

TENDER BULLETIN

FORM FOR SUBMITTING: - A NEW TENDER NOTICE or AN ERRATUM NOTICE or AN INVITATION TO REGISTER ON SUPPLIER DATABASE NOTICE FOR PUBLICATION IN THE GOVERNMENT TENDER BULLETIN

To submit a Cancellation notice, use TForm2, for a Results notice use TForm3, for a Responses from Suppliers notice use TForm4

\*Type of Tender Notice: (Select an option) [X] New Tender [ ] Erratum [ ] Invitation to Register on Supplier Database

TENDER CATEGORY:

\*Tender Category: SERVICES: FUNCTIONAL (INCLUDING CLEANING AND SECURITY SERVICES)

REQUIRED AT:

Province: Eastern Cape \*Department or Entity: Department of Public Works National

Division or Section: PROCUREMENT: SCM

TENDER DETAILS:

\*Tender / Quotation No: ID-193810

\*Closing Date: 2023-02-22 (CCYY-MM-DD) \*Closing Time: 11:00 (HH:MM)

Date of Original Publication: (only required for ERRATUM notice)

For a New Tender or Invitation to Register on Supplier Database advertisement this date field is disabled

\*Short Description of Tender:

QUOTATIONS FOR PORT ELIZABETH SUPREME COURT: INVESTIGATE AND REPAIR FAULTY WATER PUMP A. THIS BID WILL BE EVALUATED AS FOLLOWS:

- Phase 1: Bidders will thereafter be evaluated for Administrative responsiveness
Phase 2: Bidders will thereafter be evaluated on PPPFA on the 80/20 principle
Phase 3: The recommended bidder will be subjected to risk assessment (objective criteria)

NB. The bid specifications, bid rules, special conditions of bid, bid evaluation criteria are detailed in the bid document.

SITE MEETING or BRIEFING SESSION:

Meeting Details:

N/A

Meeting Date: [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

Meeting Time: [ ] [ ] [ ] [ ] [ ] [ ]

Meeting Place:

N/A

This is a multi-page form. Please complete all relevant sections before submitting the form for publication.



**DOCUMENTS AVAILABLE FROM:**

**\*Address:**

National Department Of Public Works & Infrastructure, Eben Donges Building, Hancock Street, North End, Port Elizabeth, 6056. OR Can Be Downloaded Free Of Charge From The Department Website; [www.publicworks.gov.za](http://www.publicworks.gov.za)

**Cost of Documents:**

N/A

**Payment Details:**

DPWI Trading Account; Absa Bank; Account Number; 40-6451-8843. Please State Tender/Bid Number As Your Reference Number. Also you can arrange your courier company to collect your documents. See tender contact details to send proof of payment.

**Document Notes:**

For tender completion please contact Mrs Sharon de Kock on (041) 408 2156 or email: [Sharon.dekock@dpw.gov.za](mailto:Sharon.dekock@dpw.gov.za)

**POST OR DELIVER DOCUMENTS TO:**

**\*Address:**

NATIONAL DEPARTMENT OF PUBLIC WORKS, PRIVATE BAG X 3913, NORTH END, PORT ELIZABETH, 6056

**Document Delivery Instructions:**

Quotations must be emailed to [Yonela.Xozwa@dpw.gov.za](mailto:Yonela.Xozwa@dpw.gov.za)/ [Ms Hombakazi.Fikeni@dpw.gov.za](mailto:Ms Hombakazi.Fikeni@dpw.gov.za): on or before the closing date before 11:00

**SPECIFICATIONS / TECHNICAL CONTACT DETAILS:**

**Name:** Mr Tlotliso Telile

**Telephone:** 041- 041 408 2388 **Fax Nr:**

**Email:** [Tlotliso.Telile@dpw.gov.za](mailto:Tlotliso.Telile@dpw.gov.za)

**Office Hours:** 08h00-12h45 and 13h30-16h00

**TENDER CONTACT DETAILS:**

**Name:** Mrs Sharon de Kock

**Telephone:** (041) 408 2156 (041) 408 2377 **Fax Nr:**

**Email:** [Sharon.DeKock@dpw.gov.za](mailto:Sharon.DeKock@dpw.gov.za) or [Lulama.Lindi@dpw.gov.za](mailto:Lulama.Lindi@dpw.gov.za)

**Office Hours:** 08h00-12h45 and 13h30-16h00

**Additional Notes:**

All bidders/Contractors/Suppliers who is doing business with the Government must be registered on the Central Supplier Database. Prospective Bidders/Contractors/Suppliers will be able to self- register on Central Supplier Database Website which is [www.csd.gov.za](http://www.csd.gov.za)

**TENDER SUBMITTED BY:**

**\*Advertiser Name:** Ms Sharon de Kock

**Advertiser Email:** [Sharon.DeKock@dpw.gov.za](mailto:Sharon.DeKock@dpw.gov.za)

**\*Date Submitted:** 2 | 0 | 2 | 3 | - | 0 | 2 | - | 1 | 7 **\*Advertiser Telephone:** 041- 408 2156

**\*For Publication in the Government Gazette on:** 2 | 0 | 2 | 3 | - | 0 | 2 | - | 1 | 7



public works  
& infrastructure

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Department:  
Public Works and Infrastructure  
**REPUBLIC OF SOUTH AFRICA**

National Department of Public Works & Infrastructure  
Eben Donges Building, Hancock Street, North End  
Port Elizabeth, 6056 or Private Bag x 3913, North End  
Port Elizabeth, 6056

**QUOTATION DOCUMENT**

**REQUEST FOR A QUOTATION**

**FOR THE PROJECT: PORT ELIZABETH SUPREME COURT: REPAIRS TO A FAULTY WATER PUMP**

**QUOTATION NUMBER: ID - 193810**

**ADVERT DATE: 17-02-2023**

**CLOSING DATE: 22-02-2023**

**TIME: 11:00**

**BIDDERS SHOULD HAVE A CIDB GRADING DESIGNATION OF 1ME**

**NB: QUOTATIONS SHOULD BE EMAILED TO: [Yonela.Xozwa@dpw.gov.za](mailto:Yonela.Xozwa@dpw.gov.za) or [Hombakazi/Fikeni@dpw.gov.za](mailto:Hombakazi/Fikeni@dpw.gov.za)**

