



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER

**TENDER Number: E1537-
Cluster 3 (Mfudisweni)**

NAME OF TENDERER: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER

**This tender closes at 11h00 on 06 December
2019.**

**The tender closing box is located at Environment House, 473 Steve Biko Road,
Arcadia, Pretoria**

NO LATE SUBMISSIONS WILL BE CONSIDERED

Issued by:

Department of Environmental Affairs
Environment House, 473 Steve Biko Road,
Arcadia
PRETORIA
SOUTH AFRICA
0001

Contact Name: Mr Ricardo Andrews / Ms
Berne van Wyk

Email: randrews@environment.gov.za / berne.vanwyk@vai.org.za



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E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER

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TENDERING PROCEDURES**

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T1.1 TENDER NOTICE AND INVITATION TO TENDER

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The Department of Environmental Affairs (DEA), invites tenders from Contractors, E1537: **E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER**

The Contractor shall be registered in a CIDB Contractor Grading designation of 6 GB or higher..

Tender documents will be available through the Government eTender Portal (<http://www.etenders.gov.za>) and Department of Environmental Affairs website (www.environment.gov.za). the physical address for collection of tender documents is: **DEPARTMENT OF ENVIRONMENTAL AFFAIRS, 473 STEVE BIKO ROAD, ARCADIA, PRETORIA** (or enquire through the website www.environment.gov.za)

Technical queries relating to this tender may be addressed to:

Name: Mr Ricardo Andrews / Ms Berne van Wyk

E-MAIL: randrews@environment.gov.za / berne.vanwyk@vai.org.za

Supply chain and administrative queries relating to this tender may be addressed to:

Contact Person: Mr Samuel Mofokeng / Jonas Nkitseng

Tel: (012) 399 9057 or (012) 399 9056

E-mail: SMofokeng@environment.gov.za or jnkitseng@environment.gov.za

A **compulsory** briefing session will be held on **28 November 2019** from **10h00** for interested tenderers at the **SANBI, 2 CUSSONIA AVENUE, MEYERSPARK, PRETORIA**. This briefing session is compulsory.

Tenderers are requested to forward questions or matters for clarification in writing (per e-mail only to randrews@environment.gov.za / berne.vanwyk@vai.org.za SMofokeng@environment.gov.za

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or jnkitseng@environment.gov.za/smofokeng@environment.gov.za), as indicated in this tender document. They must be received not later than **16:00 on 02 December 2019**.

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The closing time for receipt of tenders is **11h00** on **06 December 2019**. Telegraphic, telephonic, telex, facsimile, electronic, e-mailed and late tenders will not be accepted.

TENDER DOCUMENTS MUST BE DEPOSITED IN THE TENDER BOX SITUATED AT: Environment House, 473 Steve Biko Road, Arcadia, Pretoria . Please enquire at reception.

Tenderers should ensure that tenders are delivered timeously to the correct address. If the tender is late, it will not be accepted for consideration.

The tender box is generally **open from 07h30 – 16h30** hours a day, 5 business days a week.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYP

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T1.2 TENDER DATA

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

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

Each item of Tender Data given below is cross-referenced to the relevant clause in the Standard Conditions of Tender. **The Conditions of Tender are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity in Construction Procurement, as printed in Board Notice 136 of 2015 in the Government Gazette No. 38960 of 10 July 2015.**

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

Tender Data Applicable to this Tender

Clause Number	Data / Wording
F.1.2	<p>The Tender Documents consist of the following:</p> <p>(a) This Project Document, which contains the following:</p> <p>PART T1: TENDERING PROCEDURES</p> <p>T1.1 Tender Notice and Invitation to Tender T1.2 Tender Data</p> <p>PART T2: RETURNABLE DOCUMENTS</p> <p>T2.1 List of Returnable Documents T2.2 Returnable Schedules</p> <p>PART C1: AGREEMENTS AND CONTRACT DATA</p> <p>C1.1 Form of Offer and Acceptance C1.2 Contract Data C1.3 Form of Guarantee / Performance Security C1.4 Insurance Broker's Warranty</p> <p>PART C2: PRICING DATA</p> <p>C2.1 Pricing Instructions C2.2 Bill of Quantities</p> <p>PART C3: SCOPE OF WORKS</p> <p>C3.1 Scope of Works</p> <p>(b) 'FIDIC Conditions of Contract for PLANT and Design-Build for Electrical and Mechanical Plant and for Building and Engineering Works, Designed by the Contractor – First Edition 1999' This document is obtainable separately and Tenderers shall obtain their own copy.</p>



Clause Number	Data / Wording
	<p>(c) ‘The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, and the Construction Regulations 2014 (Government Gazette No 37305 of 7 February 2014, Notice No R. 84)’. These documents are obtainable separately and Tenderers shall obtain their own copies.</p> <p>(d) The Construction Industry Development Board Act No. 38 of 2000 as amended and the Regulations in terms of the CIDB Act 38 of 2000, Government Notice No 692 of 9 June 2004 as amended.</p> <p>(e) The Preferential Procurement Policy Framework Act and the Preferential Procurement Regulation, 2017.</p> <p>(f) Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity in Construction Procurement, as printed in Board Notice 136 of 2015 in the Government Gazette No. 38960 of 10 July 2015.</p> <p>In addition Tenderers are advised, in their own interest, to obtain their own copies of all the relevant Acts, Regulations and Standards referred to in this document as they are essential for the Tenderer to become acquainted with the basics of construction management, the implementation of preferential construction procurement policies, and participation of targeted enterprises and labour.</p>
F.2.1	<p>1. Tendered offers will only be accepted if:</p> <ul style="list-style-type: none">(a) The tenderer has in his or her possession a copy of a valid Tax Clearance Certificate issued by the South African Revenue Services (SARS). It is compulsory to provide either of the aforementioned documents with the bid offer. Tenderers must have a valid Tax Clearance Certificate to contract with the Employer.(b) The tenderer or any of its directors/ shareholders/ trustees is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.(c) The tenderer submits a letter of intent from an approved South African bank/ insurer undertaking to provide the Performance Bond to the format included in tender document.(d) The tenderer is registered with the CIDB in an appropriate contractor grading designation. A certified copy of the CIDB registration document must accompany the tender offer.(e) The tenderer has not:<ul style="list-style-type: none">(i) abused the Purchaser’s Supply Chain Management System; or(ii) failed to perform on any previous contract and has been given a written notice to this effect.



Clause Number	Data / Wording
	<p>(f) The tender offer is signed by a person authorized to sign on behalf of the Tenderer.</p> <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.</p> <p>(h) Tenderers must provide certified copies of Compensation for Occupational Injuries and Diseases Act (COIDA) that it is in good standing with the compensation fund or with a licensed compensation insurer.</p> <p>(i) 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>(j) The tenderer has not failed to perform on any previous contracts and has not been given a written notice to the effect.</p> <p>(k) The tenderer has submitted certified copies of the directors, owners and shareholders identity documents with the tender offer.</p> <p>(l) A tenderer who submitted a tender as a joint venture has to include an acceptable joint venture agreement with his/ her tender or has provided a letter of intent to form a joint venture signed by all parties.</p> <p>(m) The tenderer is not in arrears for more than thirty (30) days with municipal rates and taxes and services charges.</p> <p>(n) The tenderer complies with the specifications and conditions applicable to the tender and submitted all the required documentation as stipulated in this tender document.</p> <p>(o) All tender documents must be initialled on each page and signed by the tenderer where indicated.</p> <p>The Contractor shall be registered in CIDB contractor grading designation of 6GB or higher and can provide evidence of having done similar work previously.</p> <p>2. The additional conditions of tender are:</p> <p>(a) DEA may also request that the tenderer provide written evidence that his/ her financial, labour and resources are adequate for carrying out the project.</p> <p>(b) The DEA reserves the right to appoint a firm of chartered accountants and auditors and/ or execute any other financial investigations on the financial resources of any tenderer. The tenderer shall provide all reasonable assistance in such investigations.</p>



Clause Number	Data / Wording
	<p>(c) Tender documents must be completed in black ink.</p> <p>(d) Corrections may not be made by means of a correction fluid such as Tipp-Ex or a similar product. In the event of a mistake having been made it shall be crossed out in ink and be accompanied by a full signature at each and every alteration. DEA reserves the right to reject the tender if corrections are not made in accordance with the above.</p>
F.2.7	There will be a compulsory briefing session held on 28 December 2019 at 10h00 at the SANBI, 2 CUSSONIA AVENUE, MEYERSPARK, PRETORIA
F.2.10	All Tenderers must be registered for Value Added Tax (VAT) with the South African Revenue Services (SARS).
F.2.13	<p>F.2.13.3 Tender offers shall be submitted as an original only. Under no circumstances whatsoever may the tender forms be retyped or redrafted. Photocopies of the original tender documentation may be used, but an original signature must appear on such photocopies.</p> <p>F.2.13.5 Tenderers must submit two (2) identical proposals for each bid clearly marked “ORIGINAL” and “COPY”.</p> <p>The submission of bids shall be in two (2) large envelopes (“ORIGINAL” and “COPY”) each inclosing three (3) separate envelopes as detailed in the BID SUBMISSION CHECKLIST below, and clearly marked on the outside of the respective envelope:</p> <p>ENVELOPE 1: “Qualification Documents”</p> <p>ENVELOPE 2: “Technical Proposal”</p> <p>ENVELOPE 3: “Financial Proposal” – sealed!</p> <p>The Financial Proposal shall be sealed and no financial information shall be contained in the “Qualification Documents” or “Technical Proposal”. If financial information is included in the “Qualification Documents” or in the “Technical Proposal” the tender may be rejected.</p> <p>The package shall display the following information:</p> <ul style="list-style-type: none"> • The address where Tenders have to be sent; • The title of the call for Tenders such as indicated in the invitation letter; • The Tenderer’s name, physical (street) and postal address, contact person and contact numbers (mobile, landline, facsimile and e-mail); • The following words clearly visible: “Invitation to Tender – Not to be opened by the Postal Service”. <p>The Employer’s address for delivery of tender offers and identification details to be shown on each tender offer package are:</p>



Clause Number	Data / Wording
	<p>Location of Tender Box: Department of Environmental Affairs Physical Address: 473 Steve Biko, Arcadia, Pretoria Identification Details: N/A</p> <p>F.2.13.6 A three-envelope system will be followed.</p>
F.2.15	<p>The closing time for submission of Tender Offers is: 11h00 on 06 December 2019</p> <p>Telegraphic, telephonic, telex, facsimile, electronic, e-mailed and late tenders will not be accepted.</p>
F.2.16	<p>The tender offer validity period is ninety (90) days from the closing time for submission of tenders.</p>
F.2.19	<p>This is not applicable.</p>
F.2.22	<p>This is not applicable.</p>
F.2.23	<p>The certificates as required in the Returnable Schedules and Forms must be provided with the tender for each party to a consortium / joint venture.</p>
F.3.4	<p>This shall be an open tender opening. The time and location for opening of the tender offers are:</p> <p>Envelope 1 Time: 11h00 Date: 06 December 2019 Location: Department of Environmental Affairs, Environment House, 473 Steve Biko Road, Arcadia, Pretoria</p> <p>Envelope 2 Time: 11h00 Date: 06 December 2019 Location: Department of Environmental Affairs, Environment House, 473 Steve Biko Road, Arcadia, Pretoria</p> <p>Envelope 3 Time: 11h00 Date: 06 December 2019 Location: Department of Environmental Affairs, Environment House, 473 Steve Biko Road, Arcadia, Pretoria</p>
F.3.5	<p>A two-envelope system will not be followed. Instead a three-envelope system will be followed. The evaluation thereof is described in F.3.11</p>
F.3.11	<p>Evaluation of tender offers</p> <p>F.3.11.1 The procedure for evaluation of responsive Tender Offers will be Stage 1, 2,3, 4 and 5:</p> <p>F.3.11.3 The evaluation of proposals will be separated into three stages: Stage 1: Pre-qualification Stage 2: Mandatory Stage 3: Qualification evaluation (Section 1 – “Qualification Documents”);</p>



Clause Number	Data / Wording												
	<p>Stage 4: Technical Functionality</p> <p>Stage 5: Price and B-BBEE evaluation (Section 3 – “Financial Proposal”).</p> <hr/> <p>Stage 2: Mandatory</p> <ul style="list-style-type: none"> ➤ CIDB Grading level minimum level GB6 or higher <p>Stage 1: Pre-qualification</p> <ul style="list-style-type: none"> ➤ Only service provider (s) who are EME or QSE, which are, at least 51% owned by black people will be considered for this bid as per Preferential Procurement Regulations 2017. Service provider (s) are required to submit an original or certified copy of the EME or QSE B-BBEE Status Level of contributor issued by SANAS only or an original or certified copy of DTI sworn affidavit in terms of Codes of good practice” indicating that service provider is an EME/ QSE. Failure to submit B-BBEE Status Level of contributor will result on bid being non-responsive or disqualified. <p>Stage 3: Qualification Evaluation</p> <ul style="list-style-type: none"> ➤ The eligibility is confirmed if the “Qualifying Documents” of the firm correspond to the stipulations indicated in Section 1 – “Qualifying Documents”. Only those tenderers, which fulfil all criteria of Stage 3, are eligible for the Stage 4 evaluation <div data-bbox="347 904 1369 1128" style="border: 1px solid black; background-color: #f2f2f2; padding: 10px; margin: 10px 0;"> <p style="text-align: center;">Prompts for Evaluation and the associated scores</p> <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th style="width: 16.6%;">0</th> <th style="width: 16.6%;">1</th> <th style="width: 16.6%;">2</th> <th style="width: 16.6%;">3</th> <th style="width: 16.6%;">4</th> <th style="width: 16.6%;">5</th> </tr> </thead> <tbody> <tr> <td>No information to make assessment</td> <td>Poor</td> <td>Marginally falls short of requirements</td> <td>Meets requirements</td> <td>Exceeds requirements</td> <td>Exceeds requirements whilst adding value</td> </tr> </tbody> </table> </div> <p>Stage 4: Technical Evaluation</p> <p>Eligible tenders passing Stage 3 will be technically evaluated for functionality in accordance with the Stage 4 evaluation criteria. The Stage 4 evaluation criteria will be assessed in terms of six indicators, namely: No information to make assessment; Poor; Marginally falls short of meeting requirements; Meets requirements; Exceeds requirements; and Exceeds requirements whilst value adding. The scores of each of the evaluators will be weighted and totaled to obtain the final weighted score for Stage 4. The prompts for judgment and the associated scores used in the evaluation of quality shall be as follows:</p> <p>The evaluation of technical information will be guided by the following:</p> <ul style="list-style-type: none"> tenderer's understanding of the brief – the tender provides a clear indication that the tenderer fully understands the purpose and scope of the work and the tenderers' own roles and functions in this regard; capability and experience – the tender provides a clear indication that the tenderer's team comprises of people with the necessary experience, skills, qualifications and knowledge required to ensure maintenance and repairs of the highest standards of quality; track record – the tender provides clear information on previous, relevant projects that confirm that the tenderer has the required experience and success track record in the area; quality of the tender – the tender is structured, laid-out, formatted and organised in 	0	1	2	3	4	5	No information to make assessment	Poor	Marginally falls short of requirements	Meets requirements	Exceeds requirements	Exceeds requirements whilst adding value
0	1	2	3	4	5								
No information to make assessment	Poor	Marginally falls short of requirements	Meets requirements	Exceeds requirements	Exceeds requirements whilst adding value								



