



# KWAZULU-NATAL PROVINCE

TRANSPORT  
REPUBLIC OF SOUTH AFRICA

## CONTRACT NO. ZNB01874/00000/00/ESH/INF/23/T: THE BETTERMENT AND REGRAVELLING ON ROAD D356 (FROM KM 11.00 TO KM 14.00) IN THE KING CETSHWAYO DISTRICT UNDER EMPANGENI REGION

CIDB GRADE 3CE or higher

Name of Tenderer:

.....

This tender closes at 11:00 on Monday 21 AUGUST 2023 at the offices of the Department of Transport located at 24 John Ross Highway, Eshowe, 3815

**LATE SUBMISSIONS WILL NOT BE CONSIDERED**

### Issued by:

The Department of Transport  
Cost Centre Eshowe  
24 John Ross Highway  
Eshowe  
3815

Contact Name: Mrs N Ndlanzi  
Telephone: 035 474 2031

### Prepared by:

The Department of Transport  
Cost Centre Eshowe  
24 John Ross Highway  
Eshowe  
3815

Contact Name: Mrs N H Zikalala  
Telephone: 035 474 2031



PROVINCE OF KWAZULU-NATAL  
DEPARTMENT OF TRANSPORT

**CONTRACT NO. ZNB01874/00000/00/ESH/INF/23/T: THE BETTERMENT AND REGRAVELLING ON ROAD D356 (FROM KM 11.00 TO KM 14.00) IN THE KING CETSHWAYO DISTRICT UNDER EMPANGENI REGION**

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| <b>C4.5</b>                                  | Traffic Information  | Green          |
| <b>C4.6</b>                                  | <b>Any other relevant technical reports (delete if not required)</b>                         | <b>Green</b>   |

**DOCUMENT CHECKLIST**

This document checklist is provided to assist the Tenderer.

| ITEMS   | CHECKED                  |
|---|--------------------------|
| 1 Returnable Schedules in Section T2.2  | <input type="checkbox"/> |
| 2 Correct Tender Offer carried forward to <b>C1.1 Form of Offer and Acceptance</b> and the Form of Offer duly completed and signed..... | <input type="checkbox"/> |
| 3 Bill of Quantities:   |                          |
| i) Completed in <b>legible INK</b> only.....  | <input type="checkbox"/> |
| ii) Corrections crossed out and initialled .....  | <input type="checkbox"/> |
| 4 Contract specific data provided by the Contractor .....   | <input type="checkbox"/> |

## PART T1: TENDERING PROCEDURES

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**PLEASE NOTE:**

Any appeals regarding the award of this bid should be lodged within 5 working days from the date of the publication of bid results in the which is published every week on Friday and may be downloaded from the website, [e-tenderportal /www.kzntransport.gov.za](http://e-tenderportal/www.kzntransport.gov.za), (select platforms that is available for publication)

The publication is also published in the following platforms, [www.cidb.org.za/](http://www.cidb.org.za/).

The address provided for the lodging of appeals is:

The Chairperson  
Bid Appeals Tribunal  
Private Bag X9082  
Pietermaritzburg  
3200

FAX NO.: 033 897 4501

## T1.1 TENDER NOTICE AND INVITATION TO TENDER

### **CONTRACT NO. ZNB01874/00000/00/ESH/INF/23/T: THE BETTERMENT AND REGRAVELLING ON ROAD D356 (FROM KM 11.00 TO KM 14.00) IN THE KING CETSHWAYO DISTRICT UNDER EMPANGENI REGION**

The Province of KwaZulu-Natal, Department of Transport, invites tenders from contractors, experienced in roadworks, for THE BETTERMENT AND REGRAVELLING ON ROAD D356 (FROM KM 11.00 TO KM 14.00) in the Empangeni Region. This project is located in the Umlalazi Local Municipality under the King Cetshwayo District Municipality. The duration of the project is 3 months

Only tenderers that satisfy the eligibility criteria stipulated in clause C.2.1 of the Tender Data are eligible to have their tenders considered.

Tenders must have a minimum CIDB contractor grading designation of 3CE or higher.

Tenderers shall be required to demonstrate that they will have in their employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work for labour-enhanced competencies for management and supervisory personnel.

Preference points are offered to tenderers who comply with the requirements of PPPFA stipulated in clause C.3.11.1 of the Tender Data.

Tender documents will be available as from **10:00** on **Wednesday 19 July 2023**.

Free download of tender documents will be available on the [www.kzntransport.gov.za](http://www.kzntransport.gov.za) and [www.etenders.gov.za](http://www.etenders.gov.za) website and must be downloaded.

Queries relating to this tender may be addressed to:

|   |  |
|---|--|
| Bidding procedure enquiries:  | Technical enquiries:   |
| Ms NC Nxumalo<br>Telephone: 035 474 2031<br>E-mail:<br><a href="mailto:ntombenhle.nxumalo@Kzntransport.gov.za">ntombenhle.nxumalo@Kzntransport.gov.za</a> | Mrs NH Zikalala<br>Telephone: 035 474 2031<br>E-mail: <a href="mailto:nellie.zikalala@Kzntransport.gov.za">nellie.zikalala@Kzntransport.gov.za</a> |

**Deadline for the submission of all technical enquiries is the 24 July 2023 at 16h00.**

A compulsory clarification Meeting with representatives of the Employer will be held at the Department of Transport, Area Office Eshowe, 03 Nonqayi Road, Eshowe, 3815 on Thursday 27 July 2023 starting at 10h00

Original hard copy tender must be deposited at the Tender Box Located at Department of Transport Cost Centre Eshowe, 24 John Ross Highway, Eshowe, 3815

The closing time for receipt of tenders is 11:00 on Monday, 21 August 2023.

