

## T1.2: TENDER DATA

The Conditions of bid in the Standard Conditions of bid as contained in Annex F of CIDB Standard of Uniformity in Construction Procurement, (July 2015) as published in Government Gazette No 38960, Board Notice 136 of 2015 of 10 July 2015. (See [www.cidb.org.za](http://www.cidb.org.za)), contains references to the bid Data for details that apply specifically to this bid.

The BID Data shall be read with the Standard Conditions of bid in order to expand on the Bidder's obligations and the Employer's undertakings in administering the bid process in respect of the project under consideration.

The BID Data hereafter shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of bid.

Each item of bid Data given below is cross-referenced to the relevant clause in the standard Conditions of BID.

**F.1.1** The Employer for this Contract is: **BA-PHALABORWA LOCAL MUNICIPALITY**  
Private Bag X01020  
Phalaborwa  
1390

### F.1.2 Bid Documents

The Bid Document consists of the following:

#### **BID**

Part T1: Bidding Procedures

Part T2: Returnable Documents

#### **CONTRACT**

Part C1: Agreements and Contract Data

Part C2: Pricing Data

Part C3: Scope of Work

Part C4: Site Information

#### **DRAWINGS**

The book of bid drawings is bound separately from this document.

The bid Document with the drawings shall be obtained from the Employer or his authorized representative at the physical addresses stated in the bid Notice, upon payment of the deposit stated.

### F.1.4 The Employer's agent is:

Name : Tshashu Consulting and Project Managers  
Address : Unit 7 – Office 3-4 Pro Limpopo Building  
371 De Wet Drive  
Polokwane  
0699  
Telephone : (015) 291 4365  
E-Mail Address : [admin@tscconsulting.co.za](mailto:admin@tscconsulting.co.za)

**F.1.5 The Employer's right to accept or reject any bid offer**

The Employer is not obliged to accept the lowest or any bid offer.

**F.2.1 Eligibility**

A bidder will not be eligible to submit a bid if:

- (a) The Contractor submitting the bid is under restrictions or has principals who are under restriction to participate in the Employer's procurement due to corrupt or fraudulent practices;
- (b) The bidder does not have the legal capacity to enter into the contract;
- (c) The Contractor submitting the BID is insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of the foregoing;
- (d) The bidder does not comply with the legal requirements stated in the Employer's procurement policy;
- (e) The bidder cannot demonstrate that he possesses the necessary professional and technical qualifications and competent, financial resources, equipment and other physical facilities, managerial capability, personnel, experience and reputation to perform the contract;
- (f) The Bidder cannot provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the contract.

Only those bidders who are registered with the Construction Industry Development Board (CIDB) in a contractor-grading equal to or higher than a contractor grading designation **7CE** or higher or a combined grading (in the case of a joint venture) equal or higher than **7CE** as defined in the Regulations (09 August 2004 and 22 July 2005), in terms of the CIDB Act No 38 of 2000, are eligible to submit BIDs for this contract.

F.2.1	Only those Bidders who have in their employ management and supervisory staff satisfying the requirements of the scope of work for labour intensive competencies for Supervisory and management staff are eligible to submit bids.
F.2.18	The Bidder 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 labor-intensive portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirements.

**F.2.7 Site visit and clarification meeting**

The arrangements for the compulsory site inspection visit and clarification meeting are as follows:

Location: Ba-Phalaborwa Local Municipality Main Office, CNR Nelson Mandela and Selate Street on 11 November 2024 starting at 09:00 AM

Date: 11 November 2024

Starting time: 09:00 AM

Enquiries and confirmation of attendance at least one full working day in advance regarding the meeting and site inspection may be directed to:

Name: Tshashu Consulting and Project Managers  
 Contact Person: Mr P.D Neluheni  
 Telephone No: (015) 291 4365  
 E-Mail address: [admin@tsconsulting.co.za](mailto:admin@tsconsulting.co.za)

**F.2.10 Pricing the bid offer**

(a) Value Added Tax

- The Valued Added Tax (VAT) rate shall be 15% or as otherwise provided for by legislation.
- The successful bidder shall be required to produce a VAT invoice that shall only be prepared once measurements and valuations for work done in terms of the contract offer have been agreed with the Employers agent and a certificate of payment issued.
- Payment of VAT to non-VAT vendors shall be processed from the month in which the bidder's liability 15% with the South African Revenue Services is effective.