Clause Number	Data / Wording
	<p>The tenderer must score a minimum of 75 (seventy-five) weighted points out of 100 during Stage 4 (technical) of the evaluation to qualify for Stage 5 of the evaluation where only points for price (80) and B-BBEE (20) will be considered.</p> <p>The tenderers will be evaluated using the following evaluation criteria:</p>

Stage 4																		
		Category																
GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY (To be determine by project managers in line with scope of work): (GUIDELINES FOR CRITERIA APPLICATION)	Weight	Value/ Indicator	Total (Weight X Value awarded)														
<p>A proposed project plan, Methodology and Management of the project in construction, project management and qualified construction health and safety management experience.</p>	<ul style="list-style-type: none"> • A details project plan with intermediate and final outputs and identified timeframes/ milestones. • Proposed Methodology • Management of the project <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Project plan, methodology and project management in construction, project management and qualified construction health and safety management experience.</th> <th style="text-align: center;">Indicator</th> </tr> </thead> <tbody> <tr> <td>Project plan and methodology action well broken down; with detailed objectives and milestones.</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Project plan and methodology, action identification basic; clear objectives and clear milestones.</td> <td style="text-align: center;">4</td> </tr> <tr> <td>Action plan provided with no deliverables and timeframes.</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Limited information provided on the action plan</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Task not well understood.</td> <td style="text-align: center;">1</td> </tr> <tr> <td>No information provided</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>	Project plan, methodology and project management in construction, project management and qualified construction health and safety management experience.	Indicator	Project plan and methodology action well broken down; with detailed objectives and milestones.	5	Project plan and methodology, action identification basic; clear objectives and clear milestones.	4	Action plan provided with no deliverables and timeframes.	3	Limited information provided on the action plan	2	Task not well understood.	1	No information provided	0	35		
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<p>Certified Qualifications of key personnel to be assigned to the project.</p>	<p>Relevant qualification in the areas of in the build environment, construction project management and qualified construction health and safety management experience or equivalent.</p> <table border="1" data-bbox="336 398 1007 813"> <thead> <tr> <th>Qualifications of key personnel</th> <th>Indicator</th> </tr> </thead> <tbody> <tr> <td>A Masters qualification and above</td> <td>5</td> </tr> <tr> <td>An honours or equivalent qualification (s)</td> <td>4</td> </tr> <tr> <td>A degree qualification (s)</td> <td>3</td> </tr> <tr> <td>A three year diploma qualification (s)</td> <td>2</td> </tr> <tr> <td>Two years diploma or a certificates qualification (s)</td> <td>1</td> </tr> <tr> <td>No qualification (s) attached/ submitted</td> <td>0</td> </tr> </tbody> </table>	Qualifications of key personnel	Indicator	A Masters qualification and above	5	An honours or equivalent qualification (s)	4	A degree qualification (s)	3	A three year diploma qualification (s)	2	Two years diploma or a certificates qualification (s)	1	No qualification (s) attached/ submitted	0	15		
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No qualification (s) attached/ submitted	0																	
<p>Technical Capability/ expertise and track record of key personnel to be assigned to the project in construction, project management and qualified construction health and safety management experience.</p>	<ul style="list-style-type: none"> Bidder (s) are required to demonstrate that they have the necessary resources and technical expertise to undertake and successfully complete the project. Bidder (s) should submit curriculum vitae for the key personnel proposed to be employed on the project. Curriculum vitae are to include specific details of these individuals including, inter alia, relevant experience and to include three contactable reference, technical qualifications and past experience in construction, project management and qualified construction health and safety management experience. <table border="1" data-bbox="336 1272 1007 1798"> <thead> <tr> <th>Experience of key personnel registered with SACPCMP in construction project management and construction health and safety management experience.</th> <th>Indicator</th> </tr> </thead> <tbody> <tr> <td>6 years 'or more experience</td> <td>5</td> </tr> <tr> <td>5 years' experience</td> <td>4</td> </tr> <tr> <td>4 years' experience</td> <td>3</td> </tr> <tr> <td>3 years' experience</td> <td>2</td> </tr> <tr> <td>1 - 2 years' experience</td> <td>1</td> </tr> <tr> <td>No experience</td> <td>0</td> </tr> </tbody> </table>	Experience of key personnel registered with SACPCMP in construction project management and construction health and safety management experience.	Indicator	6 years 'or more experience	5	5 years' experience	4	4 years' experience	3	3 years' experience	2	1 - 2 years' experience	1	No experience	0	30		
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1 - 2 years' experience	1																	
No experience	0																	



<p>The company's experience, track record and knowledge in the fields of construction management and project management</p>	<ul style="list-style-type: none"> Bidder (s) are required to demonstrate relevant past experience and competency of the company in construction, project management and qualified construction health and safety management experience. Bidder (s) should submit full details of, and at least three reliable contactable signed references for, projects of a similar scope which were successfully completed in the previous years in construction, project management and qualified construction health and safety management experience. <table border="1" data-bbox="336 1093 1007 1621"> <thead> <tr> <th data-bbox="336 1093 890 1216">Company experience in construction, project management and qualified construction health and management experience.</th> <th data-bbox="890 1093 1007 1216">Indicator</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 1216 890 1283">10 years 'or more experience</td> <td data-bbox="890 1216 1007 1283">5</td> </tr> <tr> <td data-bbox="336 1283 890 1350">8-9 years' experience</td> <td data-bbox="890 1283 1007 1350">4</td> </tr> <tr> <td data-bbox="336 1350 890 1417">5-7 years' experience</td> <td data-bbox="890 1350 1007 1417">3</td> </tr> <tr> <td data-bbox="336 1417 890 1485">3-4 years' experience</td> <td data-bbox="890 1417 1007 1485">2</td> </tr> <tr> <td data-bbox="336 1485 890 1552">1-2 years' experience</td> <td data-bbox="890 1485 1007 1552">1</td> </tr> <tr> <td data-bbox="336 1552 890 1621">No experience</td> <td data-bbox="890 1552 1007 1621">0</td> </tr> </tbody> </table>	Company experience in construction, project management and qualified construction health and management experience.	Indicator	10 years 'or more experience	5	8-9 years' experience	4	5-7 years' experience	3	3-4 years' experience	2	1-2 years' experience	1	No experience	0	20		
Company experience in construction, project management and qualified construction health and management experience.	Indicator																	
10 years 'or more experience	5																	
8-9 years' experience	4																	
5-7 years' experience	3																	
3-4 years' experience	2																	
1-2 years' experience	1																	
No experience	0																	



Total points on functionality	100			
-------------------------------	-----	--	--	--

Clause Number	Data / Wording
	<p>Stage 5 Only those bidders, which fulfil all criteria of Stages 1, 2, 3 and 4, are eligible for the Stage 5 evaluations.</p>
	STAGE 3

B.	PRICE	80	
C.	B-BBEE Status Level Contributor	Number of points (80/20)	
	1	20	
	2	18	
	3	16	
	4	12	
	5	8	
	6	6	
	7	4	
	8	2	
	Non-compliant contributor	0	



Clause Number	Data / Wording
	<p>NB: A bid will not be disqualified from the bidding process if the bidder does not submit a certificate substantiating the B-BBEE status level of contribution or is a non-compliant contributor. Such a bidder will score zero (0) out of a maximum of 20 (twenty) points for B-BBEE.</p> <p><u>Scoring Preference points</u></p> <p>The tenderer is required to submit a BEE Verification Certificate in accordance with the Construction Sector Codes of Practice promulgated in Gazette 32305 on 5 June 2009 (see Returnable Schedule L). See also www.sanas.co.za for details of accredited Verification Agencies.</p> <p>Up to 100 tender evaluation points will be awarded to tenderers who submit responsive tenders and who are found to be eligible for the preference claimed. Points are based on a tenderer's scorecard measured in terms of the Broad-Based Black Economic Empowerment Act (B-BBEE, Act 53 of 2003) and the Regulations (2017) to the Preferential Procurement Policy Framework Act (PPPFA, Act 5 of 2000).</p> <p>Eligibility for preference points is subject to the following conditions:</p> <ul style="list-style-type: none">(a) A tenderer's scorecard shall be based on the Construction Sector Codes of Practice promulgated in Government Gazette 32305 of 5 June 2009; and(b) The scorecard shall be submitted as a certificate attached to Returnable Schedule L; and(c) The certificate shall have been issued by a registered verification agency accredited by the South African National Accreditation System (SANAS), as contemplated in the B-BBEE Framework for Accreditation and Verification by all Verification Agencies promulgated in Government Notice 810 of 31 July 2009; and(d) The date of issue of the certificate must be less than 12 (twelve) months prior to the advertised tender closing date (see Tender Data F.2.15); and(e) Compliance with any other information requested to be attached to Returnable Schedule L. <p><u>Total Scores for Financial and Preference</u></p> <p>The points scored for a Tenderer in respect of Financial must be added to the points scored for the B-BBEE preferences. Only the tender with the highest number of points may be selected, except in those instances permissible by legislation, practice notes or relevant policies.</p>
F.3.13	<p>F.3.13.1 The legal requirements for acceptance of the tender offer are:</p> <ul style="list-style-type: none">(a) Tender Defaulters Register - the Tenderer or any of its principals is <u>not</u> listed on the register of Tender Defaulters in terms of the Prevention and



Clause Number	Data / Wording
	<p>Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.</p> <p>(b) Abuse of the SCM System - the Tenderer has <u>not</u> abused the Employer's Supply Chain Management System and has <u>not</u> been given a written notice to the effect that he has failed to perform on any previous contract.</p> <p>(c) Declaration - the Tenderer has indicated and declared whether or not a spouse, child or parent of the Tenderer is in the service of the State.</p> <p>(d) Fraud and Corruption - the Employer is satisfied that the Tenderer or any of his principals have <u>not influenced</u> the tender offer and acceptance by the following criteria:</p> <ul style="list-style-type: none"> (i) having offered, promised or given a bribe or other gift or remuneration to any person in connection with the obtaining of this Contract; (ii) having acted in a fraudulent or corrupt manner in obtaining this Contract; (iii) having approached an officer or employee of the Employer or the Employer's Agent with the object of influencing the award of a Contract in the Tenderer's favour; (iv) having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from Tendering for this Contract or as to the amount of the Tender to be submitted by either party; (v) having disclosed to any other person, firm or company other than the Employer, the exact or approximate amount of his proposed Tender. <p>The Employer may, in addition to using any other legal remedies, repudiate the Tender offer and acceptance and declare the Contract invalid should it have been concluded already.</p> <p>The DEA is not bound to select any of the firms submitting tenders. DEA reserves the right not to award any of the tenders, to award the contract to more than one Contractor, to award only part of the contract or not to award the contract to the tenderer with the lowest tendered price.</p>
F.3.14.1	<p>Before any work can commence all contractual documents must be signed by both parties (Department of Environmental Affairs (DEA) and the successful bidder) as well as the issue of an official purchase order and should there be any dispute regarding the finalization of the agreement, DEA reserves the right to cancel the contract with no cost implications for the Department.</p>
F.3.17	<p>The number of paper copies of the signed contract to be provided by the Employer is one (1).</p>



PART T2:
TENDERING RETURNABLES

T2.1 LIST OF RETURNABLE DOCUMENTS..... T20

T2.2 RETURNABLE DOCUMENTS T24



T2: RETURNABLE DOCUMENTS

T2.1 LIST OF RETURNABLE DOCUMENTS

Tenderers are required to submit each of the following items with their tender as per the TENDER SUBMISSION CHECKLIST. Each item must be circled and submitted as indicated. These items are considered “gate keepers”. Failure to submit an item which is a gatekeeper will result in the tender declared non-responsive and as a result disqualified.

TENDER SUBMISSION CHECKLIST			
	Tender split into “Qualification Documents”, “Technical Proposal” and “Financial Proposal” sections as detailed in F.2.13.5	Yes/ No	-

Envelope 1 – “Qualification Documents”			
Ref	Item	Check	Envelope
A	Completed Bid Submission Checklist – Envelope 1	Yes/ No	1
B	Record of Addenda to Tender Documents	Yes/ No	1
C	Compulsory Enterprise Questionnaire	Yes/ No	1
D	SBD 1 – Invitation to Bid		
E	SBD 2 – Tax Clearance Certificate Requirements	Yes/ No	1
F	SBD 4 – Declaration of interest	Yes/ No	1
G	SBD 5 – The National Industrial Participation Programme	Yes/ No	1
H	SBD 6.1 – Preference points claim form in terms of the preferential procurement regulations 2017	Yes/ No	1
I	Certificate substantiating the B-BBEE status level of contribution	Yes/ No	1
J	SBD 8.1 – Declaration of bidder’s past Supply Chain Management practices	Yes/ No	1
K	SBD 8.2 – Declaration of Undertaking	Yes/ No	1
L	SBD 9 – Certificate of Independent bid determination	Yes/ No	1
M	BAS Entity Maintenance Form	Yes/ No	1
N	Conflict of Interest Declaration	Yes/ No	1
O	Resolution by Directors/ Members/ Trustees	Yes/ No	1
P	Certificate of Authority for Partnership/ Joint Ventures/ Consortiums	Yes/ No	1
Q	Supplier Account Detail	Yes/ No	1
R	Partnership/ Joint Venture/ Consortium Agreement	Yes/ No	1



Envelope 1 – “Qualification Documents”			
Ref	Item	Check	Envelope
S	Declaration for Procurement above R10 million (all applicable taxes included)	Yes/ No	1
T	Financial statements for the past three years	Yes/ No	1
U	Municipal accounts or lease agreement and letter from landlord indicating payment of municipal accounts	Yes/ No	1
V	Details of insurance cover	Yes/ No	1
W	Valid Construction Industry Development Board (CIDB) Certificate	Yes/ No	1
X	Compensation for Occupational Injuries and Diseases Act (COIDA) Letter of Good Standing	Yes/No	1
Y	Enterprise Registration Certificate	Yes/ No	1
AA	Certified Identification documents	Yes/ No	1
AB	Company share certificates	Yes/ No	1
AC	CENTRAL SUPPLIER DATABASE	Yes/ No	1
AD	Complete tender document	Yes/ No	1