**Telegraphic, telephonic, telex, facsimile, electronic, email and late tenders will not be accepted.**

Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender

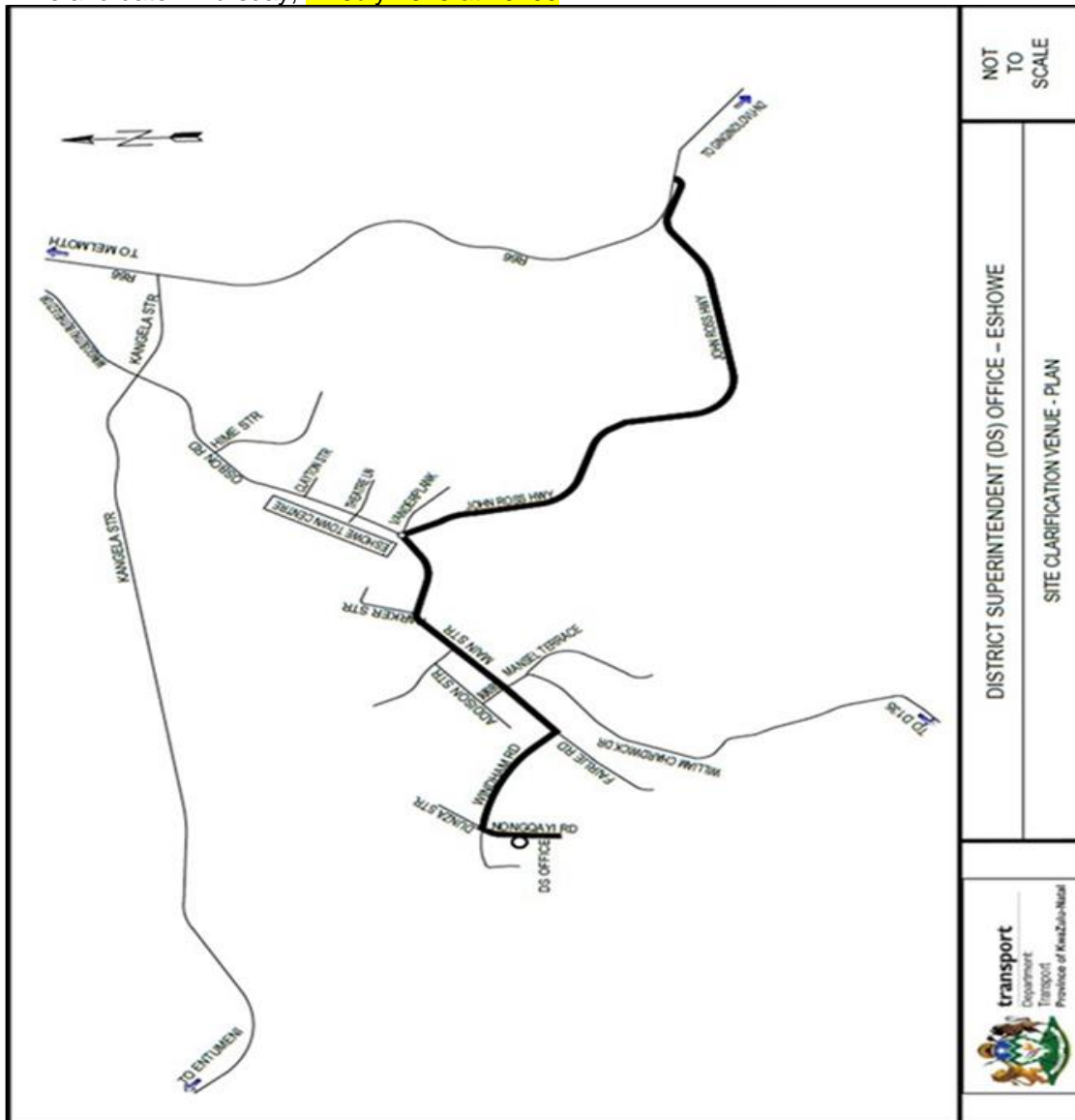
## CLARIFICATION MEETING VENUE PLAN

### LOCALITY DETAILS

Venue: Department of Transport, District Superintendent Office, 3rd Nongqai Road, 3815. Access to the Clarification meeting venue can be obtained from R66 (P47/5), from N2 you take the Dokodweni off ramp towards Eshowe and drive about 27km on R66 and turn right on to P323.

GPS co-ordinates: S 28°54'13.26" and E 31°26'52.21" or - 28.9052085, 31.4478084

Time and date: Thursday, 27 July 2023 at 10h00



## T1.2 TENDER DATA

The conditions of tender are the standard conditions of tender contained in Annex C of the Construction Industry Development Board Standard for Uniformity in Engineering and Construction Works Contracts, published in Government Gazette No. 42622 dated 8 August 2019.

The standard conditions of tender make several references to the tender data for details that apply specifically to this tender. The tender data shall have precedence in the interpretation of any ambiguity or inconsistency between the tender data and the standard conditions of tender.

Each item of data given below is cross-referenced to the clause in the standard conditions of tender to which it mainly applies.

| Clause Number | Data  |
|---------------|---|
| C.1.2         | <p>The <b>Tender Documents</b> consist of the following:</p> <p>(a) This <b>Project Document</b>, which contains the following:</p> <p><b>PART T1: TENDERING PROCEDURES</b><br/> T1.1 Tender Notice and Invitation to Tender<br/> T1.2 Tender Data</p> <p><b>PART T2: RETURNABLE DOCUMENTS</b><br/> T2.1 List of Returnable Documents<br/> T2.2 Returnable Schedules</p> <p><b>PART C1: AGREEMENTS AND CONTRACT DATA</b><br/> C1.1 Form of Offer and Acceptance<br/> C1.2 Contract Data<br/> C1.3 Performance Guarantee<br/> C1.4 Agreement in terms of Section 37(2) of the Occupational Health and Safety Act No. 85 of 1993<br/> C1.5 Retention Money Guarantee<br/> C1.6 Transfer of Rights</p> <p><b>PART C2: PRICING DATA</b><br/> C2.1 Pricing Assumptions<br/> C2.2 Bill of Quantities</p> <p><b>PART C3: SCOPE OF WORK</b><br/> C3.1 Standard Specifications<br/> C3.2 Project Specifications<br/> C3.3 Particular Specifications</p> <p><b>PART C4: SITE INFORMATION</b><br/> C4.1 Locality Plan<br/> C4.2 Example of Contract Signboard Details<br/> C4.3 Existing Services Report (delete if not required)<br/> C4.4 Conditions on Site: Materials Information (delete if not required)<br/> C4.5 Traffic Information (delete if not required)<br/> C4.6 Any other relevant technical reports (delete if not required)</p> <p>(b) <b>Drawings</b> (issued separately by the Employer's Agent).</p> <p>(c) <b>'General Conditions of Contract for Construction Works, Third Edition (2015)'</b> issued by the South African Institution of Civil Engineering (abbreviated title 'General Conditions of Contract 2015' – 'GCC 2015'). This document is obtainable separately and Tenderers shall obtain their own copy.</p> |