**F.2.11 Alterations to document**

A BID offer shall not be considered if alterations have been made to the forms of bid data or contract data (unless such alterations have been duly authenticated by the bidder) or if any particulars required therein have not been completed in all respects.

**F.2.12 Alternative bid offers**

No alternative offers will be considered.

**F.2.13 Submitting a bid Offer****F.2.13.3** Bid offers shall be submitted as an original only.

Under no circumstances whatsoever may the bid forms be retyped or redrafted.

The original tender document, issued to the Bidder, shall be submitted in its entirety. No copies are required.

**F.2.15 Two envelope system**

A two-envelope procedure will not be followed.

**F.2.15 Closing Time**

The closing time for submission of bid Offers is: 09:00am On 18 November 2024. Telephonic, telegraphic, telex, facsimile, electronic or e-mailed bids will not be accepted.

**F.2.16 Bid offer validity**

The bid Offer validity period is 90 days from the closing time for submission of bids.

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

Delete the last part of the second sentence, commencing with the word "and". Furthermore, delete the last two sentences of Cl. F.2.17.

Add the following sentence: "The rates stated by the Bidder shall be binding".

**F.2.18 Provide other Material**

Upon request by the Employer, the Bidder shall promptly supply any other material that has a bearing on the tender offer, the bidder's commercial position (including, where applicable, notarized joint venture agreements), Preferencing arrangements, or samples of materials, considered necessary by the Employer for the purpose of a full and fair assessment. Should the Bidder not provide the information or material called for, by the time for submission stated in the Employer's request, the Employer will regard the tender offer as being non-responsive.

**F.2.19 Access**

Access shall be provided for inspections and testing by personnel acting on behalf of the Employer.

#### F.2.22 Return of bid Documents

Not applicable.

#### F.2.23 Certificates

The bidder is required to submit with his bid the following Mandatory documents:

- Original Valid Tax Clearance Certificate and CSD Summary report;
- Compensation Fund registration certificate
- Certificate of Contractor Registration issued by the Construction Industry Development Board or a copy of the application Form for registration in terms of the Construction Industry Development Board Act (Form F006). A minimum grading of **7CE or higher** is required

In the event of a Joint Venture submitting a tender, every member of the joint venture must submit proof of registration with the CIDB within 10 days from the closing date for tenders; and the lead partner must have a minimum contract grading designation

#### **Important Note:**

Failure to provide the required particulars as per the above-listed certificates implies a non-responsive tender and warrants rejection of the tender on account of non-compliance with the requirements of the Tender Data.

#### F.3.4 Opening of bid Submissions

The time and location for opening of the **bid** offers are:

The time and location for opening of the tender offers are:

Date : **09:00am on 18 November 2024**

Location : **Main Office, CNR Nelson Mandela and Selate Street, Ba-Phalaborwa Local Municipality**

F.3.5 The two-envelope system will **not** apply to this bid.

#### F.3.9.1 Arithmetical errors

Delete paragraphs (b) and (c) of Cl. F.3.9.1 and replace with:

- b) If a bill of quantities (or schedule of quantities or schedule of rates) applies and there is an error in the line item resulting from the product of the unit rate and the quantity, the rate shall be binding and the error of extension as entered in the tender offer will be corrected by the Employer in determining the Contract Price.
- c) Where there is an error in addition, either as a result of other corrections required by this checking process or in the Bidder's addition of prices, such error will be corrected by the Employer in determining the Contract Price.
- d) The Contract Price for the completed Contract shall be computed from the actual quantities of authorised work done and compliant with the Contract Data, valued at rates contracted against the respective items in the bill of quantities, schedule of Quantities or schedule of rates and shall include such authorised Provisional Sums and items of extra work as have become payable in terms of the Contract Data.

#### F.3.11 Evaluation of bid Offers

##### F.3.11 Evaluation of bid Offers

Bidders will be evaluated on quality, price and preference. It is important that the relevant information is included to enable the Technical Proposal to be evaluated in accordance with the procedure outlined below. All information must be submitted in a separate file. Tampering with the original Bid document will render the Bid non-responsive. Failure to comply with the above requirements will result in the Bid being disqualified.

