

**PROVINCE OF
THE EASTERN CAPE**



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THE EASTERN CAPE**

DEPARTMENT OF EDUCATION

CONTRACT NO: SCMU6-22/23-0013

**STANDARD BIDDING DOCUMENT: APPOINTMENT OF A PANEL
OF REGISTERED EXPRESSION OF INTEREST FOR THE
ESTABLISHMENT OF PANEL OF PROFESSION CONSULTANTS
TO PROJECT MANAGE THE EMERGENCY REPAIRS AND
OTHER URGENT INFRASTRUCTURE DELIVERY AT SCHOOL
WITHIN THE EASTERN CAPE PROVINCE FOR A PERIOD OF
TWO YEARS.**

Issued by:

Province of the Eastern Cape
Department of Education
Private Bag X0032
BISHO
5605

Prepared by:

N. Mahlaza
Steve Vukile Tshwete Education Complex
Zone 6, Zwelitsha
5605

Tel: (040) 608 4524
Contact Person: Mr. P.Nxozana

Name of Bidder: _____

Closing Date: **6TH DECEMBER 2022**



Province of the
EASTERN CAPE
EDUCATION

DESCRIPTION:

TERMS OF REFERENCE FOR THE APPOINTMENT OF A PANEL OF REGISTERED EXPRESSION OF INTEREST FOR THE ESTABLISHMENT OF PANEL OF PROFESSIONAL CONSULTANTS TO PROJECT MANAGE THE EMERGENCY REPAIRS AND OTHER URGENT INFRASTRUCTURE DELIVERY AT SCHOOLS WITHIN THE EASTERN CAPE PROVINCE FOR A PERIOD OF TWO YEARS.

SCMU NUMBER:	SCMU6-22/23-0013
PUBLISH DATE:	11 NOVEMBER 2022
VALIDITY PERIOD:	Offer to be valid for 120 days from the closing date of bid
CLOSING DATE:	05 DECEMBER 2022
CLOSING TIME:	11:00 AM
COMPULSARY TENDER BRIEFING	18 NOVEMBER 2022 11h00 Mandla Makupula Leadership and Training Institute
RFQ'S MUST BE HAND DELIVERED / COURIERED TO:	The Eastern Cape Department of Education Steve Tshwete Complex, Zone 6 Zwelitsha
ATTENTION:	<p>Bidders must ensure that bids are delivered in time to the correct address and deposited in the tender box which is located at the foyer in the main building of the Eastern Cape Department of Education herein referred to as the ECDoE, Head Office in Zwelitsha.</p> <p>If a bid is late, it shall not be accepted for consideration. The Eastern Cape Department of Education's tender box is accessible Monday to Friday, from 08h00 to 16h00. Bidders must advise their couriers of the instruction above to avoid misplacement or loss of bid responses.</p> <p>It is the onus of the bidder to ensure that the bid documents are delivered on time regardless of the mode of delivery.</p> <p>No bid documents will be considered after the closing time and the date of this bid which is indicated in previous row herein above.</p>
BIDDERS NAME:	

DEFINITIONS AND ABBREVIATIONS

"Agreement" the agreement between the Client and the Registered Consulting Professional.

"Architect" means a person registered in terms of the Architectural Profession Act, Act No. 44 of 2000, under a specific category of registration, or the architectural professional's practice constituted as a legal persona appointed to provide the architectural service for the project.

"Board Notice" refers to the professional fee guidelines published by various built environment statutory professional bodies in the government gazette, at the end of a calendar year, to be applicable to the following calendar year.

"Budget" means the anticipated cost of the project and/or works, provided that estimates on which the budget is based shall be deemed to be valid.

"Building contract," means the JBCC 'Principal Building Agreement' (PBA) or such other building agreement entered into between the client and the contractor.

"Built Environment" refers to the functional area in which registered persons practice. The built environment includes all structures that are planned and /or erected above or underground, as well as the land utilized for the purpose and supporting infrastructure.

"Client" means the party appointing the Registered Consulting Professional to perform part thereof referred to in this document. This is the Eastern Cape Department of Education

"Client Representative" means the client designated representative mandated to act on behalf of the client and who shall be available at all reasonable times.

"Civil Engineer" means a professional Civil Engineer registered in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000).

"The Council" means the Council for the Built Environment established under section 2 of the Council for the Built Environment Act, 2000 (Act No 43 of 2000)

"Construction Health and Safety Agent" means any competent person who acts as a representative for the client in managing health and safety on a construction project for the client and who has satisfied the registration criteria of the SACPCMP in terms of Section 18 (1) (c) of the Project and Construction Management Professions Act, 2000 (Act No. 48 of 2000).

"Construction Management" is the management of the physical construction process within the Built Environment and includes the co-ordination, administration, and management of resources. The Construction Manager is the one point of responsibility in this regard.

"Construction Project Management" is the management of projects within the Built Environment from conception to completion, including management of related professional services. The Construction Project Manager is the one point of responsibility in this regard

"Construction Project Manager" means a Professional Construction Project Manager registered in terms of the Project and Construction Profession Act, 2000 (Act No. 48 of 2000).



"Construction monitoring," means the process of administering the construction contract and over-seeing and/or inspecting the works, to the extent of the professional consultant's engagement, for the purpose of verification that the works are being completed in accordance with the requirements of the contract that the designs are being correctly interpreted and that appropriate construction techniques are being utilized.

