



NEWCASTLE MUNICIPALITY

TECHNICAL SERVICES

BID NO.: A045-2022/23

APPOINTMENT OF PANEL OF PROFESSIONAL ENGINEERING SERVICE PROVIDERS WITHIN THE BUILT ENVIRONMENT FOR A PERIOD OF THREE YEARS ON AN AS WHEN REQUIRED BASIS.

SUBMISSION OF BID DOCUMENT DEADLINE

Date: Friday, 14 July 2023

Time: 12h00

Venue: Municipal Civic Centre Offices (Rates Hall)
Tower Block Building, 37 Murchison Street, 1st Floor
Newcastle, 2940

Name of Bidder	
CSD No	
Physical Address	
Contact Person(s)	
Phone Number(s)	
E-Mail Address	

Sealed bid document must be deposited in the Tender Box provided at the Municipal Civic Centre (Rates hall), 37 Murchison Street, Newcastle by no later than **12h00** on **14 July 2023** where bids will be opened in public. Please be advised that the name, address and contact details should be written at the back of the envelope.

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INDICATE WITH AN “X” THE CATEGORY/CATEGORIES OF SERVICES FOR WHICH ARE TENDERED (MORE THAN ONE CATEGORY MAY BE SELECTED):

Tenderers are to submit information in respect of the category and criteria below upon which they will be scored for Quality. Failure to submit the relevant information will result in zero scores.

Tenderers to indicate below the type of project they are tendering for by ticking or marking the relevant box. Tenderers to note that they will be evaluated on each of the project type ticked/marked and failure indicate the category shall lead to a disqualification. The onus is therefore on the Tenderer to submit the relevant required documentation for each project they are tendering for.

WATER	
Water Reticulation	
SANITATION	
Sewerage Reticulation	
ROADS	
Streets and Associated Storm water	

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CHECK-LIST FOR TENDER SUBMISSION

The Tenderer is to indicate in the check-boxes provided that they have completed the required section of the tender document. Completion of this check-list will assist the Tenderer in ensuring that they have attended to all the required items for submission with this tender. **Additionally, it is an absolute requirement that tenderers comply with National Treasury’s CSD registration as well as SARS tax compliance requirements**

Ref	Description	Completed		For office use		
		Yes	No	Yes	No	Comments
Cover	Name of tenderer					
	Contact person					
	Telephone/Fax number					
	CSD Registration - submission of MAAA----- No					
	Submit Valid SARS Tax Compliance status Pin for Tenders					
T2.1	T2.2.2 Complete the Certificate of Authority					
	Proof of registration with professional bodies					
	Consortium / JV agreement with all signatories and breakdown of each members contribution / role					
	Consortium / JV / Tenderer banking details					
	Complete and sign MBD 6.1 – Preference Points claim form					
T2.2.4	Complete and sign MBD 4 - Declaration of Interest					
T2.2.4	Complete and sign MBD 8 - past SCM Practices Form					
	Complete & sign MBD 5 (Declaration for Procurement above R10m)*					
	Confirmation that you have no municipal commitments overdue for more than 90 days**					
	Confirmation that suitable arrangements in place for arrear municipal obligations with your local municipality **					
	Annual Financial statements for past 3 years (AFS) *					
T2.2.4	Complete and sign MBD 9- Certificate of Independent bid Determination					
C3(PS7)	OHS specification: Draft Site specific occupational health & safety plan					
C.1.1	Complete the Form of Offer. Do not complete the Form of Acceptance					
	Sign the Form of Offer with 2 witnesses. Do not sign the Form of Acceptance					
Qualifications	Is your tender subject to any qualifications? If yes, reference to such qualification/s must be indicated below: -----					

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APPOINTMENT OF PANEL OF PROFESSIONAL ENGINEERING SERVICE PROVIDERS WITHIN THE BUILT ENVIRONMENT FOR A PERIOD OF THREE YEARS ON AN AS WHEN REQUIRED BASIS.

VOLUME 1

TENDER AND CONTRACT

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

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		T1.2	Tender Data
		Part 2: Returnable Documents	
		T2.1	List of Returnable Documents
		T2.2	Returnable Schedules
	Contract	Part 1: Agreement and Contract Data	
		C1.1	Form of Offer and Acceptance
		C1.2	Contract Data
		C1.3	Forms of Securities
		Part 2: Pricing Data	
		C2.1	Pricing Instructions
		C2.2	Bill of Quantities
		Part 3: Scope of Work	
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NEWCASTLE MUNICIPALITY



VOLUME 1

PART T1: TENDERING PROCEDURES

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

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Name of Bidder			
Signature		Name (print)	
Capacity		Date	

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

T1.1. TENDER NOTICE AND INVITATION TO TENDER



BID NO: A045-2020/23

The Newcastle Municipality invites tenders for APPOINTMENT OF PROFESSIONAL ENGINEERING SERVICE PROVIDERS WITHIN THE BUILT ENVIRONMENT FOR A PERIOD OF THREE YEARS ON AN AS AND WHEN REQUIRED BASIS.

Potential Service Providers may apply for any Categories of Built Environment Services provided that they demonstrate they have adequate knowledge, experience and relevant qualifications on each chosen category.

Bid documents are obtainable from **15 June 2023**, at the office of the Strategic Executive Director: Budget and Treasury Office, Municipal Civic Centre Tower Block – Office B218 2nd Floor, 37 Murchison Street, Newcastle, 2940 during office hours between 08h00 to 15h00 upon a payment of a **non-refundable document fee of R 300.00. Alternatively the document may be downloaded free of charge from the National Treasury website (www.etenders.gov.za).**

Banking Details - Banking Details - The Newcastle Municipality, Nedbank - Account No: 1162 6600 66, Br Code: 133 724 (the proof of payment must reflect the bid number and bidder's name as reference).

Procurement enquiries: Mr S Vilakazi/Mrs D Marais

Telephone no.: 034 328 7818/7769

Technical enquiries: Mr M Nduku

Telephone no.: 034 328 7898

A compulsory Tender Briefing Meeting will NOT be applicable for this bid.

Multiple service providers would be appointed to a panel agreement, therefore below indicated preferential scoring system will only be apply when sourcing quotations from the existing panel of qualifying professional service providers and thereon the acceptable/successful bidder will be required to execute the contract.

Quotations will be adjudicated in terms of the Preferential Procurement Regulations, 2022 pertaining to Preferential Procurement Policy Framework Act, 5/2000 and other applicable legislations and will be based on 80/20 points scoring system. Preference points will be awarded to service providers based on Reconstruction and Development Programme - Government Gazette: 16085 (1994) initiatives.

The bid will be valid for a period of one hundred and twenty (120) days from bid closing date. The Council reserves the right to accept all, some, or none of the bids submitted, either wholly or in part and it is not obliged to accept the lowest bid.

Completed bid documents complying with the conditions of bid must be sealed and endorsed "**Bid no.: A045-2022/23 - APPOINTMENT OF PROFESSIONAL ENGINEERING SERVICE PROVIDERS WITHIN THE BUILT ENVIRONMENT FOR A PERIOD OF THREE YEARS ON AN AS AND WHEN REQUIRED BASIS**" bearing the name and address of the bidder at the back of the envelope to be deposited in the official bid box provided in the foyer of Newcastle Municipality – Municipal Civic Offices (Rates Hall), 37 Murchison Street, 1st floor, Newcastle by no later than **12:00 on Friday, 14 July 2023** where bids will be opened in public. Late quotations or tenders received by way of facsimile or e-Mail will under no circumstances be considered. Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Document.

Minimum Local Content Requirements

Only locally produced goods, services or works or locally manufactured goods with a stipulated minimum threshold for local production and content may be considered.

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Functional Evaluation

Only bids that comply with all administrative requirements (Acceptable Bids) will be considered during the functionality evaluation phase and where the allocation of points will be based on functional criteria as indicated on the Terms of Reference/Specifications.

Minimum functional requirement score: Service providers that submitted acceptable bids and that score at least **70%** or more on functionality will qualify to serve on the Panel in that category and whereas those who score less than 70% will be regarded as submitting non-responsive bid and will be disqualified.

Price is not a consideration for the purpose of being accredited to serve on the panel. However, the price will be considered in the evaluation of bids for specific event. The Quotation stage will be subject to an 80/20 Preference Point System; normally where 80 is for the price and 20 for HDI of Contribution and these quotations will only be sourced from the panel of existing service providers. (Please refer to MBD 6.1)

Only prospective suppliers who are registered on the National Treasury Supplier database are legible to bid. To register on the CSD log onto www.csd.gov.za

**Mr. Z.W. Mcineka
Municipal Manager
Newcastle Municipality
37 Murchison Street
Private Bag X6621
Newcastle
2940**

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

MBD1: INVITATION TO BID

PART A

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE NEWCASTLE MUNICIPALITY					
Bid Number	A045 – 2022/23	Closing Date	14 July 2023	Closing Time	12h00
Description	APPOINTMENT OF PROFESSIONAL ENGINEERING SERVICE PROVIDERS WITHIN THE BUILT ENVIRONMENT FOR A PERIOD OF THREE YEARS ON AN AS AND WHEN REQUIRED BASIS.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					

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

**FIRST (1st) FLOOR OF THE NEWCASTLE MUNICIPALITY
MUNICIPAL CIVIC CENTRE OFFICES (RATES HALL)
37 MURCHISON STREET
NEWCASTLE
2940**

SUPPLIER INFORMATION

Name of Bidder					
Postal Address					
Street Address					
Telephone Number	Code		Number		
Cellphone Number					
Facsimile Number	Code		Number		
E-Mail Address					
Vat Registration Number					
Tax Compliance Status	TCS PIN:		OR	CSD No:	
Preferential points (80/20) or (90/10)	Price = 80 / 90	Preferent points = 20 / 10		Total = 100	

Specific Contract Participation Goals	20	10	Tick for claim
Black people (Equity HDI's)	8	4	
Black people with disability	2	1	
Black people who are youth	2	1	
Black people who are women	4	2	
Locality (within Amajuba district)	4	2	
TOTAL HDI SCORE	20	10	

Total Number of Items Offered		Total Bid Price: Not applicable at these stage, prices will only be requested to companies enlisted on the panel.
Signature of Bidder		Date:

Capacity under which this bid is signed:

ENQUIRIES MAY BE DIRECTED TO:

Bidding Procedure Enquiries		Technical enquiries
Contact person	Mrs D Marais	Mr M Nduku
Telephone number	034 328 7769	034 328 7898
E-mail address	Dalane.Marais@newcastle.gov.za	Mzikayise.Nduku@newcastle.gov.za

**PART B
Terms and Conditions for Bidding**

1. BID SUBMISSION:	
1.1. Bids must be delivered by the stipulated time to the correct address. Late bids will not be accepted for consideration.	
1.2. All bids must be submitted on the official forms provided–(not to be re-typed) or online	
1.3. This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2022, the General Conditions of Contract (GCC) and, if applicable, any other special conditions of contract.	
2. TAX COMPLIANCE REQUIREMENTS	
2.1 Bidders must ensure compliance with their tax obligations.	
2.2 Bidders are required to submit their unique Personal Identification Number (Pin) issued by SARS to enable the organ of state to view the taxpayer's profile and tax status.	
2.3 Application for the Tax Compliance Status (TCS) certificate or Pin may also be made via e-filing. In order to use this provision, taxpayers will need to register with SARS as e-filers through the website www.sars.gov.za .	
2.4 Foreign suppliers must complete the Pre-Award Questionnaire in part B:3.	
2.5 Bidders may also submit a printed TCS certificate together with the bid.	
2.6 In bids where consortia / joint ventures / sub-contractors are involved, each party must submit a separate TCS certificate / Pin / CSD number.	
2.7 Where no TCS is available but the bidder is registered on the Central Supplier Database (CSD), a CSD number must be provided.	
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1. Is the entity a resident of the Republic of South Africa (RSA)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.2. Does the entity have a branch in the RSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.3. Does the entity have a permanent establishment in the RSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.4. Does the entity have any source of income in the RSA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.5. Is the entity liable in the RSA for any form of taxation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If the answer is “no” to all of the above, then it is not a requirement to register for a Tax Compliance Status System Pin Code from the South African Revenue Service (SARS) and if not register as per 2.3 above.	

**NB: Failure to provide any of the above particulars may render the bid invalid.
No bids will be considered from persons in the service of the state.**

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

T1.2 TENDER DATA

T1.2.1 Conditions of Tender

The conditions of bid are the **Standard Conditions of Tender** as contained in Annex C of the CIDB Standard for Uniformity for construction Procurement, Board Notice 423 of 2019 in Government Gazette No 42622 of 08 August 2019. (see www.cidb.org.za). Annexure C of that notice are reproduced without amendment or alteration for the convenience of tenderers.

The Standard Conditions of Tender makes several references to the Tender Data. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender to which it mainly applies.

T1.2.2 Tender Data

The clause numbers in the Tender Data refer to the corresponding clause numbers in the Conditions of Tender (see Annexure C).