The Bid evaluation will be conducted as follows:

**1(a) First**

Bid documents that have been disassembled and copies of the Bid documents will be disqualified outright.

**1(b) Second**

Bidders will be checked for compliance with Bid Conditions and administrative responsiveness. Non-compliance with any of the requirements will render the Bid non-responsive and it will not be carried forward to the next stage. (refer to 2(a) below).

**1(c) Third**

The Bidder's experience, staffing and methodology will be evaluated. Each Bid will be assessed and awarded points for Functionality. **Failure to achieve 60 points out of the 100 for Functionality will render the Bid non-responsive.**

Only Bidders that score the specified minimum number of points for Functionality will be deemed to be acceptable and carried forward to the next stage. The rest will be disqualified. The points for functionality will not be carried forward to the remainder of the evaluation. (refer to 2(b) below)

**1(d) Fourth**

Points will be calculated for price on the relevant prices in accordance with the preference point system, 90/10 or 80/20. (refer to 2(c) below)

**1(e) Fifth**

Points for specific goals will be awarded in accordance with the specific goals allocated points in terms of this tender. refer to 2(d) below)

**1(f) Final**

The Bid will be awarded to the short-listed Bidder who has scored the highest points for price and specific goals, unless there are justifiable, objective reasons to award the Bid to another Bidder. However, the Employer retains the right not to accept any Bid. Refer to (2e) below)

**2(a) Compliance with Bid Conditions and other Requirements**

The Bid will be checked to ensure that they comply with the Bid Conditions and all other requirements of the project document. In particular, the following documentation must be completed, signed and included in the Bid:

- a) Form A - Certificate of attendance at site inspection, to be signed in the Bid document or Signature On-site inspection attendance register.
- b) Form B - Certificate of Authority for Signature. For JV's a JV Agreement shall be provided (if applicable)
- c) Form F - Record of addenda to Bid documents.
- d) Form I - Certificate of non- collusive Bid
- e) Form J – Compliance with Occupational Health and Safety Act
- f) Form L – Compulsory enterprise questionnaire.
- g) Form Q – Declaration of good standing regarding tax

- h) Form N – Financial details, statements and bank references.
- i) Form U– Declaration of bidder's past supply chain management practices.
- j) Form R – Declaration of interest
- k) Form W – Construction industries development board registration.
- l) Form C1.1 – Form of Offer and Acceptance
- m) Contract Data Section 2: Data provided by the contractor

### Service Provider Prerequisites / Requirements

- CIDB grading certificate.
- Letter of Good Standing with COIDA
- Terms of reference fully completed and each page to be initialed.
- Proof of work experience (attach **BOTH** appointment letters and completion certificates for each project)
- Key personnel experience (attach CV, Certified qualifications and ID Copies).
- All bidders must attend the compulsory briefing session
- Bidders must attach signed declaration forms attached to the bid document
- Company registration certificate
- Letter from SARS with a tax valid pin
- Power of attorney/ letter of authority for signatory if applicable
- Signed Joint venture agreements where applicable
- Certified ID copies of the directors/ members/ proprietors not older than six months
- Statement of Municipality Accounts as proof of residential address not in arrears for more than 90 days, if leasing, provide the lease agreement and copy of the owner's statement of municipality account not in arrears for more than 90 days or the proof of residential address by a traditional authority in case of a non-ratable area for the **business and all company directors** (Not older than three months)
- Latest registration report of Central Supplier Database (CSD) with valid reference number.
- Signed Consent letter of all key personnel

Failure to comply with the Bid Conditions or to supply the necessary information at Bid closure **WILL** result in the Bid being rejected. Non-submission of any of the forms listed above will result in the Bid being rejected as non-responsive.

### 2(b) Second Stage in Evaluation: Quality or Functionality: Points System

A brief description of the scoring system is given below. A tabulated score sheet which will be used in the evaluation is as shown below.