"Construction Programme" is the programme for the works indicating the logic sequence and duration of all activities to be completed by the contractors, subcontractors, and suppliers, in appropriate detail, for the monitoring of progress of the works.

"Consultant" means a professional person/s or entity/entities appointed by the client to provide services in respect to the project.

"Contract programme" is the construction programme for the works agreed between the contractor and the Principal Agent.

"Contractor" means the entity or entities entering into the building contract for the execution of the works or part thereof.

"Contingency fund / Budget reserve" Budget within the cost baseline or performance measurement baseline that is allocated for identified risks that are accepted and for which contingent or mitigating responses are developed.

"Documentation programme" is schedule prepared by the Principal Consultant and agreed to by other consultants indicating the timeous provision of all necessary design documentation required by the contractors and subcontractors for the construction of the works.

"ECDOE" means Eastern Cape Department of Education

"Electrical Engineer" means a Professional Electrical Engineer registered in terms the Engineering Profession Act, 2000 (Act No. 46 of 2000).

"Fees and/or tariff of fees" means payment made to a consultant in exchange for advice or services.

"Landscape Architect" means a professional landscape architect registered in terms the Landscape Architectural Profession Act, 2000 (Act No. 45 of 2000).

"Mechanical Engineer" means a Professional Mechanical Engineer registered in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000).

"Multi-disciplinary Professional Practice" means a practice that provides all the core disciplinary professional services (Architectural, Quantity Surveying, Civil & Structural Engineering, Electrical & Mechanical Engineering and Construction Health & Safety), of which each professional division/section in the practice is under the full time supervision of a registered professional in that specific profession and, and which is owned and controlled by registered professionals, by at least a percentage determined by the relevant Council in its Code of Professional Conduct.

"Principal" means the proprietor, partner, director or member who bears the risks of the practice and takes full responsibility for the potential liabilities of the practice.

"Principal Agent" means the person appointed and authorized to fulfill the obligations of the principal agent in the agreed form of JBCC building contract.

"Principal Consultant" means the person or entity appointed by the client to manage and administer the services of all other consultants.

"Provisional sum" means an amount included in the contract sum for the supply and installation of work by a subcontractor

"Project" means the total development as defined on the scope of works by the client, including the professional services.

"Project Initiation Programme" is the programme devised by the Registered Consulting Professional in consultation with their sub consultants and the client defining all the work necessary to be completed prior to commencement of work by the contractors.

"Quantity Surveyor" means a Professional Quantity Surveyor registered in terms of the Quantity Surveying Profession Act, 2000 (Act No. 49 of 2000)

"Registered Consulting Professional" means an Architectural, Engineering, Quantity Surveying or Construction Project Management Practice that is professionally registered that enters into a contract with the client to provide full multidisciplinary professional services prescribed by the client.

"Specialist" means a built environment professional highly skilled in a specific and restricted field.

"Structural Engineer" means a Professional Structural Engineer registered in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000)

"Sub consultant" means all professionally registered persons or firms, other than employees of the Registered Consulting Professional, who the Registered Consulting Professional appoints to provide built environment professional services for the client.

"SACPCMP" means the South African Council for the Project and Construction Management Professions established under section 2 of the Project and Construction Management Professions Act.

"Works" means all work executed or intended to be executed in accordance with the building contract.

TERMS OF REFERENCE FOR THE APPOINTMENT OF A PANEL OF REGISTERED CONSULTING PROFESSIONALS TO PROJECT MANAGE THE EMERGENCY REPAIRS AND OTHER URGENT INFRASTRUCTURE DELIVERY AT SCHOOLS WITHIN THE EASTERN CAPE PROVINCE FOR A PERIOD OF TWO YEARS

1. THE REQUIRED SERVICE

All Consulting Professionals (Quantity Surveyors, Architects, Civil Structural Engineers, Electrical/Mechanical Engineers, Project Managers) registered with the relevant professional council are invited to bid for the rendering of emergency project management services at schools within the Eastern Cape Province affected by natural disasters and delivery of urgent infrastructure needs at schools. The Registered Consulting Professionals who meet the functionality criteria and whose price and points are market related will be appointed to a panel per ECDOE district.

2. BACKGROUND

Annually during the months of November through to March the Eastern side of the Eastern Cape Province is affected by high wind and rain storms which has a devastating effect on the school infrastructure. Other areas of the province are also affected but not as frequently.

The result of these storms is that the roofs of school buildings are blown off causing serious damage to the structure. Toilet blocks and other infrastructure facilities are also affected and due to the nature of the damage to the school, infrastructure becomes unsafe and no teaching and learning can take place at the school, until the damage has been repaired.

The department also requires certain urgent infrastructure upgrades at their facilities and require urgent delivery thereof.

3. PROBLEM STATEMENT

3.1 To ensure that these disasters and urgent infrastructure upgrades are attended to, emergency deviations from normal procurement is done to ensure that the damages to schools are attended to as quickly and as cost effectively as possible.

3.2 The departments infrastructure unit does not have the capacity to perform the required procurement to obtain suitable contractors to attend to these emergencies. Project management of these emergencies is also difficult for the department due to capacity constraints.