**FEBRUARY 2023**

**NAME OF THE TENDERER.....**

**Scope of work: Faulty water pump**

**Closing Date:**  
**Closing Time:**

<b>Item 1</b>	<b>WORK TO BE DONE</b>				
	<b>Faulty water pump</b>				
	<b>Please quote for labour rate; material percentage rate &amp; travel cost rate on the service requested as tabled below:</b>				
	<b>Description</b>	<b>UOM</b>	<b>Provisional Sum or Estimated Hours/ km's</b>	<b>Rate</b>	<b>Amount</b>
	<b>A. Material Provision Sum</b>		Provisional Sum	N/A	<b>R 30 000.00</b>
	<b>B. Hire of plant</b>	Rate/ hour	Estimated:	R...../ hour	R.....
	<b>C. Percentage Mark-up on Material Costs</b>	%	N/A	.....%	R..... (Mark-up x Provisional Amount)
	<b>D. 1 x Technician</b>	Rate/ hour	Estimated: 60 hours	R...../ hour	R.....
	<b>E. 1 x Assistant</b>	Rate/ hour	Estimated: 60 hours	R...../ hour	R.....
	<b>F. 1 x Semi Skill Labour</b>	Rate/ hour	Estimated: 60 hours	R...../ hour	R.....
<b>G. Travel cost</b>	Rate/ km	Estimated: 400 kms	R...../ km	R.....	
<b>Sub Total Before VAT (Sum A, B, C, D, E &amp; F)</b>					
<b>VAT @ 15%</b>					
<b>Total Costs Vat Included</b>					

Failure to price, complete all sections and sign this document, will eliminate the offer submitted  
 Will be evaluated on PPPFA 80/20 principle  
 The successful bidder will be required to submit original or certified copy of BBBEE certificate/ Sworn Affidavit after award

Name of Bidder \_\_\_\_\_  
 Authorised Signature \_\_\_\_\_  
 Signature of Bidder \_\_\_\_\_

**Company Stamp**



## PA-11: BIDDER'S DISCLOSURE

### 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

### 2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest (1) in the enterprise, employed by the state?

**YES / NO**

- 2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

(1) the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

Any reference to words "Bid" or Bidder" herein and/or in any other documentation shall be construed to have the same meaning as the words "Tender" or "Tenderer".

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES / NO**

2.2.1 If so, furnish particulars:

.....  
 .....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES / NO**

2.3.1 If so, furnish particulars:

.....  
 .....

### 3 DECLARATION

I, the undersigned, (name).....  
 in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5 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.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

<sup>2</sup> 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.

- 3.7 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

..... Signature	..... Date
..... Position	..... Name of bidder

This form has been aligned with SBD4

Any reference to words "Bid" or Bidder" herein and/or in any other documentation shall be construed to have the same meaning as the words "Tender" or "Tenderer".

For External Use

Effective date 5 July 2022

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Version: 2022/03



## PA-16: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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

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

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

### 1.2 Preference Points System to be applied

*(tick whichever is applicable).*

- The applicable preference point system for this tender is the **80/20** preference point system.
- The applicable preference point system for this tender is the **90/10** preference point system.
- Either the **90/10** or **80/20** preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

### 1.3 Points for this tender shall be awarded for:

1.3.1 Price; and

1.3.2 Specific Goals

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

	80/20
<b>PRICE</b>	80
<b>SPECIFIC GOALS</b>	20
<b>Total points for Price and Specific Goals</b>	100



## 1.5 Breakdown Allocation of Specific Goals Points

1.5.1 For Procurement transactions with rand value greater than R2 000.00 and up to R1 Million (Inclusive of all applicable taxes), the specific goals as listed in table 1 below are applicable.

### All Acquisitions

Table 1

Serial No	Specific Goals	Preference Points allocated out of 20	Documentation to be submitted by bidders to validate their claim for points
1.	An EME or QSE which is at least 51% owned by <b>black people</b>	10	<ul style="list-style-type: none"> <li>• ID Copy</li> <li>• Or</li> <li>• SANAS Accredited BBBEE Certificate or sworn affidavit where applicable</li> <li>• Or</li> <li>• CSD Report</li> <li>• Or</li> <li>• CIPC (company registration)</li> </ul>
2.	<b>Located</b> in a specific Local Municipality or District Municipality or Metro or Province area for work to be done or services to be rendered in that area	2	<ul style="list-style-type: none"> <li>• ID Copy (Mandatory)</li> <li>• Office Municipal Rates Statement</li> <li>• Or</li> <li>• Permission To Occupy from local chief in case of rural areas (PTO)</li> <li>• Or</li> <li>• Lease Agreement</li> </ul>
3.	An EME or QSE which is at least 51% owned by <b>women</b>	4	<ul style="list-style-type: none"> <li>• ID Copy</li> <li>• Or</li> <li>• CSD Report</li> <li>• Or</li> <li>• CIPC (company registration)</li> </ul>

Serial No	Specific Goals	Preference Points allocated out of 20	Documentation to be submitted by bidders to validate their claim for points
4.	An EME or QSE which is at least 51% owned by people with <b>disability</b>	2	<ul style="list-style-type: none"> <li>• ID Copy (Mandatory)</li> <li>• Or</li> <li>• Medical Certificate</li> <li>• Or</li> <li>• South African Social Security Agency (SASSA) registration</li> <li>• Or</li> <li>• National Council for Persons with Physical Disability in South Africa registration (NCPDPSA)</li> <li>• Or</li> <li>• CSD Report</li> <li>• Or</li> <li>• CIPC (company registration)</li> </ul>
5.	An EME or QSE which is at least 51% owned by <b>youth</b> .	2	<ul style="list-style-type: none"> <li>• ID Copy</li> <li>• Or</li> <li>• CSD Report</li> <li>• Or</li> <li>• CIPC (company registration)</li> </ul>