| Clause Number | Data  |
|---------------|---|
|               | <p>(d) <b>‘Standard Specifications for Road and Bridge Works for South African Road Authorities (Draft Standard) (October 2020)</b>. This document is obtainable separately and Tenderers shall obtain their own copy.</p> <p>(e) <b>‘Occupational Health and Safety Act No. 85 of 1993’, ‘Occupational Health and Safety Amendment Act No. 181 of 1993’, and the ‘Construction Regulations, 2014’</b> (Government Notice No. R. 489 published in Government Gazette No. 40883 of 2 June 2017,). These documents are obtainable separately and Tenderers shall obtain their own copies.</p> <p>(f) <b>‘Construction Industry Development Board Act No. 38 of 2000’</b> as amended and the <b>‘Regulations in terms of the Construction Industry Development Board Act No. 38 of 2000’</b> (Government Notice No. R. 692 published in Government Gazette No. 26427 of 9 June 2004, as amended).</p> <p>In addition, Tenderers are advised, in their own interest, to obtain their own copies of the relevant Acts, Regulations and Standards referred to in this document as they are essential for the Tenderer to become acquainted with the basics of construction management, the implementation of preferential construction procurement policies, and participation of targeted enterprises and labour.</p>  |
| C.1.4         | <p>The Employer’s Agent is:</p> <p>Name of the firm: KZN Department of Transport<br/>           Contact person: Mrs NP Cele<br/>           Telephone: 035 474 2031<br/>           Fax: 035 474 4201<br/>           E-mail: <a href="mailto:Nondumiso.Cele@kzntransport.gov.za">Nondumiso.Cele@kzntransport.gov.za</a></p>   |
| C.2.1         | <p>Only those tenderers who satisfy the following criteria are eligible to submit tenders.</p> <p>(a) CIDB registration</p> <p>Only those tenderers who are registered with the CIDB, at close of tender, in a contractor grading designation equal to or higher than 3, for a <b>CE</b> class of construction work, are eligible to have their tenders evaluated.</p> <p>Only contractors whose CIDB status is “Active” at the time of tender closure will be considered for further evaluation. Contractors whose status is “Suspended” or “Expired” will not be considered for evaluation and will be disqualified from the bidding process.</p> <p>Joint ventures are eligible to submit tenders provided that:</p> <p>(i) every member of the joint venture is registered with the CIDB;</p> <p>(ii) the lead partner has a contractor grading designation in the <b>3CE</b> class of construction work; not lower than one level below the required grading designation in the class of construction work under consideration and possesses the required recognition status; and</p> <p>(iii) the combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than 3 for a <b>CE</b> class of construction work.</p> <p>(b) Central Supplier Database (CSD)</p> <p>Tenderers, or in the event of a joint venture, each member of the joint venture, must be registered on the Central Supplier Database at the closing date for tender submissions. Tenders received from such tenderers who do not comply with this requirement, will be considered non-responsive.</p> <p>Prospective suppliers should self-register on the CSD website <a href="http://www.csd.gov.za">www.csd.gov.za</a>.</p> |



| Clause Number | Data  |
|---------------|---|
| C.2.7         | <p>This will be <b>compulsory</b> site briefing meeting. It is recommended that the contractors perform a physical site visit prior to the closure of the bid.<br/>The arrangements and venue for <b>the compulsory</b> Clarification Meeting are:</p> <p>Venue: Area Office Eshowe, 03 Nonqai Road, Eshowe, 3815<br/>Date: <b>Thursday 27 July 2023 at 10H00</b><br/>Contact person: Mrs NH Zikalala<br/>Telephone: 035 474 2031<br/>Fax: 035 474 4201<br/>E-mail: <a href="mailto:nellie.zikalala@kzntransport.gov.za">nellie.zikalala@kzntransport.gov.za</a></p>  |
| C.2.10        | <p>All Tenderers that are registered for Value Added Tax (VAT) with the South African Revenue Service (SARS) must include VAT in their tender offer.</p>  |
| C.2.11        | <p>The tenderer shall not retype the tender document.</p> <p><b><u>Any tender submitted using a document that has been retyped shall be considered non-responsive and rejected in terms of clause C.3.8.1 of the Conditions of Tender.</u></b></p>  |
| C.2.12        | <p>The requirements are as described in clause A2.1.4.2'ALTERNATIVE DESIGNS' of the 'COTO Standard Specifications for Road and Bridge Works for South African Road Authorities (Draft Standard) (October 2020 edition)'.</p>  |
| C.2.13        | <p>C.2.13.3 Tender offers shall be submitted as an original only. Under no circumstances whatsoever may the tender forms be retyped or redrafted. Photocopies of the original tender documentation may be used, but an original signature must appear on such photocopies.</p> <p>C.2.13.5 The Employer's address for delivery of tender offers and identification details to be shown on each tender offer package are:</p> <p><b>Location of Tender Box:</b> Outside the Foyer, KZN Department of Transport<br/><b>Physical Address:</b> 24 John Ross Highway, Eshowe<br/><b>Identification Details:</b> Contract No. ZNB01874/00000/00/ESH/INF/23/T</p> <p>C.2.13.6 A two-envelope system <u>will NOT be followed.</u></p> |
| C.2.15        | <p>The closing time for submission of Tender Offers is:<br/><b>11:00 on Monday 21 August 2023</b></p> <p>Telegraphic, telephonic, telex, facsimile, electronic, e-mail and late tenders will not be accepted.</p>   |
| C.2.16        | <p>The tender offer validity period is twelve (12) weeks, calculated from the date of bid closure.</p>  |
| C.2.18        | <p>The tenderer must submit to the Employer the names of all management and supervisory staff that will be employed to supervise the labour-enhanced portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirement (refer to Returnable Schedule H).</p>   |
| C.2.19        | <p>Access shall be provided for inspections and testing by personnel acting on behalf of the Employer.</p>  |
| C.2.23        |   |

