style-type: none"> (a) the Tenderer or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector. (b) The Tenderer submits a letter of intent from an approved insurer undertaking to provide the Construction Guarantee to the format included in Part T2.2 of the procurement document. (c) The Tenderer is registered with the Construction Industry Development Board in an appropriate contractor grading designation and has submitted proof of CIDB grading. (d) the Tenderer has not: <ul style="list-style-type: none"> (i) abused the Employer's Supply Chain Management System; or (ii) failed to perform on any previous contract and has been given a written notice to this effect. (e) The tender offer is signed by a person authorized to sign on behalf of the Tenderer. (f) The Tenderer has completed the Compulsory Enterprise Questionnaire and there are no conflicts of interest which may impact on the Tenderer's ability to perform the Contract in the best interests of the Employer or potentially compromise the tender process.
	<ul style="list-style-type: none"> (g) the Tenderer is registered and in good standing with the Compensation Fund or with a licensed compensation insurer. (h) the Employer is reasonably satisfied that the Tenderer has in terms of the Construction Regulations, 2014, issued in terms of the Occupational Health and Safety Act, 1993, the necessary competencies and resources to carry out the work safely. (i) The Tenderer has submitted certified copies of the directors, owners and shareholders identity documents with the tender offer. (j) The Tenderer or any of its principals, directors or managers are not employed in the service of the State. In the event that such principals are involved, official approval from the Executing Authority regarding carrying out remunerative work outside of the public service must be included in the tender submission. (k) Tenderer who submitted a tender as a Joint Venture has included an acceptable Joint Venture Agreement with his/her tender signed by all parties. (l) The Tenderer complies with the specifications and conditions applicable to the product and submitted all the required documentation as stipulated in part C3: Scope of Works.

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	<p>(m) The Tenderer or any of its principals is not listed on the register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.</p> <p>The Employer is satisfied that the tenderer or any of his principals have not influenced the tender offer and acceptance by the following criteria:</p> <ul style="list-style-type: none"> (a) having offered, promised or given a bribe or other gift or remuneration to any person in connection with the obtaining or execution of this Contract. (b) having acted in a fraudulent or corrupt manner in obtaining or executing this Contract. (c) having approached an officer or employee of the Employer or the Employer's Agent with the objective of influencing the award of a Contract in the tenderer's favour. (d) having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from tendering for this Contract or as to the amount of the tender to be submitted by either party. (e) having disclosed to any other person, firm or company other than the Employer, the exact or approximate amount of his proposed tender. (f) The Employer may, in addition to using any other legal remedies, repudiate the tender offer and acceptance and declare the Contract invalid should it have been concluded already.
F.3.17	Provide copies of the contracts
	The employer will provide the successful tenderer with one (1) paper copy of the signed contract as soon as possible after completion and signing of the form of offer and acceptance.

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T 1.3: FUNCTIONALITY SCORING SCHEDULES

GRADE 1:

Civil Engineering (CE), Electrical Engineering Works (EB), General Building Works (GB), Plumbing Work (SO), General External Infrastructure (SQ), Mechanical Engineering (ME), Landscaping (SH)