- 3.3 As some of these disasters happen over the December and January period when the construction industry is closed it is very difficult for the department to have the schools repaired by the start of the new school year. However, by appointing Registered Consulting Professional companies as primary consultants the risk is passed on to the companies to ensure that the school is ready for the school year. Similarly urgent infrastructure works are required to be implemented under the same principles.

4. OVERALL OBJECTIVES

- 4.1 To appoint a panel of Registered Consulting Professionals per ECDOE district
- 4.2 To ensure that school infrastructure which is damaged by storms and natural disasters or requires urgent infrastructure upgrades which became unsuitable for effective teaching and learning is repaired through an emergency process, project managed by a Registered Consulting Professional.
- 4.3 To also ensure that quality work is done at an acceptable market related rate per project and to ensure competitive cost efficiency and value for money.
- 4.4 To transfer the risk, being financial or quality to the Registered Consulting Professional who must ensure achieving these requirements by appointing and ensuring quality work from a suitably experienced contractor.
- 4.5 To ensure that all procurement, project management and EFMS processes are compliant to the relevant prescripts and that proper documents are available for Audit purposes.
- 4.6 To ensure that all work as it is being completed is loaded and updated onto the Departments EFMS system which is the Departments Project management system.

5. SCOPE OF WORK

The Registered Consulting Professionals must perform the following activities:

- 5.1 Complete a detailed site assessment of the disaster or urgent infrastructure upgrades awarded, within five (5) working days of being appointed to the disaster project, in accordance with prescripts of this tender. Ensure that only repairs that were caused by the disaster/emergencies or required urgent infrastructure upgrades are included in the report and tender(s).

- 5.2 Dated pictures must be taken of the damage caused by the disaster or required for the urgent infrastructure upgrades. The Works Inspector (if available) within the relevant district should be part of the initial assessment of the damages or urgent infrastructure upgrades and accompany the Consultant to site.
- 5.3 The assessment report must include an estimate as prescribed in the estimate approval guidelines. The entire assessment report complete with all pictures must be loaded on the EFMS at Stage 1. The scope of work, estimate value, milestones, cashflows and documentation must be loaded on the EFMS as prescribed in the estimate approval guidelines. On completion notify the Department by e-mail of the completion of the assessment report and EFMS, which will enable the Department to comment or approve the assessment before finalizing the tender documentation and Bills of Quantities
- 5.4 Ensure Site Safety to prevent injuries to this extent the following:
- 5.4.1 Determine the scope of work to be done to make the site safe, prevent damages to exposed structures and obtain at least three or more quotations from local contractors on the central supplier's database (CSD) to address the issues. These quotations must be done in terms of NTR 16.6.1. The district works Inspector should assist with the CSD process through the district Supply Chain Management (SCM) unit.
- 5.4.2 Procure and submit recommendations to the ECDOE Head Office for the appointment of the suitable contractor and upon approval from the Departments Head Office instruct the successful contractor to make the site safe. This activity must be completed within five (5) days from the assessment of the damage on site. A nominal default monetary allowance to accommodate for such eventuality have been included in the pricing schedule.
- 5.4.3 The quotations submitted to make the site and affected buildings safe will be approved and funded from the allowable item in the pricing schedule.
- 5.5 Repair of all remaining storm damages/emergencies as well as urgent infrastructure upgrades to the facility, to this extent the following:
- 5.5.1 Compile the suite of tender documents which will include the unpriced Bills of Quantities to address the determined scope of work. Ensure that only repairs are to be affected that were caused by the

disaster or other required urgent infrastructure upgrades. These tender documents must be loaded on EFMS, complete with all data as prescribed in the estimate approval guidelines, which include but are not limited to, scope of work, appointments, estimate values, milestones, cashflows, documentation, etc., after which the Department must be informed by e-mail (e-mail to include priced Bills of Quantities) of such, which will enable the Department to evaluate and comment or approve the tender before proceeding with the implementation of the work.

- 5.5.2 The estimate must include a contingency amount limited to a maximum 5% of the estimated tender value, with the rand value rounded down, the estimate, budget and cashflow on the EFMS must also include this contingency value.
- 5.5.3 Prepare procurement documents on behalf of the Department, with necessary SBDs (Standard Bidding Documents) and other relevant returnable documents.
- 5.5.4 Identify at least three or more contractors who have an active registration status on the CIDB database who match CIDB grading criteria as per the pricing and provide them with the scope/specification/BOQ and SBDs for completion with the request to respond within three working days. The construction companies must comply with the National Treasury Instruction No. 7 OF 2017/18 Tax Compliance Status Paragraph 4 sub- paragraph 4.2 and which states that *"Where the recommended bidder must be notified of their non-compliance status and granted reasonable timeframe to rectify their Tax compliance status with the South African Revenue Service. The bidder must thereafter provide the procuring entity with proof of its tax compliance status which must be verified via the Central Supplier Database or e-Filing"*.

Paragraph 4.3 "The accounting officer and Accounting authority must reject a bid submitted by the bidder if such a bidder fails to provide proof of Tax compliance status in terms of Paragraph 4.2 above"

- 5.5.5 The documents will be provided to the contractors at the site briefing for which appropriate minutes will be kept. These contractors must also be registered on the CSD and comply with National Treasury Instruction No. 7 of 2017/18 Tax Compliance status Paragraph 4 sub-paragraph 4.2 and 4.3 above.