The additional Conditions of Tender are:

Clause number	Tender Data
C.1.1	The Employer is Newcastle Municipality , represented by Strategic Executive Director: Technical Services - Mr B. Mnguni
C.1.2	The tender documents issued by the Employer comprise: Volume 1: Part 1: Tendering Procedures T1.1 Tender Notice and Invitation to Tender T1.2 Tender Data Part 2: Returnable Documents T2.1 List of Returnable Documents T2.2 Returnable Schedules Part 1: Agreement and Contract Data C1.1 Form of Offer and Acceptance C1.2 Contract Data C1.3 Forms of Securities Part 2: Pricing Data: N/A Part 3: Scope of Work C3 Scope of Work Part 4: Site Information C4 Site Information
C.1.3	Add the following new clause:
C.1.3.4	<i>The tender documents have been drafted in English. The contract arising from the invitation to tender shall be interpreted and construed in English.</i>
C.2.1	Eligibility criteria and requirements 1) Tenderers whose Primary business is the provision of Professional Services in discipline of Civil Engineering are eligible to tender. 2) The employer shall not award a contract to any tenderer that does not hold valid professional indemnity (PI) insurance providing cover in an amount that is indicated under C.3.11.3 in respect of each and every claim during the period of insurance. Proof of insurance or confirmation from a reputable Insurance

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Clause number	Tender Data									
	<p>Broker that the Tenderer is eligible for the prescribed professional indemnity insurance cover should he/she be awarded the contract, must be submitted with the tender, appended to Part T2.2:2 Returnable Schedules.</p> <p>3) Obtain a quality score, as per item C.3.11.3:</p> <p>a. per quality section that is equal or higher than the minimum score per section; and</p> <p>b. only tenderers that achieved a minimum 70 score will be evaluated further</p> <p>4) Tenderers may only tender under 1 (one) company or 1 (one) consortium – more than 1 (one) submission will result in immediate disqualification of all submissions.</p> <p>5) With respect to Downloaded Tender Documents, Tenderers are required to comply with the following guidelines for their tender submissions to be considered.</p> <p>a. Tenders obtained from the website must be neatly bound and presentable.</p> <p>b. It is preferred that tender documents are printed single sided only and as per the recommended colour coding of pages.</p> <p>c. All Returnable Documents shall be bound separately in a fully indexed document.</p> <p>6) The bidder should have the following mandatory requirements.</p> <p>a. Registration with CESA/SABTACO, non-registration with any bodies identified will result to bidder as non-responsive.</p> <p>b. Provide proof of professional indemnity cover, of up to 2 million rand, non-submission will result to bidder as non-responsive.</p> <table border="1" data-bbox="359 1133 1329 1238"> <thead> <tr> <th data-bbox="359 1133 1005 1167">Mandatory Documents</th> <th data-bbox="1005 1133 1174 1167">YES</th> <th data-bbox="1174 1133 1329 1167">NO</th> </tr> </thead> <tbody> <tr> <td data-bbox="359 1167 1005 1200">Registration with CESA/SABTACO</td> <td data-bbox="1005 1167 1174 1200"></td> <td data-bbox="1174 1167 1329 1200"></td> </tr> <tr> <td data-bbox="359 1200 1005 1238">Professional indemnity of up to R2 million</td> <td data-bbox="1005 1200 1174 1238"></td> <td data-bbox="1174 1200 1329 1238"></td> </tr> </tbody> </table> <p>Please indicate by ticking the box above.</p>	Mandatory Documents	YES	NO	Registration with CESA/SABTACO			Professional indemnity of up to R2 million		
Mandatory Documents	YES	NO								
Registration with CESA/SABTACO										
Professional indemnity of up to R2 million										
C.2.2	The employer will not compensate the tenderer for any costs incurred in attending interviews or making any submissions in the office of the employer.									
C.2.7	A tender clarification meeting will not be held in respect of this tender.									
C.2.8	<p>Replace the contents of the clause with the following:</p> <p>“Request clarification of the tender documents, if necessary, by notifying the Employer’s Official or the Employer’s Agent indicated in the Tender Notice and Invitation to Tender in writing at least seven working days before the closing time stated in the foregoing notice and clause C.2.15.”</p>									
C.2.9	The Tenderer will be responsible for the full insurance cover required for the project.									
C.2.13.1	A two-envelope procedure will not be followed.									

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Clause number	Tender Data
C.2.13.2	<p>Each Tenderer is required to return the complete set of documents as listed in Part T2 with all the required information supplied and completed in all respects. Prior to submitting their tender document tenderers should make a copy thereof for record purposes No copies of any part of the submitted tender document will be made for the tenderers during the evaluation and adjudication processes. The original documents from the employer may not be tempered with or unbound in any way. This will render the tender unresponsive.</p> <p>Documentation emanating from the returnable schedules should be bound in a separate file with clear reference/index in the returnable schedule to the location of each section.</p>
F.2.13.3	<p>Parts of each Tender offer communicated on paper shall be submitted as original, plus 0 copies.</p>
C.2.13.4	<p>Add the following to the clause: "Only authorised signatories may sign the original and all copies of the tender offer where required in terms of C.2.13.3</p> <p>In the case of a ONE-PERSON CONCERN submitting a tender, this shall be clearly stated. In case of a COMPANY submitting a tender, include a copy of a resolution by its board of directors authorising a director or other official of the company to sign the documents on behalf of the company.</p> <p>In the case of a CLOSE CORPORATION submitting a tender, include a copy of a resolution by its members authorising a member or other official of the corporation to sign the documents on each member's behalf.</p> <p>In the case of a PARTNERSHIP submitting a tender, all the partners shall sign the documents, unless one partner or a group of partners has been authorised to sign on behalf of each partner, in which case proof of such authorisation shall be included in the Tender.</p> <p>In the case of a JOINT VENTURE/CONSORTIUM submitting a tender, include a resolution of each company of the Joint Venture together with a resolution by its members authorising a member of the Joint Venture to sign the documents on behalf of the Joint Venture."</p> <p><u>Failure to submit proof of authorisation to sign the tender, shall result in a Tender Offer being regarded as non-responsive.</u></p>
C.2.13.5	<p>The Employer's address for delivery of tender offers and identification details to be shown on the Tenderer's offer package are:</p> <p>Location of tender box: First Floor Entrance</p> <p>Physical address: Newcastle Municipality Municipal Civic Centre Offices (Rates Hall) 37 Murchison Street Newcastle, 2940</p>

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Clause number	Tender Data
	<p>Identification details: Tender reference number, Title of Tender and the closing date and time of the tender, as well as the Tenderer's name, his Authorised Representative's name, postal address and telephonic contact numbers</p>
C.2.13.6 & C.3.5	A two-envelope procedure will not be followed. Only technical proposals are applicable for this tender.
C.2.15.	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.
C.2.16	The tender offer validity period is 90 days .
C.2.16.1	<p>Add the following to the clause:</p> <p>"If the tender validity expires on a Saturday, Sunday or public holiday, the Tender Offer shall remain valid and open for acceptance until the closure of business on the following working day."</p>
C.2.18	The tenderer shall, when requested by the employer to do so, submit the names of all management and supervisory staff that will be employed to supervise the labour intensive portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirements.
C.2.24	<p>Add the following new clause:</p> <p>Canvassing and obtaining of additional information by tenderers</p> <p>Accept that no Tenderer shall make any attempt either directly or indirectly to canvass any of the Employers officials or the Employer's agent in respect of his tender, after the opening of the tenders but prior to the Employer arriving at a decision thereon.</p> <p>No Tenderer shall make any attempt to obtain particulars of any relevant information, other than that disclosed at the opening of tenders."</p>
C.2.25	<p>Add the following new clause:</p> <p>Prohibitions on awards to persons in service of the state</p> <p>Accept that the Employer is prohibited to award a tender to a person -</p> <ul style="list-style-type: none"> a) who is in the service of the state; or b) if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; or c) a person who is an advisor or consultant contracted with the municipality or municipal entity. <p>"In the service of the state" means to be -</p> <ul style="list-style-type: none"> i) a member of:- <ul style="list-style-type: none"> • any municipal council; • any provincial legislature; or

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Clause number	Tender Data
	<ul style="list-style-type: none"> • the National Assembly or the National Council of Provinces; ii) a member of the board of directors of any municipal entity; iii) an official of any municipality or municipal entity; iv) an employee of any national or provincial department; v) provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999); vi) a member of the accounting authority of any national or provincial public entity; or vii) an employee of Parliament or a provincial legislature." <p>In order to give effect to the above, the questionnaire for the declaration of interests in the tender of persons in service of state in Section T2.2 must be completed.</p>
C.2.26	<p>Add the following new clause: Awards to close family members of persons in the service of the state "Accept that the notes to the Employer's annual financial statements must disclose particulars of any award of more than R 2000 to a person who is a spouse, child or parent of a person in the service of the state (defined in clause C.2.25), or has been in the service of the state in the previous twelve months, including</p> <ul style="list-style-type: none"> a) the name of that person; b) the capacity in which that person is in the service of the state; and c) the amount of the award. <p>In order to give effect to the above, the questionnaire for the declaration of interests in the tender of persons in service of state in part T2 – Returnable Documents must be completed in full and signed."</p>
C.2.27	<p>Add the following new clause:</p> <p>Tax Clearance Certificate In the case of a Joint Venture/Consortium the tax Compliance status Pin must be submitted for each member of the Joint Venture/Consortium."</p>
C.3.4	<p>Tenders will be opened in public immediately after the closing time of tenders at 12:00. Tenderers names and total prices, where practical will be, read out.</p>

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Clause number	Tender Data
C.3.11.2	<p>Scoring Preferences</p> <p>Multiple service providers would be appointed to a panel agreement, therefore below indicated preferential scoring system will only be apply when sourcing quotations from the existing panel of qualifying professional service providers and thereon the acceptable/successful bidder will be required to execute the contract.</p> <p>Quotations will be adjudicated in terms of the Preferential Procurement Regulations, 2022 pertaining to Preferential Procurement Policy Framework Act, 5/2000 and other applicable legislations and will be based on 80/20 points scoring system. Preference points will be awarded to service providers based on Reconstruction and Development Programme - Government Gazette: 16085 (1994) initiatives.</p> <p>Price is not a consideration for the purpose of being accredited to serve on the panel. However, the price will be considered in the evaluation of bids for specific event. The Quotation stage will be subject to an 80/20 Preference Point System; normally where 80 is for the price and 20 for HDI of Contribution and these quotations will only be sourced from the panel of existing service providers. (Please refer to MBD 6.1)</p>
C.3.11.3	<p>Scoring Quality</p> <p><i>Add the following new clause:</i></p> <p>The procedure for the evaluation of responsive Tenders is Method 2. Quality / Functionality will be scored as follows (maximum points = 100)</p> <p>Score quality in each of the categories in accordance with the tender data and calculate the total score for quality as detailed in the table below:</p> <p>QUALITY SCORING CRITERIA</p> <p>Tenderers are to submit information in respect of the following criteria upon which they will be scored for Quality. Failure to submit the relevant information will result in zero scores.</p> <p>Tenderers are required to meet a minimum Quality Score of 70% based on the criteria listed below but may be adjusted at the Employer's discretion in the event that all tenders fail to achieve the threshold.</p> <p>A score of less than 70% for Quality will render the tender non-responsive. The onus rests with the Tenderer to supply sufficient information to allow for evaluation and award of points detailed below.</p>
<p>Tenderers are to submit information in respect of the category and criteria below upon which they will be scored for Quality. Failure to submit the relevant information will result in zero scores. Tenderers to indicate below the type of project they are tendering for by ticking or marking the relevant box. The onus is therefore on the Tenderer to submit the relevant required documentation for each project they are tendering for.</p>	

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Clause number	Tender Data	PROJECT TYPE	TICK
		WATER	
		Water Reticulation	
		SANITATION	
		Sewerage Reticulation	
		ROADS	
		Streets and Associated Storm water	

Tenderers are required to meet a minimum **Quality Score of 70%** based on the criteria listed below:

WATER

Water Reticulation

Item no.	Description	Points
1.	Qualifications and demonstrated relevant experience & key personnel	40
2.	Demonstrated experience of Tender- experience relating to planning, design and implementation of water reticulation.	40
3.	Quality management system (ISO 9001 Certificate)	15
4.	Skills transfer	5
TOTAL POINTS		100

A score of **less than 70%** for Quality will render the tender non responsive. The onus rests with the Tenderer to supply sufficient information to allow for evaluation and award of points detailed below.

DETAILED BREAKDOWN OF QUALITY POINTS

Criteria	Weights	Sub-criteria	Allocation of points
1. Qualifications and demonstrated relevant experience & key personnel	40	1. Note: Full points will be allocated to individual profiles submitted for professionals employed by the bidder on a full-time basis contract. A profiles of individuals submitted that are not employed or formally contracted by the bidder will score zero. Each profile must be accompanied by a sworn affidavit from the Police Station confirming that the CV and qualifications submitted belongs to the professional. This is the individual who must be deployed to the project. The municipality will expect that the profile submitted is the one for the individual who will work in the project within the municipality. Any bidder who submits profiles of individuals in the employ of the state will be immediately disqualified and the bid will not be	

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Clause number	Tender Data		
		<p>considered further.</p> <p>A sworn affidavit to be done with all the names of additional staff members reflecting names and ID numbers. The person signing this affidavit on behalf of the staff must be a registered professional Technologist/Engineer. The affidavit must reflect ECSA registration number. Certified copy of the certificates must be included.</p> <p>1.1. 7 Points each for any Professionally Registered Engineer PrEng (with ECSA), with +10years post registration experience (Maximum 2 required). 14</p> <p>1.2. 5 Points each for any senior Professionally Registered Technologist PrTech/ Pr Eng (with ECSA), with +8years post registration experience (Maximum 2 required). 10</p> <p>1.3. 3 Points each for any Professionally Registered Technician PrTechni/PrTech (with ECSA), with +5years experience (Maximum 2 required). 6</p> <p>1.4. Project Manager with +6years experience and NQF7 certificate for implementation of labour intensive project. (Could be any of the professionals from 1.1 to 1.3 above) 10</p> <p><i>Where experience is less than required, points allocation are to be calculated on a pro-rata basis.</i></p>	
<p>2. Demonstrated experience of Tender-experience relating to planning, Design and implementation water reticulation projects</p>	<p>40</p>	<p>2. Demonstrated experience of Tenderer – Experience relating to planning, design and implementation of water reticulation projects.</p> <p>2.1. List of similar projects undertaken successfully with reference to value and type within the last five (5) years – 5 projects to the value of 3 million or more. Eight (8) points per project completed.</p> <p>Note: Tenderers should attach letters of Appointment and a reference letter from the awarding authority for completed projects to qualify for points for experience in the Returnable Documents. (Contactable references to be provided).</p>	<p>40</p>
<p>3. Quality management system</p>	<p>15</p>	<p>3. Quality management system</p> <p>3.1 ISO 9001 certified quality management system.</p>	<p>15</p>

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Clause number	Tender Data		
		3.2 Quality management system proposal in place	5
4. Skills transfer and Engineering Capacitation	5	4. Skills transfer and Engineering Capacitation 4.1. A letter of undertaking signed by the Professional Engineer/ Technologist. 4.2. No letter submitted. Note: (i) The Employer will use these term contracts to pave entry for emerging service providers and entities owned and managed by historically disadvantaged individuals therefore the appointed bidder will be expected to assist the local sub-consultants. (ii) The bidder will be expected to empower the Employer's selected engineering staff to ensure that they are able to register with a recognised professional body which may include ECSA and South African Council for the Project and Construction Management Professions (SACPCMP).	5 0

SANITATION

Sewerage Reticulation

Item no.	Description	Points
1.	Qualifications and demonstrated relevant experience & key personnel	40
2.	Demonstrated experience of Tender- experience relating to planning, design and implementation of sewer reticulation projects.	40
3.	Quality management system (ISO 9001 Certificate)	15
4.	Skills transfer	5
TOTAL POINTS		100

A score of **less than 70%** for Quality will render the tender non responsive. The onus rests with the Tenderer to supply sufficient information to allow for evaluation and award of points detailed below.