Experience	Projects	Allocation	Max. Points
Discipline (Max 50 points) NMM will only consider five (5) Reference letters	Submit 5 Reference Letters OR Certificate of Completion for projects with a value of R500 000 and above <i>(No appointment letters/ purchase orders will be considered)</i>	Five letters or more – 50	50
		Four letters – 40	
		Three letters – 30	
		Two letters – 20	
		One letter – 10	
		No letter – zero (0)	
	Submit 5 Reference Letters OR Certificate of Completion for projects with a value of R400 000 – R499 990.00 <i>(No appointment letters/ purchase orders will be considered)</i>	Five letters or more – 40	40
		Four letters – 32	
		Three letters – 24	
		Two letters – 16	
		One letter – 8	
		No letter – zero (0)	
	Submit 5 Reference Letters OR Certificate of Completion for projects with a value of R300 000 – R399 999.00 <i>(No appointment letters/ purchase orders will be considered)</i>	Five letters or more – 30	30
		Four letters – 24	
		Three letters – 18	
		Two letters – 12	
		One letter – 6	
		No letter – zero (0)	
	Submit 5 Reference Letters OR Certificate of Completion for projects with a value of R200 000 – R299 999.00 <i>(No appointment letters/ purchase orders will be considered)</i>	Five letters or more – 20	20
		Four letters – 16	
Three letters – 12			
Two letters – 8			
One letter – 4			
No letter – zero (0)			
Submit 5 Reference Letters OR Certificate of Completion for projects with a any value > R200 000 <i>(No appointment letters/ purchase orders will be considered)</i>	Five letters or more – 10	10	
	Four letters – 8		
	Three letters – 6		
	Two letters – 4		
	One letter – 2		
	No letter – zero (0)		
Personnel CVs and Qualifications (Max 50 Points)		Contracts Manager (B Tech Civil/Construction Management)	25
		Site Agent (N Diploma Civil/Building)	20
		Foreman (N3 Civil/Building) (More than 5 years' Experience)	5
		Contracts Manager (B Tech Civil/Construction Management)	20
		Site Agent (N Diploma Civil/Building)	15
		Foreman (N3 Civil/Building) (2 to 5 years' Experience)	5
		Contracts Manager (B Tech Civil/Construction Management)	15
		Site Agent (N Diploma Civil/Building)	10
		Foreman (N3 Civil/Building) (1 to 2 years' Experience)	5

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The minimum qualifying score for the CIDB CE Category is **70** points.

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PART T2: RETURNABLE DOCUMENTS

**APPOINTMENT OF A CONTRACTOR TO RENDER TURNKEY SERVICES FOR THE DESIGN
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T2.1 RETURNABLE SCHEDULES

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T2.1: LIST OF RETURNABLE DOCUMENTS

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

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

- Schedule : 1A Authority for Signatory
- Schedule : 1B Letter of Good Standing with Workmen's Compensation Commissioner
- Schedule : 1C Joint Venture Disclosure Form
- Schedule : 1D Record of Addenda to Tender Documents
- Schedule : 1E Declaration of Interest (SBD4)
- Schedule: 1 F Preference Points Claim Form In Terms Of The Preferential Procurement Regulations 2022(SBD6.1)
- Schedule : 1G Declaration of Tenderer's Past Supply Chain Management Practices (SBD 8)
- Schedule : 1 H Certificate of Independent Tender Determination (SBD 9)
- Schedule : 1 I Compulsory Enterprise Questionnaire
- Schedule : 1J Particulars of Tenderer
- Schedule: 1K CIDB proof of Registration

2. OTHER DOCUMENTS REQUIRED FOR TENDER EVALUATION PURPOSES (to be attached with submission)

- Schedule: 2A Tax Clearance Requirements
- Schedule: 2B Specific Goals verification
- Schedule: 2C Proof of Locality
- Schedule: 2D Schedule of Tenderer's Experience
- Schedule: 2E Particulars of Commitment which the tenderer are presently engaged with
- Schedule: 2F Work Capacity
- Schedule 2G Qualifications and Experience of Proposed Site Team for the project
- Schedule 2 H Curriculum Vitae of Personnel

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SCHEDULE 1A: AUTHORITY FOR SIGNATORY

Indicate the status of the tenderer by ticking the appropriate box (x) hereunder. The tenderer must complete the certificate set out below for the relevant category.

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

A. Certificate for Company

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

As witnesses:

1. Chairman :
2. Date :

B. Certificate for Partnership

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

NAME	ADDRESS	SIGNATURE	DATE

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

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C. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorize Mr/Ms

....., authorized the signatory of the company
 acting in the capacity of lead partner, to sign all documents in connection with the tender offer for contract and any contract resulting from it on our behalf.

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

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME & CAPACITY

Note:

A Copy of the Joint Venture Agreement showing Clearly the percentage contribution of each partner to the joint venture shall be appended to the schedule.

D. Certificate for Sole Proprietor

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

.....