- 5.5.6 Should other professional services be required; three quotes will be obtained by the appointed Registered Consulting Professional company. The department must first approve the acceptable quote, after which the cost of this service will be included in the Registered Consulting Professional's disbursement costing and invoices to the Department.
- 5.5.7 On return of quotations, complete the evaluation and adjudication and issue the recommendation to the Department of the preferred bidder for consideration for appointment. The Works Inspector within the relevant District should be part of this action.
- 5.5.8 All the submitted returnable tender documents as well as the evaluation and adjudication documentation documents must be loaded on the EFMS upon receipt or completion of these documents. This will enable the Department (SCM) unit to evaluate and approve the appointment of the suitable contractor within 3 days of receipt of the procurement documentation.
- 5.5.9 Instruct the approved contractor to start on site immediately, once written authorization has been given, which will also be uploaded on EFMS.
- 5.5.10 The Department will appoint the contractor by providing an appointment letter within three working days which will also be uploaded on the EFMS.

6. The Registered Consulting Professional will also perform the following additional duties:

- 6.1 Open a project file for the disaster/emergency project or other urgent upgrades.
- 6.2 Involve the District Works Inspector in all aspects of the project management and transfer project management skill to the Works Inspector.
- 6.3 Complete contract and sub-contract documents, site handover document etc.
- 6.4 Manage technical and site meetings when required, but not less than once a month to obtain report on progress, etc.
- 6.5 Manage and issue contract payment certificates and contract budget within approved set budget.
- 6.6 Be responsible for compiling variation orders and submitting them for approval and inclusion in payments once approved.

- 6.7 Ensure quality and manage risk as well as OHS compliance during the entire project period.
- 6.8 Ongoing EFMS update of project data from initiation to the approval of the close out report by the Department. No consultant fee or disbursements will be paid if there is EFMS non-compliance. All recorded and proven disbursements based on an approved rationalised disbursement plan must be invoiced and if judged relevant and correct by the department will be paid during the project. Fee payments amounting to the last 20% of fee budget, as approved by the Department on the required re-calculations of fees after appointed of the contractor and based on the fee-able value included in the accepted contract price using the tendered detail calculations and discount submitted for Registered Consulting Professionals services, will only be paid after acceptance and approval of the close-out report by the Department.
- 6.9 Final account and Close-out report to be submitted within contractual time frames.
- 6.10 Project manage and administer the project from appointment till the close out of the project whilst ensuring resource management, budget and milestone date compliance and completion of project within budget and time as well as reporting on said compliances by ensuring the EFMS data and documentation remain fully maintained and up to date at all time and also loading all reports on the EFMS.

7. RESPONSIBILITIES OF THE DEPARTMENT

- 7.1 The Department will confirm the disaster or urgent infrastructure upgrades through the ECDOE district office and inform the Chief Directorate Physical Resource Management.
- 7.2 The Infrastructure unit through the office of the Chief Director will obtain verbal/written permission from the Head of the Department (HOD) to deviate from a competitive bidding process in case of an emergency in line of provisions of the National Treasury Regulations (NTR) 16A.6.4 which states that *"If in a specific case it is impractical to invite competitive bids, the accounting officer or accounting authority may procure the required goods or services by other means, provided that the reasons for deviating from inviting competitive bids must be recorded and approved by the accounting officer or accounting authority."*
- 7.3 A written motivation must be submitted to the office of the HOD to confirm the verbal approval. (NTR 16A.6.4) must be applied.
- 7.4 The works order for the disaster/emergency project or other urgent upgrades will be provided to the project manager.
- 7.5 The department will create the project on EFMS to allow the Consultant to load and maintain the relevant project information as the project



progresses. This task will be completed as soon as authority is received from the HOD for the project.

8. MANAGEMENT REPORTING REQUIREMENTS

- 8.1 The ECDOE project manager will be responsible for the project and rely on the Registered Consulting Professionals to project manage the disaster/emergency and other urgent infrastructure upgrades as the Principal Agent.
- 8.2 Progress monitoring will be done by the Department by using the EFMS and the District Works Inspectors will monitor progress and quality.
- 8.3 No Payment will be made to the Project team including the Registered Consulting Professional company if all project information is not uploaded and the EFMS is not 100% compliant. In addition to progress report in the site minutes of the site meeting, the site inspection facility on the EFMS should be utilized and updated with all the relevant data with each site visit, reflecting site progress and data which must also reflect when each site visit took place, who visited the site and will form part of evidentiary information in support of disbursement claims.

9. TIME FRAMES

- 9.1 The contract for the panel of Registered Consulting Professionals shall be for a period of 24 months and may be extended for another 12 months should the service by the panel of Registered Consulting Professionals be satisfactory.
- 9.2 Disaster/Emergency or other urgent infrastructure upgrades will be allocated to a Registered Consulting Professionals companies on the panel as the need arises. The allocation to these companies will be done on a rotational basis. Companies will be ranked per district as per the highest points scored during the evaluation of their offers to be on the panel.
- 9.3 Projects may be clustered where geographically required to minimize costs and given to one company. However, the department will limit the quantity to not more than three (3) projects per allocation. In case of wide spread disasters in any specific cluster the department reserves the right to allocate projects to panel members from adjacent or other nearby ECDOE district panels
- 9.4 The time frame of each project allocated will depend on the scope of work required to attend to the facility as per the disaster/emergency or other urgent infrastructure upgrades. It is of the utmost importance that the project be finalized as quickly as possible without sacrificing quality and value for money.