**1.5.2 For procurement transactions with rand value greater than R1 Million and up to R50 Million (Inclusive of all applicable taxes) the specific goals as listed in table 2 below are applicable:**

All Acquisitions

Table 2

Serial No	Specific Goals	Preference Points allocated out of 20	Documentation to be submitted by bidders to validate their claim for points
1.	An EME or QSE or any entity which is at least 51% owned by <b>Historically Disadvantaged Individuals (HDI)</b>	10	<ul style="list-style-type: none"> <li>• ID Copy</li> <li>• Or</li> <li>• SANAS Accredited BBEE Certificate or sworn affidavit where applicable</li> <li>• Or</li> <li>• CSD Report</li> <li>• Or</li> <li>• CIPC (company registration)</li> </ul>
2.	Located in a specific Local Municipality or District Municipality or Metro or Province area for work to be done or services to be rendered in that area	2	<ul style="list-style-type: none"> <li>• ID Copy (Mandatory)</li> <li>• Or</li> <li>• Office Municipal Rates Statement</li> <li>• Or</li> <li>• Permission To Occupy from local chief in case of rural areas (PTO)</li> <li>• Or</li> <li>• Lease Agreement</li> </ul>
3.	An EME or QSE or any entity which is at least 51% owned by <b>women</b>	4	<ul style="list-style-type: none"> <li>• ID Copy</li> <li>• Or</li> <li>• CSD Report</li> <li>• Or</li> <li>• CIPC (company registration)</li> </ul>
4.	An EME or QSE or any entity which is at least 51% owned by people with <b>disability</b>	2	<ul style="list-style-type: none"> <li>• ID Copy (Mandatory)</li> <li>• Or</li> <li>• Medical Certificate</li> <li>• Or</li> </ul>

Serial No	Specific Goals	Preference Points allocated out of 20	Documentation to be submitted by bidders to validate their claim for points
			<ul style="list-style-type: none"> <li>• South African Social Security Agency (SASSA) registration</li> <li>• Or</li> <li>• National Council for Persons with Physical Disability in South Africa registration (NCPDASA)</li> <li>• Or</li> <li>• CSD Report</li> <li>• Or</li> <li>• CIPC (company registration)</li> </ul>
5.	An EME or QSE or any entity which is at least 51% owned by <b>youth</b> .	2	<ul style="list-style-type: none"> <li>• ID Copy</li> <li>• Or</li> <li>• CSD Report</li> <li>• Or</li> <li>• CIPC (company registration)</li> </ul>

**1.5.3 For procurement transactions with rand value greater than R50 Million (Inclusive of all applicable taxes) the specific goals as listed in table 3 below are applicable**

All Acquisitions

Table 3

Serial No	Specific Goals	Preference Points allocated out of 10	Documentation to be submitted by bidders to validate their claim for points
1.	An EME or QSE or any entity which is at least 51% owned by <b>Historically Disadvantaged Individuals (HDI)</b>	4	<ul style="list-style-type: none"> <li>• ID Copy</li> <li>• Or</li> <li>• SANAS Accredited BBBEE Certificate or sworn affidavit where applicable</li> <li>• Or</li> </ul>

Serial No	Specific Goals	Preference Points allocated out of 10	Documentation to be submitted by bidders to validate their claim for points
			<ul style="list-style-type: none"> <li>• CSD Report</li> <li>• Or</li> <li>• CIPC (company registration)</li> </ul>
2.	<b>Located</b> in a specific Local Municipality or District Municipality or Metro or Province area for work to be done or services to be rendered in that area	2	<ul style="list-style-type: none"> <li>• ID Copy (Mandatory)</li> <li>• Or</li> <li>• Office Municipal Rates Statement</li> <li>• Or</li> <li>• Permission To Occupy from local chief in case of rural areas (PTO)</li> <li>• Or</li> <li>• Lease Agreement</li> </ul>
3.	An EME or QSE or any entity which is at least 51% owned by <b>women</b>	2	<ul style="list-style-type: none"> <li>• ID Copy</li> <li>• Or</li> <li>• CSD Report</li> <li>• Or</li> <li>• CIPC (company registration)</li> </ul>
4.	An EME or QSE or any entity which is at least 51% owned by people with <b>disability</b>  OR	2	<ul style="list-style-type: none"> <li>• ID Copy (Mandatory)</li> <li>• Or</li> <li>• Medical Certificate</li> <li>• Or</li> <li>• South African Social Security Agency (SASSA) registration</li> <li>• Or</li> <li>• National Council for Persons with Physical Disability' in South Africa registration (NCPPDSA)</li> </ul>

Serial No	Specific Goals	Preference Points allocated out of 10	Documentation to be submitted by bidders to validate their claim for points
	An EME or QSE or any entity which is at least 51% owned by <b>youth</b> .		<ul style="list-style-type: none"> <li>• ID Copy</li> <li>• Or</li> <li>• CSD Report</li> <li>• Or</li> <li>• CIPC (company registration)</li> </ul>

- 1.6 Failure on the part of the tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals, if the service provider/ tenderer did not submit proof or documentation required to claim for specific goals will be interpreted to mean that preference points for specific goals are not claimed.
- 1.7 The organ of state reserves the right to require of a service provider/tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

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

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

#### 3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

##### 3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

### 4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1,2 and 3 above as may be supported by proof/ documentation stated in the conditions of this tender:

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

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

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

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1. An EME or QSE or any entity which is at least 51% owned by <b>Historically Disadvantaged Individuals (HDI)</b>	4	10		
2. <b>Located</b> in a specific Local Municipality or District Municipality or Metro or Province area for work to be done or services to be rendered in that area	2	2		
3. An EME or QSE or any entity which is at least 51% owned by <b>women</b>	2	4		
4. An EME or QSE or any entity which is at least 51% owned by people with <b>disability</b> or	2	2		



The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
5. An EME or QSE or any entity which is at least 51% owned by youth.*  (only one specific goal is applicable between specific goal number 4 and specific goal number 5 under 90/10 Preference Point System)	2	2		

**Note:** \*in respect of the 90/10 point system a selection of either disability or youth may be made with an allocation of 2 points for either of them.