Envelope 2 – “Technical Proposal”			
Ref.	Item	Check	Envelope
AE	Completed Bid Submission Checklist – Envelope 2	Yes/ No	2
AF	UNPRICED Bill of Quantities	Yes/ No	2
AG	Schedule of work	Yes/ No	2
AH	Proposed key personnel	Yes/ No	2
AI	Qualifications and professional registration of key personnel	Yes/ No	2
AJ	Project organizational chart	Yes/ No	2
AK	Reference letters for EPC/ turnkey contracts	Yes/ No	2
AL	Project Program	Yes/ No	2
AM	Method Statement	Yes/ No	2
AN	Schedule of Plant and Equipment	Yes/ No	2
AO	Data sheets of plant/ equipment	Yes/No	2
AP	Contract Price Adjustment Formula	Yes/No	2
AQ	FOREX Component Details	Yes/No	2
AR	Deviations and Qualifications	Yes/No	2

E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER



Envelope 3 – “Financial Proposal”			
No.	Item	Check	Envelope
AS	Completed Bid Submission Checklist – Envelope 3	Yes/ No	3
AT	Pricing Schedule	Yes/ No	3
AU	Project Cash Flow	Yes/ No	3
AV	PRICED Bill of Quantities	Yes/ No	3



2.2 RETURNABLE SCHEDULES

A	Completed Bid Submission Checklist – Envelope 1	T26
B	Record of Addenda to Tender Documents	T28
C	Compulsory Enterprise Questionnaire	T29
D	SBD 1 – Invitation to Bid	T39
E	SBD 2 – Tax Clearance Certificate Requirements	T41
F	SBD 4 – Declaration of interest	T44
G	SBD 5 – The National Industrial Participation Programme	T47
H	SBD 6.1 – Preference points claim form in terms of the preferential procurement regulations 2017	T50
I	B-BBEE Certificate	T57
J	SBD 8.1 – Declaration of bidder’s past Supply Chain Management practices	T58
K	SBD 8.2 – Declaration of Undertaking	T60
L	SBD 9 – Certificate of Independent bid determination	T61
M	BAS Entity Maintenance Form	T75
N	Conflict of Interest Declaration	T78
O	Resolution by Directors/ Members/ Trustees	T79
P	Certificate of Authority for Partnership/ Joint Ventures/ Consortiums	T81
Q	Supplier Account Detail	T83
R	Partnership/ Joint Venture/ Consortium Agreement	T84
S	Declaration for Procurement above R10 million (all applicable taxes included)	T85
T	Financial statements for the past three years	T87
U	Municipal accounts or lease agreement and letter from landlord indicating payment of municipal accounts	T88
V	Details of insurance cover	T89
W	Valid Construction Industry Development Board (CIDB) certificate	T90
X	Compensation for Occupational Injuries and Diseases Act (COIDA) Letter of Good Standing	T91
Y	Enterprise Registration Certificate	T92
AA	Certified Identification documents	T93
AB	Company share certificates	T94
AC	CENTRAL SUPPLIER DATABASE	T95
AD	Complete tender document	T96
AE	Completed Bid Submission Checklist – Envelope 2	T97
AF	Bill of Quantities	T98
AG	Schedule of work	T99
AH	Proposed key personnel	T100



AI	Qualifications and professional registration of key personnel	T101
AJ	Project organisational chart	T102
AK	Reference letters for EPC/ turnkey contracts	T103
AL	Project Program	T104
AM	Method Statement	T105
AN	Schedule of Plant and Equipment	T106
AO	Data sheets of plant/ equipment	T108
AP	Contract Price Adjustment Formula	T109
AQ	FOREX Component Details	T110
AR	Deviations and Qualifications	T111
AS	Completed Bid Submission Checklist – Envelope 3	T112
AT	Pricing Schedule	T113
AU	Project Cash Flow	T116
AV	PRICED Bills of Quantities	T117

NOTE: The Tenderer is required to complete each and every schedule and form listed above to the best of his ability as the evaluation of tenders and the eventual contract will be based on the information provided by the Tenderer. Failure of a Tenderer to complete the schedules and forms to the satisfaction of the Employer **shall** lead to rejection on the grounds that the tender is not responsive



A. BID SUBMISSION CHECKLIST – ENVELOPE 1

Envelope 1 – “Qualification Documents”			
Ref	Item	Check	Envelope
A	Completed Bid Submission Checklist – Envelope 1	Yes/ No	1
B	Record of Addenda to Tender Documents	Yes/ No	1
C	Compulsory Enterprise Questionnaire	Yes/ No	1
D	SBD 1 – Invitation to Bid		
E	SBD 2 – Tax Clearance Certificate Requirements	Yes/ No	1
F	SBD 4 – Declaration of interest	Yes/ No	1
G	SBD 5 – The National Industrial Participation Programme	Yes/ No	1
H	SBD 6.1 – Preference points claim form in terms of the preferential procurement regulations 2017	Yes/ No	1
I	B-BBEE Certificate	Yes/ No	1
J	SBD 8.1 – Declaration of bidder's past Supply Chain Management practices	Yes/ No	1
K	SBD 8.2 – Declaration of Undertaking	Yes/ No	1
L	SBD 9 – Certificate of Independent bid determination	Yes/ No	1
M	BAS Entity Maintenance Form	Yes/ No	1
N	Conflict of Interest Declaration	Yes/ No	1
O	Resolution by Directors/ Members/ Trustees	Yes/ No	1
P	Certificate of Authority for Partnership/ Joint Ventures/ Consortiums	Yes/ No	1
Q	Supplier Account Detail	Yes/ No	1
R	Partnership/ Joint Venture/ Consortium Agreement	Yes/ No	1
S	Declaration for Procurement above R10 million (all applicable taxes included)	Yes/ No	1
T	Financial statements for the past three years	Yes/ No	1
U	Municipal accounts or lease agreement and letter from landlord indicating payment of municipal accounts	Yes/ No	1
V	Details of insurance cover	Yes/ No	1
W	Valid Construction Industry Development Board (CIDB) Certificate	Yes/ No	1
X	Compensation for Occupational Injuries and Diseases Act (COIDA) Letter of Good Standing	Yes/No	1
Y	Enterprise Registration Certificate	Yes/ No	1
AA	Certified Identification documents	Yes/ No	1



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

Envelope 1 – “Qualification Documents”			
Ref	Item	Check	Envelope
AB	Company share certificates	Yes/ No	1
AC	CENTRAL SUPPLIER DATABASE	Yes/ No	1
AD	Complete tender document	Yes/ No	1



B. RECORD OF ADDENDA TO TENDER DOCUMENTS

I / We confirm that the following communications received from the Employer or his representative before the date of submission of this tender offer, amending the tender documents, have been taken into account in this tender offer and are attached hereto.

ADDENDUM No.	DATE

Please attach all Addenda to this page

SIGNATURE:

DATE:

(Of person authorised to sign on behalf of the Tenderer)



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

C. COMPULSORY ENTERPRISE QUESTIONNAIRE

FORM C: PART 1: PARTICULARS AND RECORD OF SERVICE OF THE STATE

The following particulars must be furnished:

Section 1: Name of enterprise:

Section 2: VAT registration number:

Section 3: CIDB registration number:

Section 4: Particulars of sole proprietors and partners in partnerships

Name*	Identity number*	Personal income tax number*

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

Section 5: Particulars of companies and close corporations

Company registration number:

Close corporation number:

Tax reference number:

Section 6: Record of service of the state

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

a member of Parliament	an employee of Parliament or a provincial legislature
a member of the National Assembly or the National Council of Provinces	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 1 of 1999)
a member of any provincial legislature	an employee of any municipality or municipal entity
a member of any municipal council	
a member of the board of directors of any municipal entity	
a member of an accounting authority of any national or provincial public entity	

If any of the above boxes are marked, disclose the following:

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder**	Name of institution, public office, board or organ of state served and position held**	Status of service (tick appropriate column)**	
		Current	Within last 12 months

**** Attach additional pages if more space is required**



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

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

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

- | | |
|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a member of Parliament | an employee of Parliament or a provincial legislature |
| a member of the National Assembly or the National Council of Provinces | 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 1 of 1999) |
| a member of any provincial legislature | an employee of any municipality or municipal entity |
| a member of any municipal council | |
| a member of the board of directors of any municipal entity | |
| a member of an accounting authority of any national or provincial public entity | |

If any of the above boxes are marked, disclose the following:

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

*** Attach additional pages if more space is required

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

- (i) Authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- (ii) confirms that 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, has within the last five years been convicted of fraud or corruption;
- (iv) confirms that I am not / we are not associated, linked or involved with any other tendering entities submitting tender offers and that I / we 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;
- (v) confirms that the information provided above in Sections 1 to 7 of Form C: Part 1 is within my personal knowledge and is to the best of my belief both true and correct.



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

Signed:

Date:

Name:

Position:

Enterprise name:



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

FORM C: PART 2: DECLARATION OF INTEREST

Every question must be answered individually on this form and the required information must be provided, whether a relationship is present or not. Failure to do so will invalidate your tender.

1. Any legal person, including persons employed by the State¹, or persons having a kinship with persons employed by the State, including a blood relationship, may make an offer or offers in terms of this invitation to tender. In view of possible allegations of favouritism, should the resulting tender, or part thereof, be awarded to persons employed by the State, or to persons connected with or related to them, it is required that the tenderer or his/her authorised representative declare whether:
 - the tenderer is employed by the State; and/or
 - the legal person (tendering entity) on whose behalf the tender document is signed, has a relationship with persons/a person who are/is involved in the evaluation and/or adjudication of the tender(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the tender.

2. **In order to give effect to the above, the following questions must be answered and the required information provided and submitted with the tender.**
 - 2.1. The names of all directors/ shareholders²/members/partners/individual owners/trustees and their individual identity numbers and tax reference numbers are to be inserted in the table below. If applicable, State Employee / PERSONNEL numbers must be indicated in the last column.

Full Name	Position held (director, shareholder, member, partner, individual owner, trustee, etc.)	Identity Number	Personal Income Tax Reference Number	State Employee Number / Personnel Number if applicable

If the space provided above is insufficient, details as specified above can be attached on separate pages. However, if such separate pages are attached, this must be clearly indicated in the table above.

¹“State” means:

- (a) 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);
- (b) any municipality or municipal entity;
- (c) any provincial legislature;
- (d) the National Assembly or the National Council of Provinces; or
- (e) Parliament.

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



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

2.2. Full names of tenderer or his or her representative:
.....

2.3. Identity Number:
.....

2.4. Position (e.g., director/shareholder/member/partner/individual owner/trustee) occupied in the company/close corporation/partnership/sole proprietorship/trust (referred to hereinafter as the "tendering entity"):
.....

2.5. Registration number of tendering entity:
.....

2.6. Tax reference number of tendering entity:
.....

2.7. VAT registration number of tendering entity:
.....

If the space provided for any of paragraphs 2.8 to 2.14 below is insufficient, the required information can be attached on separate pages. However, if such separate pages are attached, this must be clearly indicated in the relevant paragraph below.

2.8. Are you or any person connected with the tenderer presently employed by the State? **Kindly mark the applicable answer with a tick** ✓.

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

If yes, furnish the following particulars:

2.8.1. Name of director/shareholder/member/partner/individual owner/trustee/other connected person:
.....

2.8.2. Name of State institution which employs you or the person connected to the tenderer:
.....

2.8.3. Position occupied in the State institution:
.....

2.8.4. Any other particulars:
.....
.....
.....



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

2.9. If the State presently employs you or any person connected with the tenderer, was the appropriate authority to undertake remunerative work outside employment in the public sector obtained from the State? **Kindly mark the applicable answer with a tick** ✓.

YES	
NO	

2.9.1. If yes, attach proof of such authority to the tender document. (Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the tender). **Kindly mark the applicable block with a tick** ✓ **to indicate whether such proof has been attached to the tender document.**

YES	
NO	

2.9.2. If no, furnish reasons for the non-submission of such proof:

.....

.....

.....

2.10. Did you or your spouse or any of the tendering entity's directors/shareholders/members/partners/individual owners/trustees or their spouses conduct business with the State in the previous twelve months? **Kindly mark the applicable answer with a tick** ✓.

YES	
NO	

2.10.1. If yes, furnish particulars:

.....

.....

.....

2.11. Do you or any person connected with the tenderer have any relationship (family, friend, other) with a person employed by the State and who may be involved with the evaluation or adjudication of the tender? **Kindly mark the applicable answer with a tick** ✓.

YES	
NO	

2.11.1. If yes, furnish particulars:

.....

.....

.....



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

2.12. Are you or any person connected with the tenderer aware of any relationship (family, friend, other) between any other tenderer and any person employed by the State who may be involved with the evaluation and/or adjudication of this tender? **Kindly mark the applicable answer with a tick** ✓.

YES	
NO	

2.12.1. If yes, furnish particulars:

.....

.....

.....

2.13. Do you or any of the tendering entity's directors/shareholders/members/partners/individual owners/trustees have any interest in any other related companies that are or could be tendering for this contract? **Kindly mark the applicable answer with a tick** ✓.

YES	
NO	

2.13.1. If yes, furnish particulars:

.....

.....

.....

2.14. Have you or any of the tendering entity's directors/shareholders/members/partners/ individual owners /trustees or the tendering entity in general provided any gifts, rewards, awards, sponsorships, donations or hospitality to the Department of Environmental Affairs or any of its employees or their families in the last 12 months? **Kindly mark the applicable answer with a tick** ✓.

YES	
NO	

2.14.1. If yes, furnish particulars, including the estimated value:

.....

.....

.....



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

3. DECLARATION

I, THE UNDERSIGNED (*full name of signatory*)

REPRESENTING (*name of tendering entity*)

IN MY CAPACITY AS

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 2 ABOVE IS CORRECT (WHERE APPLICABLE, I HAVE TAKEN REASONABLE DILIGENT STEPS AS REQUIRED BY S76 OF THE COMPANIES ACT, 2011, TO ENSURE THAT THE INFORMATION PROVIDED IS CORRECT).

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

SIGNATURE:

DATE:



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

FORM C: PART 3: CERTIFICATE OF INDEPENDENT TENDER DETERMINATION

I, the undersigned, in submitting the accompanying tender:

Provision of works as detailed in E1537 for the period stated in E1537.... **REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER.**

in response to the invitation for the tender made by:

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

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 Tenderer)



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

I have read and I understand the contents of this Certificate;
 I understand that the accompanying tender will be disqualified if this Certificate is found not to be true and complete in every respect;
 I am authorized by the tenderer to sign this Certificate, and to submit the accompanying tender, on behalf of the tenderer;
 Each person whose signature appears on the accompanying tender has been authorized by the tenderer to determine the terms of and to sign the tender, on behalf of the tenderer.

For the purposes of this Certificate and the accompanying tender, I understand that the word "competitor" shall include any individual or organization, other than the tenderer, whether or not affiliated with the tenderer, who:

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

The tenderer has arrived at the accompanying tender independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive tendering.