- 9.5 No project time overrun will be allowed on disaster/emergency and other urgent infrastructure upgrades as children cannot be deprived from education due to the lack of a suitable facility.

10. BID PRICING STRUCTURE

- 10.1 The bid pricing schedule is based on a theoretical fee-able project value of R3 000 000 (excluding fees, disbursements, and VAT), with sub-section values as indicated. Tenderers must **only insert** the tendered fee reduction percentages on the pricing schedule which will then automatically calculate their tendered fee value.
- 10.2 The pricing schedule makes provision for the following categories of services to be rendered and is priced accordingly, Professional services, Principal Agent and Quality Control Inspection but **excludes** those services in each category reflected as "No" under the "**Required services**" column for each category. Such services required include all specified services listed in the pricing schedule, as detailed in the 2015 Guideline Tariff off Professional Fees published by The South African Council for the Quantity Surveying Profession, including maintaining all aspects of the project on the ECDoE EFMS at 100%. **It must be noted that the above applicable Quantity Surveyors fee scales remain applicable irrespective of which discipline tenders for this work and execution of the actual contract.** Default theoretical allowance for disbursements has been included and form part of the tender price. The total of both inclusive of the tendered fee reduction and inclusive of VAT will be regarded as the tendered value for professional services
- 10.3 The potential service provider must decide if the quoted rates, specifications and conditions applicable for the duration of this tender are acceptable, if not the prospective service provider has the option not to partake in the bid.
- 10.4 **All that is required from the prospective bidder is to indicate the percentages fee reduction he is prepared to offer and the specifications of the vehicle that will be used** and what his price would then come to when the reduction is awarded. The department will however do a risk analysis to ensure that the amount of discount offered is feasible and will not compromise the successful completion of the project.
- 10.5 The bidder must remember that once accepted to the panel the rates as per the bid are applicable and fees will be paid in terms of the project value allocated and the discount tendered.
- 10.6 The Apportionment of fee to stages will be in terms of GUIDELINE TARIFF OF PROFESSIONAL FEES QUANTITY SURVEYING PROFESSION ACT, 2000 (ACT 49 OF 2000) which became effective on 1 September 2015 or as amended.

- 10.7 The final twenty (20%) of the total project fee costs will be retained as defined on the pricing schedule stages 5 and 6 by the Department until the approved final account and close-out report have been submitted and approved by the department.
- 10.8 Disbursements will be paid in terms the Department of Public Works monthly rates as amended from time to time for reimbursable expenses subject to the limitations specified in the pricing schedule and the associated notes. The rate applicable will be for the entire period during which the project is being executed based on the vehicle and resources tendered and to be used as specified.
- 10.9 The tender pricing schedule Clarification Notes and all other notes and information on the pricing schedule must be read in conjunction with these tender documents and in particular the **Required data/information** and the **Limitations and restrictive conditions** reflected therein:

REQUIRED DATA/INFORMATION TO BE ENTERED BY TENDERERS ON TENDER PRICING SCHEDULE

- The pricing schedule will be made available in electronic format to enable tenderers to insert the required information in the electronic pricing schedule and to print the pricing schedule for inclusion in their tender submission.
- The value as reflected at the bottom of the pricing schedule will be the tenderer's tender price. This tender price from this pricing schedule must be transferred to Tender Form in this tender.
- The entire printed schedule reflecting all the required populated information and the tender price in their pricing schedule and on the Tender Form must be printed and included in the tender submission.
- The following items reflects the **only** Information that tenderers must enter/complete on the tender pricing schedule.
 1. *Respective percentage fee reductions to be entered by each tenderer on tender schedule, in the appropriate cells highlighted in yellow (cells with letter P in it).*
 2. *Relevant vehicle data to be entered in appropriate cells on tender schedule, in the appropriate cells highlighted in yellow.*
 3. *Relevant resources, discipline and DPW rate (limited to max par (iii)) data to be entered in appropriate cells on tender schedule, in the appropriate cells highlighted in yellow (cells with letter P in it).*

LIMITATIONS AND RESTRICTIVE CONDITIONS

1. Any deviation from the above or non-compliance with the above and the forgoing tender specifications and conditions will render the tender submission invalid.
2. Any qualification to the tender or pricing schedule will render the tender submission invalid.
3. Any amendment or changes will render the tender submission invalid.
4. Non-completion with the information required in the pricing schedule will render the tender submission invalid.
5. Any difference between the Tender value on the Tender Form and the value reflected against "TOTAL TENDER PRICE INCLUDING VAT" at the bottom of the pricing schedule will render the tender submission invalid.

11. EVALUATION CRITERIA

11.1 The tender will be evaluated on functionality in terms of CIDB method 4, failure to meet this pre-qualification criteria and submitting **any qualifications to the tender will lead to disqualification for the bid.**

11.2 The functionality will be scored out of a total of 100 points.

11.3 A minimum score of 70 points will be required to proceed to the next round of evaluation. Failure to obtain the minimum threshold of 70 points will result in disqualification.