**DECLARATION WITH REGARD TO COMPANY/FIRM**

- 4.3. Name of company/firm.....
- 4.4. Company registration number: .....
- 4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

- 4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:
  - i) The information furnished is true and correct;
  - ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

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

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

**SWORN AFFIDAVIT - B-BBEE QUALIFYING SMALL ENTERPRISE (QSE)**

I, the undersigned,

Full name & Surname  
Identity number

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a Member / Director / Owner of the following enterprise and am duly authorized to act on its behalf:

Tender No:  
Enterprise Name:  
Trading Name (if  
Applicable):  
Registration Number:  
Enterprise Physical  
Address:  
Type of Entity (CC, (Pty)  
Ltd, Sole Prop etc.):  
Nature of Business:

Definition of "Black  
People"

As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 "Black People" is a generic term which means Africans, Coloureds and Indians -

- (a) Who are citizens of the Republic of South Africa by birth or descent; or
- (b) Who became citizens of the Republic of South Africa by naturalization:
  - i. Before 27 April 1994; or
  - ii. On or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date

3. I hereby declare under Oath that:
  - The Enterprise is \_\_\_\_\_ % Black Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013.
  - The Enterprise is \_\_\_\_\_ % Black Woman Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013.
  - The Enterprise is \_\_\_\_\_ % Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013.

- Based on the Financial Statements/Management Accounts and other information available on the latest financial year-end of \_\_\_\_\_, the annual Total Revenue was between R10,000,000.00 (Ten Million Rands) and R50,000,000.00 (Fifty Million Rands).
- Please confirm on the table below the B-BBEE level contributor, by ticking the applicable box.

100% Black Owned	Level One (135% B-BBEE procurement recognition level)
At Least 51% black owned	Level Two (125% B-BBEE procurement recognition level)

4. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.
5. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

Commissioner of Oaths  
Signature & stamp

**SWORN AFFIDAVIT - B-BBEE EXEMPTED MICRO ENTERPRISE (EME)**

I, the undersigned,

Full name & Surname \_\_\_\_\_  
 Identity number \_\_\_\_\_

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a Member / Director / Owner of the following enterprise and am duly authorized to act on its behalf:

Tender No. \_\_\_\_\_  
 Enterprise Name: \_\_\_\_\_  
 Trading Name (if Applicable): \_\_\_\_\_  
 Registration Number: \_\_\_\_\_  
 Enterprise Physical Address: \_\_\_\_\_

Type of Entity (CC, (Pty) Ltd, Sole Prop etc.): \_\_\_\_\_  
 Nature of Business: \_\_\_\_\_

Definition of "Black People"

As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 "Black People" is a generic term which means Africans, Coloureds and Indians -

- (a) Who are citizens of the Republic of South Africa by birth or descent; or
- (b) Who became citizens of the Republic of South Africa by naturalization-
  - I. Before 27 April 1994; or
  - II. On or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date

3. I hereby declare under Oath that:

- The Enterprise is \_\_\_\_\_ % Black Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013.
- The Enterprise is \_\_\_\_\_ % Black Woman Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013.
- The Enterprise is \_\_\_\_\_ % Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013.
- Based on the Financial Statements/Management Accounts and other information available on the latest financial year-end of \_\_\_\_\_, the annual Total Revenue was R10,000,000.00 (Ten Million Rands) or less

- Please Confirm on the below table the B-BBEE Level Contributor, by ticking the applicable box.

100% Black Owned	Level One (100% B-BBEE procurement recognition level)
At least 61% Black Owned	Level Two (120% B-BBEE procurement recognition level)
Less than 61% Black Owned	Level Four (100% B-BBEE procurement recognition level)

4. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the Owners of the Enterprise which I represent in this matter.
5. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: \*

Date:

Commissioner of Oaths  
Signature & stamp



**PA-40: DECLARATION OF DESIGNATED GROUPS FOR PREFERENTIAL PROCUREMENT**

Name of Tenderer

1. LIST ALL PROPRIETORS, MEMBERS OR SHAREHOLDERS BY NAME, IDENTITY NUMBER, CITIZENSHIP AND DESIGNATED GROUPS.  
 EME<sup>1</sup>  QSE<sup>2</sup>  Non EME/QSE (tick applicable box)

#	Name and Surname #	Identify/Passport number and Citizenship##	Percentage owned %	Black	Indicate if youth	Indicate if woman	Indicate if person with disability	Indicate if living in rural / under developed area/ township	Indicate if military veteran
1.			%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.			%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.			%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.			%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.			%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.			%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.			%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.			%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
9.			%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
10.			%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
11.			%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
12.			%	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

# Where Owners are themselves a Company, Close Corporation, Partnership etc. Identify the ownership of the Holding Company, together with Registration number  
 ## State date of South African citizenship obtained (not applicable to persons born in South Africa)

<sup>1</sup> EME: Exempted Micro Enterprise  
<sup>2</sup> QSE: Qualifying Small Business Enterprise

Any reference to words "Bid" or "Bidder" herein and/or in any other documentation shall be construed to have the same meaning as the words "Tender" or "Tenderer".



**PA-40: DECLARATION OF DESIGNATED GROUPS FOR PREFERENTIAL PROCUREMENT**

**2. DECLARATION:**

- The undersigned, who warrants that he/she is duly authorized to do so on behalf of the Tenderer, hereby confirms that:
- 1 The information and particulars contained in this Affidavit are true and correct in all respects;
  - 2 The Broad-based Black Economic Empowerment Act, 2003 (Act 53 of 2003), Preferential Procurement Regulations, 2017, National Small Business Act 102 of 1988 as amended and all documents pertaining to this Tender were studied and understood and that the above form was completed according to the definitions and information contained in said documents;
  - 3 The Tenderer understands that any intentional misrepresentation or fraudulent information provided herein shall disqualify the Tenderer's offer herein, as well as any other tender offer(s) of the Tenderer simultaneously being evaluated, or will entitle the Employer to cancel any Contract resulting from the Tenderer's offer herein, as well as accept a less favourable tender as a result of any such disqualification due to misrepresentation or fraudulent information provided herein;
  - 4 The Tenderer accepts that the Employer may exercise any other remedy it may have in law and in the Contract, including a claim for damages for having to accept a less favourable tender as a result of any such disqualification due to misrepresentation or fraudulent information provided herein;
  - 5 Any further documentary proof required by the Employer regarding the information provided herein, will be submitted to the Employer within the time period as may be set by the latter.

