

NORTHERN CAPE DEPARTMENT OF CO-OPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS



LERATO PARK INTEGRATED HOUSING DEVELOPMENT

RFQ No: 2334-11-18/02

**ENVIRONMENTAL MONITORING AND CONTROL OFFICER FOR THE
CONSTRUCTION OF TEMPORARY RESIDENTIAL ACCOMMODATION UNITS IN
LERATO PARK INFORMAL SETTLEMENT'S**

April 2021

QUOTATION SUBMITTED BY:

Name of Company: _____

Address: _____

Telephone No: _____

Issued by:

CO-OPERATIVE GOVERNANCE, HUMAN SETTLEMENTS
AND TRADITIONAL AFFAIRS
JS du Plooy Building, 9 Cecil Sussman Road, Kimberley
Private Bag X5005, Kimberley
Tel: +27(0)53 830 9422
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Attention: Ms I Lekalake

Compiled by:

BIGEN AFRICA REAL ESTATE
Physical Address:
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**Enquiries: M W Pretorius PrEng
CLOSING DATE: 22 April 2021 at 11:00**

REQUEST FOR QUOTATION: ENVIRONMENTAL MONITORING AND CONTROL OFFICER FOR THE CONSTRUCTION OF TEMPORARY RESIDENTIAL ACCOMMODATION UNITS IN LERATO PARK INFORMAL SETTLEMENT'S

1. BACKGROUND

The Department of Cooperative Governance, Human Settlements and Traditional Affairs of the Northern Cape Province ("COGHSTA"), hereby invites you to submit a proposal and quotation for the rendering of occupational health and safety services in terms of the construction regulations, 2003 and 2014 of the occupational health and safety act (act 85 of 1993) for the construction of 200 temporary residential accommodation units in Lerato Park Informal Settlement in the Sol Plaatje Municipality area of jurisdiction.

Your firm's proposal and quotation should be based on the guidelines as provided below in this document. Your firm's quotation should address all activities to complete the scope of work as described below. The 200 temporary residential accommodation units forms part of the Emergency Housing Grant.

This request for proposal and quotation is subject to the conditions below.

2. PROPERTY LOCATION

The project is located in Lerato Park, North West of Kimberley town between the townships known as Galeshewe and Roodepan, under the jurisdiction Sol Plaatje Municipality, Frances Baard District Municipality, Northern Cape Province.

3. PROCUREMENT

Functionality and 80/20 principle evaluation criteria will apply. Based on functionality the tenderer should score 70 (70%) out of the possible 100 or more on the following criteria to be further evaluated:

Functionality	Criteria	Maximum Points
1	Experience	35
2	Project Staff Experience	35
3	Women Youth and People with disabilities Owned	20
4	Locality	10
TOTAL		100

Criteria 1: Experience (Scoring a maximum of 35%)

Sub-Criteria:	Points Awarded
Completion of at least 5 projects of similar scope and condition in the last 5 years, supported by contactable references	35
Completion of at least 3 projects of similar scope and condition in the last 5 years, supported by contactable references	20
Completion of at least 2 projects of similar scope and condition in the last 5 years, supported by contactable references	10
1. Total possible points for method and approach of Tenderer	35

Criteria 2: Project Staff Experience (Scoring a maximum of 35%)

Sub-Criteria:	Points Awarded
Proof of Professional registration with the relevant statutory authorities and with at least 5 years' experience in building and civil environment.	30
Proof of Professional registration with the relevant statutory authorities and with at least 3 years' experience in building and civil environment.	20
Proof of Professional registration with the relevant statutory authorities and with at least 2 years' experience in building and civil environment.	10
Total possible points for Qualified and registered professional	30

Criteria 3: Women Youth and People with disabilities Owned (Scoring a maximum of 20%)

Sub-Criteria:	Points Awarded
Companies who are 100% owned by Women, Youth and People with disabilities	20
Companies who are between 50% and 100% owned by Women, Youth and People	10
Total possible points for Women and Youth Owned	20

Criteria 4: Locality

Sub-Criteria:	Points Awarded
Companies who are based in Northern Cape	10
Total possible points for Locality	10

4. CONSTRUCTION OVER VIEW

The Project is located within the jurisdiction areas of the Sol Plaatje Municipality ("SPM") and Tsantsabane Local Municipality ("TLM") planned to deliver 200 temporary residential accommodation units over an envisage period of 4 months. COGHSTA is the developer and the SPM is the land owners. The land was made available by the SPM to COGHSTA for the development of the project by means of a Land Availability Agreements.