DETAILED BREAKDOWN OF QUALITY POINTS

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Clause number	Tender Data		
Criteria	Weights	Sub-criteria	Allocation of points
<p>1. Qualifications and demonstrated relevant experience & key personnel</p>	<p>40</p>	<p>1. Note: Full points will be allocated to individual profiles submitted for professionals employed by the bidder on a full-time basis contract. A profiles of individuals submitted that are not employed or formally contracted by the bidder will score zero. Each profile must be accompanied by a sworn affidavit from the Police Station confirming that the CV and qualifications submitted belongs to the professional. This is the individual who must be deployed to the project. The municipality will expect that the profile submitted is the one for the individual who will work in the project within the municipality. Any bidder who submits profiles of individuals in the employ of the state will be immediately disqualified and the bid will not be considered further.</p>	
		<p>A sworn affidavit to be done with all the names of additional staff members reflecting names and ID numbers. The person signing this affidavit on behalf of the staff must be a registered professional Technologist/Engineer. The affidavit must reflect ECSA registration number. Certified copy of the certificates must be included.</p>	
		<p>1.1. 7 Points each for any Professionally Registered Engineer PrEng (with ECSA), with +10years post registration experience (Maximum 2 required).</p>	<p>14</p>
		<p>1.2. 5 Points each for any senior Professionally Registered Technologist PrTech/PrEng (with ECSA), with +8years post registration experience (Maximum 2 required).</p>	<p>10</p>
		<p>1.3. 3 Points each for any Professionally Registered Technician PrTechni/PrTech (with ECSA), with +5years experience (Maximum 2 required).</p>	<p>6</p>
<p>1.5. Project Manager with +3years experience and NQF7 certificate for implementation of labour intensive project. (Could be any of the professionals from 1.1 to 1.3 above)</p>	<p>10</p>		
<p><i>Where experience is less than required, points allocation are to be calculated on a pro-rata basis.</i></p>			

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Clause number	Tender Data		
2. Demonstrated experience of Tender-experience relating to planning, Design and implementation sewer reticulation projects	40	<p>2. Demonstrated experience of Tenderer – Experience relating to planning, design and implementation of sanitation projects.</p> <p>2.1. List of similar projects undertaken successfully with reference to value and type within the last five (5) years – 5 projects to the value of 3 million or more. Eight (8) points per project completed.</p> <p>Note: Tenderers should attach letters of Appointment and a reference letter from the awarding authority for completed projects to qualify for points for experience in the Returnable Documents. (Contactable references to be provided).</p>	40
3. Quality management system	15	<p>3. Quality management system</p> <p>3.1. ISO 9001 certified quality management system.</p> <p>3.2. Quality management system proposal in place</p>	<p>15</p> <p>5</p>
4. Skills transfer and Engineering Capacitation	5	<p>4. Skills transfer and Engineering Capacitation</p> <p>4.1. A letter of undertaking signed by the Professional Engineer/ Technologist.</p> <p>4.2. No letter submitted.</p> <p>Note: (i) The Employer will use these term contracts to pave entry for emerging service providers and entities owned and managed by historically disadvantage individuals therefore the appointed bidder will be expected to assist the local sub-consultants. (ii) The bidder will be expected to empower the Employer's selected engineering staff to ensure that they are able to register with a recognised professional body which may include ECSA and South African Council for the Project and Construction Management Professions (SACPCMP).</p>	<p>5</p> <p>0</p>

ROADS

Streets and Associated Storm water

Item no.	Description	Points
1.	Qualifications and demonstrated relevant experience & key personnel	40
2.	Demonstrated experience of Tender- experience relating to planning, design and implementation of tarred and / or concrete surface road projects.	40

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Clause number	Tender Data	
3.	Quality management system (ISO 9001 Certificate)	15
4.	Skills transfer	5
TOTAL POINTS		100

A score of **less than 70%** for Quality will render the tender non responsive. The onus rests with the Tenderer to supply sufficient information to allow for evaluation and award of points detailed below.

DETAILED BREAKDOWN OF QUALITY POINTS

Criteria	Weights	Sub-criteria	Allocation of points
1. Qualifications and demonstrated relevant experience & key personnel	40	1. Note: Full points will be allocated to individual profiles submitted for professionals employed by the bidder on a full-time basis contract. A profiles of individuals submitted that are not employed or formally contracted by the bidder will score zero. Each profile must be accompanied by a sworn affidavit from the Police Station confirming that the CV and qualifications submitted belongs to the professional. This is the individual who must be deployed to the project. The municipality will expect that the profile submitted is the one for the individual who will work in the project within the municipality. Any bidder who submits profiles of individuals in the employ of the state will be immediately disqualified and the bid will not be considered further.	
		A sworn affidavit to be done with all the names of additional staff members reflecting names and ID numbers. The person signing this affidavit on behalf of the staff must be a registered professional Technologist/Engineer. The affidavit must reflect ECSA registration number. Certified copy of the certificates must be included.	
		1.1. 7 Points each for any Professionally Registered Engineer PrEng (with ECSA), with +10years post registration experience (Maximum 2 required).	14
		1.2. 5 Points each for any senior Professionally Registered Technologist PrTech/PrEng (with ECSA), with +8years post registration experience (Maximum 2 required).	10
		1.3. 3 Points each for any Professionally Registered Technician PrTechni/PrTech (with	6

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Clause number	Tender Data		
		<p>ECSA), with +5years experience (Maximum 2 required).</p> <p>1.6. Project Manager with +3years experience and NQF7 certificate for implementation of labour intensive project. (Could be any of the professionals from 1.1 to 1.3 above)</p> <p><i>Where experience is less than required, points allocation are to be calculated on a pro-rata basis.</i></p>	10
<p>2. Demonstrated experience of Tender-experience relating to planning, Design and implementation tarred and / or concrete surface road</p>	40	<p>2. Demonstrated experience of Tenderer – Experience relating to planning, design and implementation of water reticulation projects.</p> <p>2.1. List of similar projects undertaken successfully with reference to value and type within the last five (5) years – 5 projects to the value of 3 million or more. Eight (8) points per project completed.</p> <p>Note: Tenderers should attach letters of Appointment and a reference letter from the awarding authority for completed projects to qualify for points for experience in the Returnable Documents. (Contactable references to be provided).</p>	40
<p>3. Quality management system</p>	15	<p>3. Quality management system</p> <p>3.1. ISO 9001 certified quality management system.</p> <p>3.2. Quality management system proposal in place</p>	15 5
<p>4. Skills transfer and Engineering Capacitation</p>	5	<p>4. Skills transfer and Engineering Capacitation</p> <p>4.1. A letter of undertaking signed by the Professional Engineer/ Technologist.</p> <p>4.2. No letter submitted.</p> <p>Note: (i) The Employer will use these term contracts to pave entry for emerging service providers and entities owned and managed by historically disadvantage individuals therefore the appointed bidder will be expected to assist the local sub-consultants. (ii) The bidder will be expected to empower the Employer's selected engineering staff to ensure that they are able to register with a recognised professional body which may include ECSA and South African Council for the Project and Construction Management Professions (SACPCMP).</p>	5 0

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Clause number	Tender Data
	<p>AWARD STRATEGY/WORK ALLOCATION</p> <p>Only technical evaluation will be done using the specified technical evaluation criteria.</p> <p>Tenderers to note that they will be evaluated on each of the project type ticked/marked. The onus is therefore on the Tenderer to submit the relevant required documentation for each project they are tendering for.</p> <p>Bidders may submit a proposal in respect of any one or more of the areas of the specialization (Category), however, bidder can only be awarded on one category where the bidder scores higher points. In instances, where the bidder scores the highest points on more than one category, the Client will decide which category the bidder should be allocated work for, therefore it does not imply that if the bidder has scored highest points on all categories they will be awarded on all categories. The Tenderers are to note that should they score highest points and be appointed on all categories, this will imply that the bidder is capable of doing any work in the categories and the Client has the right to allocate any work to the bidder.</p> <p>Performance on previously awarded projects on the contract will be looked at so that bad performers are not awarded further projects.</p> <p>Newcastle Municipality reserves the right to appoint any tenderer on this bid.</p>
C.3.11.3	<p>Preferential System Add the following new clause:</p> <p>The financial offer will be scored using Formula 2 (option 2) where the value of W1 is:</p> <ol style="list-style-type: none"> 1) 90 where the financial value inclusive of VAT of all responsive Tenders received have a value in excess of R 50 000 000; or 2) 80 where the financial value inclusive of VAT of one or more responsive Tenders offers equals or is less than R 50 000 000. <p>Up to 100 minus W1 Tender evaluation points will be awarded to Tenderers who complete the preferencing schedule and who are found to be eligible for the preference claimed.</p>
C.3.13	<p>Tender offers will only be accepted if:</p> <ol style="list-style-type: none"> a) The tenderer has complied in full with the all eligibility criteria; b) The bidder is registered on the Central Supplier Database; c) A valid Tax Compliance Status Pin or CSD Master Registration Number for verification; d) The Form of Offer is completed and signed; e) 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

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Clause number	Tender Data
	<p>Act of 2004 as a person prohibited from doing business with the public sector;</p> <p>f) the tenderer has not:</p> <ul style="list-style-type: none"> i) abused the Employer's Supply Chain Management System; ii) failed to perform on any previous contract and has been given a written notice to this effect or iii) submitted profiles (CVs) of individuals employed by the state. <p>g) 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 and persons in the employ of the state are permitted to submit tenders or participate in the contract;</p> <p>g) the tenderer is registered and in good standing with the compensation fund or with a licensed compensation insurer;</p> <p>h) the Employer is reasonably satisfied that the tenderer has in terms of the Construction Regulations, 2003, issued in terms of the Occupational Health and Safety Act, 1993, the necessary competencies and resources to carry out the work safely;</p> <p>i) The bidder has completed the Declaration of Interest and there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are permitted to submit tenders or participate in the contract;</p> <p>j) The bidder is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges. The latest municipal account is to be attached. The statement must not be older than three months from the closing date of this tender. Alternatively, if the tenderer is currently leasing premises and is not responsible for the payment of municipal services, a copy of the Lease Agreement must be attached;</p> <p>k) A Joint-Venture Agreement or Consortium, where applicable, is submitted with bid;</p> <p>l) All returnable schedules are to be completed and all relevant certificates attached where indicated.</p>
C.3.17	One signed copy of contract shall be provided by the Employer to the successful Tenderer.
C.3.19	The additional conditions of tender are:
C.3.19.1	The Tenderer must complete all the Schedules in the format specified and return the schedule as prescribed by the List of Returnable Schedules section T2.1 of this document. Where Joint Ventures or Consortia are tendering The Tenderer must ensure that all schedules that require completion per individual partner member are completed in full.
C.3.19.2	The fees will be calculated as per the ECSA guidelines and no fees shall exceed 14.5%

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	of the contractor's contract amount for all the MIG funded projects. Any fees that will be exceeding the stated percentage must be approved by the Employer. The percentage indicated includes all the primary, secondary fees and any other additional services including monitoring and supervision.
C.3.19.3	Bids will be awarded in accordance with the Preferential Procurement Regulations, 2001 pertaining to the Preferential Procurement Policy Framework Act, No 5 of 2000 and its recent amendments as well as the Municipality's Supply Chain Management Policy.
C.3.19.4	The successful bidder will be expected to sign a bid document and a separate service level agreement. The signing of both of the bid document and the Service Level Agreement will constitute the full agreement between the Municipality and the successful bidder.
C.3.19.5	Successful bidders will sign a Service Level Agreement (SLA) with the municipality. The SLA will be valid for a period of 3 years. Should the works extend outside the validity of this Panel, a review of performance and availability of budget will be conducted.
C.3.19.6	<p>Wrong Information Furnished</p> <p>Where a contract has been awarded on the strength of the information furnished by the bidder which, after the conclusion of the relevant agreement, is proved to have been incorrect, the Municipality may, in addition to any other legal remedy it may have, recover from the consultant all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract.</p>
C.3.19.7	Bidders who are successful after being put through functionality criteria will be grouped in accordance with the proposed Category of Works.

ANNEXURE C: STANDARD CONDITIONS OF TENDER

C.1 General

C.1.1 Actions

C.1.1.1 The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in C.2 and C.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.

C.1.1.2 The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

Note: 1) *A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.*

2) *Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.*

C.1.1.3 The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract.

C.1.2 Tender Documents

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

C.1.3 Interpretation

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

C.1.3.2 These conditions of tender, the tender data and tender schedules which are required for tender evaluation purposes, shall form part of any contract arising from the invitation to tender.

C.1.3.3 For the purposes of these conditions of tender, the following definitions apply:

a) **conflict of interest** means any situation in which:

- i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially;
- ii) an individual or tenderer is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
- iii) incompatibility or contradictory interests exist between an employee and the tenderer who employs that employee.

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b) **comparative offer** means the price after the factors of a non-firm price and all unconditional discounts it can be utilised to have been taken into consideration;

c) corrupt practice means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process;

d) fraudulent practice means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels;

C.1.4 Communication and employer's agent

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

C.1.5 Cancellation and Re-Invitation of Tenders

C.1.5.1 An employer may, prior to the award of the tender, cancel a tender if-

- a) due to changed circumstances, there is no longer a need for the engineering and construction works specified in the invitation;
- b) funds are no longer available to cover the total envisaged expenditure; or
- c) no acceptable tenders are received.
- d) there is a material irregularity in the tender process.

C.1.5.2 The decision to cancel a tender invitation must be published in the same manner in which the original tender invitation was advertised

C.1.5.3 An employer may only with the prior approval of the relevant treasury cancel a tender invitation for the second time.

C.1.6 Procurement procedures

C.1.6.1 General

Unless otherwise stated in the tender data, a contract will, subject to C.3.13, be concluded with the tenderer who in terms of C.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.

C.1.6.2 Competitive negotiation procedure

C.1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of C.3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of C.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.

C.1.6.2.2 All responsive tenderers or at least a minimum of not less than three responsive tenderers that are highest ranked in terms of the evaluation criteria stated in the tender data shall be invited to enter into competitive negotiations based on the principle of equal treatment, keeping confidential the proposed solutions and associated information.

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Notwithstanding the provisions of C.2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

C.1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to revise their tender offer based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer.

C.1.6.2.4 The contract shall be awarded in accordance with the provisions of C.3.11 and C.3.13 after tenderers have been requested to submit their best and final offer.

C.1.6.3 Proposal procedure using the two stage-system

C.1.6.3.1 Option 1

Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender.

C.1.6.3.2 Option 2

C.1.6.3.2.1 Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents.

C.1.6.3.2.2 The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data, and award the contract in terms of these conditions of tender.

C.2 Tenderer's obligations

C.2.1 Eligibility

C.2.1.1 Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer.

C.2.1.2 Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders.

C.2.2 Cost of tendering

C.2.2.1 Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer complies with requirements.

C.2.2.2 The cost of the tender documents charged by the employer shall be limited to the actual cost incurred by the employer for printing the documents. Employers must attempt to make available the tender documents on its website so as not to incur any costs pertaining to the printing of the tender documents.

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C.2.3 Check documents

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

C.2.4 Confidentiality and copyright of documents

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

C.2.5 Reference documents

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

C.2.6 Acknowledge addenda

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

C.2.7 Clarification meeting

Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.