Signed by the Tenderer

Name of representative

Signature

Date

Any reference to words "Bid" or "Offer" herein and/or in any other documentation shall be construed to have the same meaning as the words "Tender" or "Tenderer".  
Effective date April 2017





## **SPECIAL CONDITIONS OF BID**

### **1. INTERPRETATION**

- 1.1. The word "Bidder" in these conditions shall mean and include any firm of Contractors, Services Providers or any company or body incorporated or unincorporated or any other legal entities.
- 1.2. The word "Department" in these conditions shall mean the DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE
- 1.3. Any reference to words "Bid" or "bidder" herein and or any other documentation shall be construed to have the meaning as the words "Tender" or Tenderer".

### **2. PRECEDENCE**

- 2.1. If any other condition (bid rule) in the bid document is in contradiction with the "Special Conditions of Bid" the "Special Conditions of Bid" will take preference.
- 2.2. The "Special Conditions of Bid" can only be amended by an official addendum before the closing date of the bid.

### **3. GENERAL BID RULES**

- 3.1. "Written" or "in writing" means hand-written in non-erasable ink or any form of electronic or digital writing and or a combination thereof.
- 3.2. The digital and or electronic completion and signing of documents is permitted.
- 3.3. A bidder participates in this bid process entirely at its own risk and cost.
- 3.4. The Department may accept or reject any bid offer and may cancel the bid process (or reject all bid offers at any time) prior to the formation of a contract, due to the following:
  - 3.4.1. due to changed circumstances, there is no longer a need for the goods or services specified in the invitation;
  - 3.4.2. funds are no longer available to cover the total envisaged expenditure;
  - 3.4.3. no acceptable tender is received;
  - 3.4.4. there is a material irregularity in the tender process; or
  - 3.4.5. there is material change in the scope of works.
- 3.5. The Department shall not accept or incur any liability for such cancellation or rejection or acceptance, but will give written reasons for such action upon receiving a written request to do so.
- 3.6. Bids which are late or submitted by facsimile or electronically, will not be accepted.
- 3.7. Completed bid documents in a sealed envelope endorsed with the relevant bid number, bid description and the closing, must be deposited in the bid box as indicated in the bid document.
- 3.8. Bidders must ensure that bids submitted via courier services are deposited by the courier service in the Departmental Bid box, prior to the closing date and time. The Department will not accept responsibility for any bids not timeously deposited in the Bid Box.
- 3.9. Bids received after the closing date and time will not be accepted for consideration and where practical, be returned unopened to the Bidder(s).
- 3.10. The bidder must be registered on the Central Supplier Database (CSD) for government prior to the award and must be active on the CIDB where applicable.
- 3.11. Bidders are not allowed to recruit or shall not attempt to recruit an employee of the Department for purposes of preparation of the bid or for the duration of the execution of this contract or any part thereof.

### **4. AMBIGUITIES/ CONTRADICTIONS**

- 4.1. If a bidder becomes aware of any ambiguities or contradictions in the bid document or the specifications, drawings or descriptions or functionality or quality, or any part of the



bid document, this should be clarified with the Department, at least five days (5) working days before the closing time stated in the tender data.

- 4.2. If the Department found, after the closing date of the bid, that there is an ambiguity/contradiction in the bid document, the Department reserves the right to:
  - 4.2.1. If the ambiguity/contradiction in the bid document is of an administrative nature, request bidders to correct any non-compliances caused by the ambiguity/contradiction or
  - 4.2.2. Cancel the bid and process

## **5. PERIOD OF VALIDITY FOR BIDS AFTER CLOSING DATE**

- 5.1 All Bids must remain valid for a period of 12 weeks (84 days) from the closing date as stipulated in the bid document.
- 5.2 The Department reserves the right to request for the validity extensions of bids, should it be deemed necessary. The following conditions will apply when the Department requests for a validity extension of a bid:
  - 5.2.1 The request for a validity extension will be done while the validity period of the bids are still valid.
  - 5.2.2 Bidders have the right to refuse the extension of the validity period of their bids.
  - 5.2.3 If a request for validity extensions are sent to bidders while the validity period of the bids are still valid, non-replying to the request for validity extension before the expiry date will be deemed a tacit agreement to the extension of the validity period. The Department will communicate with the affected bidders to confirm such tacit agreement.
  - 5.2.4 Should the bidder not agree with the tacit agreement, the bidder shall be deemed to be non-responsive and not considered for further evaluation.
  - 5.2.5 If a bidder(s) refused a validity extension, it will be deemed that the bidder(s) had withdrawn their bids from the bidding process. The Department reserves the right to continue with its bid evaluation and adjudication of the remaining bids and finalise the process.

## **6. BRAND NAMES**

- 6.1 Wherever a brand name is specified in this bid document (i.e. in the specifications, pricing schedule or bill of quantities or anywhere in this document), the department's requirement is not limited to the specified brand name, but requires an item similar/equivalent or better than specified.