As witnesses:

- | | |
|----------|-------------------------------|
| 1. _____ | Signature: Sole owner : _____ |
| 2. _____ | Date : _____ |

E. Certificate for Close Corporation

We, the undersigned, being the key members in the business trading as
 hereby authorize Mr/Ms

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acting in the capacity of, to sign all documents in connection with the tender for Contract and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

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

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**SCHEDULE 1B: LETTER OF GOOD STANDING WITH WORKMEN'S COMPENSATION
COMMISSIONER**

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SCHEDULE 1C: JOINT VENTURE DISCLOSURE FORM

General

- i) All the information requested must be filled in the spaces provided. If additional space is required, additional sheets may be used and attached to the original documents

- ii) A copy of the joint venture agreement must be attached to this form, in order to demonstrate the affirmable, Joint Venture Partner's share in the ownership, control, management responsibilities, risks and profits of the joint venture, the proposed joint venture agreement must include specific details relating to:
 - a) The contribution of capital and equipment

 - b) Work items to be performed by the affirmable joint venture partner's own forces

 - c) Work items to be performed under the supervision of the affirmable joint venture partner

- iii) Copies of all written agreements between partners concerning the contract must be attached to this form including those, which relate to ownership options and to restrictions/limits regarding ownership and control.

- iv) ABE partners must complete ABE Declaration affidavits

- v) The joint venture must be formalized. All pages of the joint venture agreement must be signed by all the parties concerned. A letter / notice of intention to formalize a joint venture once the contract has been awarded will not be considered.

- vi) Should any of the above not be complied with, the joint venture will be deemed null and void and will be considered non-responsive.

1. JOINT VENTURE PARTICULARS

- a) Name.....

- b) Postal Address

-
-
-
-

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c) Physical Address

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

Telephone Number

a) Fax Number/E-Mail

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SCHEDULE 1D: 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:

No.	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

Tenderer

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SCHEDULE 1E: DECLARATION OF INTEREST(SDB4)

- 1. No Bid will be accepted from persons in the service of the state¹.

- 2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to Bid. In view of possible allegations of favouritism, should the resulting Bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the Bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

3.1. Full Name of Bidder or his or her representative:

.....

3.2. Identity Number:

.....

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

.....

3.4. Company Registration Number:

.....

3.5. Tax Reference Number:

.....

3.6. VAT Registration Number:

.....

3.7. The names of all directors / trustees / shareholders members, their individual identity

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numbers and state employee numbers must be indicated in paragraph 4 below.

3.8. Are you presently in the service of the state? **YES / NO**

3.8.1. If yes, furnish particulars.
.....

¹PFMA Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;

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

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

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

3.9.1 If yes, furnish particulars.....

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

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

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

3.11.1 If yes, furnish particulars
.....

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

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

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

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

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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 Bid for this contract.

YES / NO

3.14.1 If yes, furnish particulars.....

.....

4. Full details of directors / trustees / members / shareholders.

Note: The full details disclosed hereunder must correlate to “ownership information” as per Central Supplier Database (CSD).

Full Name	Identity Number	State Employee Number

.....

.....

Signature

Date

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.....
Position
Name of Bidder

In the presence of:

1.

2.

CERTIFICATION OF CORRECTNESS

I, THE UNDERSIGNED (NAME).....

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

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

Signature..... Date.....

.....
Position
Name of Bidder

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SCHEDULE 1F: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 (SBD 6.1)
--

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

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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 **To be completed by the organ of state**
(delete whichever is not applicable for this tender).
- a) The applicable preference point system for this tender is the 90/10 preference point system.
 - b) The applicable preference point system for this tender is the 80/20 preference point system.
 - c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
 - (b) Specific Goals.