| Clause Number  | Data   |  |                 |   |            |   |           |  |           |
|--|--|--|-----------------|---|------------|---|-----------|--|-----------|
|  | The certificates as required in the Returnable Schedules and Forms must be provided with the tender for each party to a consortium / joint venture.  |  |                 |   |            |   |           |  |           |
| C.3.4  | <p>The time and location for opening of the tender submissions are:<br/>           Time: <b>11:00</b>                      Date: <b>Monday 21 August 2023</b><br/> <b>Location / Venue:</b> Department of Transport Cost Centre Eshowe, 24 John Ross Highway, Eshowe, 3815</p>   |  |                 |   |            |   |           |  |           |
| C.3.5  | A two-envelope system <b>will NOT be followed.</b>   |  |                 |   |            |   |           |  |           |
| C.3.8.1  | <p>Determine, after opening and before detailed evaluation, whether each tender offer properly received:</p> <p>a) complies with the requirements of these Conditions of Tender,<br/>           b) has been properly and fully completed and signed, and<br/>           c) is responsive to the other requirements of the tender documents.</p>  |  |                 |   |            |   |           |  |           |
| C.3.11.1   | <p>The evaluation of tender offers will be based on administrative compliance, price and preference in accordance with the Preferential Procurement Regulations, 2022 and KwaZulu-Natal Department of Transport (KZNDOT) Interim Preferential Procurement Policy – January 2023, as amended.</p> <p>The scope of work for this contract is classified in the following table.</p> <table border="1" data-bbox="363 999 1465 1312"> <thead> <tr> <th data-bbox="363 999 1289 1032"><b><i>Please mark appropriate:</i></b></th> <th data-bbox="1289 999 1465 1032"><b>YES / NO</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="363 1032 1289 1122"><b>Simple/straightforward/routine work</b> - where the tasks or activities are of a straightforward nature in terms of which inputs are relatively well known and outputs can be readily defined.</td> <td data-bbox="1289 1032 1465 1122"><b>YES</b></td> </tr> <tr> <td data-bbox="363 1122 1289 1211"><b>Complex work</b> - characterised by requirements for higher levels of skills, greater resources or not well-defined inputs and outputs. <b><i>(if this evaluation criteria is selected please include functionality)</i></b></td> <td data-bbox="1289 1122 1465 1211"><b>NO</b></td> </tr> <tr> <td data-bbox="363 1211 1289 1301"><b>Specialist work</b> - requiring considerable innovation, creativity, and expertise or skill (or both) or work that has a high downstream impact. <b><i>(if this evaluation criteria is selected please include functionality)</i></b></td> <td data-bbox="1289 1211 1465 1301"><b>NO</b></td> </tr> </tbody> </table> <p>Employer shall perform a risk analysis on the preferred tenderer to ascertain if any of the following might present an unacceptable commercial risk to the employer.</p> <ul style="list-style-type: none"> <li>*Unduly high or unduly low tenderer rates or amounts in the tender offer</li> <li>* Contract data provided by the tenderer or</li> <li>* The contents of the tender returnable which are to be included in the contract.</li> </ul> <p>Should the tenderer pose a commercial risk to the employer, the offer will not be accepted.</p> | <b><i>Please mark appropriate:</i></b> | <b>YES / NO</b> | <b>Simple/straightforward/routine work</b> - where the tasks or activities are of a straightforward nature in terms of which inputs are relatively well known and outputs can be readily defined. | <b>YES</b> | <b>Complex work</b> - characterised by requirements for higher levels of skills, greater resources or not well-defined inputs and outputs. <b><i>(if this evaluation criteria is selected please include functionality)</i></b> | <b>NO</b> | <b>Specialist work</b> - requiring considerable innovation, creativity, and expertise or skill (or both) or work that has a high downstream impact. <b><i>(if this evaluation criteria is selected please include functionality)</i></b> | <b>NO</b> |
| <b><i>Please mark appropriate:</i></b>   | <b>YES / NO</b>  |  |                 |   |            |   |           |  |           |
| <b>Simple/straightforward/routine work</b> - where the tasks or activities are of a straightforward nature in terms of which inputs are relatively well known and outputs can be readily defined.  | <b>YES</b>   |  |                 |   |            |   |           |  |           |
| <b>Complex work</b> - characterised by requirements for higher levels of skills, greater resources or not well-defined inputs and outputs. <b><i>(if this evaluation criteria is selected please include functionality)</i></b>          | <b>NO</b>  |  |                 |   |            |   |           |  |           |
| <b>Specialist work</b> - requiring considerable innovation, creativity, and expertise or skill (or both) or work that has a high downstream impact. <b><i>(if this evaluation criteria is selected please include functionality)</i></b> | <b>NO</b>  |  |                 |   |            |   |           |  |           |