C.2.8 Seek clarification

Request clarification of the tender documents, if necessary, by notifying the employer at least five (5) working days before the closing time stated in the tender data.

C.2.9 Insurance

Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

C.2.10 Pricing the tender offer

C.2.10.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable fourteen (14) days before the closing time stated in the tender data.

C.2.10.2 Show VAT payable by the employer separately as an addition to the tendered total of the prices.

C.2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.

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C.2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

C.2.11 Alterations to documents

Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations.

C.2.12 Alternative tender offers

C.2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.

C.2.12.2 Accept that an alternative tender offer must be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.

C.2.12.3 An alternative tender offer must only be considered if the main tender offer is the winning tender.

C.2.13 Submitting a tender offer

C.2.13.1 Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.

C.2.13.2 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.

C.2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.

C.2.13.4 Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.

C.2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

C.2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

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- C.2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.
- C.2.13.8 Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.
- C.2.13.9 Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.

C.2.14 Information and data to be completed in all respects

Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

C.2.15 Closing time

- C.2.15.1 Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery.
- C.2.15.2 Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.

C.2.16 Tender offer validity

- C.2.16.1 Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.
- C.2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.
- C.2.16.3 Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted. If the validity period stated in C.2.16 lapses before the employer evaluating tender, the contractor reserves the right to review the price based on Consumer Price Index (CPI).
- C.2.16.4 Where a tender submission is to be substituted, a tenderer must submit a substitute tender in accordance with the requirements of C.2.13 with the packages clearly marked as "SUBSTITUTE".

C.2.17 Clarification of tender offer after submission

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

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

C.2.18 Provide other material

C.2.18.1 Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment.

Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.

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

C.2.19 Inspections, tests and analysis

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

C.2.20 Submit securities, bonds and policies

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

C.2.21 Check final draft

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

C.2.22 Return of other tender documents

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

C.2.23 Certificates

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

C.3 The employer's undertakings

C.3.1 Respond to requests from the tenderer

C.3.1.1 Unless otherwise stated in the tender Data, respond to a request for clarification received up to five (5) working days before the tender closing time stated in the Tender Data and notify all tenderers who collected tender documents.

C.3.1.2 Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

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a) an individual firm, or a joint venture as a whole, or any individual member of the joint venture fails to meet any of the collective or individual qualifying requirements;

b) the new partners to a joint venture were not prequalified in the first instance, either as individual firms or as another joint venture; or

c) in the opinion of the Employer, acceptance of the material change would compromise the outcome of the prequalification process.

C.3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three (3) working days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify all tenderers who collected tender documents.

C.3.3 Return late tender offers

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

C.3.4 Opening of tender submissions

C.3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

C.3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, number of points claimed for its BBBEE status level and time for completion for the main tender offer only.

C.3.4.3 Make available the record outlined in C.3.4.2 to all interested persons upon request.

C.3.5 Two-envelope system

C.3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

C.3.5.2 Evaluate functionality of the technical proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the functionality evaluation more than the minimum number of points for functionality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any points claimed on BBBEE status level. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for functionality.

C.3.6 Non-disclosure

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

C.3.7 Grounds for rejection and disqualification

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

C.3.8 Test for responsiveness

C.3.8.1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:

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

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

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

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

C.3.9 Arithmetical errors, omissions and discrepancies

C.3.9.1 Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.

C.3.9.2 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with C.3.11 for:

- a) the gross misplacement of the decimal point in any unit rate;
- b) omissions made in completing the pricing schedule or bills of quantities; or
- c) arithmetic errors in:
 - (i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
 - (ii) the summation of the prices.

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

C.3.9.4 Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows:

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a) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.

b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

C.3.10 Clarification of a tender offer

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

C.3.11 Evaluation of tender offers

The Standard Conditions of Tender standardize the procurement processes, methods and procedures from the time that tenders are invited to the time that a contract is awarded. They are generic in nature and are made project specific through choices that are made in developing the Tender Data associated with a specific project.

Conditions of tender are by definition the document that establishes a tenderer's obligations in submitting a tender and the employer's undertakings in soliciting and evaluating tender offers. Such conditions establish the rules from the time a tender is advertised to the time that a contract is awarded and require employers to conduct the process of offer and acceptance in terms of a set of standard procedures.

The CIDB Standard Conditions of Tender are based on a procurement system that satisfies the following system requirements:	
Requirement	Qualitative interpretation of goal
Fair	The process of offer and acceptance is conducted impartially without bias, providing simultaneous and timely access to participating parties to the same information.
Equitable	Terms and conditions for performing the work do not unfairly prejudice the interests of the parties.
Transparent	The only grounds for not awarding a contract to a tenderer who satisfies all requirements are restrictions from doing business with the employer, lack of capability or capacity, legal impediments and conflicts of interest.
Competitive	The system provides for appropriate levels of competition to ensure cost effective and best value outcomes.
Cost effective	The processes, procedures and methods are standardized with sufficient flexibility to attain best value outcomes in respect of quality, timing and price, and least resources to effectively manage and control procurement processes.

The activities associated with evaluating tender offers are as follows:

- a) Open and record tender offers received
- b) Determine whether or not tender offers are complete
- c) Determine whether or not tender offers are responsive
- d) Evaluate tender offers
- e) Determine if there are any grounds for disqualification

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- f) Determine acceptability of preferred tenderer
- g) Prepare a tender evaluation report
- h) Confirm the recommendation contained in the tender evaluation report

C.3.11.1 General

The employer must appoint an evaluation panel of not less than three persons conversant with the proposed scope of works to evaluate each responsive tender offer using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

C.3.12 Insurance provided by the employer

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

C.3.13 Acceptance of tender offer

Accept the tender offer; if in the opinion of the employer, it does not present any risk and only if the tenderer:

- a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement;
- b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract;
- c) has the legal capacity to enter into the contract;
- d) is not; insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act No. 2008, bankrupt or being wound up, has his/her affairs administered by a court or a judicial officer, has suspended his/her business activities or is subject to legal proceedings in respect of any of the foregoing;
- e) complies with the legal requirements, if any, stated in the tender data; and
- f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

C.3.14 Prepare contract documents

C.3.14.1 If necessary, revise documents that shall form part of the contract and that were issued by the employer as part of the tender documents to take account of:

- a) addenda issued during the tender period,
- b) inclusion of some of the returnable documents and
- c) other revisions agreed between the employer and the successful tenderer.

C.3.14.2 Complete the schedule of deviations attached to the form of offer and acceptance, if any.

C.3.15 Complete adjudicator's contract

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

C.3.16 Registration of the award

An employer must, within twenty-one (21) working days from the date on which a contractor's offer to perform a construction works contract is accepted in writing by the employer, register and publish the award on the cidb Register of Projects.

C.3.17 Provide copies of the contracts

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

C.3.18 Provide written reasons for actions taken

Provide upon request written reasons to tenderers for any action that is taken in applying these conditions of tender but withhold information which is not in the public interest to be divulged, which is considered to prejudice the legitimate commercial interests of tenderers or might prejudice fair competition between tenderers.

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NEWCASTLE MUNICIPALITY



VOLUME 1

RETURNABLE DOCUMENTS AND SCHEDULES

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

T2.1: LIST OF RETURNABLE DOCUMENTS

The Bidder must complete the following returnable documents:

No	Returnable Schedules	Page
1. Returnable Schedules required only for tender evaluation purposes		
T2.1.1	Record of Addenda to Bid Documents	
T2.1.2	Authority of Signatory	
T2.1.3	Compulsory Enterprise Questionnaire	
T2.1.4	Municipal Bidding Document	
	A - MBD 4: Declaration of Interest	
	B - MBD 5: Declaration for Procurement above R10 Million (Vat Included)	
	C - MBD 6.1: Preference Points Claim Form in terms of the Preferential Procurement Regulations 2017	
	D - MBD 8: Declaration of Bidders' Past Supply Chain Management Practices	
	E - MBD 9: Certificate of Independent Bid Determination	
T2.1.5	Proposed Amendments and Qualifications	
T2.1.6	Schedule of Deviations or Qualifications by Tenderer	
T2.1.7	Certificate of Insurance Cover	
T2.1.8	Schedule of Previous Similar Works	
T2.1.9	Certificate of attendance at the clarification meeting	
T2.1.10	Schedule of Proposed Professionals and Support Staff	
T2.1.11	Proof of Registration with CESA/SABTACO	
T2.1.12	Tenderer's Credit Rating and Bank Details	
T2.1.13	Compliance with OHSA (Act 85 Of 1993)	
T2.1.14	Central Supplier Database Registration	
T2.1.15	Certificate for Municipal Services and Payments/Lease Agreement	
T2.1.16	ISO Certification	
T2.1.17	Letter of undertaking for Skills transfer and Engineering Capacitation	

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T2.1.1 RECORD OF ADDENDA TO TENDER DOCUMENTS

The undersigned confirm that the following communications received from the employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:

	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Attach additional pages if more space is required.

Signed **Date**

Name **Position**

Tenderer

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T2.1.2 AUTHORITY OF SIGNATORY

Indicate the status of the Bidder by ticking the appropriate box hereunder. The Bidder 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, hereby confirm that by resolution of the board (copy attached) taken on 20..... , Mr/Ms.....acting in the capacity of, was authorised to sign all documents in connection with this bid for Bid no **Bid no A045-2022/23** 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 authorise Mr/Ms, acting in the capacity of, to sign all documents in connection with this bid for **Bid no A045-2022/23** and any contract resulting from it on our behalf.

Name	Address	Signature	Date

Note: This certificate is to be completed and signed by all 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 authorise Mr/Ms , authorised signatory of the company , acting in the capacity of lead partner, to sign all documents in connection with this bid for **Bid no A045-2022/23** and any contract resulting from it on our behalf. This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.

Name of Firm	Address	Authorising Name and Capacity	Authorising Signature
Lead Partner:			

NOTE: A copy of the Joint Venture Agreement indicating clearly the percentage contribution of each partner to the Joint Venture, is to be submitted with the bid. A board resolution, authorising each signatory who signed above to do so, is to be submitted with the bid.

D. Certificate for Sole Proprietor

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

As witnesses:

- 1. Sole Owner:
- 2. Date:

E. Certificate for Close Corporation

We, the undersigned, being the key members in the business trading as , hereby authorise Mr/Ms acting in the capacity of to sign all to sign all documents in connection with this bid for **Bid no A045-2022/23** and any contract resulting from it on our behalf.

Name	Address	Signature	Date

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

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T2.1.3 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: CSD:

Section 5: 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 6: Particulars of companies and close corporations

Company registration number:

Close corporation number:

Tax reference number:

Section 7: MBD4 issued by National Treasury must be completed for each tender and be attached as a tender requirement.

Section 8: MBD6 issued by National Treasury must be completed for each tender and be attached as a tender requirement.

Section 9: MBD8 issued by National Treasury must be completed for each tender and be attached as a tender requirement.

Section 10: MBD9 issued by National Treasury must be completed for each tender and be attached as a tender requirement.

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

- (i) Authorizes the employer to verify the tenderers tax clearance status from the South African Revenue Services that it is in order;
- (ii) Confirms that neither the name of the enterprise nor 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; and
- (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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T2.1.4 MUNICIPAL BIDDING DOCUMENT

A - MBD 4: DECLARATION OF INTEREST

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

3.1	Full Name of bidder/ Representative	
3.2	Identity Number	
3.3	Position occupied in the Company (director, trustee, shareholder²)	
3.4	Company Registration Number	
3.5	Tax Reference Number	
3.6	VAT Registration Number	

3.7. The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8	Are you presently in the service of the state*?	Yes	No
3.8.1	If yes, furnish particulars.		
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.		

¹MSCM Regulations: “in the service of the state” means to be –

(a) a member of –

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

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

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

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

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

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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 a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?	Yes	No
3.11.1	If yes, furnish particulars.		
3.12	Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state?	Yes	No
3.12.1	If yes, furnish particulars.		
3.13	Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state?	Yes	No
3.13.1	If yes, furnish particulars.		
3.14	Do you or any of the directors, trustees, managers, principal shareholders or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract.	Yes	No
3.14.1	If yes, furnish particulars.		

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

Full Name	Identity Number	State Employee Number

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

B - MBD 5: DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

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

1	Are you by law required to prepare annual financial statements for auditing?	Yes	No
1.1	If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.		
2	Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?	Yes	No
2.1	If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days. * Delete if not applicable		
2.2	If yes, provide particulars. * Delete if not applicable		
3	Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?	Yes	No
3.1	If yes, furnish particulars		
4	Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?	Yes	No
4.1	If yes, furnish particulars		

CERTIFICATION

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		Name of Bidder	
Capacity		Date	

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

C - MBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS

2022

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF EQUITY OWNERSHIP BY HISTORICALLY DISADVANTAGED INDIVIDUAL (HDI`S), AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022.

GENERAL CONDITIONS

1. The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable or

2. Points for this bid shall be awarded for:
- (a) Price; and
 - (b) Specific contract participation goals, as specified in the attached forms.

3. The maximum points for this bid are allocated as follows:

		POINTS
1. Price		80
2. Specific Contract Participation Goals		20
2.1 Historically Disadvantaged Individuals		16
2.1.1 Who had no franchise in national elections before the 1983 and 1993 Constitution	8	
2.1.2 Who is female	4	
2.1.3 Who has a disability	2	
2.1.4 Who's youth	2	
2.2 Other Specific goals (Local Economic Development goals of the RDP)		4
2.2.1 Business operations within Amajuba District	4	
2.2.2 Business Operations within KwaZulu-Natal Province	2	
2.2.3 Business operations within South Africa	0	
Total points for Price and HDI principles must not exceed		100

To claim specific goals listed under 2.2 above the Municipal water and light account in the name of the company or individual in case of Sole proprietor must be submitted.

4. Failure on the part of a bidder to submit proof of claim together with the bid, will be interpreted to mean that preference points for advancement of past imbalances are not claimed.
5. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

6. DEFINITIONS

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

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

- 6.2 “Bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods, works or services.
- 6.3 “Comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration.
- 6.4 “Consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.
- 6.5 “Contract”** means the agreement that results from the acceptance of a bid by an organ of state.
- 6.6 “Specific contract participation goals”** means the goals as stipulated in the Preferential Procurement Regulations 2001.
- 6.7** In addition to above-mentioned goals, the Regulations [12.(1)] also make provision for organs of state to give particular consideration to procuring locally manufactured products.
- 6.8 “Control”** means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.
- 6.9 “Disability”** means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.
- 6.10 “Equity Ownership”** means the percentage ownership and control, exercised by individuals within an enterprise.
- 6.11 “Historically Disadvantaged Individual (HDI)”** means a South African citizen
- (1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) or the Constitution of the Republic of South Africa, 1993, (Act No 200 of 1993) (“the interim Constitution); and/or
 - (2) who is a female; and/or
 - (3) who has a disability:
- provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be a HDI;
- 6.12 “Management”** means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.
- 6.13 “Owned”** means having all the customary elements of ownership, including the right of decision-making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination of the substance, rather than the form of ownership arrangements.
- 6.14 “Person”** includes reference to a juristic person.
- 6.15 “Rand value”** means the total estimated value of a contract in Rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.
- 6.16 “Small, Medium and Micro Enterprises (SMMEs)”** bears the same meaning assigned to this expression in the National Small Business Act, 1996 (No 102 of 1996).