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1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

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

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

2. DEFINITIONS

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

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3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20

or

90/10

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = Price of highest acceptable tender

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4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Local Supplier		5		
Women Owned		4		

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Youth Owned		4	
People living with disability		3	
Small Micro, Medium Enterprise		4	

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

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[TICK APPLICABLE BOX]

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

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

<p>.....</p> <p>SIGNATURE(S) OF TENDERER(S)</p> <p>SURNAME AND NAME:</p> <p>DATE:</p> <p>ADDRESS:</p> <p>.....</p> <p>.....</p>

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SCHEDULE 1G: DECLARATION OF TENDER'S SUPPLY CHAIN MANAGEMENT PRACTISES(SBD8)

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

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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"/>

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4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

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CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

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

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

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

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SCHEDULE 1H: CERTIFICATE OF INDEPENDENT TENDER DETERMINATION(SBD9)

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This State Bidding Document (SBD) 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 National Treasury Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the organ of the state or has committed any improper conduct in relation to such system; and
 - c. cancels 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 SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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.

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CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of State Entity)

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

I certify, on behalf of: _____ that.:

(Name of Bidder)

1. I have read and understand the contents of this Certificate.
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect.
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder.
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder.
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

(a) has been requested to submit a bid in response to this bid invitation.

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- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

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

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

 - 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

 - 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 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.
-
- 10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of

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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

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SCHEDULE 11 : COMPULSORY ENTERPRISE QUESTIONNAIRE

The following particulars must be furnished. In the case of a joint venture, **separate** enterprise questionnaires in respect of each partner must be completed and submitted.

Section 1: Name of enterprise:

Section 2: VAT registration number, if any:

Section 3: CIDB registration number, if any:

Section 4: Particulars of sole proprietors and partners in partnerships

Name*	Identity number*	Personal income tax number*

* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners

Section 5: Particulars of companies and close corporations

Company registration number

Close corporation number

Tax reference number

Section 6: Record of service of the state

Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

- | | |
|--|---|
| <input type="checkbox"/> a member of any municipal council | <input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999) |
| <input type="checkbox"/> a member of any provincial legislature | |
| <input type="checkbox"/> a member of the National Assembly or the National Council of Province | |
| <input type="checkbox"/> a member of the board of directors of any municipal entity | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity |
| <input type="checkbox"/> an official of any state entity | <input type="checkbox"/> an employee of Parliament or a provincial legislature |

If any of the above boxes are marked, disclose the following: (insert separate page if necessary)

		Status of service (tick appropriate column)
--	--	--

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Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	current	Within last 12 months

* Insert separate page if necessary

Section 7: Record of spouses, children and parents in the service of the state

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:

- | | |
|--|---|
| <input type="checkbox"/> a member of any municipal council | <input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999) |
| <input type="checkbox"/> a member of any provincial legislature | |
| <input type="checkbox"/> a member of the National Assembly or the National Council of Province | |
| <input type="checkbox"/> a member of the board of directors of any municipal entity | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity |
| <input type="checkbox"/> an official of any state entity | <input type="checkbox"/> an employee of Parliament or a provincial legislature |

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		current	Within last 12 months

* Insert separate page if necessary

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise:

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest;

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v) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

Signed _____ Date _____

Name _____ Position _____

*Enterprise
name* _____

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SCHEDULE 1J: PARTICULARS OF TENDERER

Tenderer:

Address:

.....

.....

Contact Person:

Telephone Number:

Fax Number:

Bank:

.....

Branch:

Name of Cheque Account:

Cheque Account Number:

Contact Person:

Telephone Number:

Guarantee:

.....

Branch:

Contact Person:

Telephone Number:

VAT Registration No:

.....

Attach original Tax Clearance Certificate to this page

Attach a letter from your bank to this page clearly stating your financial rating according to the codes on page ii, which must also be completed.

.....

DATE

.....

SIGNATURE OF TENDERER

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SCHEDULE 1 K: PROOF OF CIDB REGISTRATION

Bidders are required to submit proof valid CIDB registration

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SCHEDULE 2A: TAX CLEARANCE REQUIREMENTS
--

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidders are required to apply to SARS for a Tax Clearance Certificate at any SARS branch office nationally.

2. SARS will issue a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

3. The Overall Tax Clearance status indicator of the bidder on the CSD must be **TAX COMPLIANT**.

4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must be Tax Compliant on the CSD.