In particular, without limiting the generality of the preceding paragraphs above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
- (b) geographical area where the products or services will be rendered (market allocation);
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not submit a tender;
- (e) the submission of a tender which does not meet the specifications and conditions of the tender; or
- (f) tendering with the intention not to win the tender.

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 tender invitation relates.

The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening and of the awarding of the contract.

I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to tenders and contracts, tenders 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 such tenderers may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Full name of signatory

.....
Capacity of signatory



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

D. SBD 1 – INVITATION TO BID

PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	1537	CLOSING DATE:	06-12-2019	CLOSING TIME:	11:00
DESCRIPTION	E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					

BID RESPONSE DOCUMENTS SHOULD BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

Department of Environmental Affairs; The Environment House,					
473 Steve Biko Road; Cnr Soutpansberg and Steve Biko Road,					
Arcadia Pretoria /Tshwane					
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					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
[TICK APPLICABLE BOX]					

E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER



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IF YES, WHO WAS THE CERTIFICATE ISSUED BY?			
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)	
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)	
	<input type="checkbox"/>	A REGISTERED AUDITOR NAME:	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]			
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? [IF YES ENCLOSE PROOF]	<input type="checkbox"/> Yes <input type="checkbox"/> No	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? [IF YES ANSWER PART B:3 BELOW]	<input type="checkbox"/> Yes <input type="checkbox"/> No
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:	TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT/ PUBLIC ENTITY	National Department of Environmental Affairs	CONTACT PERSON	Mr Ricardo Andrews / Ms Berne van Wyk
CONTACT PERSON	Mr Jonas Nkitseng or Mr Samuel Mofokeng	TELEPHONE NUMBER	012 399 9793 / 399 9852
TELEPHONE NUMBER	012 399 9056/9057	FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	randrews@environment.gov.za / berne.vanwyk@vai.org.za
E-MAIL ADDRESS	jnkitseng@environment.gov.za / Smofokeng@environment.gov.za		

E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER



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. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.	
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.	
1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR 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 TAX COMPLIANCE STATUS (TCS) 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 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.	
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.	
2.6 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 BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO



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IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE 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.

—



F. SBD 4 – DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹
2. Any legal person, including persons employed by the state, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/ adjudicating authority where-
 - the bidder is employed by the state; and/ or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
 - 3.1 Full Name of bidder or his or her representative: _____
 - 3.2 Identity Number: _____
 - 3.3 Position occupied in the Company (director, trustee, shareholder², member: _____
 - 3.4 Registration number of company, enterprise, close corporation, partnership agreement or trust: _____
 - 3.5 Tax Reference Number: _____
 - 3.6 VAT Registration Number: _____
 - 3.7 The names of all directors/ trustees/ shareholders/ members, their individual identity numbers, tax reference numbers and, if applicable, employee/ PERSAL numbers must be indicated in paragraph 4 below.

¹ *MSCM Regulations: "in the service of the state" means to be –*
(a) a member of –
(i) any municipal council;
(ii) any provincial legislature; or
(iii) the national Assembly or the national Council of provinces;

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

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



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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

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

3.10.1 If yes, furnish particulars

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

3.11.1 If yes, furnish particulars

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

3.12.1 If yes, furnish particulars

3.13 Are any spouse, child or parent of the company's directors, trustees, managers, principle 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, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract? **YES / NO**

3.14.1 If yes, furnish particulars

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

Full Name	Identity Number	Personal Income Tax Number	te Employee Number



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The tenderer hereby certifies that the information set out in this schedule and/ or attached hereto is true and correct, and acknowledges that failure to properly and truthfully complete this schedule may result in steps being taken against the tenderer, the tender being disqualified, and/ or (in the event that the tenderer is successful) the cancellation of the contract and/ or steps in terms of the Abuse Policy.

5 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2, 3 and 4 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder



G. SBD 5 – THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME

INTRODUCTION

The National Industrial Participation (NIP) Programme, which is applicable to all government procurement contracts that have an imported content, became effective on the 1 September 1996. The NIP policy and guidelines were fully endorsed by Cabinet on 30 April 1997. In terms of the Cabinet decision, all state and parastatal purchases / lease contracts (for goods, works and services) entered into after this date, are subject to the NIP requirements. NIP is obligatory and therefore must be complied with. The Industrial Participation Secretariat (IPS) of the Department of Trade and Industry (DTI) is charged with the responsibility of administering the programme.

1 PILLARS OF THE PROGRAMME

- 1.1 The NIP obligation is benchmarked on the imported content of the contract. Any contract having an imported content equal to or exceeding US\$ 10 million or other currency equivalent to US\$ 10 million will have a NIP obligation. This threshold of US\$ 10 million can be reached as follows:
 - (a) Any single contract with imported content exceeding US\$10 million. or
 - (b) Multiple contracts for the same goods, works or services each with imported content exceeding US\$3 million awarded to one seller over a two (2) year period which in total exceeds US\$10 million. or
 - (c) A contract with a renewable option clause, where should the option be exercised the total value of the imported content will exceed US\$10 million. or
 - (d) Multiple suppliers of the same goods, works or services under the same contract, where the value of the imported content of each allocation is equal to or exceeds US\$ 3 million worth of goods, works or services to the same government institution, which in total over a two (2) year period exceeds US\$10 million.
- 1.2 The NIP obligation applicable to suppliers in respect of sub-paragraphs 1.1 (a) to 1.1 (c) above will amount to 30 % of the imported content whilst suppliers in respect of paragraph 1.1 (d) shall incur 30% of the total NIP obligation on a *pro-rata* basis.
- 1.3 To satisfy the NIP obligation, the DTI would negotiate and conclude agreements such as investments, joint ventures, sub-contracting, licensee production, export promotion, sourcing arrangements and research and development (R&D) with partners or suppliers.
- 1.4 A period of seven years has been identified as the time frame within which to discharge the obligation.

2 REQUIREMENTS OF THE DEPARTMENT OF TRADE AND INDUSTRY

- 2.1 In order to ensure effective implementation of the programme, successful bidders (contractors) are required to, immediately after the award of a contract that is in excess of R10 million (ten million Rand), submit details of such a contract to the DTI for reporting purposes.
- 2.2 The purpose for reporting details of contracts in excess of the amount of R10 million (ten million Rand) is to cater for multiple contracts for the same goods, works or services; renewable



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contracts and multiple suppliers for the same goods, works or services under the same contract as provided for in paragraphs 1.1.(b) to 1.1. (d) above.

3 BID SUBMISSION AND CONTRACT REPORTING REQUIREMENTS OF BIDDERS AND SUCCESSFUL BIDDERS (CONTRACTORS)

- 3.1 Bidders are required to sign and submit this Standard Bidding Document (SBD 5) together with the bid on the closing date and time.
- 3.2 In order to accommodate multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as indicated in sub-paragraphs 1.1 (b) to 1.1 (d) above and to enable the DTI in determining the NIP obligation, successful bidders (contractors) are required, immediately after being officially notified about any successful bid with a value in excess of R10 million (ten million Rands), to contact and furnish the DTI with the following information:
- (a) Bid / contract number.
 - (b) Description of the goods, works or services.
 - (c) Date on which the contract was accepted.
 - (d) Name, address and contact details of the government institution.
 - (e) Value of the contract.
 - (f) Imported content of the contract, if possible.
- 3.3 The information required in paragraph 3.2 above must be sent to the Department of Trade and Industry, Private Bag X 84, Pretoria, 0001 for the attention of Mr Elias Malapane within five (5) working days after award of the contract. Mr Malapane may be contacted on telephone (012) 394 1401, facsimile (012) 394 2401 or e-mail at Elias@thedti.gov.za for further details about the programme.

4 PROCESS TO SATISFY THE NIP OBLIGATION

- 4.1 Once the successful bidder (contractor) has made contact with and furnished the DTI with the information required, the following steps will be followed:
- (i) the contractor and the DTI will determine the NIP obligation;
 - (ii) the contractor and the DTI will sign the NIP obligation agreement;
 - (iii) the contractor will submit a performance guarantee to the DTI;
 - (iv) the contractor will submit a business concept for consideration and approval by the DTI;
 - (v) upon approval of the business concept by the DTI, the contractor will submit detailed business plans outlining the business concepts;
 - (vi) the contractor will implement the business plans; and
 - (vii) the contractor will submit bi-annual progress reports on approved plans to the DTI.
- 4.2 The NIP obligation agreement is between the DTI and the successful bidder (contractor) and, therefore, does not involve the purchasing institution.



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Bid number ... **REF. NR. E1537** Closing date: 06 December 2019
Name of bidder.....
Postal address
.....
Signature..... Name (in print).....
Date.....



H. SBD 6.1 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

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

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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2
- a) The value of this bid is estimated not to exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- 1.3 Points for this bid shall be awarded for:
- (a) Price; and
- (b) B-BBEE Status Level of Contributor.
- 1.4 The maximum points for this bid are allocated as follows:

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

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.
- ### 2. DEFINITIONS



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

3. POINTS AWARDED FOR PRICE

3.1 80/20 PREFERENCE POINT SYSTEMS

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

or 80/20

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration



Pmin = Price of lowest acceptable bid

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

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

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

5. BID DECLARATION

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

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

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

7. SUB-CONTRACTING

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

(Tick applicable box)

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



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7.1.1 If yes, indicate:

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

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

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

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....



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8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

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

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

WITNESSES

1.

2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

RA
ST
AT



J. SBD 8.1 – DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - (a) abused the institution’s supply chain management system;
 - (b) committed fraud or any other improper conduct in relation to such system; or
 - (c) failed to perform on any previous contract.
- 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 of Restricted Suppliers as companies or persons 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 <i>audi alteram partem</i> 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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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 Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury’s website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.2.1	If so, furnish particulars:		



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

Item	Question	Yes	No
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of 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	Was any contract between the bidder and any 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"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js365bW



K. SBD 8.2 – DECLARATION OF UNDERTAKING

BID REFERENCE NUMBER: REF. NR. E1537 –

E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER

We underscore the importance of a free, fair and competitive contracting procedure that precludes abusive practices. In this respect we have neither offered nor granted directly or indirectly any inadmissible advantages to any public servant or other person nor accepted such advantages in connection with our bid, nor will we offer or grant or accept any such incentives or conditions in the present tendering process or, in the event that we are awarded the contract, in the subsequent execution of the contract. We also declare that no conflict of interest exists in the meaning of the kind described in the corresponding Guidelines.²

We also underscore the importance of adhering to minimum social standards (core labour standards) in the implementation of the project. We undertake to comply with the core labour standards ratified by the country of South Africa.

We will inform our staff of their respective obligations and of their obligation to fulfil this declaration of undertaking and to obey the laws of the country of South Africa.

We also declare that our company/ all members of the consortium has/ have not been included in the list of sanctions of the United Nations, nor of the EU, nor of the German Government, nor in any other list of sanctions and affirm that our company/ all members of the consortium will immediately inform the Department of Environmental Affairs if this situation occurs at a later stage.

We acknowledge that, in the event that our company (or a member of the consortium) is added to a list of sanctions that is legally binding on the Department of Environmental Affairs shall be entitled to exclude us/ the consortium or, if the contract is awarded to our company/ the consortium, to immediately cancel such contract if the statements made in the Declaration of Undertaking were objectively false or the reason for exclusion from the tender procedure occurs after the Declaration of Undertaking has been issued.

.....
(Place)

.....
(Date)

.....
(Name of company)

.....
Signature(s)

² See "Guidelines for the Assignment of Consultants in Financial Cooperation with Partner Countries" and "Guidelines for Procurement of Goods, Works and associated Services in Financial Cooperation with Partner Countries"



L. SBD 9 – CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging)². Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

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

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



CERTIFICATE OF INDEPENDENT BID DETERMINATION

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CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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



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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

M. BAS ENTITY MAINTENANCE FORM

Will be shared with the successful service provider



N. CONFLICT OF DECLARATION INTEREST

1. The tenderer shall declare whether it has any conflict of interest in the transaction for which the tender is submitted. (Please mark with X)

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

1.1 If yes, the tenderer is required to set out the particulars in the table below:

2. The tenderer shall declare whether it has directly or through a representative or intermediary promised, offered or granted:

2.1 any inducement or reward to the Department of Environmental Affairs for or in connection with the award of this contract; or

2.2 any reward, gift, favour or hospitality to any official or any other role player involved in the implementation of the supply chain management policy. (Please mark with X)

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

If yes, the tenderer is required to set out the particulars in the table below:

The tenderer hereby certifies that the information set out in this schedule and/ or attached hereto is true and correct, and acknowledges that failure to properly and truthfully complete this schedule may result in steps being taken against the tenderer, the tender being disqualified, and/ or (in the event that the tenderer is successful) the cancellation of the contract and/or steps in terms of the Abuse Policy.

Signature

Date

Print

name:

On behalf of the tenderer (duly authorised)



O. RESOLUTION BY DIRECTORS / MEMBERS / TRUSTEES

RESOLUTION for completion by Directors (if the tenderer is a (Pty) Ltd or Ltd) or Members (if the tenderer is a CC) or Trustees (if the tenderer is part of a Trust)

Name of tenderer:

Meeting held at _____(place)

On _____(date)

RESOLVED THAT:

1. The Tenderer submits a tender to the Department of Environmental Affairs in respect of TENDER NO: **E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER**
2. Mr/Ms _____ in his/her capacity as _____ and who will sign as follows:

(SPECIMEN SIGNATURE)

be, and is hereby, authorised to sign the tender and any and all other documents and/or correspondence in connection with and relating to the tender, as well as to sign any contract, and or all documentation resulting from the award of the tender to the tenderer.

Note: The resolution must be signed by all the directors/ members of the tenderer. Should the space provided below not be sufficient for all directors/ members to sign, please attach a separate sheet to this returnable document P in the same format.



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

No.	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7.			
8.			
9.			
10.			



P. CERTIFICATE OF AUTHORITY FOR PARTNERSHIPS / JOINT VENTURES / CONSORTIUMS

This schedule is to be completed if the tender is submitted by a partnership/joint venture/consortium.

1. We, the undersigned, are submitting this tender offer as a partnership/joint venture/consortium and hereby authorize Mr/Ms _____, of the authorised entity _____, acting in the capacity of Lead Partner, to sign all documents in connection with the tender offer and any contract resulting from it on the partnership/ joint venture/ consortium's behalf.
2. By signing this schedule the partners to the partnership/ joint venture/ consortium:
 - 2.1 warrant that the tender submitted is in accordance with the main business and objectives of the partnership/joint venture/consortium;
 - 2.2 agree that the Department of Environmental Affairs shall make all payments in terms of this Contract into the following bank account of the Lead Partner:

Account	Holder:
Financial	Institution:
Branch	Code:
Account No.:	_____
 - 2.3 agree that in the event that there is a change in the partnership/ joint venture/consortium and/or should a dispute arise between the partnership/ joint venture/consortium partners, that the Department of Environmental Affairs shall continue to make any/all payments due and payable in terms of the Contract into the aforesaid bank account until such time as the Department of Environmental Affairs is presented with a Court Order or an original agreement (signed by each and every partner of the partnership/ joint venture/ consortium) notifying the Department of Environmental Affairs of the details of the new bank account into which it is required to make payment.
 - 2.4 agree that they shall be jointly and severally liable to the Department of Environmental Affairs for the due and proper fulfilment by the successful tenderer/supplier of its obligations in terms of the Contract as well as any damages suffered by the Department of Environmental Affairs as a result of breach by the successful tenderer/supplier. The partnership/ joint venture/ consortium partners hereby renounce the benefits of excussion and division.