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

- 6.17 **“Sub-contracting”** means the primary contractor's assigning or leasing or making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
- 6.18 **“Trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person.
- 6.19 **“Trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.
- 6.20 **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

7. ESTABLISHMENT OF HDI EQUITY OWNERSHIP IN AN ENTERPRISE

- 7.1 Equity ownership shall be equated to the percentage of an enterprise which is owned by individuals classified as HDIs, or in the case of a company, the percentage shares that are owned by individuals classified as HDIs, who are actively involved in the management and daily business operations of the enterprise and exercise control over the enterprise, commensurate with their degree of ownership.
- 7.2 Where individuals are not actively involved in the management and daily business operations and do not exercise control over the enterprise commensurate with their degree of ownership, equity ownership may not be claimed.

8. ADJUDICATION USING A POINT SYSTEM

- 8.1 The bidder obtaining the highest number of points will be awarded the contract.
- 8.2 Preference points shall be calculated after prices have been brought to a comparative basis.
- 8.3 Points scored will be rounded off to 2 decimal places.
- 8.4 In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals.

9. POINTS AWARDED FOR PRICE

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

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

$$\begin{matrix} 80/20 & & \text{or} & & 90/10 \\ P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & & \text{or} & & P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \end{matrix}$$

Where

- P_s = Points scored for price of bid under consideration
- P_t = Rand value of bid under consideration
- P_{min} = Rand value of lowest acceptable bid

10. Points awarded for historically disadvantaged individuals

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

10.1 In terms of Regulation 13 (2) preference points for HDI's are calculated on their percentage shareholding in a business, provided that they are actively involved in and exercise control over the enterprise. The following formula is prescribed in Regulation 13 (5) (c):

$$NEP = NOP \times \frac{EP}{100}$$

Where

NEP = Points awarded for equity ownership by an HDI

NOP = The maximum number of points awarded for equity ownership by an HDI in that specific category

EP = The percentage of equity ownership by an HDI within the enterprise or business, determined in accordance with the definition of HDI's.

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

11. BID DECLARATION

11.1 Bidders who claim points in respect of equity ownership must complete the Bid Declaration at the end of this form.

12. EQUITY OWNERSHIP CLAIMED IN TERMS OF PARAGRAPH 2.10 ABOVE. POINTS TO BE CALCULATED FROM INFORMATION FURNISHED IN PARAGRAPH 9.8.

Ownership	Percentage owned	Points claimed
12.1 Equity ownership by persons who had no franchise in the national elections%
12.2 Equity ownership by women%
12.3 Equity ownership by disabled persons*%
12.4 Equity ownership by youth%

*If points are claimed for disabled persons, indicate nature of impairment (see paragraph 6.9 above)

13. DECLARATION WITH REGARD TO EQUITY

- 13.1 Name of firm :
- 13.2 VAT registration number :
- 13.3 Company registration number :

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13.4 TYPE OF FIRM

- Partnership
- One person business/sole trader
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

13.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

13.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

13.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account No:

Stand No:

13.8 TOTAL NUMBER OF YEARS THE FIRM HAS BEEN IN BUSINESS?

13.8 List all Shareholders by Name, Position, Identity Number, Citizenship, HDI status and ownership, as relevant. Information to be used to calculate the points claimed in paragraph 8.

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Name	Date/Position occupied in Enterprise	ID Number	Date RSA Citizenship obtained	* HDI Status			Youth	% of business / enterprise owned
				No franchise prior to elections	Women	Disabled		

*Indicate YES or NO

13.10 Consortium / Joint Venture

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

Name of HDI member (to be consistent with paragraph 9.8)	Percentage (%) of the contract value managed or executed by the HDI member

14. SUB-CONTRACTING

Will any portion of the contract be sub-contracted?
(Tick applicable box)

YES		NO	
-----	--	----	--

If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....

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iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE
(Tick applicable box)

YES		NO	
-----	--	----	--

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p>
<p>DATE:</p> <p>ADDRESS</p> <p>.....</p>

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

SUPPLEMENTARY SCHEDULE ON MBD 1:

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022
PROMOTION OF ENTERPRISES LOCATED IN A SPECIFIC MUNICIPAL AREA**

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES SPECIFIED IN CLAIM FORM MBD 6.1 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001.

- 1 Regulation 17(3) (g) of the Preferential Procurement Regulations 2022 makes provision for the promotion of enterprises located in a specific municipal area for work to be done or services to be rendered in that municipal area.
- 2 The promotion of this goal can be achieved by acquiring goods and services from enterprises located within the Newcastle Municipality. This includes an enterprise whose head office may be situated in elsewhere, but has established a fully-fledged branch within this municipal area. Enterprises located outside the borders of this Municipality and who only appoint agents and/or commission warehouses in this municipal area are expressly excluded from claiming points for this goal.

SPECIFIC GOAL ALLOCATED

POINTS

The stimulation of the local economy by procuring from enterprises located within the borders of the Newcastle Municipality.

4

- 3 Preference points may only be claimed by enterprises located within the Newcastle Municipality. (See paragraph 2 above).

4. BID DECLARATION

Bidders who wish to claim points in respect of this specific goal must complete the declaration part of this form.

5. POINTS CLAIMED

Bidder to indicate whether the point(s) allocated for enterprises situated within the Newcastle Municipality is/are claimed. Yes / No

6. DECLARATION WITH REGARD TO LOCALITY

State full particulars of locality of enterprise as well as that of Head Office:

Address of local enterprise: Physical:.....
.....
.....

Postal:.....
.....
.....

Telephone:.....

Email Address:

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Municipal Account No:

Stand No:

Address of local enterprise: Physical:.....

.....

Postal:.....

.....

Telephone:.....

Email Address:

I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise certify that the enterprise is entitled to the points allocated in paragraph 2 of this form and I / we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claim is correct.
- (iii) If the claim is found to be incorrect, the purchaser may, in addition to any other remedy it may have-
 - (a) recover all costs, losses or damages it has incurred or suffered as a result of wrong information furnished; and
 - (b) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation.

Name of Bidder			
Signature		Name (print)	
Capacity		Date	
WITNESSES			
Name		Name	
Signature		Signature	

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

D - MBD 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Municipal Bidding Document must form part of all bids invited.

2. It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are to combat the abuse of the supply chain management system.

3. **The bid of any bidder may be rejected if the bidder, or any of its directors have:**
 - a) Abused the Municipality'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) Wilfully neglected, reneged or failed to comply with any government, municipal or public sector contract during the past five years; or
 - d) Been listed in the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corruption Activities Act (No 12 of 2004).

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

ITEM	QUESTION	YES	NO
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the audit alteram partem rule was applied).</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corruption Activities Act (No 12 of 2004)?</p> <p>(The Register for Bid 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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

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

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) _____

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TO BE 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.

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

E - MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
3. Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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.

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

BID NO.: A045-2022/23 – APPOINTMENT OF PANEL OF PROFESSIONAL ENGINEERING SERVICE PROVIDERS WITHIN THE BUILT ENVIRONMENT FOR A PERIOD OF THREE YEARS ON AN AS WHEN REQUIRED BASIS.

in response to the invitation for the bid made by:

NEWCASTLE MUNICIPALITY

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

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.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

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

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T2.1.5 PROPOSED AMENDMENTS AND QUALIFICATIONS

The Bidder should record any deviations or qualifications he may wish to make to the Bid documents in this Returnable Schedule. Alternatively, a Bidder may state such deviations and qualifications in a covering letter to his Bid and reference such letter in this schedule.

The Bidder's attention is drawn to clause C.3.8 of the Standard Conditions of Bid referenced in the Bid Data regarding the employer's handling of material deviations and qualifications.

Page	Clause or item	Proposal

Signed **Date**

Name **Position**

Bidder

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

T2.1.6 SCHEDULE OF DEVIATIONS OR QUALIFICATIONS BY TENDERER

PAGE	DESCRIPTION

Signed **Date**

Name **Position**

Tenderer

T2.1.7 CERTIFICATE OF INSURANCE COVER

Notes to tenderer:

1. In the event of the tenderer being a joint venture/consortium, the details of the individual members must also be provided.

The tenderer shall provide the following details of this insurance cover:

i) Name of Tenderer:

ii) Period of Validity:

iii) Value of Insurance:

- Professional Indemnity (for each and every case)

Company:

Value:

- Third Party Liability

Company:

Value:

Signed

Date _____

Name

Position _____

Tenderer _____

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

T2.1.8 SCHEDULE OF PREVIOUS SIMILAR WORKS

The following is a statement of similar work successfully executed by myself / ourselves for each PANEL depending on how many panels the bidder is applying for (The bidder must clearly indicate which panel is being submitted for):

Employer, contact person and telephone number.	Description of contract	Value of work inclusive of VAT (Rand)	Date completed

Signed **Date**

Name **Position**

Bidder

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

T2.1.9 CERTIFICATE OF ATTENDANCE AT CLARIFICATION MEETING-NOT APPLICABLE

This is to certify that (*tenderer*).....

of (*address*).....

..... was represented by the person(s)

named below at the compulsory meeting held for all tenderers at (*location*).....

..... on (*date*)..... starting at (*time*)

I / We acknowledge that the purpose of the meeting was to acquaint myself / ourselves with the Site of the Works and its surroundings and / or matters incidental to doing the work specified in the Tender Documents in order for me / us to take account of everything necessary when compiling our rates and prices included in the tender. I / We also acknowledge that I / we have examined the Site Data made available by the Employer (including borehole cores and related information).

Particulars of person(s) attending the meeting:

Name: Signature:

Capacity:

Name: Signature:

Capacity:

Attendance of the above person(s) at the meeting is confirmed by the Employer's representative, namely:

Name: Signature:

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

T2.1.10 SCHEDULE OF PROPOSED PROFESSIONALS AND SUPPORT STAFF

Bidder are welcome may add more names than the spaces allow below.

	Name of Professional or Support Staff Member	Qualifications and Registration	Bullet point of experience
1.			
2.			
3.			
4.			
5.			

Signed **Date**

Name **Position**

Bidder

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

T2.1.11 PROOF OF REGISTRATION WITH CESA/SABTACO

The tenderer to submit proof of registration.

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

T2.1.12 TENDERER'S CREDIT RATING AND BANK DETAILS

Notes to tenderer:

1. The tenderer shall attach to this form a letter (dated less than 3 months prior to the tender closing date) from the bank at which he declares he conducts his account. The contents of the bank's letter must state the credit rating that the bank in addition to the information required below accords to the tenderer. Failure to provide the required letter with the tender submission may render the tenderer's offer non-responsive.

2. The tenderer's banking details as they appear below shall be completed.

3. In the event that the tenderer is a joint venture enterprise, details of all the members of the joint venture shall be similarly provided and attached to this form.

The tenderer shall provide the following:

- i) Name of Account Holder:
- ii) Account Number:
- iii) Bank name:
- iv) Branch Number:
- v) Bank and branch contact details

SIGNATURE:
(of person authorized to sign on behalf of the Tenderer)

DATE:

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

T2.1.13 COMPLIANCE WITH OHSA (ACT 85 OF 1993)

Bidders are required to satisfy the Employer and the Engineer as to their ability and available resources to comply with the above by answering the following questions and providing the relevant information required below.

1.	Is the Contractor familiar with the OHSA (ACT 85 of 1993) and its Regulations?	Yes	No
2.	Who will prepare the Contractor's Health and Safety Plan? (Provide a copy of the person/s curriculum vitae/s or company profile).		
3.	Does the Contractor have a health and safety policy? (If yes, provide a copy). How is this policy communicated to all employees?	Yes	No
4.	Does the Contractor conduct monthly safety meetings? If yes, who is the chairperson of the meeting, and who attend these meetings?	Yes	No
5.	Does the Contractor conduct monthly safety meetings? If yes, who is the chairperson of the meeting, and who attend these meetings?	Yes	No
6.	Does the Contractor have a safety officer in his employment, responsible for the overall safety of his company? If yes, please explain his duties and provide a copy of his CV.	Yes	No
7.	Does the Contractor have trained first aid employees? If yes, indicate, who.	Yes	No
8.	Does the Contractor have a safety induction-training programme in place? (If yes, provide a copy)	Yes	No

Signed: Date:

Name:Position:

Bidder:

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

T2.1.14 CENTRAL SUPPLIER DATABASE REGISTRATION

No awards will be made to a tenderer who is not registered on the Central Supplier Database (CSD).

The establishment of a Central Supplier Database (CSD) will result in one single database to serve as the source of all supplier information for all spheres of government. The purpose of centralising government's supplier database is to reduce duplication of effort and cost for both supplier and government while enabling electronic procurement processes.

Registration on the Central Supplier Database must be done online via the website:

<https://secure.csd.gov.za/>

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

T2.1.15 PROOF OF GOOD STANDING WITH MUNICIPAL ACCOUNTS

MUST BE COMPLETED FOR THIS BID

Declaration in terms of paragraph 38(1)(d)(i) of the Supply Chain Management Regulation, irrespective of the contract value of the bid:

NB: Please note that this declaration must be completed by ALL bidders

- i. I, the undersigned hereby declare that the signatory to this tender document; is duly authorised and further declare:
- ii. I acknowledges that according to SCM Regulation 38(1)(d)(i), the Municipality may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the Tenderer or any of its directors/members/partners to Newcastle Municipality, or to any other municipality or municipal entity, are in arrears for more than 3 (three) months.
- iii. I acknowledge that should it be found that any municipal rates and taxes or municipal charges as set out in (ii) above are in arrears for more than three (3) months, the bid will be rejected and the Newcastle Municipality may take such remedial action as is required, including the rejection of the bid and/or termination of the contract; and
- iv. The following account/s of the bidding entity has reference:

Physical Business Address(es) of the Tenderer	Municipality	Municipal Account Number

NB: If insufficient space above, please submit on a separate page

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

PLEASE NOTE further that if no municipal rates and taxes or municipal charges are payable by the bidding entity, indicate the reason/s for that in the space below by means of a tick next in the relevant block,

Reason	Tick	Portfolio of evidence
Bidding entities who rent premises from a landlord		Signed copy of the lease agreement accompanied by municipal rates statement of the landlord showing that no levies are in arrears.
Bidding entities who operate from a property owned by a director / member / partner		Municipal account statement/s of a director / member / partner
Bidding entities who operate from farms / informal settlements		A letter from their Induna/owner.