## **7. CONTRACTUAL PRICE ADJUSTMENTS**

- 7.1 Bidders must submit offers as per the Gazetted Labour Rates for the particular Sector and Area as at the closing of the bid (Annexure A In the pricing schedule)
- 7.2 Failure to comply minimum rates will lead to disqualification from further evaluation.
- 7.3 The bid price will be subject to price escalation as follows, for the following sections in the pricing schedule:
  - 7.3.1 The total labour costs is subjected to price escalation and will be escalated in accordance with the percentage rate increase for cleaning (grounds man) and or with any other costs as gazetted the relevant Sectorial Determination, including any other relevant gazetted/ legislated costs by the Department of Labour



## **8. AUTHORITY TO SIGN BID DOCUMENTS**

- 8.1 No authority to sign (PA 15.1: Resolution of Board of Directors) is required from an enterprise which has only one director or is a sole ownership.
- 8.2 In the case of a bid being submitted on behalf of a company, close corporation or partnership, evidence should be submitted with the bid at the closing time, that the Bid has been signed by a person properly authorised by resolution of the directors or under the articles of the entity. For that purpose, forms PA-15.1-15.3 (Resolution of Board of Directors) are included in the bid document for completion by the relevant Board(s) of Directors
- 8.3 The department further accepts that, in the absence of a PA 15.1: Resolution of Board of Directors, any director or any member of the enterprise may have the authority to bind the enterprise. Therefore the following will apply when only one director or one member of the enterprise signed the bid documents:
- 8.3.1 The signature of any one of the directors or any one of the members of the enterprise will bind the enterprise and all the directors/ members of the enterprise. This condition will therefore render the bid valid; and
- 8.3.2 The Department will verify the authority to sign (if deemed necessary) and where possible, may request proof of such authority of the relevant director or relevant member to act on behalf of the enterprise in the form of a "Resolution of the Board of Directors", if such " (PA 15.1: Resolution of Board of Directors)," was not submitted with the bid or was not completed or was incorrectly completed,
- 8.4 In the case of a sub-contractor agreement, a joint venture or consortia, the signing of the sub-contractor agreement, or Joint Venture or Consortia agreement by any director or member of each of the parties to the agreement, will render the sub-contractor agreement or Joint Venture or Consortia agreement valid. Therefore:
- 8.4.1 The Department reserves the right to request from each party to the sub-contractor agreement or Joint Venture or Consortia" agreement, proof of such authority of the relevant director or relevant member to act on behalf of the enterprise(s), in the form of a "Resolution of the Board of Directors", if it was not submitted with the bid or was not completed or was incorrectly completed,
- 8.5 In the event that a non-member or non-director to the enterprise(s) sign the bid documents and or sign a joint venture or consortia agreement, an "Authority to sign" issued by a director of the enterprise(s) or by the Board of Directors of the enterprise(s) must be submitted with the bid at the closing date. Failure to comply with this requirement at the closing date of the bid, will invalidate the bid submitted.

## **9. CONTRACT PERIOD**

- 9.1 The expected contract period is as stipulated in the Contract Data. The construction period is as stipulated within the Contract Data from date of handing over of site in the case of contractors.
- 9.2 The service contract period in terms of consultants would commence on the date of agreeing on the project execution plan stipulating specific milestone date, as agreed by the department.

## **10. NEGOTIATION WITH THE IDENTIFIED PREFERRED BIDDER**

- 10.1 The Bid will be awarded to the bidder who scores the highest PPPFA number of points:
- 10.1.1 However, should an offer not be market related, the Department reserves the right to negotiate with bidders in accordance with the PPPFA Regulation 6 sub regulations 9(a) & (b).

## **11. AWARD OF CONTRACTS TO TENDERERS NOT SCORING HIGHEST POINTS**



- 11.1 The Department reserves the right to award the bid to a tenderer, other than the highest scoring bidder, after having applied an objective criteria (i.e risk assessment, as per the risk assessment criteria in the notice to invitation to tender/quote).

## **12. TAX COMPLIANCE**

- 12.1 No tender shall be awarded to a bidder who is non tax -compliant.
- 12.2 All bidders' tax matters must be in order prior to award.
- 12.3 If the recommended bidder's tax status is non-compliant, the recommended bidder must submit written proof from SARS of their tax compliant status or submit written proof that they have made an arrangement with SARS to meet their outstanding tax obligations.
- 12.4 The recommended bidder will be given a maximum of seven (7) working days to correct their tax compliance status.
- 12.5 Failure to comply within seven (7) working days, from the date of the request, the Department will reject the bid submitted by the bidder.

## **13. REGISTRATION AS A VAT-VENDOR**

- 13.1 Non-VAT vendors do not have to include VAT in their bid prices.
- 13.2 Non-VAT vendors who submit bids for contracts that would, if successful, take their annual turnover above the threshold of R1 million, must include VAT in the prices quoted and must therefore immediately upon award of the contract, register with the South African Revenue Service (SARS) as VAT vendors.
- 13.3 The award of contract would be conditional (for Non-VAT vendors who included VAT in their prices) conditional pending the successful bidder submitting proof of registration as VAT vendor with SARS within 21 days of award.
- 13.4 Failure to comply within 21 days after being notified to do so will lead to the automatic withdrawal of the "provisional letter of award" and elimination of the bidder's offer.
- 13.5 VAT vendors must include VAT in their bid prices and failure to comply will lead to an automatic elimination of the bidder's offer.
- 13.6 In all other instances, where bidders have excluded VAT from the prices quoted, if the bidder is successful, the letter of award will clearly state that the price at which the contract is awarded is exclusive of VAT and that VAT will not be added on at any stage after the contract has been signed.
- 13.7 If a Non-VAT vendor/ bidder is contracted with the Department with a price which is Excluded Vat, and it becomes a VAT vendor after award or alternatively becomes a VAT vendor due to a cumulative number of awards, the bidder will have to absorb the adverse financial implications of not including VAT in their price quoted. VAT cannot be claimed from the Department for any payments already made or from any future payments.

## **14. CERTIFICATION OF DOCUMENTS**

- 14.1 Where so required in the bid documents, bidders are required to submit copies which are certified as a "true copy of the original".
- 14.2 If a bidder submitted an uncertified copy of an original document, or an original copy which is not correctly certified, the bidder will be afforded an opportunity to correct such non-compliance within a minimum period of 48 hours as follows:
- 14.2.1 The corrected noncompliance must be made from the initial copied document and not from a new document or from another document.
- 14.3 All bidders' whose copies complies with the minimum requirements above, will be "deemed in order" and will be subjected for consideration in further evaluation processes, even if the Department did not request any corrections.
- 14.4 No submissions of new or alternative documents or certified copies of new or alternative documents will be allowed after the bid closing date.



- 14.5 The Department will not accept a copy of a copied document and will not provide any bidder an opportunity to correct such a non-compliance.