SIGNED BY THE PARTNERS OF THE PARTNERSHIP/ JOINT VENTURE/ CONSORTIUM		
NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead partner		Signature..... Name..... Designation.....
		Signature..... Name..... Designation.....
		Signature..... Name..... Designation.....
		Signature..... Name..... Designation.....

Note: A copy of the Joint Venture Agreement shall be appended to tender returnable document "S".



Q. SUPPLIER ACCOUNT DETAIL

THE TENDERER SHALL ATTACH AT THIS RETURNABLE A LETTER FROM BANK CONFIRMING ACCOUNT DETAILS

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



R. PARTNERSHIP / JOINT VENTURE / CONSORTIUM AGREEMENT

THE TENDERER SHALL ATTACH AT THIS RETURNABLE PARTNERSHIP / JOINT VENTURE / CONSORTIUM AGREEMENT.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



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

If the value of the transaction is expected to exceed R10 million (VAT included) the tenderer shall complete the following questionnaire, attach the necessary documents and sign this schedule:

1. Are you by law required to prepare annual financial statements for auditing? (Please mark with X)

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

1.1 If YES, submit audited annual financial statements:

- (i) for the past three years, or
- (ii) since the date of establishment of the tenderer (if established during the past three years)

By attaching such audited financial statements to **THIS RETURNABLE DOCUMENT T**.

2. Do you have any outstanding undisputed commitments for municipal services towards the Department of Environmental Affairs or other municipality in respect of which payment is overdue for more than 30 (thirty) days? (Please mark with X)

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

2.1 If NO, this serves to certify that the tenderer has no undisputed commitments for municipal services towards any municipality for more than three (3) months in respect of which payment is overdue for more than 30 (thirty) days.

2.2 If YES, provide particulars:



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

3. Has any contract been awarded to you by an organ of state during the past five (5) years?
(Please mark with X)

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

3.1 If YES, insert particulars in the table below including particulars of any material non-compliance or dispute concerning the execution of such contract. Alternatively attach the particulars to **THIS RETURNABLE DOCUMENT T** in the same format as the table below:

Organ of State	Contract Description	Contract Period	on-compliance/dispute (if any)

4. Will any portion of the goods or services be sourced from outside the Republic, and if so, what portion and whether any portion of payment from the Department of Environmental Affairs is expected to be transferred out of the Republic? (Please mark with X)

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

4.1 If YES, furnish particulars below

The tenderer hereby certifies that the information set out in this schedule and/ or attached hereto is true and correct, and acknowledges that failure to properly and truthfully complete this schedule may result in steps being taken against the tenderer, the tender being disqualified, and/ or (in the event that the tenderer is successful) the cancellation of the contract and/ or steps in terms of the Abuse Policy.

_____ Signature
Date

Print name: _____

On behalf of the tenderer (duly authorised)



T. FINANCIAL STATEMENTS FOR PAST THREE YEARS

THE TENDERER SHALL ATTACH AT THIS RETURNABLE FINANCIAL STATEMENTS FOR PAST 3 YEARS

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



U. MUNICIPAL ACCOUNTS OR LEASE AGREEMENT AND LETTER FROM LANDLORD INDICATING PAYMENT OF MUNICIPAL ACCOUNTS

THE TENDERER SHALL ATTACH AT THIS RETURNABLE MUNICIPAL ACCOUNTS OR LEASE AGREEMENT AND LETTER FROM LANDLORD INDICATING PAYMENT OF MUNICIPAL ACCOUNTS

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



V. DETAILS OF INSURANCE COVER

THE TENDERER SHALL ATTACH AT THIS RETURNABLE DETAILS OF INSURANCE COVER REFERENCE HIGHLIGHTING FOR FLOWING:

1. PERIODS OF VALIDITY
2. THE VALUE OF INSURANCE FOR PROFESSIONAL INDEMNITY, WORKS & EQUIPMENT, PERSONNEL, VEHICLE LIABILITY AND THIRD PARTY LIABILITY

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



W. CONSTRUCTION INDUSTRY DEVELOPMENT BOARD CERTIFICATE

Attached hereto is my / our valid Contractor's Certificate of Registration with CIDB. My failure to submit the certificate with my / our tender document will lead to the conclusion that I am / we are not registered with the CIDB and therefore not eligible to tender.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



**X. COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT (COIDA)
LETTER OF GOOD STANDING**

THE TENDERER SHALL ATTACH AT THIS RETURNABLE CERTIFIED COPIES OF
COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT (COIDA) LETTER OF
GOOD STANDING

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



Y. ENTERPRISE REGISTRATION CERTIFICATE

THE TENDERER MUST INDICATE THE ENTERPRISE STATUS BY TICKING THE APPROPRIATE BOX HEREUNDER.

(I) SOLE PROPRIETOR	(II) CLOSE CORPORATION	(III) PARTNERSHIP	(IV) COMPANY	(V) TRUST

THE TENDERER SHALL ATTACH AT THIS RETURNABLE A COPY OF THE ENTERPRISES REGISTRATION CERTIFICATE (CIPC)

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



AA. CERTIFIED IDENTIFICATION DOCUMENTS

THE TENDERER SHALL ATTACH AT THIS RETURNABLE CERTIFIED COPIES OF IDENTIFICATION OF ALL DIRECTORS, MEMBERS, FOUNDERS OF TRUSTS, TRUSTEES AND BENEFICIARIES.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



AB. COMPANY SHARE CERTIFICATES

THE TENDERER SHALL ATTACH AT THIS RETURNABLE CERTIFIED COPIES OF COMPANY SHARE CERTIFICATE.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



AC. CENTRAL SUPPLIER DATABASE

THE TENDERER SHALL ATTACH AT THIS RETURNABLE PROOF OF REGISTRATION ON THE CENTRAL SUPPLIER DATABASE

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

AD. SIGNED TENDER DOCUMENT

THE TENDERER SHALL ATTACH AT THIS RETURNABLE THE COMPLETE TENDER DOCUMENT INCLUDING THE TENDERERS SIGNATURE ON THE TENDER DOCUMENT. EACH PAGE MUST BE INITIALLED.

COVER PAGE

PAGES T1 - T116

PAGES C1 – C66

ALL AS PARTS OF T1, T2, C1, C2, C3 and C4

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



AE. BID SUBMISSION CHECKLIST – ENVELOPE 2

Envelope 2 – “Technical Proposal”			
No.	Item	Check	Envelope
AE	Completed Bid Submission Checklist – Envelope 2		
AF	UNPRICED Bill of Quantities	Yes/ No	2
AG	Schedule of work	Yes/ No	2
AH	Proposed key personnel	Yes/ No	2
AI	Qualifications and professional registration of key personnel	Yes/ No	2
AJ	Project organisational chart	Yes/ No	2
AK	Reference letters for EPC/ turnkey contracts of a similar nature	Yes/ No	2
AL	Project Program	Yes/ No	2
AM	Method Statement	Yes/ No	2
AN	Schedule of Plant and Equipment	Yes/ No	2
AO	Data sheets of plant/ equipment	Yes/No	2
AP	Contract Price Adjustment Formula	Yes/No	2
AQ	FOREX Component Details	Yes/No	2
AR	Deviations and Qualifications	Yes/No	2



AF. UNPRICED BILLS OF QUANTITIES

THE TENDERER SHALL ATTACH AT THIS RETURNABLE THE COMPLETE **UNPRICED** BILLS OF QUANTITIES COMPLETED IN ACCORDANCE WITH SANS 1200

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



AG. SCHEDULE OF WORK

The Tenderer shall list below at least the last three contracts of a similar nature awarded to him/ her. This information is material to the award of the Contract and must include work undertaken by proposed sub-consultants (or subcontractors).

No.	Project/ employer and project description	Nature of work	Value of work	Year of completion	Reference detail (Name, employer, Tel. no. and e-mail)
1					
2					
3					



AH. PROPOSED KEY PERSONNEL

The Tenderer must guarantee the presence of the senior expert in charge of fieldwork throughout the duration of the contract. Prior to the appointment of a replacement, the Programme Manager must approve such appointment. If the senior has to leave the project, a period of at two (2) weeks is required in which the senior must work parallel with the next person (senior consultant with similar expertise and equal years of experience) appointed to be able to transfer skills and knowledge.

The Tenderer shall list below the key personnel (including first nominee and the second choice alternate), for the execution of the work, together with their qualifications, experience and positions held:

Designation	Name and nationality of nominee or alternate	Summary of qualifications, experience and present occupation
Project Director		
Design Lead		
Technical Staff		
Construction Manager		
Site Manager		
Safety, Health and Environment (SHE) representative		
Other staff (provide designation)		



AJ. PROJECT ORGANISATIONAL CHART

The Tenderer must provide a Project Organisational Chart identifying all resources indicated in response to this tender and all support staff required to ensure successful delivery of the project.

The Project Organisational Chart must include reporting lines and interfaces to DEA. The Contractor to also accommodate for site meetings and visits.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



AK. REFERENCE LETTER FOR EPC/TURNKEY PROJECTS OF A SIMILAR NATURE

The Tenderer must demonstrate their track record and experience with projects of a similar nature by providing three (3) Reference Letters which contains the following information:

- All Reference Letters to be on Employer's letterheads;
- Reference to the specific project;
- Project value;
- Tenderer's involvement in project;
- Value portion of tenderer's involvement; and
- Clear indication of Employer's impression of tenderer.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



AL. PROJECT PROGRAMME

The tenderer must provide a project programme as per item 3.5.7.2. as detailed in C3 – Scope of Works.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



AM. PROJECT METHOD STATEMENT

The tenderer must provide a method statement that addresses the following aspects:

- Design process;
- Approvals;
- Construction process;
- Safety, Health, Environmental & Quality considerations during the construction process; and
- Completion and handover.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



AN. SCHEDULE PLANT AND EQUIPMENT

The tenderer shall list plant and equipment that they presently own or lease and will have available for the duration of the contract should their bid be accepted.

In addition to the above, the tenderer shall list plant and equipment that will be hired or acquired for the successful completion of the project.

The following are lists of items of relevant equipment that I / we presently own or lease and will have available for this contract if my / our tender is accepted.

(a) Details of plant and equipment owned by me / us and immediately available for this contract:

DESCRIPTION (<i>type, size, capacity, etc.</i>)	QUANTITY	YEAR OF MANUFACTURE

Attach additional pages if more space is required



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

(b) Details of plant and equipment that will be hired or acquired for this contract if my / our tender is accepted:

DESCRIPTION (<i>type, size, capacity, etc.</i>)	QUANTITY	HOW ACQUIRED	
		HIRE/ BUY	SOURCE

Attach additional pages if more space is required

SIGNATURE: DATE:

(of person authorised to sign on behalf of the Tenderer)



AO. DATA SHEETS FOR SCHEDULE PLANT AND EQUIPMENT

The tenderer must attach data sheets of plant/ equipment that will be supplied as per the requirements in the returnable AM above. This must include empirical values for fuel/energy consumption and a list of required supplies and assumptions for the consumption values indicated.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



AP. CONTRACT PRICE ADJUSTMENT FORMULA

If the Tenderer cannot fix and firm a portion of the price due to fluctuations on i.e. labour, material etc. he clearly needs to indicate the portion subject to escalation, formula applicable to adjustment, index used and base month. The Contract Price Adjustment Formula in accordance with Part C 1.2 Contract Data. Tenderer to include the adjustment formula on Forex, if any.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



AQ. FOREX COMPONENT DETAILS

The Tenderer is to submit detail of their FOREX cost components, if any, and detail the items in the BoQ it relates to.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



AS. BID SUBMISSION CHECKLIST – ENVELOPE 3

Envelope 3 – “Financial Proposal”			
Ref.	Item	Check	Envelope
AS	Completed Bid Submission Checklist – Envelope 3	Yes/ No	3
AT	SBD 3.3 - Pricing Schedule	Yes/ No	3
AU	Project Cashflow	Yes/ No	3
AV	PRICED Bills of Quantities	Yes/ No	3



AT. SBD 3.3 – PRICING SCHEDULE

(Professional Services)

NAME OF BIDDER:	BID NO: E1537
CLOSING TIME 11:00	CLOSING DATE: 06 December 2019

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

DESCRIPTION: E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER

**** (ALL APPLICABLE TAXES INCLUDED)**

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project

R.....





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8. Are the rates quoted firm for the full period of contract?

*YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index

.....

.....

.....

.....

*[DELETE IF NOT APPLICABLE]



AU. PROJECT CASH FLOW

The Tenderer shall attach a detailed cash flow based on the tender price, and schedule of work. (including Forex breakdown separately)

The Tenderer agrees that this cash flow prediction will in no way affect the terms of payment as stated elsewhere in this Tender.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



AV. PRICED BILLS OF QUANTITIES

THE TENDERER SHALL ATTACH AT THIS RETURNABLE THE COMPLETE **PRICED** BILLS OF QUANTITIES COMPLETED IN ACCORDANCE WITH SANS 1200.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)



PART C1:
AGREEMENTS AND CONTRACT DATA

C1.1	FORM OF OFFER AND ACCEPTANCE	C3
C1.2	CONTRACT DATA	C9
C1.3	FORM OF GUARANTEE / PERFORMANCE SECURITY	C20
C1.4	INSURANCE BROKER'S WARRANTY	C25



Part C1.1. Form of Offer and Acceptance

OFFER

The Employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the procurement of the: **E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER**

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

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 contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the Conditions of Contract identified in the Contract Data.

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

.....Rand (in words);

R (in figures)

This offer may be accepted by the Employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the Tender Data, whereupon the tenderer becomes the party named as the contractor in the Conditions of Contract identified in the Contract Data.

Signature Date

Name

Capacity

for the tenderer

(Name and address of organization).....

.....

Name and signature of witness:



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ACCEPTANCE

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

The terms of the contract, are contained in:

- Part C1 Agreements and Contract Data, (which includes this agreement)
- Part C2 Pricing data
- Part C3 Scope of work.
- Part C4 Site information

And drawings and documents or parts thereof, which may be incorporated by reference into Parts C1 to C4 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. No amendments to or deviations from said documents are valid unless contained in this schedule.