| Clause Number | Data   |
|---------------|--|
|               | <p><b>(a) Price and preference</b></p> <p>Tenders will be evaluated on price and preference in accordance with the Preferential Procurement Regulations, 2022 and KZNDOT Interim Preferential Procurement Policy-January 2023.</p> <p>Specific goals points must be claimed using Returnable Schedule D - SDB 6.1 in accordance with the tenderer's Company and Intellectual Property Commission (CIPC) company registration documents, Central Supplier Database report, B-BBEE status level of contributor or Sworn affidavit as per construction sector code and proof of participation on job creation that is provided as returnable schedule K. The Acceptable Proof for the Allocation of Specific Goals Points, as detailed in Section Q - Acceptable Proof &amp; Right to Award, must be attached to Returnable Schedule D - SDB6.1</p> <p>The tenderer's B-BBEE Status Level Verification Certificate must comply with the requirements of Returnable Schedule E and be submitted as an attachment to the returnable schedule.</p> <p><b><u>Total Score for Price and Preference</u></b></p> <p>The points scored for a Tenderer in respect of Price will be added to the points scored in respect of Preference. Only the tender with the highest number of points may be selected, except in those instances permissible by legislation, practice notes or relevant policies.</p>  |
| C.3.13        | <p>(e) The legal requirements for acceptance of the tender offer are:</p> <ul style="list-style-type: none"> <li>(i) <b>Tender Defaulters Register</b> - the Tenderer or any of its principals is <u>not</u> listed on the register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.</li> <li>(ii) <b>Abuse of the SCM System</b> - the Tenderer has <u>not</u> abused the Employer's Supply Chain Management System and has <u>not</u> been given a written notice to the effect that he has failed to perform on any previous contract.</li> <li>(iii) <b>Declaration</b> - the Tenderer has indicated and declared whether a spouse, child or parent of the Tenderer is in the service of the State.</li> <li>(iv) <b>Fraud and Corruption</b> - the Employer is satisfied that the Tenderer or any of his principals have <u>not influenced</u> the tender offer and acceptance by the following criteria: <ul style="list-style-type: none"> <li>• having offered, promised or given a bribe or other gift or remuneration to any person in connection with the obtaining of this Contract;</li> <li>• having acted in a fraudulent or corrupt manner in obtaining this Contract;</li> <li>• having approached an officer or employee of the Employer or the Employer's Agent with the object of influencing the award of a Contract in the Tenderer's favour;</li> <li>• having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from Tendering for this Contract or as to the amount of the Tender to be submitted by either party; or</li> <li>• having disclosed to any other person, firm or company other than the Employer, the exact or approximate amount of his proposed Tender.</li> </ul> </li> </ul> <p>The Employer may, in addition to using any other legal remedies, repudiate the Tender offer and acceptance and declare the Contract invalid should it have been concluded already.</p> |
| C.3.17        | <p>The number of paper copies of the signed contract to be provided by the Employer is <b>one (1)</b>.</p>   |

## **PART T2: RETURNABLE DOCUMENTS**

### **T2.1 LIST OF RETURNABLE DOCUMENTS**

The following schedules and forms are contained in this document and are to be properly completed as required:

- (a) Returnable Schedules in T2.2.
- (b) C1.1 Form of Offer and Acceptance, C1.1.1: Offer, on page C3.
- (c) Contract Specific Data Provided by the Contractor in C1.2.3.
- (d) Pricing Data in C2.2: Bill of Quantities.

## T2.2 RETURNABLE SCHEDULES

|   |  |     |
|---|--|-----|
| A | NON-COMPULSORY VIRTUAL BRIEFING SESSION .....  | T14 |
| B | RECORD OF ADDENDA TO TENDER DOCUMENTS .....  | T15 |
| C | COMPULSORY ENTERPRISE QUESTIONNAIRE.....   | T16 |
| D | STANDARD BIDDING DOCUMENTS .....   | T17 |
|   | SBD 1: INVITATION TO BID .....   | T17 |
|   | SBD 4: BIDDER'S DISCLOSURE .....   | T20 |
|   | SBD 5: THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME .....   | T23 |
|   | SBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL<br>PROCUREMENT REGULATIONS 2022 ..... | T25 |
| E | B-BBEE VERIFICATION CERTIFICATE .....  | T33 |
| F | CERTIFICATE OF AUTHORITY FOR SIGNATORY .....   | T34 |
| G | CONSTRUCTION EXPERIENCE .....  | T36 |
| H | KEY PERSONNEL.....   | T37 |
| I | CONSTRUCTION EQUIPMENT.....  | T40 |
| J | PROPOSED SUBCONTRACTORS.....   | T41 |
| K | PARTICIPATION IN JOB CREATION USING LOCAL LABOUR.....  | T42 |
| L | BIDDERS HEALTH AND SAFETY DECLARATION.....   | T44 |
| M | DEVIATIONS AND QUALIFICATIONS.....   | T46 |
| N | SCHEDULE OF ALTERNATIVE TENDERS .....  | T47 |
| O | TECHNICAL PROPOSAL .....   | T48 |
| P | NOTICES TO TENDERERS REGARDING THE COMPLETION OF FORMS .....   | T50 |
| Q | ACCEPTABLE PROOF & RIGHT TO AWARD .....  | T51 |

NOTE: The Tenderer is required to complete each schedule and form listed above to the best of his ability as the evaluation of tenders and the eventual contract will be based on the information provided by the Tenderer. Failure of a Tenderer to complete the schedules and forms to the satisfaction of the Employer may lead to rejection on the grounds that the tender is non-responsive.

**A. CERTIFICATE OF ATTENDANCE AT CLARIFICATION MEETING**

This is to certify that (*Tenderer*) .....

of (*address*) .....

.....  
was represented by the person named below at the compulsory clarification meeting held for all Tenderers at the Department of Transport, Superintendent Office, 3 Nongqai street, Eshowe (refer to the Clarification Meeting Venue Plan in Section T1.1) on **Thursday 27 July 2023**, starting at 10:00.

I acknowledge that the purpose of the meeting was to acquaint myself with the site of the works and / or matters incidental to doing the work specified in the tender documents in order for me to take account of everything necessary when compiling our rates and prices included in the tender.

**Particulars of person attending the meeting:**

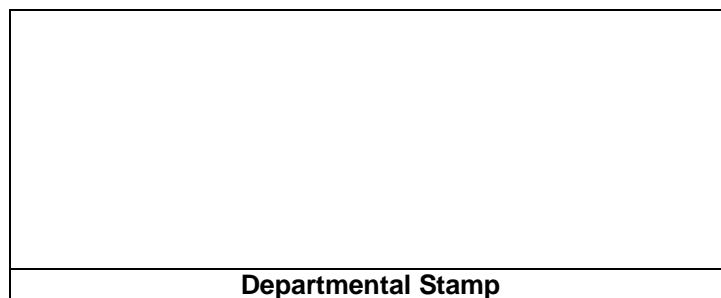
Name: ..... Signature: .....

Capacity: .....

**Attendance of the above person at the meeting is confirmed by the Employer's Agent, namely:**

Name: ..... Signature: .....

Capacity: ..... Date and Time: .....