**15. REQUIREMENTS FOR A VALID B-BBEE CERTIFICATES AND SWORN AFFIDAVITS.**

- 15.1 A valid B-BBEE Certificate is a B-BBEE Certificate which has not expired at the closing date of the bid.
- 15.2 A "Sworn Affidavit" must comply with the following minimum requirements to be considered valid:
- 15.2.1 The "Sworn Affidavit" must not be expired at the closing date.
  - 15.2.2 In respect of Construction bids, a "Sworn Affidavit" issued in terms of the Amended Construction Sector Code; (Gazette Vol. 630 No. 41287); issued in terms of paragraph 3.6.2.4.1 (B), must not be expired at the closing date.
  - 15.2.3 The Annual Total Revenue must be based on the latest financial year-end's Financial Statements/Management Accounts and other information of the bidder.
  - 15.2.4 A "Sworn Affidavit" based on information from financial periods prior to the latest financial year-end of the bidder or for a financial year which has not yet ended, is invalid.
  - 15.2.5 The latest financial year-end must be clearly indicated by the bidder (Deponent) in the "Sworn Affidavit". An omission of the financial year will invalidate the submitted "Sworn Affidavit".
  - 15.2.6 The "Sworn Affidavit" must be correctly completed, signed and dated by the bidder (Deponent).
  - 15.2.7 The "Sworn Affidavit" submitted must be correctly signed and stamped by the "Commissioner of Oath".

**16. AWARDING OF B-BBEE POINTS**

- 16.1 For a tenderer to be awarded BBBEE-points, it must submit proof of its B-BBEE status level of contributor with the bid at the closing date and time.
- 16.2 The requirements of a valid BBBEE-Certificate and or "Sworn Affidavit" as specified in the Special Conditions of Tender applies.
- 16.3 Parties in an unincorporated joint venture must submit its own consolidated B-BBEE certificate, which has not expired at the closing date of the bid.
- 16.4 If a bidder submit at the closing date of the bid, a B-BBEE certificate or a "Sworn Affidavit" which is not certified or is certified incorrectly, the bidder will be given a minimum of 48 hours to submit a correctly certified copy. The copy maybe certified after the closing date of the bid.
- 16.5 If a bidder submit at the closing date of the bid a valid B-BBEE certificate or a valid "Sworn Affidavit", but the bidder's PA 16 is not signed or dated or witnessed or it is not properly completed, or its not completed or submitted or did not claim points, the bidder will be given a minimum of 48 hours to correctly complete its PA 16.
- 16.6 Should the bidder intend to sub-contract more than 25%, it is compulsory to submit a valid B-BBEE certificate (s) or a valid Sworn Affidavit(s) for all its proposed sub-contractors. If the B-BBEE certificate (s) or Sworn Affidavit(s) are valid, but it is not certified or is certified incorrectly, the bidder will be given a minimum of 48 hours to submit a certified copy(s). The copy(s) may be certified after the closing date of the bid.



- 16.7 If a bidder clearly indicates "that it will not sub-contract a portion of its contract on its PA-16, but listed a subcontractor(s) on its SCHEDULE OF PROPOSED SUBCONTRACTORS (DPW-15(EC)), the Department may give the bidder zero points for B-BBEE, irrespective of the actual total R-value to be sub-contracted or the B-BBEE level or the EME status of the subcontractor.
- 16.8 If a bidder indicates "that it will sub-contract a portion of its contract on its PA-16, but the percentage or names of the subcontractor or B-BEE level or EME/QSE status and or the table is not completed correctly or is incomplete and or does not reconcile to the listed subcontractor(s) on its SCHEDULE OF PROPOSED SUBCONTRACTORS (DPW-15(EC)), the bidder will be given an opportunity to correct such reconciliation or non-compliance and may thereafter be accordingly scored for B-BBEE points.
- 16.9 All bidders' whose B-BBEE Certificates or Sworn Affidavits complies with the minimum requirements above, will be "deemed in order" and will be subjected for consideration in further evaluation, even if the Department did not request any corrections.
- 16.10 No submissions of alternative or new B-BBEE Certificates or "Sworn Affidavits" will be allowed after the bid closing date.
- 17 PRE-QUALIFICATION AND SUB-CONTRACTING AS A CONDITION OF TENDER**
- 17.1 Where pre-qualification and or sub-contracting is a condition of tender, bidder's must comply with the submissions of a valid proof BBEE-status level of contributor as specified in the bid document.
- 17.2 The requirements of a valid BBEE-Certificate and or "Sworn Affidavit" as specified in the Special Conditions of Tender applies.
- 18 LOCAL PRODUCTION AND CONTENT (IF APPLICABLE)**
- 18.1 The conditions below, will serve as the evaluation criteria for evaluation on local production and content:
- 15.1.1 On local content designated items, only locally produced goods or services with a stipulated minimum threshold for local production and content will be considered.
- 15.1.2 The relevant designated sector for local production and content is indicated in the bid document.
- 15.1.3 Exchange rate to be used for the calculation of local content (local content and local production are used interchangeably) must be the exchange rate published by the SARB at 12:00 on the date on the date of advertisement of bid
- 15.1.4 Failure to meet the minimum percentage for local production and content, will automatically invalidate the bid for further consideration.
- 15.1.5 If the raw material or input to be used for a specific item is not available locally, bidders should obtain written authorisation from the DTI) should there be a need to import such raw material.
- 18.2 Bidders must at the minimum comply with the following at the closing date and time:
- 15.1.6 Bidders are not allowed to submit a blank Local Content- Summary Schedule (Annexure C.) and the bidder must at the minimum correctly complete sections C10 to C15 of the Local Content Declaration – Summary schedule (Annexure C).