Attach latest municipal account statement behind this page. The portfolio of evidence must not be older than three months from the close of this tender.

SIGNED AT.....THIS.....DAY OF..... 20.....

Name of Duly Authorised Signatory: (Please print).....

Authorised Signature:

As witness: 1.

2.

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

T2.1.16 ISO CERTIFICATION

The tenderer is to submit ISO certificate.

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T2.1.17 LETTER OF UNDERTAKING FOR SKILLS TRANSFER AND ENGINEERING CAPACITATION

The tenderer is to submit letter of undertaking.

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T2.1.18 REFERENCE FORM

The tenderer is to submit the form listed below, completed in full for each and every project completed in order to score points.

EVALUATION SCHEDULE: CLIENT REFERENCES

The Tenderer shall provide details of his performance on each of the previous projects listed in the "Relevant Experience" returnable schedule. "Client Reference Scorecards" will be completed by each of the respective Clients for the projects listed in the "Relevant Experience" returnable schedule. Uncompleted and Unsigned forms by the client will score zero points.

The following are to be completed by the Client

PROJECT 1:

Name of Project:.....

Name of Firm/Bidder:.....

Client/Client Department:

Contract Amount:.....

Contract Duration:

Actual Contract Duration:

Description / Performance	Poor (0)	Fair (1)	Good (3)	Excellent (4.34)
Cost management				
Timeous compilation of final account/as-built				
Timeous co-operation during the contract				
Quality of service				
Quality of reports				
Performance of resources				
Technical experience of resources				

Any other remarks considered necessary to assist in evaluation of the Tenderer?

Name of Client Representative:

Designation:

Telephone:

Client Signature:

Date:

Stamp

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

NEWCASTLE MUNICIPALITY



VOLUME 1

PART C1: AGREEMENT AND CONTRACT DATA

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

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Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

C1.1 FORM OF OFFER AND ACCEPTANCE

C.1.1.1 FORM OF OFFER

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

BID NO.: A045-2022/23 – APPOINTMENT OF PANEL OF PROFESSIONAL ENGINEERING SERVICE PROVIDERS WITHIN THE BUILT ENVIRONMENTFOR A PERIOD OF THREE YEARS ON AN AS WHEN REQUIRED BASIS

The tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the tender schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the Professional Service Provider under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

RATES WILL BE ON QUOTATION BASIS

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the tender data, whereupon the tenderer becomes the party named as the Professional Service Provider in the conditions of contract identified in the contract data.

Signature		Date	
Name			
Capacity			
Name of Tenderer			

Name and
Signature of

Witness Date

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

C1.1.2: FORM OF ACCEPTANCE

ACCEPTANCE (to be completed by the Employer)

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 tenderer 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 tender document, (which includes this agreement)
- Part C2 Pricing data
- Part C3 Scope of work
- Part C4 Site Information and any drawings and documents or parts thereof, which may be incorporated by reference above.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender schedules as well as any changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this agreement.

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

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer within five 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.

FOR OFFICIAL USE ONLY

Name		Signature	
Date			
Capacity(tick one)	Municipal Manager	Chief Financial Officer	
For the Employer	Newcastle Municipality		
Name of Witness		Signature	

C1.1.3: SCHEDULE OF DEVIATIONS

Notes:

1. The extent of deviations from the tender documents issued by the Employer prior to the tender closing date is limited to those permitted in terms of the Conditions of Tender,
2. A Tenderer's covering letter shall not be included in the final contract document. Should any matter in such letter, which constitutes a deviation as aforesaid, become the subject of agreements reached during the process of offer and acceptance, the outcome of such agreement shall be recorded here,
3. Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the tender documents and which it is agreed by the Parties becomes an obligation of the contract shall also be recorded here,
4. Any change or addition to the tender documents arising from the above agreements and recorded here, shall also be incorporated into the final draft of the Contract,

1. **Subject:**.....
Details:
.....

2. **Subject:**.....
Details:
.....

3. **Subject:**.....
Details:
.....

4. **Subject:**.....
Details:
.....

By the duly authorised representatives signing this agreement, the employer and the Tenderer agree to and accept the foregoing Schedule of Deviations as the only deviations from the amendments to the documents listed in the Tender Data and addenda thereto as listed in the Tender Schedules, as well as any confirmation, clarification or change to the terms of the offer agreed by the Tenderer and the Employer during this process of offer and acceptance.

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

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

For the Tenderer:

For the Employer:

..... **Signature**

..... **Name**

..... **Capacity**

Name and address of organisation:

Name and address of organisation:

.....

.....

.....

.....

.....

.....

..... **Witness signature**

..... **Witness name**

..... **Date**

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

C1.2 CONTRACT DATA

The Conditions of Contract are the **Standard Professional Services Contract (July 2009)** published by the Construction Industry Development Board. Each item of data given below is cross-referenced to the clause in the Conditions of Contract to which it mainly applies.

PART 1: INFORMATION PROVIDED BY THE EMPLOYER

GCC Clause	Information	
	The Employer is the Newcastle Municipality .	
3.4 and 4.3.2	The authorised and designated representative of the Employer is:	
	Name: Mr B. Mnguni	
	The address for receipt of communications is:	
	Physical Address: 37 Murchison Street Municipal Civic Centre Newcastle 2940	Postal Address: Private Bag X6621 Newcastle 2940
	Physical Address:	Postal
	Telephone: 034 328 7600 E-mail: Bongokuhle.Mnguni@newcastle.gov.za	
1	The Project is for the Appointment of panel of professional engineering service providers within THE BUILT ENVIRONMENT for a period of three years on an as when required basis.	
1	The Period of Performance is 36 Months .	
1	The Start Date is from the date of signing the contract.	
3.4.1	Communication is by e-mail.	
3.5	The location for the performance of the Project is jurisdictional area of Newcastle Municipality.	
3.12	The penalty payable is R 2500 per day subject to a maximum amount of R 300 000.	
3.15.1	The programme shall be submitted within 7 days of the signing of the Contract.	
3.15.2	The Service Provider shall update the programme at intervals not exceeding 1 week	
5.4.1	The Service Provider is required to provide professional indemnity cover of R2 million.	
5.5	The Service Provider is required to obtain the Employer's prior approval in writing before proceeding with any portion of works.	
7.2	The Service Provider is required to provide personnel in accordance with the provisions of clause 7.2 and to complete the Personnel Schedule.	
8.1	The Service Provider is to commence the performance of the Services within 7 Days of date that the Contract becomes effective.	
8.4.3 (c)	The period of suspension under clause 8.5 is not to exceed 4 months/ weeks.	
9.1	Copyright of documents prepared for the Project shall be vested with the Newcastle Municipality.	
12.1	Interim settlement of disputes is to be by mediation.	
12.2	Final settlement is by litigation.	
12.2.1	In the event that the parties fail to agree on a mediator, the mediator is nominated by Newcastle Municipality.	

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

GCC Clause	Information
	The Employer is the Newcastle Municipality .
3.4 and 4.3.2	The authorised and designated representative of the Employer is:
	Name: Mr B. Mnguni
	The address for receipt of communications is:
15	The interest rate will be prime interest rate of the Employers bank at the time that the amount is due.

PART 2: DATA PROVIDED BY THE SERVICE PROVIDER

GCC Clause	Information								
1	The name of the service provider is								
1	The address of the service provider is: Physical..... Postal..... Contact Number:..... Email:.....								
5.3	The authorised and designated representative of the Service Provider is: Name:.....								
5.5	The Key Persons and their jobs / functions in relation to the services are:								
7.12	<table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: center;">Name</th> <th style="text-align: center;">Specific duties</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 duties						
Name	Specific duties								

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

C1.3 AGREEMENT IN TERMS OF THE OCCUPATIONAL HEALTH AND SAFETY ACT 1993 (ACT NO 85 OF 1993) AND CONSTRUCTION REGULATIONS 2014

AGREEMENT MADE AND ENTERED INTO BETWEEN NEWCASTLE MUNICIPALITY (HEREINAFTER CALLED THE “EMPLOYER”) AND

(Consultant/Mandatory/Company/CC Name)

IN TERMS OF SECTION 37(2) OF THE OCCUPATIONAL HEALTH AND SAFETY ACT, ACT No. 85 OF 1993 AS AMENDED.

I,.....

representing.....as an employer in its own right, do hereby undertake to ensure, as far as is reasonably practicable, that all work will be performed, and all equipment, machinery or plant used in such a manner as to comply with the provisions of the Occupational Health and Safety Act (OHSA) and the Regulations promulgated thereunder.

I furthermore confirm that I am/we are registered with the Compensation Commissioner and that all registration and assessment monies due to the Compensation Commissioner have been fully paid or that I/We are insured with an approved licensed compensation insurer.

COID ACT Registration Number:

OR Compensation Insurer: Policy No.:

I undertake to appoint, where required, suitable competent persons, in writing, in terms of the requirements of OHSA and the Regulations and to charge him/them with the duty of ensuring that the provisions of OHSA and Regulations as well as the Council's Special Conditions of Contract, Way Leave, Lock-Out and Work Permit Procedures are adhered to as far as reasonably practicable.

I further undertake to ensure that any subcontractors/ consultants employed by me will enter into an Occupational Health and Safety Agreement separately, and that such subcontractors/ consultants comply with the conditions set.

I hereby declare that I have read and understand the appended Occupational Health and Safety Conditions and undertake to comply therewith at all times.

I hereby also undertake to comply with the Occupational Health and Safety Specification and Plan.

Signed at on the day of 20.....

SIGNED BY/ON BEHALF OF CONSULTANT - MANDATORY

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

NAME

SIGNATURE

DATE

SIGNED BY WITNESS:

NAME

SIGNATURE

DATE

Signed at on the day of 20.....

SIGNED BY/ON BEHALF OF NEWCASTLE MUNICIPALITY

NAME

SIGNATURE

DATE

SIGNED BY WITNESS:

NAME

SIGNATURE

DATE

Occupational Health and Safety Conditions

1.The Chief Executive Officer of the Consultant shall assume the responsibility in terms of Section 16(1) of the Occupational Health and Safety Act (as amended). Should the Consultant assign any duty in terms of Section 16(2), a copy of such assignment shall immediately be provided to the representative of the Employer as defined in the Contract.

2.All work performed on the Employer's premises shall be performed under the supervision of the construction supervisor who understand the hazards associated with any work that the Consultant performs on the site in terms of Construction Regulations 2014.

3.The Contractor shall appoint a Competent Person who shall be trained on any occupational health and safety aspect pertaining to them or to the work that is to be performed.

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

4.The Consultant shall ensure that he familiarises himself with the requirements of the Occupational Health and Safety Act and that he/she, his/her employees, and any sub-consultants, comply with them.

5.Discipline in the interests of occupational health and safety shall be strictly enforced.

6.Personal protective equipment shall be issued by the Consultant as required and shall be worn at all times where necessary.

7.Written safe work procedures and appropriate precautionary measures shall be available and enforced, and all employees shall be made conversant with the contents of these practices.

8.No substandard equipment/machinery/articles or substances shall be used on the site.

9.All incidents referred to in terms of Section 24 of the Occupational Health and Safety Act shall be reported by the Consultant to the Department of Labour and the Employer.

10.The Employer hereby obtains an interest in the issue of any formal inquiry conducted in terms of Section 32 of the Occupational Health and Safety Act and into any incident involving a Consultant and/or his/her employees and/or his/her sub-consultant/s.

11.No use shall be made of any of the Employer's machinery /plant /equipment /substance/personal protective equipment or any other article without prior arrangement and written approval.

12.No alcohol or any other intoxicating substance shall be allowed on the site. Any person suspected of being under the influence of alcohol or any other intoxicating substance shall not be permitted access to, or allowed to remain on the site.

13.Prior to commencement of any work, verified copies of all documents mentioned in the agreement, must be presented to the Employer.

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

NEWCASTLE MUNICIPALITY



VOLUME 1

PART C2: PRICING DATA

Pricing not applicable at this stage

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

NEWCASTLE MUNICIPALITY



VOLUME 1

CONTRACT

PART C3:

SCOPE OF WORK AND SPECIFICATIONS

PART C3 SCOPE OF WORKS AND SPECIFICATIONS

C3.1 Employer Objectives

Proposals for the provision of Tendering services are requested for the planning, preliminary design report (PDR), detailed design, drafting, construction specification, Tender documentation and Tender evaluation, construction supervision, monitoring, successful completion and provision of relevant close-out compacts in the three-year period.

C3.1.1 Descriptions of Works

Professional engineering services for the execution of several projects over the next three municipal financial years. Appointments will be reviewed annually to take into consideration performance.

C3.1.2 Overview of the Works

In order to ensure service delivery, and ensure that the projects are finished before the end of the relevant financial years, the Technical Services Directorates has decided to call for proposals to complete the projects mentioned.

C3.1.3 Extent of the Works

The work to be carried out by the Bidder (Consultant) under this panel comprises mainly of the following:

- (a) The preliminary and detailed design for the projects mentioned above. The compiling of subsequent Tender Documentation including specification according to Newcastle Municipality's guidelines or requirements
- (b) The liaison with Newcastle Municipality for the Tender advertising of the respective projects
- (c) The Tender evaluation of the Tenders received from contractors
- (d) Manage the appointment of an Environmental Consultant on the project, should it be required
- (e) Manage the appointment of an OH&S Consultant for the construction projects.
- (f) Provide construction supervision and monitoring of the respective projects
- (g) The successful completion and finalizing of projects
- (h) Submission of a Completion Reports and AS-BUILT DRAWINGS and all close-out compacts.
- (i) The Bidder maybe requested to prepare business plans for sourcing funds.
- (J) The Bidder may also be requested to prepare master plans for the project categories listed in this bid.

C3.1.4 Location of the Works

All works are located within the Newcastle Municipal boundary.

C3.1.5 Applicable National and International Standards

The following National and International standards shall be applicable to the service provision under this Contract:

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

- a) ISO 14001:2004;
- b) SANS 1200;
- c) CIDB
- d) Occupational Health and Safety Act 183 (1993);
- e) Construction Regulations (2014); and
- f) Any other standards as may be deemed necessary depending on the type of activity.

C3.2 Scope and specification of Professional Services

The scope of professional services are as set out in the Engineering Council of South Africa's Board Notice 138 of 2015-Guideline Scope of Services and Tariff of Fees , as published in the Government Gazette No 39480 dated 4 December 2015, and any subsequent updates.