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 (now contractor) within five working days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signature: Date:

Name: Capacity:

For the Employer

Name and signature of witness:



SCHEDULE OF DEVIATIONS

1 Subject

Details

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2 Subject

Details

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3 Subject

Details

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4 Subject

Details

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5 Subject

Details

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By the duly authorised representatives signing this agreement, the Employer and the tenderer agree to and accept the foregoing schedule of deviations as the only deviations from and 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 changes to the terms of the offer agreed by the tenderer and the Employer during this process of offer and acceptance.

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

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Employer

Tenderer

Signatures:

Names :

Capacity :

Witness

Witness

Signatures:

Names :

Capacity :

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Part C1.2. Contract Data

Contract Data for **E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER**

PART 1: DATA PROVIDED BY THE EMPLOYER C1.2.1 GENERAL CONDITIONS OF CONTRACT

This Contract will be based on the "FIDIC Conditions of Contract for PLANT and Design-Build for Electrical and Mechanical Plant and for Building and Engineering Works, Designed by the Contractor – First Edition 1999" (Short title: "FIDIC Conditions of Contract for Plant and Design-Build 1999")

It is agreed that the only variations from the FIDIC Conditions of Contract for Plant and Design-Build 1999 are those set out hereafter under "Particular Conditions of Contract".

Copies of these FIDIC Conditions of Contract for Plant and Design-Build 1999 may be obtained from the South African Institution of Civil Engineering:

- SAICE House, Block 19, Thornhill Office Park, Bekker Street, Midrand
- Tel: (011) 805-5947; Fax: (011) 805-5971;
E-mail: civilinfo@saice.org.za

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C1.2.2 APPENDIX TO CONTRACT - CONTRACT DATA

The following Contract Specific Data, referring to the FIDIC Conditions of Contract for Plant and Design-Build 1999, are applicable in this Contract:

Each item of data given below is cross-referenced to the clause in the General Conditions of Contract to which it mainly applies.

APPENDIX TO CONTRACT – CONTRACT DATA

REFERENCES PERTAINING TO THOSE IN THE GENERAL CONDITIONS

<u>Clause</u>	<u>Description</u>	<u>Data</u>
1.1.2.2 & 1.3	Employer's name and address	Department of Environmental Affairs Environment House, 473 Steve Biko, Arcadia Pretoria
1.1.2.3 & 1.3	Contractor's name and address _____ _____
1.1.2.4 & 1.3	Engineer's name and address	_____ _____ _____
1.1.3.2	Commencement Date	.....
1.1.3.3	Time for Completion of the Work	.....
1.1.3.7	Defects Notification Period	.....
1.3	Electronic transmissions systems	.....
		For the Employer: [to be advised by on contract award]
		For the Contractor:
1.4	Governing Law	Law of the Republic of South Africa

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1.4	Ruling language	English
1.4	Language for communications	English
2.1	Time for access to the Site
4.2	Amount of Performance Security	.....
6.5	Normal working hours	.....
8.7 & 14.15(b)	Delay damages for the Works	.....
8.7	Maximum amount of delay damages	.....
11.1	Period for notifying defects	.....
13.5(b)	<i>If there are Provisional Sums:</i> Percentage for adjustment of Provisional Sums	.....
13.8	If Sub-Clause 13.8 applies: Adjustments for Changes in Cost; Table(s) of adjustment data	.....
14.2	Total advance payment	.....
14.3	Percentage of retention	.....
14.5(b)	If Sub-Clause 14.5 applies: Plant and Materials for payment when shipped <i>en route</i> to the Site	.....
14.5(c)	Plant and Materials for payment when delivered to the Site	.....
14.6	Minimum amount of Interim payment Certificate	.....
14.8	Rate of Interest	.....
14.15	Currencies of payment	ZAR (South African Rand)
18.1	Periods for submissions of insurance:	
18.1(a)	Evidence of insurance
18.1(b)	Relevant policies

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18.3 Minimum amount of third party insurance

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C1.2.3 AMENDMENTS TO THE FIDIC CONDITIONS OF CONTRACT FOR PLANT AND DESIGN-BUILD 1999 WITH CONTRACT PARTICULAR CONDITIONS

PARTICULAR CONDITIONS OF CONTRACT

The following Particular Conditions of Contract, add to, vary or otherwise amend the General Conditions of Contract. References pertain to those in the General Conditions.

Clause	Description	Particular Condition
1.1.1.4	Letter of Tender	<i>Delete this sub-clause in its entirety</i>
1.1.6.10	Employers Requirement's	<i>Add the following sub-clause:</i> ““Employer's Requirements” means Part C3 Scope of Work”
1.1.6.11	Suspensive Condition	<i>Add the following sub-clause:</i> ““Suspensive Condition” means (a) Signature of a service level agreement”
1.5	Priority of Documents	<i>Delete sub-paragraph (c).</i>
1.11	Contractor's Use of Employer's Documents	<i>Insert the words:</i> “, with the Employer's consent only,” <i>After the words “The Contractor may,”</i>
1.13	Compliance with Laws	<i>Add the following sub-clause:</i> “(c) The Contractor shall comply strictly with all laws, regulation, directions, permissions and other requirements which are applicable to the Contractor's operation in the execution of the Works, including but not limited to the: (i) Compensation for Occupational Injuries and Diseases Act (130/1993) (ii) Unemployment Insurance Act (30/1996) (iii) Health Act and Regulations (63/1977) (iv) Labour Relations Act and Regulations (66/1995) (v) Occupational Health and Safety Act and Regulations (85/1993) (vi) Basic Conditions and Employment Act (75/1977) (vii) National Environmental Management Act (107/1998) (viii) National Environmental Management: Waste Act (59/2008) (ix) The Construction Industry Development Board Act and

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<u>Clause</u>	<u>Description</u>	<u>Particular Condition</u>
		<p>Regulations (38/2000)</p> <p>(x) The Preferential Procurement Policy Framework Act and Regulations (2017)</p> <p>(xi) The National Industrial Participation Programme (as administered by the Department of Trade and Industry)</p> <p>(xii) Competition Act (89/1998)</p> <p>The Contractor shall also comply strictly with all South African environmental, safety and licensing laws and tax legislation, as well as with the Employer's Work Rules and Regulations (a copy of which is obtainable from the Engineer) and shall ensure that all its personnel and that of its Subcontractors/Suppliers are conversant with these rules and comply with same."</p>
1.15	Corrupt Policies	<p><i>Add the following after sub-clause 1.14:</i></p> <p>"The Parties (which for the purpose of this clause 1.15 shall include its directors, employees, agents, shareholders and/or partners) warrant that the performance of their respective obligations in terms of the Contract shall in no way constitute an infringement or other violation of the laws of the Republic of South Africa, and in particular, will under no circumstances engage in any activities which may constitute a Corrupt Act."</p>
1.16	Registered and Licensed	<p><i>Add the following after sub-clause 1.15:</i></p> <p>The Contractor shall at its cost:</p> <p>a) at all times during the performance of the Works be; and</p> <p>b) ensure that any person who performs any part of the Works is,</p> <p>registered and licensed in South Africa as required by any law and any government authority to execute the Works, including obtaining all permits, licences and approvals which the Contractor is required to obtain under Sub-Clause 1.13 (Compliance with Laws).</p>



<u>Clause</u>	<u>Description</u>	<u>Particular Condition</u>
4.2	Performance Security	<p><i>Insert the words:</i></p> <p>"being an on demand guarantee in the form set out in Part C1.3, issued from an Acceptable Bank and a parent company guarantee in the form set out in Part C1.3 from the parent company of the Contractor, acceptable to the Employer,"</p> <p><i>after the words "Performance Security" in the first line of the first paragraph of the Sub-Clause.</i></p>
4.25	Employers Policies and Procedures	<p><i>The following sub-clause included as Clause 4.25:</i></p> <p>"The Contractor acknowledges and agrees that it has read and understood the Policies and Procedures and shall, in and about the performance of the Works, observe and comply with the Policies and Procedures."</p>
4.26	Corrupt Acts	<p><i>The following Sub-clause included as Clause 4.26:</i></p> <p>The Contractor must, without derogating from clause 1.15:</p> <ol style="list-style-type: none"> a) comply with, and must ensure that its Personnel and Subcontractors comply with all requirements not to engage in Corrupt Acts; b) notify the Employer of the occurrence and details of any Corrupt Act by itself, its Personnel or a Subcontractor promptly on the Contractor becoming aware of its occurrence; and c) indemnify the Employer from and against any and all liabilities, damages, claims, fines, penalties, fees, costs and expenses of whatever nature arising out of or resulting from any breach by the Contractor of this clause 4.26."
5.9	Shared Data Portal	<p><i>Add the following sub-clause:</i></p> <p>"The Employer may require the Contractor at any time during the works to make use of a shared data portal for the project"</p>
6.4	Labour Laws	<p><i>Add the following paragraph after the second paragraph of this sub-clause:</i></p>

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<u>Clause</u>	<u>Description</u>	<u>Particular Condition</u>
7.3	Inspection	<p><i>The following Sub-clause is added to Clause 7.3 as follows:</i></p> <p>"The Contractor has included in his rates and prices for all costs involved with regard to statutory examinations of plant, machinery and workings to comply with the appropriate laws and regulations."</p>
14.1	The Contract Price	<p><i>The following sub-clause is to be added to sub-clause 14.1:</i></p> <p>"(e) The Contract Price shall include the first year materials, notifications, and information pertaining to spare parts manufactured or distributed by the Contractor delivered to site"</p>
17.5	Intellectual and Industrial Property Rights	<p>Insert the following new paragraph at the end of this sub-cause:</p> <p>"The indemnifying Party may at its own expense and sole option, either:</p> <ul style="list-style-type: none">(i) procure the right to continue using the relevant intellectual or industrial property rights relating to the works, or(ii) replace or modify the intellectual or industrial property rights relating to the works with non-fringing substitutes, provided that any substitute shall be subject to condition of this clause 17.5 and that such substitution shall be carried out so as to avoid and reduce insofar as possible any interruption to the works"
19.6	Optional Termination, Payment and Release	<p><i>Replace "84 days" with "30 (thirty) days" in the first paragraph</i></p>
20.2	Appointment of the Dispute Adjudication Board	<p><i>Delete the title and wording of this sub-clause and replace with the following:</i></p> <p>"Mediation</p> <p>Should the parties fail to resolve any dispute by way of mutual consultation as contemplated Clause 20.1, either party shall be entitled to refer the matter for mediation before an independent and impartial person appointed by the Municipal Manager in accordance with</p>

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<u>Clause</u>	<u>Description</u>	<u>Particular Condition</u>
		<p>Regulation 50(1) of the Local Government: Municipal Finance Management Act No. 56 of 2003 - Municipal Supply Chain Regulations (Notice 868 of 2005). Such referral shall be done by way of notice to the other party 30 (thirty days) after the parties have failed to resolve their dispute. The mediator's ruling shall become final and binding upon the parties only to the extent that it is correctly recorded as being agreed to by the parties in writing.</p> <p>Save for reference to any portion of any settlement or decision which has been agreed to be final and binding on the parties, no reference shall be made by or on behalf of either party, in any subsequent court proceedings, to any outcome of an amicable settlement by mutual consultation, or to the fact that any particular evidence was given, or to any submission, statement or admission made in the course of amicable settlement by mutual consultation or mediation."</p>
20.3	Failure to Agree Dispute Adjudication Board	<i>Delete this sub-clause in this entirety</i>
20.4	Obtaining the Dispute Adjudication Board's Decision	<i>Delete this sub-clause in this entirety</i>
20.5	Amicable Settlement	<i>Replace the words "Sub-Clause 20.4" with words "Sub-Clause 20.2" in the first line</i>
20.6	Arbitration	<p><i>Sub-clause 20.6 shall be amended as follows:</i></p> <p><i>Replace the "DAB" with the word "mediation" throughout the clause.</i></p> <p><i>Replace the first paragraph with the following,</i></p> <p><i>"Unless settled amicably, any dispute in respect of which the mediation decision (if any) has not become final and binding shall be referred to a single arbitrator to be agreed on between the parties or, failing such agreement within 28 days after delivery to the parties of the Mediator's opinion, nominated on the application of either party by the President for the time being of the Association of Arbitrators (Southern Africa)"</i></p>

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<u>Clause</u>	<u>Description</u>	<u>Particular Condition</u>
20.7	Failure to Comply with the Dispute Adjudication Board's Decision	<i>Delete this sub-clause in this entirety</i>
20.8	Expiry of the Dispute Adjudication Board's Appointment	<i>Delete this sub-clause in this entirety</i>
20.9	Court of Law	<i>Add the following sub-clause:</i> "Should it not be possible to settle a dispute by means of mediation or arbitration, it shall be settled in a South African court of law."

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Part C1.3. Form of Guarantee / Performance Security

FORM OF GUARANTEE / PERFORMANCE SECURITY

GUARANTOR DETAILS AND DEFINITIONS

"Guarantor" means:

.....

Physical address of Guarantor:

.....

"Supplier" means:

.....

"Contract Sum" means: The accepted tender amount (INCLUSIVE OF VAT) of R

.....

Amount in words:

.....

"Guaranteed Sum" means: The maximum amount of R

.....

Amount in words:

.....

"Contract" means: The agreement made in terms of the Form of Offer and Acceptance for BID REFERENCE NUMBER: REF. NR. **E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER** and such amendments or additions to the contract as may be agreed in writing between the parties.