- 15.1.7 Bidders' offers must meet the minimum percentage for local production and content.
- 15.2.3 If the raw material or input to be used for a specific item is not available locally, bidders should obtain written authorisation from the DTI should there be a need to import such raw material or input and a copy of this authorisation letter must be submitted.
- 18.3 It is not mandatory for a bidder to complete table 2 (c) of the LOCAL CONTENT DECLARATION. If a bidder did not complete table 2(c), the information as per Summary schedule (Annexure C) will be utilised.
- 18.4 If the bid is for more than one product, the local content percentages for each product contained in Declaration C (Annexure C) shall be used instead of the table 2 (c) on Local Content Declaration PA36.
- 18.5 If a bidder's PA36 LOCAL CONTENT DECLARATION is not completed, or incorrectly completed or not properly sign, or not dated or not witnessed, the bidder's offer will not be disqualified/ eliminated.
- 18.6 If a bidder incorrectly completed sections C16 to C25 or did not properly sign or date or witnessed its Local Content Declaration – Summary schedule (Annexure C), the bidder's offer will not be disqualified/ eliminated.
- 18.7 A minimum of 48 hours will be given by the Department to a bidder to accurately complete its PA36 and or Local Content Declaration (Summary schedule (Annexure C) sections C16 to C25, should it be required. Failure to adhere to the Department's request on or before the prescribed timeframe, will lead to elimination of the bidder's offer.
- 18.8 The Department reserves the right and discretion not to request all bidders for corrections of their PA36 and Local Content Declaration (Summary schedule (Annexure C). All bidders, whose offers complies with the minimum requirements, will be "deemed responsive" and will be subjected for further evaluation, even if the Department did not request any corrections.

For further information, bidders may contact the Designated Sector unit within DTI at 012 394 1135.

**19 SUBCONTRACTING IS A CONDITION OF TENDER**

- 19.1 Where sub-contracting is a condition of tender, bidders are required to comply with the prescribed B-BBEE category(s) of sub-contracting and submit with the bid at the closing date and time at least the following:
- 19.1.1 A signed subcontracting agreement between the bidder and the intended subcontractor and;
- 19.1.2 The subcontractor's agreement must be signed by a person properly authorised by each party to the sub-contractor agreement. If a deemed unauthorised person(s) signed the agreement, it will be dealt with as specified in the "Special Conditions of Contract" paragraph 8.
- 19.1.3 A valid original or certified copy of the B-BBEE certificate or "Sworn Affidavit" of the intended sub-contractor as per the requirements specified in the bid document. Non-complaint B-BBEE certificates or "Sworn Affidavits" of sub-contractors will be dealt with as specified in the "Special Conditions of Contract" paragraph 15.
- 19.2 Where sub-contracting is a condition of tender, the bidder is not obligated to list the proposed mandatory sub-contractor in its SCHEDULE OF PROPOSED SUBCONTRACTORS (DPW-15(EC)).



- 19.3 Failure to comply with the minimum conditions above, will lead to the bid being eliminated.

**20 BIDDER'S DISCLOSURE/ BIDDER'S DECLARATION (PA - 11)**

- 20.1 The Department will afford a bidder an opportunity to correct its PA-11 form, if the bidder omitted to sign or to complete or to properly complete this form.  
20.2 A bidder's offer may be eliminated if the bidder's declaration is proven false during the bid evaluation process.

**21 FORM OF OFFER AND ACCEPTANCE**

- 21.1 The tender amount in words takes precedence, where there is a discrepancy between the amount in figures, and the amount in words will govern.  
21.2 The successful bidder will be required to balance its rates prior signing of a contract.  
21.3 If the tenderer makes an obvious grammatical error in the amount of words, the wording will be compared to all the submitted comparative figures (i.e. the amount in figures on the submitted "Form of Offer and Acceptance" and the amount stipulated in the bills of quantities or the final summary page, or activity schedule or pricing schedule) and if deemed the same:  
21.3.1 The tenderer's offer will not be disqualified.  
21.3.2 The tenderer can be requested to correct the error and ratify its "Form of Offer and Acceptance".  
21.4 If there is no amount in words, the amount in figures on the submitted "Form of Offer and Acceptance" will be compared to all the submitted comparative figures (i.e. the amount stipulated in the submitted bills of quantities or the final summary page or the activity schedule, or the pricing schedule) and if deemed the same:  
21.4.1 The tenderer's offer will not be disqualified.  
21.4.2 The tenderer can be requested to correct the omission of the amount in words and ratify its "Form of Offer and Acceptance".  
21.5 In addition to the above, the form of Offer and Acceptance, must at the closing date of the bid, comply with the following minimum criteria:  
21.5.1 It must be signed by an authorised person of the Bidder;  
21.5.2 The Surname with Initials/ Name of the authorised person must be clearly indicated;  
21.5.3 The date on the form of offer must be completed;  
21.5.4 The name of the bidder/ legal entity must be clearly indicated.  
21.6 If both the "amount in words" and the "amount in figures" is not completed, the bid will be eliminated.

**22 CORRECTION OF ERRORS**

- 22.1 Only the authorised signatory to the tender should initial corrections in the tender document.  
22.2 All corrections must be in non-erasable ink and the use of correcting fluid (tippex) is prohibited.  
22.3 In the event that a correction is not initialled or the correction is initialled by a person not having the prescribed authority, the Department will:  
22.3.1 Seek the necessary clarification from the tenderer and;





22.3.2 If accepting the response from the tenderer, evaluate the bid further and  
or,

22.3.3 Allow the tenderer to correct/ ratify any noncompliance, where necessary.

**23 CONDITIONS WITHDRAWN FROM THE GENERAL CONDITIONS OF CONTRACT**

23.1 N/A

**24 INCOMPLETE SECTIONS OR SCHEDULES IN BID DOCUMENTS**

24.1 Bidders who omitted or incorrectly completed a section(s) or a schedule(s) in the bid document, but have submitted with the bid the required/ specified proof or supportive documents for that particular sections of the document, maybe allowed to correct such non-compliance.

**25 DISCLAIMER**

25.1 It is impractical and cumbersome for the Department to communicate with all qualifying bidders to correct/ ratify all eligible matters as articulated in this "Special Conditions of Bid". The Department therefore reserves the right and discretion, during its evaluation and other administrative processes to:

25.1.1 Limit its correspondences for corrections/ ratifications/ clarities to potential higher point scoring bidders only and to

25.1.2 Further evaluate any potential qualifying lower scoring bidder(s) as "deemed responsive" without requesting the corrections/ ratifications of a matter which is eligible as per the "Special Conditions of Bid".