The Bidder must be able to demonstrate that he understands the project and the various tasks required. Innovative solutions will be viewed favorably. For a definition of all terms, refer to Scope of Works. Bidders' submissions will be evaluated based on compliance with the following criteria to determine the responsiveness to the bid requirements:

- Profile of Key Staff :20Points
- Company experience :60 Points
- Plant and Equipment :10 Points
- Methodology :10

## APPOINTMENT OF CONTRACTOR FOR THE UPGRADING OF HONEYVILLE TO SEBERA GRAVEL TO CONCRETE INTERLOCKING

PAVING BRICKS

Functionality Scorecard					AVING BRICKS
Criteria	Scoring guide				Maximum Weights
<b>Company Experience:</b> NB: Tender must submit Six (6) and successfully completed Road construction projects, Out of those six at least two must be CIDB grade 7CE or Higher to qualify for maximum points.  <b>Note 1:</b> Tenderers to submit names complete with valid contact details, appointment letter and completion certificates. non-submission will result in loss of points.	No	<b>SCORING CRITERIA</b>	<b>WEIGHT</b>	<b>SCORE</b>	60
	1	1 Project	10		
	2	2 Project	20		
	3	3 Project	30		
	4	4 Project	40		
	5	5 Project	50		
	6	6 or more project	60		
	TOTAL			60	
<b>Specific Personnel Knowledge –</b> certified copies of Academic qualification certificates need to be attached for functionality points scoring otherwise no points will be allocated	Designation	Designation			20
	Contracts Manager	<b><u>Contract Manager:</u></b> <b><u>Points: 8</u></b>  5: N. Dip: Civil Engineering with more than 5 years' exp. 8: Pr. Eng.: Civil, Pr. Tech Eng.: Civil: Civil with more than 5yrs exp.			
	Site manager	<b><u>Site manager:</u></b> <b><u>Points: 6</u></b>  3: N. Dip: Civil Engineering with more than 5 years' exp. 6: B.TECH Civil: Civil with more than 5yrs exp.			
	Construction Supervisor/foreman	<b><u>Site Foreman:</u></b> <b><u>Points: 3</u></b> 0: No formal qualification 2: Certificate N6 Civil Engineering 3: National Diploma Civil Engineering with more than 5 yrs. exp.			
	Construction Supervisor/safety officer	<b><u>Safety Officer:</u></b> <b><u>Points: 3</u></b>  3: SACPCMP registered and 3 Yrs. exp. post qualification.			
<b>List of plant-</b> 1. Tenderer to submit proof of ownership with certification not older than three months Certified by SAPS. 2. And in case of hiring, a letter of intent must be submitted with proof of ownership with certification not older than three months.	<b>Required plant</b>		<b>Points</b>		10
	1xTLB		1		
	1xExcavator		1		
	1xGrader		1		
	5xTipper Truck		2		
	1x Roller		1		
	1xRide on compaction roller		1		
	3x LDVs		2		
	2 x Water Tanker		1		
	Total points		10		

**APPOINTMENT OF CONTRACTOR FOR THE UPGRADING OF HONEYVILLE TO SEBERA GRAVEL TO CONCRETE INTERLOCKING  
PAVING BRICKS**

Bidders will score full points where the total minimum plant required has a letter of intent and also proof of ownership by a rental company		
<b>Methodology</b>	<b>Full comprehensive methodology taking into account all relevant information tailored to this project.</b>  10: Methodology	<b>10</b>
<b>Functionality Threshold (Minimum score)</b>		<b>70</b>
<b>Total Points for Functionality</b>		<b>100</b>

It is important that the Bidder provides information as requested as this information will be used for functionality in which a **minimum of 70 points** must be scored to move to the next stage of evaluation. The scoring will be according to the table below

**Bidders must score a minimum of 70 percentage points out of the 100 percentage to qualify for further adjudication.**

#### **2(c) Fourth Stage in Evaluation: Price**

**The following must be completed in full**

- \* The pricing schedule
- \* The form of offer. No alterations, subtractions or additions may be made to the items in the pricing schedule. All items must be priced or calculated.

A total of 80 points will be awarded to the Bid with the lowest balanced price. The other Bidders will be awarded points based on the ratio of the price under consideration to the lowest price.

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

where

- P<sub>s</sub> = Points scored for comparative price of bid under consideration
- P<sub>t</sub> = Comparative price of bid under consideration
- P<sub>min</sub> = Comparative price of lowest acceptable bid

#### **2(d) Fifth Stage in Evaluation:**

The Bidders will then be evaluated in terms of the Construction industry scorecard and the PPPFA regulation 34350 issued on 8 June 2011.