**Any tender submitted that does not bear the signature of the Employer's Agent on this page shall be considered non-responsive and rejected in terms of clause C.3.8 of the Conditions of Tender.**

**B. RECORD OF ADDENDA TO TENDER DOCUMENTS**

The undersigned confirm that the following communications received from the Employer or his representative before the date of submission of this tender offer, amending the tender documents, have been considered in this tender offer. ***(Addenda can only be issued following approval from the Employer. The Employer’s representative is not allowed to issue addenda to bidders without prior approval in terms of the SCM Delegations).***

| ADDENDUM NO. | DATE | TITLE OR DETAILS |
|--------------|------|------------------|
|              |      |                  |
|              |      |                  |
|              |      |                  |
|              |      |                  |
|              |      |                  |
|              |      |                  |
|              |      |                  |
|              |      |                  |
|              |      |                  |
|              |      |                  |

|        |  |          |  |
|--------|--|----------|--|
| Signed |  | Date     |  |
| Name   |  | Position |  |
| Bidder |  |          |  |

**Failure to complete, sign and date this form or failure to acknowledge receipt and effect changes of each Addendum issued shall result in the tender being considered non-responsive and rejected in terms of clause C.3.8.1 of the Conditions of Tender.**

### C. COMPULSORY ENTERPRISE QUESTIONNAIRE

|  |                         |                                    |  |
|--|-------------------------|------------------------------------|--|
| The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.  |                         |                                    |  |
| <b>Section 1: Name of enterprise:</b>  |                         |                                    |  |
| <b>Section 2: VAT registration number, if any:</b>   |                         |                                    |  |
| <b>Section 3: CIDB registration number, if any:</b>  |                         |                                    |  |
| <b>Section 4: CSD number:</b>  |                         |                                    |  |
| <b>Section 5: Particulars of sole proprietors and partners in partnerships:</b>  |                         |                                    |  |
| <b>Name*</b>   | <b>Identity number*</b> | <b>Personal income tax number*</b> |  |
|  |                         |                                    |  |
|  |                         |                                    |  |
|  |                         |                                    |  |
| * Complete only if sole proprietor or partnership and attach separate page if more than 3 partners   |                         |                                    |  |
| <b>Section 6: Particulars of companies and close corporations</b>  |                         |                                    |  |
| Company registration number:   |                         |                                    |  |
| Close corporation number:  |                         |                                    |  |
| Tax reference number:  |                         |                                    |  |
| <b>Section 7: SBD4 issued by National Treasury must be completed for each tender and be attached as a tender requirement.</b>  |                         |                                    |  |
| <b>Section 8: SBD 6 issued by National Treasury must be completed for each tender and be attached as a tender requirement.</b>   |                         |                                    |  |
| The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise:   |                         |                                    |  |
| i) authorizes the employer to verify the tenderers tax clearance status from the South African Revenue Services that it is in order;   |                         |                                    |  |
| ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004; |                         |                                    |  |
| iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;   |                         |                                    |  |
| iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and                               |                         |                                    |  |
| iv) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.  |                         |                                    |  |
| <b>Signed</b>  |                         | <b>Date</b>                        |  |
| <b>Name</b>  |                         | <b>Position</b>                    |  |
| <b>Enterprise name</b>   |                         |                                    |  |

**Failure to complete, sign and date this form shall result in the tender being considered non-responsive and rejected in terms of clause C.3.8.1 of the Conditions of Tender.**



**D. STANDARD BIDDING DOCUMENTS**

**SECTION A  
INVITATION TO BID**

**SBD1**

|   |  |                      |  |  |       |
|---|--|----------------------|--|--|-------|
| <b>YOU ARE HEREBY INVITED TO TENDER FOR REQUIREMENTS OF THE KWAZULU-NATAL DEPARTMENT OF TRANSPORT</b>   |  |                      |  |  |       |
| <b>BID NUMBER:</b>  | ZNB01874/00000/00/ESH/INF/23/T   | <b>CLOSING DATE:</b> | 21 August 2023   | <b>CLOSING TIME:</b>   | 11:00 |
| <b>DESCRIPTION</b>  | THE BETTERMENT AND REGRAVELLING ON ROAD D356 (FROM KM 11.00 TO KM 14.00)           |                      |  |  |       |
| <b>TENDER RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>   |  |                      |  |  |       |
| Main Entrance Foyer   |  |                      | Monday to Friday: 08:00 until 16:00  |  |       |
| 24 John Ross Highway  |  |                      | Under no circumstances must suppliers submit their Tender offers/ responses to the official whose name appears on the enquiries. |  |       |
| Eshowe  |  |                      |  |  |       |
| 3815  |  |                      |  |  |       |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>   |  |                      | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>   |  |       |
| CONTACT PERSON  | Ntombenhle Nxumalo   |                      | CONTACT PERSON   | Nellie Zikalala  |       |
| TELEPHONE NUMBER  | 035 474 2031   |                      | TELEPHONE NUMBER   | 035 474 2031   |       |
| FACSIMILE NUMBER  | 035 474 4201   |                      | FACSIMILE NUMBER   | 035 474 4201   |       |
| E-MAIL ADDRESS  | ntombenhle.nxumalo@Kzntransport.gov.za   |                      | E-MAIL ADDRESS   | nellie.zikalala@Kzntransport.gov.za  |       |
| <b>SUPPLIER INFORMATION</b>   |  |                      |  |  |       |
| NAME OF BIDDER  |  |                      |  |  |       |
| POSTAL ADDRESS  |  |                      |  |  |       |
| STREET ADDRESS  |  |                      |  |  |       |
| TELEPHONE NUMBER  | CODE   |                      | NUMBER   |  |       |
| CELLPHONE NUMBER  |  |                      |  |  |       |
| FACSIMILE NUMBER  | CODE   |                      | NUMBER   |  |       |
| E-MAIL ADDRESS  |  |                      |  |  |       |
| VAT REGISTRATION NUMBER   |  |                      |  |  |       |
| SUPPLIER COMPLIANCE STATUS  | TAX COMPLIANCE SYSTEM PIN:   |                      | OR   | CENTRAL SUPPLIER DATABASE NO:  | MAAA  |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE  | TICK APPLICABLE BOX]<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |                      | B-BBEE STATUS LEVEL SWORN AFFIDAVIT  | [TICK APPLICABLE BOX]<br><input type="checkbox"/> Yes <input type="checkbox"/> No                    |       |
| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EME &amp; QSE) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR SPECIFIC GOALS]</b> |  |                      |  |  |       |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?   | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF] |                      | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?   | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER THE QUESTIONNAIRE BELOW] |       |
| <b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>   |  |                      |  |  |       |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?   |  |                      | <input type="checkbox"/> YES   | <input type="checkbox"/> NO  |       |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA?   |  |                      | <input type="checkbox"/> YES   | <input type="checkbox"/> NO  |       |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  |  |                      | <input type="checkbox"/> YES   | <input type="checkbox"/> NO  |       |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?   |  |                      | <input type="checkbox"/> YES   | <input type="checkbox"/> NO  |       |