11.4 The Tenderer will be scored in terms of the offers submitted and detailed documentary evidence supplied to substantiate their points claim. This must include company structure and comprehensive CV's.

11.5 The documentary evidence must include the methodology the Bidder will offer to complete the project in line with the department's requirements.

11.6 Table below.

FUNCTIONALITY CRITERIA SCORE CARD - SUMMARY

Main Category	Maximum number of points	Points claimed by Tenderer	Points awarded by the Dept.
Experience	15		
Methodology	30		
Proficiency	25		
Locality	30		

FUNCTIONALITY CRITERIA SCORE CARD - DETAIL

FUNCTIONAL CRITERIA SCORE CARD.					
MAIN CATEGORY	SUB- CATEGORY	SCORE THAT CAN BE CLAIMED BY TENDERER FOR CATEGORIES			Points
Experience	Organizational experience in dealing with disaster/emergency projects. Less than 2-years will result in a Zero score.	2-4 years	5-9 years	10 years +	5
		1	3	5	
	Score allocated by evaluation committee				
	Previous experience in dealing with emergency projects relating to school infrastructure. Less than 2-years will result in a Zero score.	2-4 years	5-9 years	10 years +	10
3		8	10		
Score allocated by evaluation committee					
Methodology	Project Plan (Include clear indication of key activities, milestones and deliverables) of how emergency will be addressed. No submission will result in a Zero score.	Unclear	Clear	Exceptional	20
		3	10	20	
	Score allocated by evaluation committee				
	Clarity and responsiveness of the proposed plan. (Indicate that the project brief has been understood. That is, tenderers must show that they have appreciated that the nature of the problem and indicate the approach and methodology that they intend following in order to reach the required outcome, including providing	Unclear	Clear	Exceptional	10
3		8	10		

	in enough detail, a preliminary programme based on the requirements. No submission will result in a Zero score.				
Score allocated by evaluation committee					
Proficiency	Reference Letters from Previous Employers	No reference letters provided for projects related to Built Environment	1-4 reference letters for projects related to Built Environment projects.	5 or more reference letters for projects related to Built Environment projects.	10
		0	5	10	
	Score allocated by evaluation committee				
	Project managers experience in education related to infrastructure to repair emergencies. (Must be addressed in CV). Less than 2-years will result in a Zero score.	2-4 years	5-9 years	10 years +	10
	3	8	10		
Score allocated by evaluation committee					
Locality	Average number of years in the required field after professional registration (technical staff). Less than 2-years will result in a Zero score.	2-4 years	5-9 years	10 years+	5
		1	3	5	
	Score allocated by evaluation committee				
Locality	Based in the Province	No	Yes		20
		10	20		
Score allocated by evaluation committee					

	Proximity of office to ECDoE District office tendering for.	100km	200km	200km +	10
		10	8	3	
Score allocated by evaluation committee					
Maximum points					100
Points scored					

11.7 Each Service Provider will be assessed independently to determine the points obtained with the offer.

11.8 Adequate experience of and an impeccable track record and proven success in providing a similar service will be major considerations.

11.9 The Department will prefer to award the contract to as many Registered Consulting Professionals as possible provided that their offer with the discount offered will not compromise their execution of the project.

11.10 Completion and submission of the attached SBD1, SBD 4, SBD 6.1 proforma documents attached.

11.11 In terms of Regulation 5 of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and Preferential Procurement Regulation 2017 responsive bidders will be adjudicated by the state on 80/20 preference point system in terms of which points are awarded to bids as follows:

B-BBEE STATUS LEVEL OF CONTRIBUTOR	NUMBER OF POINTS (80/20 SYSTEM)
1.	20
2.	18
3.	14
4.	12
5.	8
6.	6
7.	4
8.	2
Non-compliant contributor	0

The B-BBEE points can only be claimed if a valid B-BBEE certificate is attached.

12. ELIMINATION CRITERIA

12.1 Bidders must provide proof of centralized supplier database (CSD) registration, **failure to do so will lead to elimination.**

12.2 Bid proposers must complete and sign all the attached standard bidding documents (SBD 1, SBD 4, SBD 6.1).

SBD 1: Invitation to Bid.

SBD 4: Bidders Disclosure Form.

SBD 6.1: Preference Points Claim Form in terms of the PPR, 2017

12.3 Failure to meet the Functionality criteria as per paragraph 11.1 to 11.3 of this document will result in elimination of the bid.

13. OTHER CONDITIONS OF BID

13.1 The Department may, before a bid is adjudicated or at any time, require a Service Provider to substantiate claims it has made about preference.

13.2 This bid specification shall prevail in the event of there being a contradiction between service standard and provisions of this bid specification document.

13.3 Joint Venture/contracts or agreements must be submitted with the bid where these are in existence.

14. TERMS AND CONDITIONS OF CONTRACT

14.1 Contracted information

All awarded Service Providers are always expected to have the bid document and to be well-versed with it, as this is a binding document.

14.2 Unsatisfactory performance

14.2.1 Due to the importance attached to this contract by the Department, successful Service Providers will be expected to observe the bid conditions contained in this specification as well as the timeframes relating to the deliverables.

14.2.2 Service Providers are therefore requested to take note of all the clauses of the specifications in this invitation to bid.