5. Bidders must allow for timeous registration on the CSD and the application and issue of a Tax Clearance Certificate by SARS.

6. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

A non-compliant tax status on the CSD will result in the bid not being awarded.

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SCHEDULE 2 B: SPECIFIC GOALS VERIFICATIONS

Refer to Clause F.3.11 on Tender Data

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SCHEDULE 2 C: PROOF OF LOCALITY

Proof of locality relates to the location of the office that will be dealing with the project. The following is the only acceptable documentation:

- Most recent municipal statement
- Valid Lease Agreement if premises are Leased
- Letter from the Ward Councillor confirming Business Address

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SCHEDULE 2D: SCHEDULE OF TENDERER'S EXPERIENCE

The following is a statement of similar work successfully executed by the company in the past **10 years**.

No.	Employer, contact person and telephone number (Only Landline)	Description of Contract	Value of Work Inclusive of VAT (Rand)	Date Completed
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

*Insert separate page if necessary

Signed

Date

Name

Position

Tenderer

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SCHEDULE 2 E: PARTICULARS OF COMMITMENT WHICH THE TENDERER ARE PRESENTLY ENGAGED WITH
--

Current Projects (Attach additional documents as proof)							
Item	Project	Place Town	Reference/ Contact Person	Contract Amount	Contract Period	Date of Commencement	Scheduled date of Completion
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

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SCHEDULE 2 F: WORK CAPACITY

Skilled Personnel Employed			
Category of Personnel	Names/s of Employees	Number of Employees	Permanent Employed (Yes/No)
Professional Architect			
Professional Structural Engineer			
Professional Civil Engineer			
Geotechnical Engineer			
Site Agent			
OHS Manager			
Environmental Specialist			
Foreman			
Carpenter			
Brick Layer			
Plaster			
Tiler			
Painter			
Plumber			
Electrician			

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Unskilled Personnel Employed (General Workers)			
Category of Personnel	Names/s of Employees	Number of Employees	Permanent Employed (Yes/No)
General Workers:			

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<p>SCHEDULE 2 G: QUALIFICATIONS AND EXPERIENCE OF PROPOSED SITE SUPERVISION TEAM FOR THE ROJECT</p>
--

Tenderer to provide names, qualifications and experience pf site supervision team that will supervise the project on behalf of the contractor attach additional documentation as proof	
Item	Description
Contracts Manager (Provide copy of CV)	
Name of Person	
No of years 'experience	
Field of Experience	
Permanent employment (Yes/No)	
Site Agent (Provide copy of CV)	
Name of Person	
No of years 'experience	
Field of Experience	
Permanent employment (Yes/No)	
Foreman (Provide copy of CV)	
Name of Person	
No of years 'experience	
Field of Experience	
Permanent employment (Yes/No)	

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SCHEDULE 2 H: CURRICULUM VITAE OF PERSONNEL

The Tenderer must attach to this page, the organogram and copies of CVs for the Contracts Manager, Site Agent and Foreman

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C1.0: CONTRACT

C1.1 FORM OF OFFER AND ACCEPTANCE OFFER

OFFER

The **Employer**, identified in the Acceptance signature block, has solicited offers to enter into a contract for the procurement of a contractor for: **APPOINTMENT OF A CONTRACTOR TO RENDER TURNKEY SERVICES FOR THE DESIGN AND CONSTRUCTION OF HAZARDOUS STORAGE ROOM IN NGQUZA HILL MEMORIAL SITE, EASTERN CAPE.**

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

The tenderer, identified in the Offer signature block, has examined the draft contract as listed in the Acceptance section and agreed to provide this Offer.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this Form of Offer and Acceptance the tenderer offers to perform all of the obligations and liabilities of the Conditions of Contract are the *Annexure A – Government Procurement General Conditions of Contract*, 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 VAT IS:

R (in words)

.....
.....

R (in figures)

THE OFFERED COST PARAMETERS TO PROVIDE THE WORKS, EXCLUSIVE OF VALUE ADDED TAX, ARE AS SET IN THE CONTRACT DATA.