The required Professional Services as referenced is provided below:

C3.2.1. Guideline Scope of Services

The following guidelines are provided to indicate which services would normally be provided and for which the guidelines fees would typically represent reasonable compensation. In agreeing the services and the scope of work to be carried out, the client and consulting engineer should review the services listed and delete or add as applicable and agree the related compensation.

C3.2.1.1 Report stage

C3.2.1.2 Preliminary Design Stage

The Principal Consultant to submit a preliminary design report for approval before the final design is commenced with.

The provision of all services described in Board Notice 151 OF 2014: Guidelines Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Profession Act, 2000 (Act No 46 of 2000), published in the Government Gazette, as amended or amplified upon in the project brief below.

C3.2.1.3 Design, Tender Working Drawings and Construction Stages

The provision of all services described in Board Notice 206 of 2011: Guidelines Scope of Services and Tariff of Fees for Persons Registered in terms of the Engineering Profession Act, 2000 (Act No 46 of 2000), published in the latest Government Gazette, as amended or amplified upon in the project brief below.

C3.2.1.4 Targeted Procurement

Should the employer during any stage of the project, require the Tenderer to perform work or services pertaining to targeted procurement, such work and or services could entail, but are not limited to, any or all of the following:

- (a) Incorporation of any targeted participation goals,
- (b) The measuring of key participation indicators,

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

- (c) The selection, appointment and administration of participation and
- (d) Auditing compliance to the above by any contractors and/or professional consultant.

C3.2.1.5 Additional Services

The following services are additional to the normal services provided by the Bidder, unless specifically agreed otherwise between the Bidder and the employer. The agreement on the scope of services and remuneration shall be in writing and should, if at all possible, be concluded before such services are rendered.

Additional Services pertaining to all Stages of the Project

- (a) Enquiries not directly concerned with the works and its subsequent utilisation.
- (b) Identification and possible relocation of all buried and existing infrastructure services.
- (c) Making arrangements for way leaves, servitudes or expropriations.
- (d) Negotiating and arranging for the provision or diversion of services not forming part of the works.
- (e) Additional work in obtaining the formal approval of the appropriate Government Departments or Public Authorities, including the making of such revisions as may be required as a result of decisions of such Departments or Authorities arising out of changes in policy, undue delay, or other causes beyond the Bidder's control.
- (f) Surveys, analyses, tests and site or foundation or other investigations, model tests, laboratory tests and analyses carried out on behalf of the employer.
- (g) Setting out or staking out the works and indicating any boundary beacons and other reference marks.
- (h) Preparation of drawings for manufacture and installation or detailed checking of such for erection or installation fit.
- (i) Detailed inspection, reviewing and checking of designs and drawings not prepared by the Bidder and submitted by any contractor or potential contractor as alternative to those embodied in Tender or similar documents prepared by the Bidder.
- (j) Inspection and testing, other than on site, of materials and plant, including inspection and testing during manufacture.
- (k) Preparing and setting out particulars and calculations in a form required by any relevant authority.
- (l) Abnormal additional services by or costs to the Bidder due to the failure of a contractor or others to perform their required duties adequately and timely.
- (m) Executing or arranging for the periodic monitoring and adjustment of the works, after final handover and completion of construction and commissioning, in order to optimise or maintain proper functioning of any process or system.
- (n) Investigating or reporting on tariffs or charges levy able by or to the employer.
- (o) Advance ordering or reservation of materials and obtaining licenses and permits.
- (p) Preparing detailed operating, operation and maintenance manuals.
- (q) Additional services, duties and/or work resulting from project scope changes, alterations and/or instructions by the employer, or his duly authorized agents, requiring the Bidder to advise upon, review, adapt and/or alter his completed designs and/or any other documentation and/or change the scope of his services and/or duties. Such additional services are subject to agreement in writing between the Bidder and the employer prior to the execution thereof.

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- (r) Exceptional arrangements, communication, facilitation and agreements with any stakeholders other than the employer and contractors appointed for the works on which the Bidder provides services.
- (s) Chairing and keeping minutes of all project related meetings.
- (t) Any other additional services, of whatever nature, specifically agreed to in writing between the Bidder and the employer.

C3.2.1.6 Construction Monitoring

- (a) If the construction monitoring, as set out in clause C3.3.2 of Board Notice 206 of 2011, is deemed to be insufficient by the employer and/or Bidder, the Bidder may, with prior written approval having been obtained from the employer, appoint or make available additional staff for such construction monitoring as are necessary to undertake additional construction monitoring on site to the extent specifically defined and agreed with the employer. The functions in respect of additional construction monitoring are to be limited to detailed inspections and exclude those mentioned under clause C3.3.2 of Board Notice 206 of 2011.
- (b) Alternatively, the employer may appoint or make available staff subject to approval by the Bidder.
- (c) Staff shall report to and take instructions from the Bidder or an authorized representative of the Bidder only and shall be deemed to be in the employ of the Bidder.
- (d) Should any change regarding the persons utilized for additional on-site monitoring or their remuneration be necessary, the utilization of such persons and/or their remuneration must be agreed in writing with the employer prior to the implementation thereof.
- (e) If, for any reason, no additional staff or inadequate staff for construction monitoring is appointed, the Bidder shall provide additional services, including additional site visits, as required and agreed to in writing with the employer prior to commencement thereof.

C3.2.1.7 Occupational Health and Safety Act, 1993 (Act No.85 of 1993)

With reference to Occupational Health and Safety Act, 1993 (Act No.85 of 1993) The Bidder agrees to undertake duties falling under the Occupational Health and Safety Act, 1993 (Act No.85 of 1993) and the Construction Regulations in terms thereof, on behalf of the employer.

The additional services will include the following:

- (1) The Bidder must arrange, formally and in writing, for the contractor to provide documentary evidence of compliance with all the requirements of the Occupational Health and Safety Act, 1993 (Act No.85 of 1993).

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- (2) The Bidder must execute the duties of the employer, as his appointed agent, as contemplated in the Construction Regulations to the Occupational Health and Safety Act, 1993 (Act No.85 of 1993).

C3.2.1.8 Quality Assurance System

A quality management system or quality assurance services, over and above construction monitoring services, be applied to the project, these are in addition to normal services provided by the Bidder and to be specifically defined and separately agreed in writing prior to commencement thereof.

C3.2.1.9 Other Additional Services

The following are also part of the scope of services in addition to the above engineering Services, but will be paid for separately.

- Act as Lead Consultant where a Sub Consultant is seconded by the municipality
- Geotechnical investigations if necessary
- Topographical and land surveys
- Compliance with environmental legislation
- Appoint and manage Environmental Specialist to obtain an Environmental Impact Assessment (EIA) and Water Use License Application (WULA).

C3.3 Use of Reasonable Skill and Care

The Bidder is required to provide all aspects of the Service with all reasonable care, diligence and skill in accordance with generally accepted professional techniques and standards. Safety of persons and property is of paramount importance, closely followed by the minimisation of disruption and inconvenience to the public.

C3.4 Brief

C3.4.1 Terms of Reference

The purpose of the contract is to execute professional functions as per ECSA standards.

C3.4.2 Specific Requirements

C3.4.2.1 Report stage

The Bidder shall prepare and submit a detailed report presenting the details of the project, all aspects taken into consideration and the design philosophy.

C3.4.2.2 Preliminary Design, Design and Tender Stage

The Bidder shall undertake the preliminary design and prepare a report to Municipality for approval prior to any final designs being prepared.

The Bidder shall be responsible for all service enquiries, way leave applications and obtaining the necessary authority or permission from the Service Authorities to carry out all work in terms of this project. All applications in this respect must be carried out in time.

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The construction contract document shall be prepared in the Construction Industry Development Board's (CIDB) format. The General Conditions of Contract shall be the General Conditions of Contract for Construction of Works, Third Edition 2015, published by the South African Institution of Civil Engineering. The Bidder shall liaise with the Employer during the preparation of the contract document to determine any other specific requirements that the Employer may have in this regard.

A set of draft plans and a draft Tender/contract document shall be submitted to the Employer for comment and approval prior to going out to Tender. All drafts must be thoroughly checked by the Bidder's project leader prior to submission. The Tender/contract document shall be submitted to the Employer for checking at least two weeks prior to Tenders being advertised. The Bidder shall supply the Employer with an electronic copy of the Tender/contract document once approved.

On approval of the detail design drawings, two sets of paper prints must be submitted to the employer for signature. One set will be kept by the Employer and the other returned to the Bidder. All other prints issued henceforth shall carry the words "Initial version signed on (date)" at the signature location in the title block.

The Bidder shall be responsible for providing the Employer with the required number of (hard) copies of plans and Tender documents for Tender purposes.

C3.4.2.3 Working Drawings

The Bidder shall prepare any further plans, designs and drawings (over and above the Tender drawings), which may be necessary for the execution of the works.

C3.4.2.4 Construction Stage

The Bidder shall submit as-built plans to the employer in electronic format (preferably pdf, dwg, shapefiles or dxf) as well as one complete set of paper prints. The completion of all consulting services (including the final inspection at the end of the construction defects liability period, the preparation of the Final Approval Certificate and Final Payment Certificate) shall be deemed included in the construction stage.

C3.4.2.5 Targeted Procurement

The Bidder shall provide all services related to targeted procurement in respect of the construction contract, the cost of which shall be allowed for in the percentage fee Tendered.

C3.4.2.6 Additional Services

Construction monitoring

Construction monitoring is considered to be a vitally important part of this project, requiring the input of an experienced individual (the Engineer's representative) on site, although not always full time. If the Bidder considers it necessary for the Engineer's Representative to devote more time to a project, then he shall arrange with the employer at the planning stage of the project.

Given that it is common practice in the industry to buy in the services of suitable construction monitoring staff once a project reaches the construction state, the Bidder has not been required to commit himself to any particular individual at Tender state

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(this contract). It must however be noted that the Employer requires the services of a qualified and competent individual, registered as a professional engineer or technologist, with at least one years' experience in construction monitoring. The employer reserves the right to reject any proposed construction monitoring staff that does not meet these minimum requirements, and to demand an individual with the necessary experience.

Act as the Employer's agent in terms of the Occupational Health and Safety Act

The Bidder, in submitting a Tender for this professional services contract, shall be deemed to have acknowledged acceptance of the appointment as the Client's agent in terms of the Occupational Health and Safety Act, 1993 (Act No 85 of 1993) and the Construction Regulations, 2003, should the Employer accept the Tender. The Bidder shall, as such, execute all of the duties of the Client as contemplated in the Construction Regulations. Costs towards the appointment of such consultants must be cleared out with the employer before any appointment is made.

The Bidder's attention is also drawn to the responsibilities of the designer of the structures in terms of the Construction Regulations, and shall comply with all requirements in this regard.

The Bidder shall, apart from conducting his own activities in compliance with the Occupational Health and Safety Act, 1993 (Act no 85 of 1993) and Construction Regulations, 2003, ensure that any sub consultants/contractors employed by the Bidder also comply with the requirements of the Act and Regulations. The Bidder shall enter into an agreement with the employer in this regard before the commencement of any work related to this contract.

C3.4.3 Reporting Requirements

A detailed program must be submitted to the Employer before any commitments are made by either the employer or the Bidder. The Bidder shall prepare and submit a Tender evaluation report to the Employer within two weeks of Tenders for the construction works having been received. Once construction is underway, the Bidder shall submit monthly narrative reports (Format will be given to success bidder(s) in due time), expenditure cash flows, quarterly cost reports, scope change reports to the employer showing expenditure in respect of both the Bidder's appointment and the construction contract together with the anticipated spend to the end of the financial year in question.

C.3.4.4 Approvals

The Bidder shall be responsible for obtaining the following approvals:

- Environmental Impact Process (ROD)
- Approval of the implementation programme from the employer,
- Approval of the detail design, drawings and contract document from the Employer,
- Way leave approval from all service authorities,
- Applications to relevant Authorities or SOE's e.g. Eskom Connections
- Approval of the Engineer's Representative from the Employer.
- Any decision resulting in a financial change to the project.
- Notwithstanding any approval received from the Employer, the Bidder shall remain responsible for all work carried out by the Bidder in terms of this contract.

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C.3.4.5 Key Personnel

The Bidder must maintain the involvement of the key personnel allocated to this Tender and per project, as the needs of this contract require. If for any reason these personnel are removed from the specific project, site or office the consulting firm shall replace this specific person with an equal or better qualified and CV's of the person with equal or better experience and capability. Points are given during this Tender Pre-Qualification stage for the key personnel indicated, thus these personnel must be involved and be used in design and/or Project Management

C3.5 Procurement

C3.5.1 Appointment and Remuneration

A single appointment will be made per project in terms of this contract and the Tender as stated in the schedule of activities

The Consultant will be remunerated in terms of the fee structure contained in the ECSA Guidelines (as defined previously in this document) and the Tender offered in the schedule of activities. Interim progress payments will be made upon delivery of invoices and the appropriate supporting documentation with regard to work completed.

Regular project monitoring and progress feedback meetings with the employer will be required. The intervals and venue will be determined by the employer. The basic professional fees must make allowance for this.

C3.5.2 Time Frame

The project time frame for the project will be finalized upon appointment of the consultant.

C3.6 Access to land / buildings / sites

The Employer shall make all necessary provisions for the Service Provider to have access to the Land / Building / site. In the event of the construction phase of the project, the provisions of the construction phase Contract Documentation will apply.

C3.7 Planning and Programming

C3.7.1 Planning

The Service Provider shall ensure that he/she:

- is well informed with regard to the Employer's overall implementation programme for construction and investigative projects and make available resources as required to efficiently complete required services; and
- compile designs, procurement documentation, tender evaluation reports timeously as not to unnecessarily delay the implementation of the construction or investigative projects.

C3.7.2 Programming

The Service Provider shall for the Period of Performance provide and regularly (maximum monthly) update a Contract Programme per project which need to be submitted to the Employer.

The programme shall at minimum contain:

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- a) Time Scale (minimum): Days, where the project period does not exceed three months. Weeks, where the project period exceeds three months.
- b) Time Scale (maximum): Months, where the project period does not exceed one year. Years, where the project period exceeds one year.
- c) Tasks: Health and Safety Specifications; Health and Safety Plans and Health and Safety Audits shall be presented per active construction and investigative projects. Where phases or stages are anticipated, this shall be the highest level of division and all tasks related to the successful accomplishment of that phase of the project shall be grouped. Resources allocation and task dependency shall be indicated.
- d) Multiple Project Programming: Where multiple projects are part of the same Contract documentation, the Service Provider shall provide a programme per project. However, where interdependency exists the programmes shall be integrated, but divided on the highest level per project followed subsequently by further divisions per phase or stage.
- e) Start and Finish Dates: All tasks shall have specific start and finish dates.
- f) Critical Path: All tasks forming the programme line that will establish any delays in the overall project period shall be clearly indicated and an indication of their sensitivity characteristics shall be provided.
- g) Progress Tracking: The Service Provider shall be required to periodically indicate the project progress per task graphically and on a percentage basis.
- h) Non-working Time: All South African public holidays, weekends and the local traditional annual builder's break shall be incorporated in the programme.