The project aims to deliver some 200 temporary residential accommodation units opportunities in the SPM.

The scope of works for the temporary residential accommodation units are as follows:

- a) Clearing and levelling of Site
- b) 150mm G5 Gravel fill compacted to 93% MOD AASTHO. (founding properties of the area to be considered)
- c) Concrete Slab (25 MPa, minimum thickness of 100mm for 30m²)
- d) Construction of Temporary Housing Unit
 - Minimum 30m²
 - 2 bedrooms, with internal Masonite door frames and 2 lever locks
 - 0.5mm Galvanised Roof Sheeting, with a minimum pitch of 5 degrees
 - One standard Steel door with cold rolled 75x50x20x2.5mm door frame
 - 3 lever SABS approved lock
 - Windows (5% of floor area, type D7 with 3mm glazing)
- e) Thermal isolation

5. SCOPE OF WORK

The scope of work requires the rendering of environmental monitoring and control services to comply with the requirements of the approved Environmental Record of Decisions (“ROD”) and the Environmental Management Plans and all its requirements for the construction of 200 temporary residential accommodation units in Lerato Park Informal Settlement in the Sol Plaatje Municipality area of jurisdiction.

The appointment includes the co-ordination with other members of the professional team, attending meetings and all other related functions.

The scope of work consists of but is not limited to the following:

- 4.1 Ensuring that the developer / contractors appointed for the construction of 200 temporary residential accommodation units in Lerato Park Informal Settlement in the Sol Plaatje Municipality area of jurisdiction comply with the EMP and all other relevant environmental legislative requirements;
- 4.2 Execution of the required environmental inspections and audits during the construction of 200 temporary residential accommodation units in Lerato Park Informal Settlement in the Sol Plaatje Municipality area of jurisdiction at least once a month or as and when required;

- 4.3 Compilation and submission (to the relevant competent environmental authority) of any other environmental documentation required to comply with the environmental legislation requirements;
- 4.4 Providing advice and comments to the appointed developer / contractors appointed for the construction of 200 temporary residential accommodation units to ensure that they comply with all relevant environmental legislative requirements (Especially to comply with the requirements of the EMPs) during the for the construction of 200 temporary residential accommodation units in Lerato Park Informal Settlement in the Sol Plaatje Municipality area of jurisdiction;
- 4.5 Liaison and coordination with any other required professionals to ensure compliance with the required environmental legislation;
- 4.6 Environmental progress reporting to Bigen Africa Services (Pty) Ltd (“Bigen”) and any other relevant environmental authorities at least once a month or as and when requested.
- 4.7 Any other service to successfully complete the abovementioned scope of work.

6. PROOF OF EXPERIENCE AND PREVIOUS WORK DONE

You are required to provide as part of your proposal / quotation proof of previous work that you and / or your firm has done similar to the scope of the work as described above.

7. BEE STATUS

You are required to provide as part of your proposal / quotation proof of your firm’s current certified BEE status.

8. DELIVERABLES

- Environmental Audits to comply with the Environmental Management Plan;
- Environmental advice and assistance to the appointed developer / contractors for the construction of 200 temporary residential accommodation units to ensure that the mentioned contractors comply with the EMPs and all other relevant environmental legislative requirements during the construction of for the construction of 200 temporary residential accommodation units in Lerato Park Informal Settlement in the Sol Plaatje Municipality area of jurisdiction;
- Environmental audit/monitor and control reports.

9. PROFESSIONAL FEES SCHEDULE

The appointment value of the successful sub consultant to be appointed for the rendering of the services as described above will be fixed and based on estimated construction duration of 4 months (Expected commencement date is April 2021) for the construction of 200 temporary residential accommodation units in Lerato Park Informal Settlement in the Sol Plaatje Municipality area of jurisdiction. Your firm's quotation should be based on the items as described in the table in the pricing data.

10. COMPLETION DATE

The estimated construction duration is 4 months (Expected commencement at the beginning of April 2021) for the construction of 200 temporary residential accommodation units in Lerato Park Informal Settlement in the Sol Plaatje Municipality area of jurisdiction.