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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 including the Schedule of Deviations (if any) to the tenderer before the end of the agreed period of validity or other period as agreed, whereupon the tenderer becomes the party named as the **Contractor** in the conditions of contract identified in the Contract Data.

Signature(s) _____

Name(s) _____

Capacity _____

For the Tenderer

Name & signature of witness _____

(Insert name and address of organization) _____

Date _____

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ACCEPTANCE

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

The terms of the contract, are contained in:

Part C1: Agreements and Contract Data, (which includes this Form of Offer and Acceptance)

Part C2: Pricing Data

and drawings and documents (or parts thereof), which may be incorporated by reference into the above listed Parts.

Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Returnable Schedules as well as any changes to the terms of the Offer agreed by the tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Form of Offer and Acceptance. No amendments to or deviations from said documents are valid unless contained in this Schedule.

Deviations from and amendments to the draft contract as well as any changes to the terms of the Offer agreed by the tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Form of Offer and Acceptance. No amendments to or deviations from said documents are valid unless contained in this Schedule.

The tenderer shall within Fourteen (14) working days of receiving a completed copy of this agreement, including the Schedule of Deviations (if any), deliver to the Employer's agent (whose details are given in the Contract Data) proof of insurances, Safety, Health and Environmental Plans and any other documentation (except securities/ construction guarantees) to be provided in terms of the conditions of contract identified in the Contract Data. Failure to fulfil any of these obligations

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in accordance with those terms shall constitute a repudiation of this agreement by the Contractor and the Employer shall be entitled at his discretion to terminate this agreement.

The tenderer shall within Twenty-one (21) working days of receiving a completed copy of this agreement, including the Schedule of Deviations (if any), deliver to the Employer's agent (whose details are given in the Contract Data) securities/ construction guarantees to be provided in terms of the conditions of contract identified in the Contract Data. Failure to fulfil this obligation in accordance with those terms shall constitute a repudiation of this agreement by the Contractor and the Employer shall be entitled at his discretion to terminate this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed copy of this document, including the Schedule of Deviations (if any). Unless the tenderer (now **Contractor**) within Five (5) 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(s) _____

Name(s) _____

Capacity For the Employer

(Insert name and address of organization)

Name and signature of witness

Date:

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<i>Signature(s)</i>	_____	_____
<i>Name(s)</i>	_____	_____
<i>Capacity</i>	_____	_____

*For the Contractor Name and
signature of witness*

*(Insert name and address of
organization)*

Date:

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Schedule of Deviations

1 Subject:

Details

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2 Subject:

Details

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3 Subject:

Details

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4 Subject:

Details

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5 Subject:

Details

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.....

By the duly authorized representatives signing this agreement, the Employer and the Tenderer agree to and accept the foregoing schedule of deviations as the only deviations from the contract and amendments to the documents listed in the Tender Data and addenda thereto as listed in the returnable schedules, as well as any confirmation, clarification or changes to the terms of the offer agreed by the Tenderer and the Employer during this process of offer and acceptance.

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

Signature(s) _____

Name(s) _____

Capacity _____

For the Employer _____

(Insert name and address of organization)

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**Name and
signature of
witness**

Date

Signature(s)

Name(s)

Capacity

**For the
Contractor
Name and
signature of
witness**

(Insert name and address of organization)

Date

C1.2: CONTRACT DATA

CONTRACT SPECIFIC DATA PROVIDED BY THE EMPLOYER

The Government Procurement General Conditions of Contract will form part of this contract and will not be amended. (National Treasury Document - Annexure A)

The Special Conditions of Contract (SCC) relevant to a specific category of works will supplement the General Conditions of Contract, whenever there is a conflict, the provisions in the SCC shall prevail.