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  NO  
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

**PART B**  
**TERMS AND CONDITIONS FOR BIDDING**

|  |
|--|
| <b>1. BID SUBMISSION:</b>  |
| 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.   |
| 1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>  |
| 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT. |
| 1.4. IF THE BID WAS INVITED THROUGH A CLOSE QUOTATION PROCESS; WHERE SUPPLIERS WERE SOURCED FROM CSD USING THE COMMODITY PROCESS; SUPPLIERS WHO WERE NOT INVITED WILL NOT BE CONSIDERED.   |
| 1.5. USE OF OMISSION IN THE DOCUMENT IS PROHIBITED, ALL CORRECTIONS MUST BE INITIALLED BY TENDERR AND USE OF CORRECTION FLUID IS PROHIBITED.   |
| 1.6. FAILING TO COMPLY WITH THE ABOVE REQUIREMENTS WILL RESULT IN THE BID BEING NON-RESPONSIVE.  |
| 1.7. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT</b>  |
| <b>2. TAX COMPLIANCE REQUIREMENTS</b>  |
| 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 VERIFY THE TAXPAYER’S PROFILE AND TAX STATUS.  |
| 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.   |
| 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.   |
| 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / 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.  |
| 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.”                        |
| <b>3. COMPLIANCE AND RETURNABLES: THE FOLLOWING RETURNABLE DOCUMENTS MUST RETURNED WITH THE TENDER DOCUMENT</b>  |
| 3.1 SCM APPENDIX 1 INVITATION TO TENDER (SBD1 PART A)  |
| 3.2 SCM APPENDIX 2 – TERMS AND CONDITIONS FOR BIDDING (SBD1 PART B)  |
| 3.3 SCM APPENDIX 3 – OFFICIAL BRIEFING SESSION/SITE INSPECTION CERTIFICATE   |
| 3.4 SBD 4 - DECLARATION OF INTEREST FORM   |
| 3.5 SBD 6.1 - PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022;  |

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....  
(Proof of authority must be submitted e.g. company resolution)

DATE: .....

SBD 4  
**BIDDER'S DISCLOSURE**

**1. PURPOSE OF THE FORM**

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

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

**2. Bidder's declaration**

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> 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 |
|-----------|-----------------|---------------------|-------|
|           |                 |                     |       |
|           |                 |                     |       |
|           |                 |                     |       |
|           |                 |                     |       |
|           |                 |                     |       |
|           |                 |                     |       |
|           |                 |                     |       |
|           |                 |                     |       |
|           |                 |                     |       |

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:  
.....  
.....

<sup>1</sup> 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.

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

**YES/NO**

2.3.1 If so, furnish particulars:

.....  
.....

### 3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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

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<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

|           |                |
|-----------|----------------|
| .....     | .....          |
| Signature | Date           |
| .....     | .....          |
| Position  | Name of bidder |

***Every question must be answered individually on this form, whether a relationship is present or not:  
Failure to do so and any non-disclosure on this Declaration will invalidate your tender/bid***

This document must be signed and submitted together with your bid.

## THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME

### INTRODUCTION

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

### 1 PILLARS OF THE PROGRAMME

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

### 2 REQUIREMENTS OF THE DEPARTMENT OF TRADE AND INDUSTRY

- 2.1 In order to ensure effective implementation of the programme, successful bidders (contractors) are required to, immediately after the award of a contract that is in excess of **R10 million** (ten million Rands), submit details of such a contract to the DTI for reporting purposes.
- 2.2 The purpose for reporting details of contracts in excess of the amount of R10 million (ten million Rands) is to cater for multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as provided for in paragraphs 1.1.(b) to 1.1. (d) above.

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

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

**4 PROCESS TO SATISFY THE NIP OBLIGATION**

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

|                      |                      |
|----------------------|----------------------|
| Bid number .....     | Closing date: .....  |
| Name of bidder.....  |                      |
| Postal address ..... |                      |
| .....                |                      |
| Signature.....       | Name (in print)..... |
| Date.....            |                      |



**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022**

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

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

**1. GENERAL CONDITIONS**

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

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

1.2 **To be completed by the organ of state**

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) The 80/20 preference point system will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

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

- (a) Price; and
- (b) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

|  | <b>POINTS</b> |
|--|---------------|
| <b>PRICE</b>                                     | 80            |
| <b>SPECIFIC GOALS</b>                            | 20            |
| <b>Total points for Price and SPECIFIC GOALS</b> | <b>100</b>    |

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that

preference points for specific goals are not claimed.