11. REPORTING AND COMMUNICATION

Bigen has been appointed as the Implementing Agent ("IA") of COGHSTA for the Project and all communication regarding the rendering of the occupational health and safety services. The estimated construction duration is 4 months (Expected commencement at the beginning of April 2021) for the construction of 200 temporary residential accommodation units in Lerato Park Informal Settlement in the Sol Plaatje Municipality area of jurisdiction should be done with Bigen. Bigen's representative is Mr Marthinus Pretorius and Mr Pretorius's contact details are as follow:

Cell.: 082 557 3964

E-mail: Marthinus.pretorius@bigengroup.com

The successful Environmental Monitoring and Control Officer to be appointed will therefore, after appointment by COGHSTA report to Bigen.

12. TERMINATION

COGHSTA will reserve the right to cancel / postpone the appointment to be made to the successful Environmental Monitoring and Control Officer to be appointed at any time and to reimburse the successful Environmental Monitoring and Control Officer for work done to the satisfaction of COGHSTA and Bigen to date, after which any further obligations shall fall away.

13. ADDITIONAL REQUIREMENTS

- 13.1. The PSP is required to meet the following minimum requirements of which proof must be submitted together with the quotation:
- Company profile with CV's of professionals going to undertake the project.
 - Project proposal (Estimated time-frame for carrying out the study and compiling the report and method statement on how the project will be approached & carried out).
 - A list of satisfied clients and contact details for similar work carried out before.
- 13.2. The project must be completed within a period of 4 months from the date of appointment and a Service Level Agreement shall be entered into with COGHSTA in this regard. At appointment stage, the successful Service Provider shall have 5 working days to accept the appointment in writing and thereafter 14 days to commence with work on site.
- 13.3. COGHSTA requires that all suppliers be registered on Government's Central Supplier Database and proof of registration must be submitted along with the quotation and it is subject to verification during the evaluation stage. To register, kindly visit: www.csd.gov.za.
- 13.4. It is also required that quotations be accompanied by fully completed copies of the attached NCP 1, 4, 6, 8 & 9 forms as well as a copy of a certified BBBEE certificate for companies wishing to claim BBBEE preference points and a valid Tax Clearance Certificate.
- 13.5. A Service Level Agreement will be entered into with COGHSTA.
- 13.6. Other procurement conditions are as follows:
- COGHSTA's SCM policy and the PPPF Act of 2000 will apply.
 - The 80/20 evaluation criteria will apply.
 - Functionality (70/100)
 - Quotations must comply with the PFMA and its regulations.
 - Central Supplier Database registration is compulsory.
 - COGHSTA reserves the right not to accept the lowest or any other quotation or to accept, where applicable, a portion of any quotation.
 - Failure to comply with Procurement Conditions may result in a disqualification.
 - **COGHSTA does not pay VAT.**
- 13.7. The conditions for the closing of quotations are as follows:

- Quotations close at 11:00 on 22 April 2021 and must be submitted at COGHSTA, Larry Moleko Louw Building, 9 Cecil Sussman Road, Kimberley, 8300.
- Late, faxed or e-mailed quotations will not be accepted.

13.8 Enquiries

- General enquiries contact person: Ms. I Lekalake of COGHSTA
e-mail: ILekalake@ncpg.gov.za
Tel: 053 830 9533

Returnable Documents and Schedules

LIST OF RETURNABLE DOCUMENTS

1. Tenderers are required to submit the following with their quotations:
 - (a) Original valid Tax Clearance Certificate (in terms of the Preferential Procurement Regulations, 2001 published in Government Gazette No. 10684 dated 20 January 2017),
 - (b) **A valid certified copy of a B-BBEE Verification Certificate** from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA).
 - (c) Curriculum Vitae of all professionals going to undertake the project.
 - (d) Project proposal including time frames and method statement.
 - (e) List of similar work carried out previously.
 - (f) Proof of registration on the Government's Central Supplier Database (CSD)

Returnable schedules

LIST OF RETURNABLE SCHEDULES

Tenderers are required to submit the following fully completed with their quotations:

- (a) NCP 1 Form
- (b) NCP 4 Form
- (c) NCP 6 Form
- (d) NCP 8 Form
- (e) NCP 9 Form