C3.8 Software Application for Programming

Only Windows Microsoft Project programming software package will be accepted. Other software might be introduced during the contract period for which training will be provided and the Service Provider will be required to update.

C3.9 Format of Communications

All Contract communication shall be in English and in writing (letters, faxes and electronic mail).

C3.10 Management Meetings

The Service Provider shall be required to attend monthly:

- a) Site meetings and site visits where Contract projects have a construction phase or stage;
- b) Technical coordination meetings with the Employer every second week; and
- c) Contract progress meeting with the Employer, at dates and venues to be agreed.

C3.11 Forms for Contract Administration

The Service Provider shall maintain a file (hard copy and electronically) per Contract project, which shall contain:

- a) the details of the contractor;
- b) project programme, with commencement and completion date;
- c) procurement information; reports, minutes, letters, faxes, emails of all project or project related correspondence;
- e) record documentation, reports, designs, and drawings;
- f) a copy of the Health and Safety Plan and the Environmental Management Plan;
- g) record of cost implications, variations, claims and disputes; and
- h) Empowerment (Labour, training and subcontracting) records. At the end of this Period of Performance the Service Provider shall hand-over such hard copy files to the Employer, including all electronic records, documentation, reports, designs, and drawings.

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C3.12 Electronic Payments

The Service Provider shall provide all necessary information to facilitate effective electronic payment, as require by the Financial Department of the Employer.

C3.13 Daily Records

Where the Employer requires the Service Provider to perform work on a time-and-cost basis, such work shall be remunerated on actual time and cost incurred by the PSP, who will be required to submit proof.

C3.14 Payment Certificates

The Service Provider shall be required to complete a progress report before he will be allowed to complete the standard payment certificate required to be submitted with his tax invoice. To this end the Service Provider shall make himself available for a progress reporting training session or presentation to be facilitated by the Employer.

C3.15 Use of Documents by the Employer

All information (communications, designs, drawings, documents or reports) provided to the Employer by the Service Provider, in the course of performing the service required for this Contract, are intended to ensure that the programme are implemented successfully.

C3.16 Property provided for the Service Provider's use

The Service Provider shall provide all physical resources, including properties, for the successful execution of the project.

C3.17 Proof of Compliance with the Law

The Service Provider shall ensure that he complies to all prevailing legislation that applies to the provision of his services as part of this Contract and indemnifies the Employer where he deliberately neglects compliance with such legislation.

C3.18 EPWP / Targeted Enterprise

As part of this Contract the Service Provider shall ensure that a feasibility study is done on all projects for possible inclusion of EPWP. The consultant doing this MUST be accredited to perform these feasibility studies by an accredited learning institution.

The Service Provider shall, for monitoring purposes, keep monthly records and transmit to the Client data on the following indicators on a date set by the Employer with regard to all projects implemented:

- Project budget and planned output according to EPWP requirements
- Actual Project Expenditure and actual output according to EPWP requirements
- Planned and achieved labour intensity
- Number of work opportunities created
- Demographics of workers employed (disaggregated by women, youth and persons with disabilities)
- Wage rate earned on project
- Number of person-days of employment created
- Copies of Certified Identity documents of workers
- Attendance Register in the format provided for by the Employer,
- Proof of Payment for all qualifying EPWP Labour.
- Signed contracts between contractors and Labourers.
- Proof of (Unemployment Insurance Fund) UIF deductions.
- Proof of good standing with the Compensation for Occupational Injuries and Diseases ACT (COIDA)

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- Number of persons who have attended training including the nature and duration of training provided
- Assets created, rehabilitated or maintained in accordance with indicators in the EPWP M & E Framework provided or delivered in accordance with indicators in the EPWP M & E Framework. In addition to reporting requirements for the purpose of Work Opportunities created. The service provider shall structure all construction contracts to allow for the development of EME designated Contractors (which will be procured in line with the Employer's Supply Chain Management Policies) and keep monthly records and transmit to the Client data on the following indicators on a date set by the Employer with regard to all projects implemented:
 - Project budget and planned output in terms of work packages set aside for subcontracting.
 - Actual Project Expenditure and actual output according as per templates issued by the Employer.
 - Keep Record of EPWP job opportunities created through Targeted Enterprise engagement.
 - BEE certification of EMEs
 - CIDB Registration of EME's
 - Letter of Good Standing with Department of Labour,
 - Company Registration of EME.s
 - Appointment Letter and Contract with Lead Contractor.

C3.19 Transfer of Knowledge & Skills

C3.19.1 Exempted Micro - Enterprises (EME's)

The commitment of the Employer to Government Policy concerning the empowerment of the EMEs shall be noted and adhered to by service provider. The Employer will use these term contracts to pave entry for emerging service providers and entities owned and managed by historically disadvantaged individuals (HDI's).

The Employer reserves the right to appoint more than one Service Provider wherein an attempt will be made to transfer skills from established Service Providers to Service Providers owned by Historically Disadvantaged Individuals (HDIs). In cases where such an appointment is done, performance management will be monitored on the basis of skills transfer plan that will be entered into at the beginning of the project.

The Service Provider needs to discuss their approach to transfer of knowledge as well as their cooperation and willingness to participate in this objective of the Employer in their proposal submission. The Service Providers will have to provide reference(s) to previous occasions where the Service Providers were involved in the transfer of skills both the organization as well as the receiving parties detail will be required.

C3.19.2 Engineering Capacitation Programme

The commitment of the Employer to its Engineering Capacitation Programme should be noted. The objective is to ensure some of the Employer's selected engineering staff are empowered and developed professionally to ensure that they are able to register with a recognised professional body. The Employer will use these term contracts to develop selected employees with respect to Employees' personal development plan ideally for the registration with Engineering Council of South Africa (ECSA) as professional members and South African Council for the Project and Construction Management Professions (SACPCMP).

The Employer shall set out these skills transfer objectives in the scope of works on selected Work Packages. The skills transfer and transfer of Knowledge objective will not be priced separately.

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C3.20 Pairing

The Employer reserves the right to appoint a Service Provider in a JV with another Service Provider when the Employer is of the opinion that the appointed Service Provider requires assistance. The Employer also reserves the right to combined Service Providers (Electrical, Mechanical and Civil) from the Resource Database in order to make up the best possible team for any given projects.

C3.21 Quality Assurance

The Service Provider needs to discuss their quality assurance system that will be employed during contract period in their proposal submission. The Service Provider needs to highlight the quality assurance system that will be used, how it will ensure quality and what value added engineering it might generate.

C3.21 Performance Monitoring

A performance monitoring system will be agreed with the appointed Service Provider and audits will be conducted throughout the project lifecycle. The performance of the appointed Service Provider will determine future work from the Resource Database as well as the release of the performance fees.

C3.22 General Non-Compliance to Code of Conduct and any Claims due to Engineer's error

The Municipality will not be held liable for any claims whatsoever, arising due to errors made by the appointed Engineer in their execution of their duties, their overall Design, their Bill of Quantities, Specifications, Construction Monitoring, Site Supervision and any Legislative requirements and/or approvals not complied to.

The Consulting Engineer manages the Contract as agent of the Municipality, as such represents the Municipality and thus remains the Project Principal/Director/Manager throughout, with due responsibility and professionalism. Typical example of such claims include: Contractor standing time Claims due to non-compliance of Environmental Legislation; Extension of Time claims due to errors in the Bill of Quantities and/or Design; Extension of Time due to poor Construction Monitoring etc.

The Engineer must take responsibility for his design, must manage the contractor, monitor construction works and the performance, ensure adequate design supervision, be pro-active & act pre-emptively when errors do arise. Consultants, and any appointed representative (RE, ER), must at all times comply to the ECSA Rules of Conduct as set out in Government Gazette No. 28605, 17 March 2006, BOARD NOTICE 15 OF 2006: Rules of Conduct for Registered Persons:

Engineering Profession Act, 2000: (Act No. 46 of 2000). **Severe non-compliance hereof may result in removal of the Bidder from the panel or reduced appointment and allocated workload.**

During Construction a Penalty Fee of **R5000** will be deducted from the Fee Certificate for any lack of general Site Safety towards the public, pedestrians, residents, workers and traffic accommodation. This Penalty Fee of **R5000** is per specific incident, per site, per day, per area, per project and may only be issued by the applicable Head of Department and/or Director.

Particular attention will be given to adequate construction and warning signage visible; general OHS adherence during works, general Public & Traffic accommodation during works and sufficient site demarcation / barricading.

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RULES OF CONDUCT AS SET OUT IN GOVERNMENT GAZETTE NO. 28605, 17 MARCH 2006, BOARD NOTICE 15 OF 2006: RULES OF CONDUCT FOR REGISTERED PERSONS: ENGINEERING PROFESSION ACT, 2000: (ACT NO. 46 OF 2000):

Competency

- 3(1) Registered Persons: -
- (a) must discharge their duties to their employers, clients, associates and the public effectively with skill, efficiency, professionalism, knowledge, competence, due care and diligence;
 - (b) may not undertake or offer to undertake work of a nature for which their education, training and experience have not rendered them competent to perform;
 - (c) must, when carrying out work, engage in and adhere to acceptable practices.

Integrity

- 3(2) Registered Persons: -
- (a) must discharge their duties to their employers, clients, associates and the public with integrity, fidelity and honesty;
 - (b) must not undertake work under conditions or terms that would compromise their ability to carry out their responsibilities in accordance with acceptable professional standards;
 - (c) must not engage in any act of dishonesty, corruption or bribery;
 - (d) must disclose to their employers and clients, or prospective employers or clients, in writing: -
 - (i) any interest, whether financial or otherwise, which they may have in any business undertaking, or with any person, and which is related to the work for which they may be or have been employed; and
 - (ii) particulars of any royalty or other benefit which accrues or may accrue to them as a result of the work; with the client or employer concerned;
 - (iii) the status pertaining to professional indemnity insurance cover;
 - (e) may not, either directly or indirectly, receive any gratuity, or commission or other financial benefit on any article or process used in or for the purpose of the work in respect of which they are employed, unless such gratuity, commission or other financial benefit has been authorised in writing by the employer or client concerned;
 - (f) must avoid any perceived, real or potential conflict of interest;
 - (g) may not knowingly misrepresent, or permit misrepresentation of their own academic or professional qualifications or competency or those of any other person involved with work, nor knowingly exaggerate their own degree of responsibility for any work or that of any person;
 - (h) must give engineering decisions, recommendations or opinions that are honest, objective and based on facts that are used in reaching recommendations or opinions given to clients or employers;
 - (i) may neither personally nor through any other person, improperly seek to obtain work, or by way of commission or otherwise, make or offer to make payment to a client or prospective client for obtaining such work;
 - (j) may not, unless required by law or by these Rules, divulge any information of a confidential nature which they obtained in the exercise of their duties;
 - (k) must notify Council immediately if they become aware of a violation of these Rules by any other Registered Person;
 - (l) must notify council immediately they become insolvent.
 - (m) must without delay notify Council if they become aware of any Registered Person who is subject to one or more of the following:
 - (i) removal from an office of trust on account of improper conduct;

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- (ii) being convicted of an offence and sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment or both.

Public Interest

3(3) Registered Persons: -

- (a) must at all times have due regard and priority to public health, safety and interest;
- (b) must when providing professional advice to a client or employer, and if such advice is not accepted, inform such client or employer of any consequences which may be detrimental to the public health, safety or interests and at the same time inform the Council of their action;
- (c) must without delay notify Council if they become aware of any person who has been declared medically unfit by a registered medical practitioner to practise as a Registered Person.

Environment

3(4) Registered Persons must at all times –

- (a) have due regard for, and in their work avoid, adverse impact on the environment; and
- (b) adhere to generally accepted principles of sustainable development.

Dignity of the Profession

3(5) Registered Persons: -

- (a) must order their conduct so as to uphold the dignity, standing and reputation of the profession;
- (b) may not, whether practising their profession or otherwise, knowingly injure the professional reputation or business of any other Registered Person;
- (c) must provide work or services of quality and scope, and to a level, which is commensurate with accepted standards and practices in the profession;
- (d) may not knowingly attempt to supplant a Registered Person in a particular engagement after the client has employed such Registered Person;
- (e) may not advertise their professional services in a self-laudatory manner that is derogatory to the dignity of the profession;
- (f) may not review for a particular client work of another Registered Person, except -
 - (i) with the prior knowledge of the other Registered Person, who must be afforded a reasonable opportunity to submit comments to the client on the findings of the review; or
 - (ii) after receipt of a notification in writing from the client that the engagement of the other Registered Person has been terminated; or
 - (iii) where the review is intended for purposes of a court of law or other legal proceedings, including proceedings arising from these Rules.

Administrative

4. Registered Persons: -

- (a) may not without satisfactory reasons destroy or dispose of, or knowingly allow any other person to destroy or dispose of, any information within a period of 10 years after completion of the work concerned;

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- (b) may not place contracts or orders, or be the medium of payments, on their employer's or client's behalf without the written authority of the employers or clients;
- (c) may not issue any information in respect of work prepared by them or by any other person under their direction or control, unless -
 - (i) such information bears the name of the organisation concerned; and
 - (ii) information so issued is dated and signed by the Registered Person concerned or another appropriately qualified and authorised person;
- (d) must order their conduct in connection with work outside the borders of the Republic of South Africa in accordance with these rules in so far as they are not inconsistent with the law of the country concerned: Provided that where there are recognised standards of professional conduct in a country outside the Republic, they must adhere to those standards in as far as they are not inconsistent with these rules.
- (e) must always ensure adequate supervision of, and take responsibility for, work carried out by their subordinates;
- (f) must ensure that, while engaged as partners, directors, members or employees of a business undertaking which performs work, the control over the work is exercised, and the responsibility in respect thereof is carried out by a Registered Person other than a person registered as a candidate in terms of section 18 (1)(b) of the Act;
- (g) must, when requested by the Council to do so, in writing provide the Council with all the information available to them which may enable the Council to determine which registered person was responsible for any act which the Council may consider **prima facie** to be improper conduct;
- (h) must notify Council without delay of any change of his or her physical address;
- (i) must within 30 days respond to correspondence received from clients, colleagues and Council in so far as it relates to work or proceedings in terms of these Rules.

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

NEWCASTLE MUNICIPALITY



VOLUME 1

PART C4: SITE INFORMATION

Bid no.: A045-2022/23 – Appointment of panel of professional engineering service providers within the built environment for a period of three years on an as when required basis.

PART C4: SITE INFORMATION

GENERAL

The site information will be dependent on work allocated to the consultant. The contract is applicable to all municipal wards within the Newcastle municipality.