14.2.3 The Department reserves the right to terminate the contract with a Registered Consulting Professionals with immediate effect and remove him from the database, should the Registered Consulting Professionals perform unsatisfactorily and fails to remedy such poor or non-performance within seven days of receipt of a written request to do so.

14.2.4 Should bidders be included in the database they will be expected to attend to disaster/emergency projects allocated to them immediately as per the timeframes set in the scope of work.

15. DEVIATION FROM BID FORMAT

15.1 Any deviation from the prescribed bid format will invalidate the bid.

16. SOURCING STRATEGY

16.1 Bidders are requested to indicate in which ECDOE district they are prepared to work in the schedule below. (An (x) in the appropriate area will be enough.)

16.3 If bidders are successful in their bid, their offer will be placed on the departmental website and their awarded areas will be indicated.

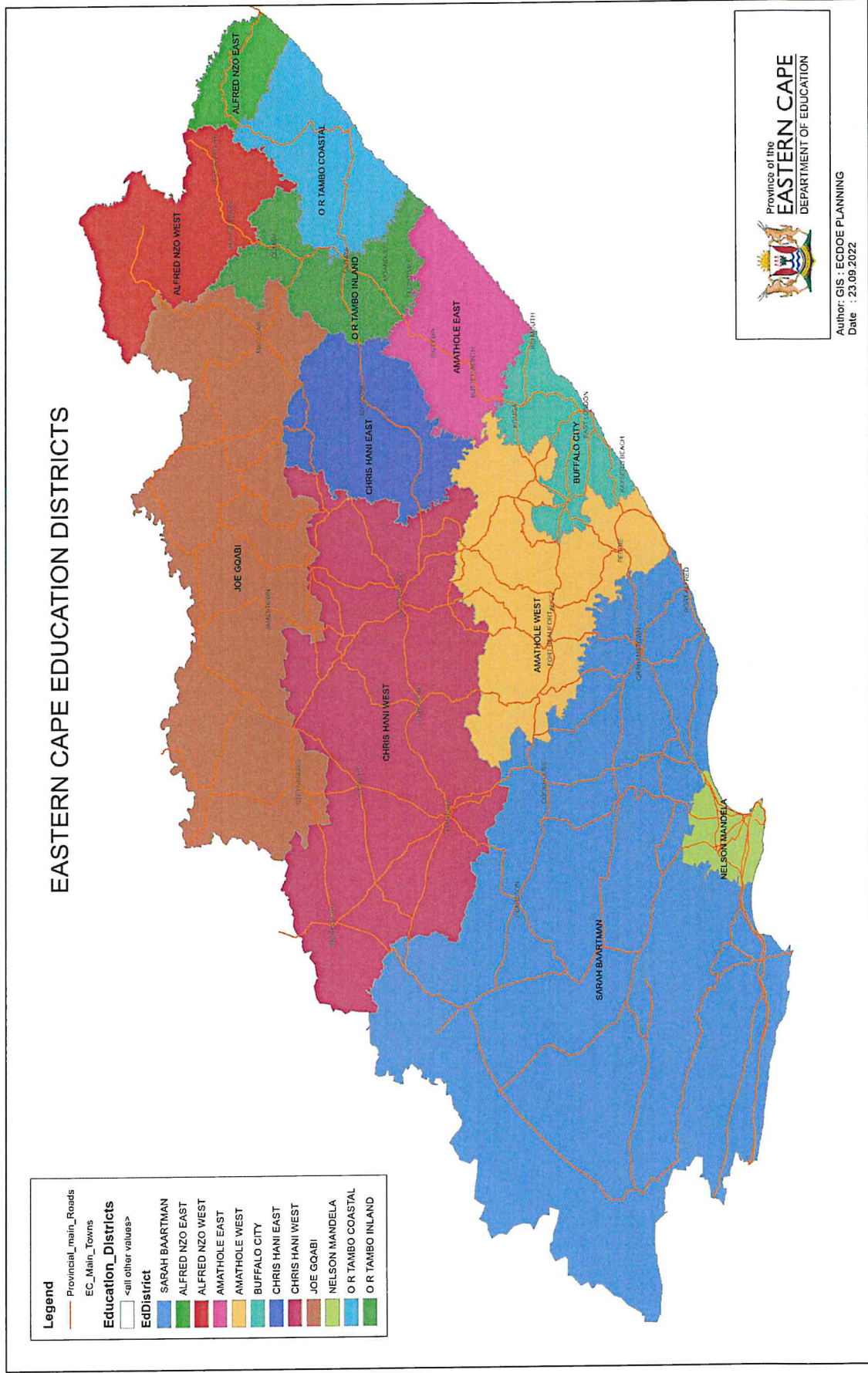
16.4 Bidders will be ranked according to highest points obtained per district during evaluation and will be allocated projects on this criteria on a rotational basis.

16.5 Bidders must take note that travel and time costs will only be considered from the nearest ECDOE district office to the site/project. This must be considered when calculating discounts and rates.

16.6 Bidders must also take into consideration that the disasters/emergencies caused by the disasters and other urgent infrastructure upgrades which are normally situated in specific geographical areas of the province, but the service may be required in any ECDOE district at any time.

16.7 Bidders must also take into consideration that the department will demand that the service be rendered without any delay and within the timeframes as stipulated within the scope of work as per par. 5.