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
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 [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes
	<input type="checkbox"/> No				<input type="checkbox"/> No
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?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
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		TOTAL BID PRICE (ALL INCLUSIVE)			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT/ PUBLIC ENTITY			CONTACT PERSON		
CONTACT PERSON			TELEPHONE NUMBER		
TELEPHONE NUMBER			FACSIMILE NUMBER		
FACSIMILE NUMBER			E-MAIL ADDRESS		
E-MAIL ADDRESS					

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
<p>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.</p>	

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

NCP 4 (7/12/11)

DECLARATION OF INTEREST

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 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.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
 - 2.1 Full Name of bidder or his or her representative:
 - 2.2 Identity Number:.....
 - 2.3 Position occupied in the Company (director, trustee, shareholder², member):
 - 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
 - 2.5 Tax Reference Number:
 - 2.6 VAT Registration Number:
 - 2.6.1 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 3 below.

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) provincial legislature;
- (d) 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.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

Name of state institution at which you or the person connected to the bidder is employed :

Position occupied in the state institution:

Any other particulars:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

.....

.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....

.....

.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

2.10.1 If so, furnish particulars.

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

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

[illegible]

4 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 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

(7/12/11)

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 to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

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	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
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 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 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20 or **90/10**

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

P_{min} = 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 of 10 or 20 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"/>
-----	--------------------------	----	--------------------------

- 7.1.1 If yes, indicate:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status level of the sub-contractor.....
- 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 least 51% owned by:	EME √	QSE √
Black people	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are youth	<input type="checkbox"/>	<input type="checkbox"/>
Black people who are women	<input type="checkbox"/>	<input type="checkbox"/>
Black people with disabilities	<input type="checkbox"/>	<input type="checkbox"/>
Black people living in rural or underdeveloped areas or townships	<input type="checkbox"/>	<input type="checkbox"/>
Cooperative owned by black people	<input type="checkbox"/>	<input type="checkbox"/>

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

.....

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:

ADDRESS

.....

.....

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	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court 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:		

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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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (NCP) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 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 NCP 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 (NCP 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

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

NCP 9 (7/12/11)

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.

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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

Pricing Data



1. SCHEDULE OF PROFESSIONAL FEES

PAYMENT ITEM	MILESTONES DESCRIPTION	UNIT	QTY	RATE	AMOUNT
1.	Ensuring that the developer / contractor appointed for the construction of 200 temporary residential accommodation units in Lerato Park Informal Settlement comply with the EMP and all other relevant environmental legislative requirements during the construction of the 200 temporary residential accommodation units.	month	4		
2.	Execution of the required environmental inspections and audits during the construction of 200 temporary residential accommodation units in Lerato Park Informal Settlement at least once a month or as and when required for the estimated Period:	month	4		
3.	Compilation and submission (to the relevant competent environmental authority) of any other environmental documentation required to comply with the environmental legislation requirements, if required;	sum	1		
4.	Providing advice and comments to the developer / contractor to be appointed for the construction of 200 temporary residential accommodation units in Lerato Park Informal Settlement to ensure that they comply with all relevant environmental legislative requirements (Especially to comply with the requirements of the EMP)	month	4		
5.	Liaison and coordination with any other required professionals to ensure compliance with the required environmental legislation during construction and completion of the 200 temporary residential accommodation units in Lerato Park	month	4		
6.	Environmental progress reporting to Bigen and any other relevant environmental authorities at least once a month or as and when requested during construction of the the 200 temporary residential accommodation units in Lerato Park	month	4		
7.	Any additional services / activities which may be required (Please specify)	sum	1		



PAYMENT ITEM	MILESTONES DESCRIPTION	UNIT	QTY	RATE	AMOUNT
8.	Sub-total excluding travel and disbursements (sum of items 1 – 7)				
9.	Travelling (Should be sufficient to cover all travelling cost for the duration of the project) Specify)	km			
10.	Disbursements (Copies and prints) (Should be sufficient to cover all travelling cost for the duration of the project) Specify)	sum			
11.	Sub-total including travel and disbursements (sum of items 8 – 10)				
12	Contingency (15% of Item 11 above)				
13.	Sub-total (sum of items 11 – 12)				
14.	0% VAT				R0.00
15.	Grand TOTAL (Including disbursement, travelling and 0% VAT)				