1. The Guarantor's liability shall be limited to the amount of the Guaranteed Sum.
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2. The Guarantor's period of liability shall be from and including the date of issue of this Guarantee/Performance Security up to and including the termination of the Contract or the date of payment in full of the Guaranteed Sum, whichever occurs first.
3. The Guarantor hereby acknowledges that:
 - 3.1 any reference in this Guarantee/Performance to "Contract" is made for the purpose of convenience and shall not be construed as any intention whatsoever to create an accessory obligation or any intention whatsoever to create a suretyship;
 - 3.2 its obligation under this Guarantee/Performance Security is restricted to the payment of money.
4. Subject to the Guarantor's maximum liability referred to in 1, the Guarantor hereby undertakes to pay the Department of Environmental Affairs the sum due and payable upon receipt of the documents identified in 4.1 to 4.3:
 - 4.1 A copy of a first written demand issued by the Department of Environmental Affairs to the Supplier stating that payment of a sum which is due and payable has not been made by the Supplier in terms of the Contract and failing such payment within seven (7) calendar days, the Department of Environmental Affairs intends to call upon the Guarantor to make payment in terms of 4.2;
 - 4.2 A first written demand issued by the Department of Environmental Affairs to the Guarantor at the Guarantor's physical address with a copy to the Supplier stating that a period of seven (7) days has elapsed since the first written demand in terms of 4.1 and the sum has still not been paid.
5. Subject to the Guarantor's maximum liability referred to in 1, the Guarantor undertakes to pay to the Department of Environmental Affairs the Guaranteed Sum or the full outstanding balance upon receipt of a first written demand from the Department of Environmental Affairs to the Guarantor at the Guarantor's physical address calling up this Guarantee / Performance Security, such demand stating that:
 - 5.1 the Contract has been terminated due to the Supplier's default and that this Guarantee/Performance Security is called up in terms of 5; or
 - 5.2 a provisional or final sequestration or liquidation court order has been granted against the Supplier and that the Guarantee/Performance Guarantee is called up in terms of 5; and

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- 5.3 the aforesaid written demand is accompanied by a copy of the notice of termination and/or the provisional/final sequestration and/or the provisional liquidation court order.
6. It is recorded that the aggregate amount of payments required to be made by the Guarantor in terms of 4 and 5 shall not exceed the Guarantor's maximum liability in terms of 1.
7. Where the Guarantor has made payment in terms of 5, the Department of Environmental Affairs shall upon the termination date of the Contract, submit an expense account to the Guarantor showing how all monies received in terms of this Guarantee/Performance Security have been expended and shall refund to the Guarantor any resulting surplus. All monies refunded to the Guarantor in terms of this Guarantee/Performance Security shall bear interest at the prime overdraft rate of the Department of Environmental Affairs's bank compounded monthly and calculated from the date payment was made by the Guarantor to the Department of Environmental Affairs until the date of refund.
8. Payment by the Guarantor in terms of 4 or 5 shall be made within seven (7) calendar days upon receipt of the first written demand to the Guarantor.
9. Payment by the Guarantor in terms of 5 will only be made against the return of the original Guarantee/Performance Security by the Department of Environmental Affairs.
10. The Department of Environmental Affairs shall have the absolute right to arrange its affairs with the Supplier in any manner which the Department of Environmental Affairs may deem fit and the Guarantor shall not have the right to claim his release from this Guarantee /Performance Security on account of any conduct alleged to be prejudicial to the Guarantor.
11. The Guarantor chooses the physical address as stated above for the service of all notices for all purposes in connection herewith.
12. This Guarantee/Performance Security is neither negotiable nor transferable and shall expire in terms of 2, where after no claims will be considered by the Guarantor. The original of this Guarantee / Performance Security shall be returned to the Guarantor after it has expired.
13. This Guarantee/Performance Security, with the required demand notices in terms of 4 or 5, shall be regarded as a liquid document for the purposes of obtaining a court order.
14. Where this Guarantee/Performance Security is issued in the Republic of South Africa the Guarantor hereby consents in terms of Section 45 of the Magistrate's Courts Act No 32 of 1944, as amended, to the jurisdiction of the Magistrate's Court of any district

E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

having jurisdiction in terms of Section 28 of the said Act, notwithstanding that the amount of the claim may exceed the jurisdiction of the Magistrate's Court.

Signed at on2016

Guarantor's signatory (1)

Capacity

Guarantor's signatory (2)

Capacity

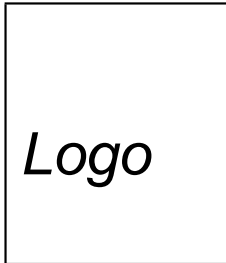
Witness signatory (1)

Witness signatory (2)

E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER



Part C1.4. Insurance Broker's Warranty



Letterhead of supplier's Insurance Broker

Date _____

Department of Environmental Affairs
[Physical Address]

Dear Sir

BID REFERENCE NUMBER: REF. NR. E1471

TENDER DESCRIPTION: E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER

NAME OF SUPPLIER: _____

I, the undersigned, do hereby confirm and warrant that all the insurances required in terms of the abovementioned contract have been issued and/or in the case of blanket/umbrella policies, have been endorsed to reflect the interests of the DEPARTMENT OF ENVIRONMENTAL AFFAIRS with regard to the abovementioned contract, and that all the insurances and endorsements, etc., are all in accordance with the requirements of the contract.

I furthermore confirm that all premiums in the above regard have been paid.

Yours faithfully

E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER



DEPARTMENT OF ENVIRONMENTAL AFFAIRS

Signed: _____

For: _____ (Supplier's Insurance Broker)

E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER



**PART C2:
PRICING DATA**

C2.1 PRICING INSTRUCTIONS C28

C2.2 BILLS OF QUANTITIES C30

E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER



Part C2.1. Pricing Instructions

General Provisions:

- (a) A comprehensive budget in the form of a BoQ clearly stating the quantum and rate for the full scope is required. In addition, all disburseable expenses and VAT must clearly be stated. Professional fees and construction related activities are to be separated. The BoQ shall be in a spreadsheet format and all item descriptions and rates as per the measurement clauses in SANS1200.
- (b) A breakdown of the hourly tariff inclusive of VAT for services rendered of the design team must be submitted.
- (c) Expenditure incurred without the prior approval of the Programme Manager will not be reimbursed.

There shall be no price adjustments to the financial proposal of the contractor, unless there are modifications to the purpose of the Contract.



Part C2.2. Bills of Quantities

Tenderer shall compile the Bills of Quantities in strict accordance with all details contained in this tender document.



**PART C3:
SCOPE OF WORKS**

C3.1 SCOPE OF WORKS..... C33

E1537: REQUEST FOR THE APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS ESTIMATED THAT TENDERERS MUST HAVE A CIDB CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER

19 July 2018



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) AS AN ORGAN OF STATE SUBSCRIBES TO AND PROPAGATES BOTH THE NOTION OF BROAD BASED BLACK ECONOMIC EMPOWERMENT ACT, 2003 (Act No. 53 of 2003) (BBBEE), THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 (Act No. 5 of 2000) AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

TERMS OF REFERENCE

REQUEST FOR APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS REQUIRED THAT TENDERERS MUST HAVE A CIBD CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER

Item number	TABLE OF CONTENTS	Page
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2	Introduction and Background	3
3	Objectives of the proposal	3
4	Scope and extend of work	4
5	Expected deliverables/outcomes	4
6	Period/Duration of project/assignment	4
7	Costing/Comprehensive budget	5
8	Evaluation Criteria	5-9
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10	Subcontracting conditions/ requirements	12
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1. PURPOSE

To appoint construction entities in terms of the infrastructure tender process for the construction of green building ablution structures. These entities will be required to bid in terms of the department's tender process and the successful entities will be allocated a region comprising of approximately seven to ten schools that are geographically co-located. This process will be internal to the department with management and technical support provided by the Value Added Industry (VAI).

2. INTRODUCTION AND BACKGROUND

- 2.1 The Department of Environment, Forestry and Fisheries (DEFF) has successfully concluded the registration of its cement-free load bearing materials with the Agrément South Africa, who is a listed public entity that regulates and evaluates the fitness for purpose of non-standardised construction products, materials and systems.
- 2.2 The product had been subjected to the Agrément trials and subsequently obtained certification thus created by using 75% invasive biomass materials clearing process of invasive trees that cause fires, which is used to build fire-proof houses. The experiments have shown that the product is less expensive and has superior building properties over conventional options (fire-proof, strength, thermal properties, acoustic properties, ease of construction).
- 2.3 As a result of the various successful demonstrations of the light house structures, the Department of Environment, Forestry and Fisheries (DEFF) has been appointed as an Implementing Agent to the Department of Basic Education (DBE), in terms of the Memorandum of Agreement between the two departments, to construct Toilet Blocks to replace pit latrines in schools. An initial allocation is for 58 schools in the Eastern Cape, and additional allocations are anticipated. This forms part of the Sanitation Appropriate for Education (SAFE) initiative announced by President Cyril Ramaphosa and Minister Angie Motshekga in 2018.
- 2.5 The Environmental Programmes (EP) as a branch comprises a variety of programmes through which the department contributes to the government's Expanded Public Works Programme (EPWP), that have secured the appointment. The construction of the 58 ablution blocks will be based on the EPWP methodology of government.
- 2.6 The Department, through the Value-Added Industries (VAI) programme in the Environmental Programmes (EP) Branch, is also building houses, classrooms, roads, sports fields and other structures. It is using a material researched, developed and patented by the VAI programme.

3. OBJECTIVES

The Department would like to invite suitably qualified contractors to enlist their services for initially the SAFE initiative in the Northern Eastern Cape area, subsequent other green structures in protected areas and demonstration units in municipalities. Contractors must be CIDB Graded Contractors and the Home Builders Registration Council.

4. SCOPE AND EXTENT OF WORK

4.1 The scope and the extent of work shall be specified for each project by suitably qualified professionals and contractors will be expected to submit quotations based on such specifications. This shall be done only when the Department has approved projects to be implemented.

4.2 You are hereby invited to tender on the following, to be submitted separately for each cluster:

- 4.2.1 Cluster 1 – Maluti (8 Ablution Blocks)
- 4.2.2 Cluster 2 – Mbizana (10 Ablution Blocks)
- 4.2.3 Cluster 3 – Mfudsweni (5 Ablution Blocks)
- 4.2.4 Cluster 4 – Tabankulu (4 Ablution Blocks)
- 4.2.5 Cluster 5 – Mount Ayliff (9 Ablution Blocks)
- 4.2.6 Cluster 6 – Dadane (8 Ablution Blocks)
- 4.2.7 Cluster 7 – Mthatha (9 Ablution Blocks)
- 4.2.8 Cluster 8 – Ndyebo (5 Ablution Blocks)

4.3 The Tender Documents for each of the 8 clusters comprising of the following are attached to this invitation. The scope of work for each of the clusters are annexed to the document:

- 4.3.1 Notes to Tenderers
- 4.3.2 Annexures
- 4.3.3 Bill of Quantities
- 4.3.4 JBCC Contract Data including Form of Tender
- 4.3.5 Agrema Lighthouse Building System
- 4.3.6 Cluster allocation list
- 4.3.7 Tender Drawings for different ablution block types applicable to each Cluster

4.4 The following documents to be submitted with Tender:

- 4.4.1 Priced Bill of Quantities
- 4.4.2 Duly signed tender form as per JBCC Contract Data
- 4.4.3 Form of Indemnity – Annexure D
- 4.4.4 Authority of Signatory – Annexure E
- 4.4.5 Form of Responsible Person – Annexure F
- 4.4.6 Valid Tax Clearance Certificate
- 4.4.7 Company registration & Company Profile
- 4.4.8 Valid BBEEE certificate/affidavit
- 4.4.9 Confirmation of bank account not older than 3 months
- 4.4.10 Letter of Good Standing
- 4.4.11 Construction Program

5. EXPECTED DELIVERABLES / OUTCOMES

Fully functional ablution blocks, per cluster, and as per Bill of Quantity, drawings and specifications.

6. PERIOD / DURATION OF PROJECT / ASSIGNMENT

The builds must be completed within 40 days from the date of the official order.

7. COSTING / COMPREHENSIVE BUDGET

Comprehensive budget must be in accordance with paragraph 4.4.1 and must be provided in a separate envelope inclusive of all disbursement costs, expenses and VAT.

8. EVALUATION CRITERIA

8.1 Pre-Qualification Criteria:

Must be completed by bidder by answering yes or no and attach proof.

Pre-qualification criteria:	Requirement	Comply: Yes or No
	Only service provider (s) who are EME or QSE, which are, at least 51% owned by black people will be considered for this bid as per Preferential Procurement Regulations 2017. Service provider (s) are required to submit an original or certified copy of the EME or QSE B-BBEE Status Level of contributor issued by SANAS only or an original or certified copy of DTI sworn affidavit in terms of Codes of good practice" indicating that service provider is an EME/ QSE . Failure to submit B-BBEE Status Level of contributor will result on bid being non-responsive or disqualified.	

8.2 Mandatory Requirements for Bidders

Must be completed by bidder by answering yes or no and attach proof.

Requirement	Comply: Yes/No and Grade
Registration with the CIDB and CIDB Grading level minimum level 6GB or higher	

8.4 Functionality Criteria

8.4.1 Only bid proposals that meets pre-qualification, mandatory requirement and local content and production if is applicable will be considered to be evaluated on functionality criteria,

8.4.2 Stage 1: The bidder must score a minimum of **75%** (depending on the nature of the project) during Stage 1 (functionality / technical) of the evaluation to qualify for Stage 2 of the evaluation where only points for price and B-BBEE will be considered.

8.4.3 The following values/ indicators will be applicable when evaluating functionality:

0 = Non-compliance, 1 = Poor; 2 = Fair; 3 = Average; 4 = Good; 5 = Excellent.

STAGE 1																		
	Category																	
GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY (To be determine by project managers in line with scope of work): (GUIDELINES FOR CRITERIA APPLICATION)	Weight	Value/ Indicator	Total (Weight X Value awarded)														
A proposed project plan, Methodology and Management of the project in construction, project management and qualified construction health and safety management experience.	<ul style="list-style-type: none"> A details project plan with intermediate and final outputs and identified timeframes/ milestones. Proposed Methodology Management of the project <table border="1"> <thead> <tr> <th>Project plan, methodology and project management in construction, project management and qualified construction health and safety management experience.</th> <th>Indicator</th> </tr> </thead> <tbody> <tr> <td>Project plan and methodology action well broken down; with detailed objectives and milestones.</td> <td>5</td> </tr> <tr> <td>Project plan and methodology, action identification basic; clear objectives and clear milestones.</td> <td>4</td> </tr> <tr> <td>Action plan provided with no deliverables and timeframes.</td> <td>3</td> </tr> <tr> <td>Limited information provided on the action plan</td> <td>2</td> </tr> <tr> <td>Task not well understood.</td> <td>1</td> </tr> <tr> <td>No information provided</td> <td>0</td> </tr> </tbody> </table>	Project plan, methodology and project management in construction, project management and qualified construction health and safety management experience.	Indicator	Project plan and methodology action well broken down; with detailed objectives and milestones.	5	Project plan and methodology, action identification basic; clear objectives and clear milestones.	4	Action plan provided with no deliverables and timeframes.	3	Limited information provided on the action plan	2	Task not well understood.	1	No information provided	0	35		
Project plan, methodology and project management in construction, project management and qualified construction health and safety management experience.	Indicator																	
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Limited information provided on the action plan	2																	
Task not well understood.	1																	
No information provided	0																	
Certified Qualifications of key personnel to be assigned to the project.	<p>Relevant qualification in the areas of in the build environment, construction project management and qualified construction health and safety management experience or equivalent.</p> <table border="1"> <thead> <tr> <th>Qualifications of key personnel</th> <th>Indicator</th> </tr> </thead> <tbody> <tr> <td>A Masters qualification and above</td> <td>5</td> </tr> <tr> <td>An honours or equivalent qualification (s)</td> <td>4</td> </tr> <tr> <td>A degree qualification (s)</td> <td>3</td> </tr> <tr> <td>A three year diploma qualification (s)</td> <td>2</td> </tr> <tr> <td>Two years diploma or a certificates qualification (s)</td> <td>1</td> </tr> <tr> <td>No qualification (s) attached/ submitted</td> <td>0</td> </tr> </tbody> </table>	Qualifications of key personnel	Indicator	A Masters qualification and above	5	An honours or equivalent qualification (s)	4	A degree qualification (s)	3	A three year diploma qualification (s)	2	Two years diploma or a certificates qualification (s)	1	No qualification (s) attached/ submitted	0	15		
Qualifications of key personnel	Indicator																	
A Masters qualification and above	5																	
An honours or equivalent qualification (s)	4																	
A degree qualification (s)	3																	
A three year diploma qualification (s)	2																	
Two years diploma or a certificates qualification (s)	1																	
No qualification (s) attached/ submitted	0																	
Technical Capability/ expertise and track record of key personnel to be assigned to the project in construction, project management and qualified construction health and safety management experience.	<ul style="list-style-type: none"> Bidder (s) are required to demonstrate that they have the necessary resources and technical expertise to undertake and successfully complete the project. Bidder (s) should submit curriculum vitae for the key personnel proposed to be employed on the project. Curriculum vitae are to include specific details of these individuals including, inter alia, relevant experience and to include three contactable reference, technical qualifications and past experience in construction, project management and qualified construction health and safety management experience. <table border="1"> <thead> <tr> <th>Experience of key personnel registered with SACPCMP in construction project management and construction health and safety management experience.</th> <th>Indicator</th> </tr> </thead> <tbody> <tr> <td>6 years 'or more experience</td> <td>5</td> </tr> <tr> <td>5 years' experience</td> <td>4</td> </tr> <tr> <td>4 years' experience</td> <td>3</td> </tr> </tbody> </table>	Experience of key personnel registered with SACPCMP in construction project management and construction health and safety management experience.	Indicator	6 years 'or more experience	5	5 years' experience	4	4 years' experience	3	30								
Experience of key personnel registered with SACPCMP in construction project management and construction health and safety management experience.	Indicator																	
6 years 'or more experience	5																	
5 years' experience	4																	
4 years' experience	3																	