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



APPOINTMENT OF CONTRACTOR FOR THE UPGRADING OF HONEYVILLE TO SEBERA GRAVEL TO CONCRETE INTERLOCKING  
PAVING BRICKS

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Verification documents
1. Black ownership	2.5	CSD Report/ ID copies
2. Women ownership	2.5	ID copies/CSD report
3. Youth	10	ID Copies/CSD report
4. Disability	5	Medical Certificate
	<b>20</b>	

### 2(e) Final Stage in Evaluation : Calculation of Final Total Points

The final score or final total points for each Bid will be calculated by adding the scores from the; calculations.

$$P = P_s + P_h$$

#### F.3.13 Acceptance of bid Offer

##### F.3.13.1 Accept tender offer only if the bidder complies with the legal requirements stated in the Tender Data.

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

#### F.3.14 Notice to unsuccessful bidders

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

#### F.3.15. Prepare contract documents

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

- a) Addenda issued during the tender period,
- b) Inclusion of some of the returnable documents,
- c) Other revisions agreed between the employer and the successful bidder, and
- d) The schedule of deviations attached to the form of offer and acceptance, if any.

#### F.3.16 Issue final contract

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

### F.3.17 Complete adjudicator's contract

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

### F.3.18 Copies of Contract

The number of paper copies of the signed contract to be provided by the Employer is ONE.

## EVALUATION OF BIDS BASED ON FUNCTIONALITY AS A CRITERION

MBD 6.1 (PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 AND PREFERENTIAL PROCUREMENT POLICY OF COUNCIL: 80/20 PREFERENCE POINT SYSTEM)

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

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

### 1. GENERAL CONDITIONS

#### 1.1 The following preference point system is applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included)

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

- a) Price; and
- b) Specific Goals (Black, women, youth and disability).

#### 1.3 The maximum points for this tender are allocated as follows:

Specific Goals Categories (CSD will be used for verification)	Number of Points (80/20 system) 20 Points breakdown
PRICE	80
SPECIFIC GOALS	20
TOTAL POINTS FOR PRICE AND SPECIFIC GOALS	

**APPOINTMENT OF CONTRACTOR FOR THE UPGRADING OF HONEYVILLE TO SEBERA GRAVEL TO CONCRETE INTERLOCKING  
PAVING BRICKS**

<b>1. Black</b>	<b>2.5</b>
<b>2. Women</b>	<b>2.5</b>
<b>3. Youth</b>	<b>10</b>
<b>4. Disability</b>	<b>5</b>
	<b>20</b>

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

#### **1.4 Black Ownership and Women Ownership**

Failure on the part of a tenderer to submit certified ID copy to verify the gender and race together with the bid, will be interpreted to mean that preference points for specific goals level of contribution are not claimed.

#### **1.5 Youth**

Failure on the part of tenderer to submit the certified ID copy to verify the age of the director together with the bid, will be interpreted to mean that preference points for specific goals level of contribution are not claimed.

#### **1.6 Disability**

Failure on the part of tenderer to submit the medical certificate, will be interpreted to mean that preference points for specific goals level of contribution are not claimed.

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

## **2. DEFINITIONS**

(a) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

(b) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

(c) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

(d) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

(e) **“tender for income-generating contracts”** means a written offer in the form determined by an

organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

- (g) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1. POINTS AWARDED FOR PRICE THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

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

#### 4.1 POINTS AWARDED FOR PRICE THE 80/20 PREFERENCE POINT SYSTEMS

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

(80/20)

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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{\max}$  = Price of highest acceptable tender

### 5. POINTS AWARDED FOR SPECIFIC GOALS

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

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

**APPOINTMENT OF CONTRACTOR FOR THE UPGRADING OF HONEYVILLE TO SEBERA GRAVEL TO CONCRETE INTERLOCKING  
PAVING BRICKS**

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

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1. Black	2.5	
2. Women	2.5	
3. Youth	10	
4. Disability	5	
	<b>20</b>	

**Source Documents to be submitted with the Bid**

- CIPC Document (Company Registration Document will be required for verification (CIPC DOC))
- Woman (ID Copies/CSD report)
- Youth (ID Copies/CSD report)
- People with Disability (Medical Certificate)
- Black Ownership (ID Copies/CSD report)

**6. DECLARATION WITH REGARD TO COMPANY / FIRM**

6.1 Name of company / firm: \_\_\_\_\_

6.2 Company registration number: \_\_\_\_\_

6.3 VAT registration number: \_\_\_\_\_

6.4 Type of company / firm:

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

[TICK APPLICABLE BOX]

**6.5 MUNICIPAL INFORMATION**

Municipality where business is situated: \_\_\_\_\_

Street address of business: \_\_\_\_\_

Registered municipal account number: \_\_\_\_\_

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 5, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution, if deemed necessary.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:.....**

**DATE:** .....

**ADDRESS:** .....

.....