For this contract the Special Conditions of Contract shall be the CIDB approved forms of contract which can be sourced by the bidders at their own costs:

- Joint Building Construction Committee (JBCC Series) www.jbcc.co.za
- General Conditions of Contract for Construction Works (GCC 2015) www.saice.co.za
- FIDIC Form of Contracts www.cesa.co.za
- NEC Form of Contract www.cesa.co.za

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ANNEXURE A – GOVERNMENT PROCUREMENT GENERAL CONDITIONS OF CONTRACT

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PART 2 : DATA PROVIDED BY THE SERVICE PROVIDER

Clause	Description								
1.2	The Service Provider is: Address..... Telephone..... Facsimile.....								
1.1	The authorised and designated representative of the service provider is: Name.....								
5.4.1	The address for receipt of communications is: Telephone: Facsimile: Address (Postal) : Address (Physical) : E-mail address:								
10.2	The period of performance will be determined by the completion date of the contract								
9.1	The key persons and their jobs / functions in relation to the services are: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 50%;">Name</th> <th style="text-align: left; width: 50%;">Specific Duty</th> </tr> </thead> <tbody> <tr> <td>.....</td> <td>.....</td> </tr> <tr> <td>.....</td> <td>.....</td> </tr> <tr> <td>.....</td> <td>.....</td> </tr> </tbody> </table>	Name	Specific Duty
Name	Specific Duty								
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.....								

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CONTRACT DATA: C2.2 – PRICING SCHEDULE

PRICING INSTRUCTION

- The service provider must price in accordance with the pricing scheduled below, this will enable Nelson Mandela Museum to compare price offers.
- Failure to submit a priced offer using the prescribed scheduled (section A) will make the bid liable for disqualification.
- All rates quoted as part of this bid will apply to ad hoc works and as and when required (additional work outside scheduled maintenance).
- Do not leave any area blank in the pricing schedules (section A).
- Equipment, spares, and material will be charged at cost plus mark-up of 15% - VAT shall not form part of mark-up calculations.

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ITEM No.	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
SECTION 1: PRELIMINARY AND GENERAL					
	PRELIMINARIES				
1.1	Provide for Preliminaries and all costs of a general nature that may affect the cost of works in order to comply with the contractual conditions and which are not otherwise provided for in the compilation of this quotation, including taking delivery, storing and safeguarding of materials, site establishment, setting out, welfare of workplace, clearing and cleaning, supervision, provision of all tools, equipment, labour force protective clothing, scaffolding, formwork, water supplies, electric power and communications and other temporary materials, provision of nails, screws, ""Polyfilla" etc.	Sum	1		R -
	HEALTH & SAFETY				
1.2	Compilation of Health and Safety Plan, Compilation of Health and Safety File, Notice of Construction Work – Department of Labour	Sum	1		R
1.3	Compliance with all Construction Regulations (OHS Act); Compliance with all requirements of the Environmental Regulations;	Sum	1		R -
Sub-Total					
SECTION 2: WORKS					
2.1	Design and Construction of 2500IL Galvanized Steel Hazardous Flameproof Storage Room (Turnkey project) <ul style="list-style-type: none"> • Inclusive of the foundations design and Construction. 	Sum	1		R
2.2	Clean up the whole site and remove rubble from site.	Sum	1		R
Sub-Total					
SUB-TOTAL					
Add 10% Contingencies					
SUB-TOTAL					
Add 15% Value Added Tax					
TOTAL					

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N.B The estimated price escalation in percentage must not be included on the above pricing schedule (Section A)

PREMISES AND EQUIPMENT

- The Service Provider shall make own provision for water and electricity.
- The Service Provider shall ensure that all their staff comply with the regulations in terms of use of the facilities.
- The Service Provider should make their own provision for storage facilities for the equipment while the service provider is working on site only.
- The Service Provider shall have access to facilities while working on site only.

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PART C3: SCOPE OF WORK

3.1. BACKGROUND

- 3.1.1.1 The objective of the Nelson Mandela Museum to procure the services of a contractor with the requisite experience, skills, and competencies to render the turnkey services to Design and Construct 2500L Galvanised Steel flameproof Hazardous Storage.
- 3.1.2 The Regular performance appraisal to monitor the identified Key Performance Indicators form part of the contract requirements.