	<table border="1"> <tr> <td>3 years' experience</td> <td>2</td> </tr> <tr> <td>1 - 2 years' experience</td> <td>1</td> </tr> <tr> <td>No experience</td> <td>0</td> </tr> </table>	3 years' experience	2	1 - 2 years' experience	1	No experience	0											
3 years' experience	2																	
1 - 2 years' experience	1																	
No experience	0																	
<p>The company's experience, track record and knowledge in the fields of construction management and project management</p> <ul style="list-style-type: none"> Bidder (s) are required to demonstrate relevant past experience and competency of the company in construction, project management and qualified construction health and safety management experience. Bidder (s) should submit full details of, and at least three reliable contactable signed references for, projects of a similar scope which were successfully completed in the previous years in construction, project management and qualified construction health and safety management experience. 	<table border="1"> <thead> <tr> <th>Company experience in construction, project management and qualified construction health and management experience.</th> <th>Indicator</th> </tr> </thead> <tbody> <tr> <td>10 years 'or more experience</td> <td>5</td> </tr> <tr> <td>8-9 years' experience</td> <td>4</td> </tr> <tr> <td>5-7 years' experience</td> <td>3</td> </tr> <tr> <td>3-4 years' experience</td> <td>2</td> </tr> <tr> <td>1-2 years' experience</td> <td>1</td> </tr> <tr> <td>No experience</td> <td>0</td> </tr> </tbody> </table>	Company experience in construction, project management and qualified construction health and management experience.	Indicator	10 years 'or more experience	5	8-9 years' experience	4	5-7 years' experience	3	3-4 years' experience	2	1-2 years' experience	1	No experience	0	20		
Company experience in construction, project management and qualified construction health and management experience.	Indicator																	
10 years 'or more experience	5																	
8-9 years' experience	4																	
5-7 years' experience	3																	
3-4 years' experience	2																	
1-2 years' experience	1																	
No experience	0																	
Total points on functionality		100																

8.5 STAGE 2: Preference Point System (80/20) (is applicable unless specified on panel of service providers without financial evaluations).

8.5.1. Calculation of points for price

The PPPFA prescribes that the lowest acceptable bid will score 80 points for price. Bidders that quoted higher prices will score lower points for price on a pro-rata basis. Where functionality is set as a criteria, only bid proposals that meets functionality requirements will be considered to be evaluated on price and B-BBEE.

8.5.2. Calculating of points for B-BBEE status level of contribution

Points will be awarded to a bidder for attaining the B-BBEE status level of contribution or a sworn affidavit certified by the commissioner of oath in accordance with the table below:

B.	PRICE	80	
C.	B-BBEE Status Level Contributor		Number of points (80/20)
	1		20
	2		18
	3		14
	4		12
	5		8
	6		6
	7		4
	8		2
	Non –compliant contributor		0

8.5.3 Requirements for B-BBEE

- a) Bidders must submit original and valid B-BBEE Status Level Verification Certificate or certified copies thereof, issued by **SANAS** only. The Exempted Micro Enterprise that do not have B-BBEE certificate must submit an original/ certified copy of the DTI sworn affidavit in terms of Codes of good practice certified by Commissioner of Oath together with their bids, to substantiate their B-BBEE claims.
- b) A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid to substantiate their B-BBEE rating claims. Bidders who do not submit B-BBEE Status Level Verification Certificates or are non-compliant contributors to B-BBEE do not qualify for preference points for BBBEE but should not be disqualified from the bidding process.
- c) They will score points out of 80 for price only and zero (0) points out of 20 for BBBEE. The points scored by a tenderer for B-BBEE contribution must be added to the points scored for price and should be rounded off to the nearest two decimal places.
- d) In a case whereby a **pre-qualification criteria** requires BBB-EE status level of contributor, all tenderer who failed to submit an original and valid B-BBEE Status Level Certificate or certified copies thereof, issued by SANAS or an original/ certified copy of the DTI sworn affidavit will be disqualified on **Pre-qualification stage** and will not reach preference point system stage due to non-compliance.
- e) A bidder will not be awarded the points claimed for B-BBEE status level of contribution if it is indicated in the bid documents that such a bidder intends subcontracting more that 25% of the contract value to any other enterprise that does not qualify for at least the same number of points that the bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- f) The contract will be awarded to the tenderer scoring the highest points.

9. SPECIAL CONDITIONS OF CONTRACT

- 9.1 The performance measures for the delivery FOR APPOINTMENT OF BUILDING CONTRACTORS FOR THE CONSTRUCTION OF GREEN BUILDING STRUCTURES (58 ABLUTION FACILITIES) IN THE EASTERN CAPE UNDER THE SANITARY APPROPRIATE INITIATIVE FOR EDUCATION (SAFE) PROGRAMME. IT IS REQUIRED THAT TENDERERS MUST HAVE A CIBD CONTRACTOR GRADING DESIGNATION OF 6GB OR HIGHER will be closely monitored by DEA.
- 9.2 The Service Provider/s will submit weekly progress reports to the Programme manager, on a Friday before end of business after the end of each week for the duration of the project. Failure to submit the required reports on time will result in penalties. Reports must be emailed to the Programme Manager.
- 9.3 The Programme manager shall do the ongoing performance management of the service agreement (4.4.2).
- 9.4 The Service Provider/s must guarantee the presence of the senior in charge of fieldwork throughout the duration of the contract. Prior to the appointment of a replacement, the Programme Manager must approve such appointment. If the senior has to leave the project, a period of at least a month is required, in which the senior must work parallel with the next person (senior consultant with similar expertise and equal years of experience) appointed able to transfer skills and knowledge.
- 9.5 All the conditions specified in the **General Conditions of Contract (GCC)** will apply and where the conditions in the special conditions of contract contradicts the conditions in the general conditions of contract the special conditions of contract will prevail.
- 9.6 Please take note that DEA is not bound to select any of the firms submitting proposals. DEA reserves the right not to award any of the bids and not to award the contract to the lowest bidding price.
- 9.7 Bidders must score a minimum of **75%** (The minimum qualifying score that must be obtained for functionality in order for a tender to be considered further should not be generic. It should be determined separately for each tender on a case-by-case basis. The minimum qualifying score must not be prescribed so low that it may jeopardize the quality of the service required nor so high that it may be restrictive to the extent that it jeopardizes the fairness of the SCM system).

23 April 2019

- 9.8 The proposal should include, amongst other, the following:
A proposed plan of action;
A list of references;
Ability to ensure continuing of staff on the project.
- 9.9 **A valid copy of the Tax Clearance Certificate/ Tax Compliance Status Pin issued by SARS to the supplier/copy of Central Supplier Database (CSD)/ MA supplier Number must be submitted together with the bid.**
- 9.10 In case of bids where Consortia / Joint Ventures / Sub-contractors are involved, such must be clearly indicated and each party must submit a separate copy of a valid Tax Clearance Certificate or copy of Tax Compliance Status Pin or CSD/ MA supplier Number together with the bid.
- 9.11 Failure to submit a valid Tax Clearance Certificate/ Tax Compliance Status Pin/ copy of CSD/ MA supplier Number may result in the invalidation of the bid.
- 9.12 **A foreign recommended bidder** with neither South African tax obligation nor history of doing business in South Africa must complete Standard Bidding Document (SBD 1) and the information must be submitted to SARS on the following email governmentinstitute@sars.gov.za to issue a confirmation of the tax obligation letter in terms of **paragraph 3.6** of the instruction note no 9 of 2017/18.
- 9.13 Comprehensive Curriculum Vitae's (CV) of the staff who will be available for the duration of the contract must be attached. **In case where bidders submitted CV's of personnel from other companies, bidders must indicate if the personnel is sub-contracted or employed full time or part-time, and indicate the period of the engagement with the bidder. A signed agreement between two parties or an agreement between personnel and a company must be included with the proposal.**
- 9.14 The bid proposals should be submitted with all required information containing technical information.
- 9.15 DEA Entity Maintenance form included in the bid documents must be completed and returned with the bid proposals).
- 9.18 DEA will not be held responsible for any costs incurred by the bidder in the preparation, presentation and submission of the bids.
- 9.19 Travelling costs and time spent or incurred between home and office of consultants and DEA office will not be for the account of DEA.
- 9.20 **Tender** offers shall be submitted as an original only. Under no circumstances whatsoever may the tender forms be retyped or redrafted. Photocopies of the original tender documentation may be used, but an original signature must appear on such photocopies.
- 9.21 Tenderers must **submit two (2)** identical proposals for each bid clearly marked "**ORIGINAL**" and "**COPY**".
- 9.22 The submission of bids shall be in **two (2) large envelopes ("ORIGINAL" and "COPY")** each inclosing **three (3) separate envelopes** as detailed in the BID SUBMISSION CHECKLIST below, and clearly marked on the outside of the respective envelope:

ENVELOPE 1: "Qualification Documents"

ENVELOPE 2: "Technical Proposal"

ENVELOPE 3: "Financial Proposal" – sealed!

The Financial Proposal shall be sealed and no financial information shall be contained in the "Qualification Documents" or "Technical Proposal". If financial information is included in the "Qualification Documents" or in the "Technical Proposal" the **tender may be rejected**.

The package shall display the following information:

- The address where Tenders have to be sent;
- The title of the call for Tenders such as indicated in the invitation letter;
- The Tenderer's name, physical (street) and postal address, contact person and contact numbers (mobile, landline, facsimile and e-mail);
- The following words clearly visible: "Invitation to Tender – Not to be opened by the Postal Service".

- 9.23 DEA reserves the right to award the contract to one or more than one service provider or only part thereof per cluster.
- 9.24 Before any work can commence the service level agreement must be signed by both parties (DEA and the successful bidder) as well as the issue of an official order.
- 9.25 Should there be any dispute regarding the finalisation of the agreement, DEA reserves the right to cancel the contract with no cost implications for the Department.
- 9.26 The evaluation of Bids can only be done based on information required by the department.
- 9.27 Tenderers are requested to submit the original and valid B-BBEE Status Level Verification Certificate or certified copies thereof issued by SANAS only or DTI SWORN Affidavit certified by Commissioner of Oath together with their bids, to substantiate their B-BBEE rating claims, failing which the B-BBEE preference points claimed will be forfeited.
- 9.28 In a case whereby a pre-qualification criteria requires B-BBEE status level of contributor bidders **MUST** submit an original or certified copies of B-BBEE certificate or DTI SWORN affidavit, failure to submit an original or certified copies will result in bid being disqualified.
- 9.29 A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid to substantiate their B-BBEE rating claims.
- 9.30 Public entities and tertiary institutions must also submit B-BBEE Status Level Verification Certificates together with their bids.

- 9.31 A bidder will not be awarded the points claimed for B-BBEE status level of contribution if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the contract value to any other enterprise that does not qualify for at least the same number of points that the bidder qualifies for unless the intended sub-contractor is an EME (Exempted Micro Enterprise) that has the capacity and the ability to execute the sub-contract.
- 9.32 A contractor is not allowed to sub-contract more than 25% of the contract value to another enterprise that does not have equal or higher B-BBEE status level, unless the intended sub-contractor is an EME (Exempted Micro Enterprise) that has the capability and ability to execute the sub-contract.
- 9.33 Prospective suppliers and / or public entities interested in pursuing opportunities with the Department and within the South African government must register on the National Treasury Central Supplier Database.
- 9.34 Prospective suppliers and / or public entities must provide the department with their CSD registration number on submission of their bid proposals including those of sub-contractors and/ or joint venture companies.
- 9.35 Any supplier who is not registered on CSD during an award stage of the tender will not be considered.
- 9.36 In light of the significance of this work, a briefing session will be held by the department, at a date and venue to be confirmed, for bidders who are not familiar with the Value Added Industry programmes construction methodology.
- 9.37 Bidders will allow for insitu inspections by the department's representatives and these can be unannounced inspections.
- 9.38 Certain green building components may be provided by the department, as per the Bill of Quantity.

10 Sub-contracting conditions/ requirements

- 10.1 In a case whereby sub-contracting is not set as a pre-qualification criteria, however the tenderer is intending to sub-contract portion of work, such tenderer awarded a contract may only enter into sub-contracting arrangements with the approval of the department.
- 10.2 In relation to a designated sector, a contractor will not be allowed to subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 10.3 A tenderer will not be awarded the points claimed for B-BBEE status level of contribution or contract if it is indicated in the bid documents that such a bidder intends subcontracting more than 25% of the contract value to any other enterprise that does not qualify for at least the same number of points that the bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 10.4 The contractor is not allowed to sub-contract more than 25% of the contract value to another enterprise that does not have equal or higher B-BBEE status level, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

23 April 2019

11 Payment terms

DEA undertakes to pay out in full or as per deliverables within 30 (thirty) days all valid claims for work done to its satisfaction upon presentation of a substantiated claim and the required reports stipulated in special conditions. No payment will be made where there is outstanding information/work not submitted by the Service Provider/s until that outstanding information is submitted.

12 Technical enquiries

Should you require any further information in this regard, please do not hesitate to contact in writing:

Name: Mr Ricardo Andrews
E-Mail: randrews@environment.gov.za

And

Name: Ms Berne van Wyk
E-Mail: berne.vanwyk@vai.org.za