.....

.....

**3.3 Calculation of total points scored for Price and Specific goals:**

3.3.1 The points scored for price must be added to the points scored for specific goals to obtain the bidder's total points scored out of 100.

**4. EVALUATION OF BIDS THAT SCORED EQUAL POINTS**

4.1 In the event that two or more bids have scored equal total points, the successful bid must be the one that scored the highest points for specific goals.

4.2 If two or more bids have equal points, including equal preference points for specific goals, the successful bid must be the one scoring the highest score for functionality, if functionality is part of the evaluation process.

4.3 In the event that two or more bids are equal in all respects, the award must be decided by the drawing of lots.

**15. CANCELLATION AND RE-INVITATION OF BIDS**

5.1 In the application of the 80/20 preference point system, if **all** bids received exceed R50 000 000, the bid must be cancelled. If one or more of the acceptable bid(s) received are within the R50 000 000 threshold, all bids received must be evaluated on the 80/20 preference point system.

5.2 In the application of the 90/10 preference point system, if **all** bids received are equal to or below R50 000 000, the bid must be cancelled. If one or more of the acceptable bid(s) received are above the R50 000 000 threshold, all bids received must be evaluated on the 90/10 preference point system.

5.3 If a bid was cancelled in terms of paragraph 15.1 or 15.2, the correct preference point system must be stipulated in the bid documents of the re-invited bid.

5.4 An AO / AA may, prior to the award of a bid, cancel the bid if:

5.4.1 Due to changed circumstances, there is no longer a need for the services, works or goods requested. [AOs / AAs must ensure that only goods, services or works that are required to fulfil the needs of the institution are procured]; or

5.4.2 Funds are no longer available to cover the total envisaged expenditure. [AOs / AAs must ensure that the budgetary provisions exist]; or

5.4.3 No acceptable bids are received. [If all bids received are rejected, the institution must review the reasons justifying the rejection and consider making revisions to the specific conditions of contract, design and specifications, scope of the contract, or a combination of these, before inviting new bids].

**PART FOUR**

**AWARD OF CONTRACTS**

## 6. AWARD OF CONTRACTS

6.1 A contract must be awarded to the bidder who scored the highest total number of points in terms of the preference point systems.

16.2 In exceptional circumstances a contract may, on reasonable and justifiable grounds, be awarded to a bidder that did not score the highest number of points.

The reasons for such a decision must be approved and recorded for audit purposes and must be defensible in a court of law.

## 2. GENERAL DEFINITIONS

2.1 **“Acceptable bid”** means any bid which, in all respects, complies with the specifications and conditions of bid as set out in the bid document.

2.2 **“Bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods, works or services.

2.3 **“Comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration.

2.4 **“Consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.

2.5.1.1.1 **“Contract”** means the agreement that results from the acceptance of a bid by an organ of state.

2.6 **“Specific contract participation goals”** means the goals as stipulated in the Preferential Procurement Regulations 2001.

2.6.1 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.

2.7 **“Control”** means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.

2.8 **“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.

2.8 **“Equity Ownership”** means the percentage ownership and control, exercised by individuals within an enterprise.

**2.10 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
- (2) 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
- (4) who is a female; and/or
- (5) 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;

**2.11 “Management”** means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.



2.12 **“Owned”** means having all the customary elements of ownership, including the right of decision-making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination of the substance, rather than the form of ownership arrangements.

2.13 **“Person”** includes reference to a juristic person.

2.14 **“Rand value”** means the total estimated value of a contract in Rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.

2.15 **“Small, Medium and Micro Enterprises (SMMEs)”** bears the same meaning assigned to this expression in the National Small Business Act, 1996 (No 102 of 1996).

2.16 **“Sub-contracting”** means the primary contractor’s assigning or leasing or making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

2.17 **“Trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person.

2.18 **“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.