3.2. SCOPE OF WORK

- 3.2.1 The successful service providers shall focus on rendering the turnkey service for the Design and Construction of the **2500L Galvanised Steel Flameproof Hazardous Storage Room Inclusive of the Foundations** at Ngquza Hill Memorial Site in Flagstaff, Eastern Cape, in line with the Build Environment best practice.
- 3.2.2 The service provider will be expected to: Design and Construct the Hazardous Storage Room in accordance with the project specifications and Museum Requirements.
- 3.2.3 It may not be feasible to include every item on the above scope of work should material/service which is not on the above scope of work be required then the Nelson Mandela Museum will request from the successful service providers written quotations to supply such services.
- 3.2.4 The service provider shall ensure that routine general building and infrastructure maintenance, the Nelson Mandela Museum processes and all business areas are not adversely affected by the required services.
- 3.2.5 The service provider shall ensure safe working practices are followed when general building and infrastructure maintenance services are done in the buildings.
- 3.2.6 Appropriate safe signage must be used for warnings of work progress, etc.
- 3.2.7 The generic specifications listed below are applicable to this contract:
I. SANS 1200
- 3.2.8 General building and infrastructure maintenance materials to be used in a safe and proper manner, in compliance with health and safety regulations.
- 3.2.9 General building and infrastructure maintenance materials are selected and used so as not to cause any damage to the building.

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4. CERTIFICATE OF COMPLIANCE

- 4.1. The successful bidder must ensure that they self-certified their Construction Work to ensure compliance to all regulatory requirements by issuing of the Certificate of compliance to the Nelson Mandela Museum.

5. GENERAL BUILDING AND INFRASTRUCTURE MAINTENANCE SERVICE PERSONNEL

- 5.1. The service provider will provide Nelson Mandela Museum with qualified teams (qualified plumbers). This must be supported by a copy of certified of qualification.
- 5.2. The Service provider is to allow for the provision of adequate managerial and supervisory staff.
- 5.3. The Service provider is to allow for the provision of all general staff.
- 5.4. The Service provider is also to provide for intensive training of all the staff appointed to ensure conformity with Nelson Mandela Museum requirements.
- 5.5. The service provider must provide Nelson Mandela Museum with a vetted team. It is the responsibility of the service provider to vet all personnel and make sure that they have clear criminal records. (Clearance certificate will be required).
- 5.6. Medical fitness - Nelson Mandela Museum reserves the right to require that all service provider personnel be certified fit for duty.
- 5.7. The Nelson Mandela Museum recognizes the need for training, both induction and during the implementation of the project, and expects to derive both benefits and value-for-money from all training undertaken by employers of the service provider engaged in relation to this contract.
- 5.8. The appointed service provider will undergo induction prior to the commencement of duties.
- 5.9. The service provider should ensure that the absence from operational duty of staff attending a training course does not affect the satisfactory provision of the specified services and should provide relief staff.
- 5.10. All service provider staff are to wear protective clothing (including goggles, visors and masks) and fully covered shoes and/or boots and gloves (appropriate to their tasks and functions) whilst on duty.
- 5.11. The service provider shall supply all uniforms. All uniforms must bear the name and logo of the service provider, uniforms are to be worn at all times, without any exception.
- 5.12. The service provider should ensure that all its personnel employed to render the service are neatly dressed, presentable and hygienic.

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Staff Allocation and Management:

The Service Provider shall: -

- a. Provide service of high quality and standard to the satisfaction of the Nelson Mandela Museum
- b. Ensure fair labour practice by complying with the industrial relations.
- c. Provide relief-staff, in the event of labour unrest, seasonal workload peaks, leave or sick leave provided that Nelson Mandela Museum representative is given reasonable notice and details of this.
- d. The service provider will bear all costs related to the provision of relief staff.
- e. Recruitment of the labour force must go through the existing local community leadership structures

6. OPERATING HOURS

6.1 The service provider will be required to provide services at normal working hours as stipulated in by labour during the Construction period as follows

Monday – Friday	(07:00am – 16:30pm)
Saturday	(07:00am – 13:00pm)
Sunday – Public Holiday	(No workday)