16.8 ECDOE DISTRICT MAP



16.9 ECDOE District Schedule

#	ECDOE DISTRICT	INDICATE PREFERENCE (with a tick)
1	Buffalo City Metropolitan	
2	Nelson Mandela Bay Metropolitan	
3	Alfred Nzo East	
4	Alfred Nzo West	
5	Amathole East	
6	Amathole West	
7	Chris Hani East	
8	Chris Hani West	
9	Joe Gqabi District	
10	Sarah Baartman District	
11	OR Tambo Coastal	
12	OR Tambo Inland	

17. CONTRACT PERIOD

17.1 The contract is for a period of twenty-four (24) months with a possible extension of another twelve months (12)

18. CLOSING DATE

Closing date is 05 December 2022

19. REQUIREMENTS

19.1 All bids should be posted or hand delivered to:

The Eastern Cape Department of Education
 Steve Vukile Tshwete Complex,
 Zone 6
 Zwelitsha
 KING WILLIAM'S TOWN

19.2 Enquiries regarding the submission of the bids can be directed to:

Mr. Xolile Ntapane
Tel: 040 608 4102
Email address: xolile.ntapane@ecdoe.gov.za

For any information or clarity needed regarding the specification/ terms of reference must be directed to:

Mr. Jean Olivier at telephone number (040) 608 4264
Email address: jean.olivier@ecdoe.gov.za

19.3 Prospective Service Providers, Trust, Consortium or Joint Venture must obtain and submit consolidated B-BBEE status level verification certificate for every separate bid. A signed Joint Venture agreement indicating the roles, responsibilities and share-holding must also be submitted.

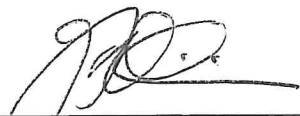
19.4 It is the Service Provider's responsibility to ensure the completed bid documents reach the Department on or before the closing date.

21. ANNEXURES

The following documents are attached:

21.1 **Annexure A - Tender Pricing Schedule – Clarification Notes**

21.2 **Annexure B - Tender Pricing Schedule**



J Olivier

Deputy Director: Technical Support

DATE

BIDDER'S DISCLOSURE

SBD4

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 interest¹ 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 institution	State

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.

--	--	--

SBD4

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 consortium² 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.

SBD4

- 3.4 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.
- 3.5 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.
- 3.6 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.

² 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.

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

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

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

1.2

- a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 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	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

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

2. DEFINITIONS

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

Black Economic Empowerment Act;

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

3. POINTS AWARDED FOR PRICE

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

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

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

4. 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
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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: . = 20 (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:

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

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

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

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

Any QSE		
---------	--	--

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

- 8.1 Name of company/firm:.....
- 8.2 VAT registration number:.....
- 8.3 Company registration number:.....

8.4 **TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

8.5 **DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

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
 - (e) side) rule has been applied; and
 - (f) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

TERMS OF REFERENCE FOR THE APPOINTMENT OF A PANEL OF REGISTERED CONSULTING PROFESSIONALS TO PROJECT MANAGE THE EMERGENCY REPAIRS AND OTHER URGENT INFRASTRUCTURE DELIVERY AT SCHOOLS WITHIN THE EASTERN CAPE PROVINCE FOR A PERIOD OF TWO YEARS

COMMENTS:

Recommended

RECOMMENDED / ~~NOT RECOMMENDED~~

[Signature]

CHAIRPERSON-BSC

04/11/2022
DATE

[Signature]
MEMBER - BSC

04/11/2022
DATE

[Signature]
MEMBER - BSC

04/11/2022
DATE

MEMBER - BSC

DATE

MEMBER - BSC

DATE

APPROVAL BY THE ACTING HEAD OF DEPARTMENT

COMMENTS:

APPROVED / ~~NOT APPROVED~~

[Signature]
M QWASE
ECDOE: ACTING HEAD OF DEPARTMENT

07 NOVEMBER 2022
DATE

**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder:	Bid number: SCMU6-22/23-0013
Closing Time 11:00	Closing date: 6th DECEMBER 2022

OFFER TO BE VALID FOR 120 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
-	Required by:	
-	At:	
-	Brand and model	
-	Country of origin	
-	Does the offer comply with the specification(s)?		*YES/NO
-	If not to specification, indicate deviation(s)	
-	Period required for delivery	*Delivery: Firm/not firm
-	Delivery basis	

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

** "all applicable taxes" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

*Delete if not applicable

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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, 2011.

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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the 90/10 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

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

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit 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) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- 2.1 “**all applicable taxes**” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 “**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 “**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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**consortium or joint venture**” 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;
- 2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less .
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;

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- 2.17 "trust" means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 "trustee" means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 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

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

Where

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

5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) and 6 (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	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?%
(ii) the name of the sub-contractor?
(iii) the B-BBEE status level of the sub-contractor?
(iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm :

9.2 VAT registration number :.....

9.3 Company registration number :

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....

9.6 COMPANY CLASSIFICATION

- Manufacturer
Supplier
Professional service provider

Other service providers, e.g. transporter, etc.
[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

9.8 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 contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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.

.....
SIGNATURE(S) OF BIDDER(S)

2.

DATE:.....
 ADDRESS:.....