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

## 2. DEFINITIONS

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

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

**80/20**

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

Where

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

$P_t$  = Price of tender under consideration

$P_{min}$  = Price of lowest acceptable tender

#### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

| The specific goals allocated points in terms of this tender                                   | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed (90/10 system) (To be completed by the tenderer) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|---|---|---|
| 1. An EME or QSE which is at least 51% owned by   | Max points = 12 points  |   |   |
| a) Black people   | 6 points  |   |   |
| b) Black people who are youth   | 2 points  |   |   |
| c) Black people who are women   | 2 points  |   |   |
| d) Black people with disabilities   | 2 points  |   |   |
|   |   |   |   |
| 2. Promotion of Tenderer's located in a Specific Area   | Max points = 4 points   |   |   |
| For CIDB grade 1-3 work: Operating business address located within the Local municipality     | 4 points  |   |   |
| For CIDB grade 4 -6 work: Operating business address located within the District municipality | 4 points  |   |   |
| For CIDB grade 7 and above work: Operating business address located within the Province       | 4 points  |   |   |
|   |   |   |   |
| 3. The creation of new jobs or the intensification of labour absorption                       | Max points = 4 points   |   |   |

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

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

**B-BBEE EXEMPTED AFFIDAVIT FOR EXEMPTED MICRO ENTERPRISES**

I, the undersigned,

|                                |  |
|--------------------------------|--|
| <b>Full name &amp; Surname</b> |  |
| <b>Identity number</b>         |  |

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf:

|  |  |            |          |
|--|--|------------|----------|
| <b>Enterprise Name</b>                                 |  |            |          |
| <b>Trading Name (If Applicable):</b>                   |  |            |          |
| <b>Registration Number</b>                             |  |            |          |
| <b>Enterprise Physical Address:</b>                    |  |            |          |
| <b>Type of Entity (CC, (Pty) Ltd, Sole Prop etc.):</b> |  |            |          |
| <b>Nature of Business:</b>                             | <b>BEP</b><br>(Built Environment Professional)   | Contractor | Supplier |
| <b>Definition of "Black People"</b>                    | <p>As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 "Black People" is a generic term which means Africans, Coloureds and Indians –</p> <p>(a) who are citizens of the Republic of South Africa by birth or descent; or</p> <p>(b) who became citizens of the Republic of South Africa by naturalisation-</p> <p>I. before 27 April 1994; or</p> <p>II. on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;"</p>  |            |          |
| <b>Definition of "Black Designated Groups"</b>         | <p>"Black Designated Groups means:</p> <p>(a) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution;</p> <p>(b) Black people who are youth as defined in the National Youth Commission Act of 1996;</p> <p>(c) Black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act;</p> <p>(d) Black people living in rural and under developed areas;</p> <p>(e) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;"</p> |            |          |

**Construction Sector Affidavit**

3. I hereby declare under Oath that:

- The Enterprise is \_\_\_\_\_% Black Owned as per Amended Code Series 100 of the amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as amended by Act No 46 of 2013,
- The Enterprise is \_\_\_\_\_% Black Female Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is \_\_\_\_\_% Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- Black Designated Group Owned % Breakdown as per the definition stated above:
  - Black Youth % = \_\_\_\_\_%
  - Black Disabled % = \_\_\_\_\_%
  - Black Unemployed % = \_\_\_\_\_%
  - Black People living in Rural areas % = \_\_\_\_\_%
  - Black Military Veterans % = \_\_\_\_\_%

|            |              |  |
|------------|--------------|--|
| BEP        | R1.8 million |  |
| Contractor | R3.0 million |  |
| Supplier   | R3.0 million |  |

If the turnover exceeds the applicable amount in the table above then this affidavit is no longer applicable and an EME certificate must be obtained from a rating agency accredited by SANAS or when applicable a B-BBEE Verification Professional Regulator appointed by the Minister of Trade and Industry.

- Based on the Financial Statements/Management Accounts and other information available on the latest financial year-end of \_\_\_/\_\_\_/\_\_\_\_\_, (dd/mm/yyyy) the annual Total Revenue was R3,000,000.00 (3 Million Rands) or less
- Please Confirm on the below table the B-BBEE Level Contributor, **by ticking the applicable box.**

|                           |   |  |
|---------------------------|---|--|
| 100% Black Owned          | <b>Level One</b> (135% B-BBEE procurement recognition level)  |  |
| At least 51% Black Owned  | <b>Level Two</b> (125% B-BBEE procurement recognition level)  |  |
| At least 30% Black Owned  | <b>Level Four</b> (100% B-BBEE procurement recognition level) |  |
| Less than 30% Black Owned | <b>Level Five</b> (80% B-BBEE procurement recognition level)  |  |

4. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the Owners of the Enterprise, which I represent in this matter.

5. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

|              |
|--------------|
| <b>Stamp</b> |
|--------------|

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

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_\_

\_\_\_\_\_  
**Signature of Commissioner of Oaths**

**FAILURE TO FULLY COMPLETE DATE AND SIGN THIS FORM WILL REUSLTS TO NON-AWARD OF POINTS**



## E. B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE

Notes to tenderer:

1. The tenderer shall submit proof of B-BBEE Status Level of Contributor by submitting a copy of a valid B-BBEE Verification Certificate issued in accordance with the Amended Construction Sector Code published in Notice 931 of 2017 of Government Gazette No. 41287 of 1 December 2017.
2. The certificate shall:
  - (i) have been issued by a verification agency accredited by the South African National Accreditation System (SANAS); or
  - (ii) in the case of an Exempted Micro Enterprise (EME) with a total annual revenue of R3 million and less, be in the form of a sworn affidavit, in respect of their ownership and annual turnover, for the year ending not earlier than 12 (twelve) months prior to the tender closing date; and
  - (iii) have a date of issue not earlier than 12 (twelve) months prior to the tender closing date.
3. A consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level Verification Certificate. In addition, the consolidated B-BBEE Status Level Verification Certificate for unincorporated joint ventures shall only be applicable to this project (Tender No. to be indicated on the certificate).
4. An enterprise will qualify as an Exempted Micro Enterprise (EME) if it has a total annual revenue of R3 million or less, and is deemed to have the following B-BBEE Status in accordance with their black ownership levels:
  - (i) if less than 30% Black Owned then “**Level Five Contributor**”;
  - (ii) if at least 30% Black Owned but less than 51% Black Owned then “**Level Four Contributor**”;
  - (iii) if at least 51% Black Owned but less than 100% Black Owned, then “**Level Two Contributor**”;
  - (iv) if 100% Black Owned then “**Level One Contributor**”.
5. Tenderers are advised that any misrepresentation in the affidavits is a criminal offence.

**F. CERTIFICATE OF AUTHORITY FOR SIGNATORY**

The Tenderer must indicate the enterprise status by ticking the appropriate box hereunder.

| (I)<br>SOLE<br>PROPRIETOR | (II)<br>CLOSE<br>CORPORATION | (III)<br>PARTNERSHIP | (IV)<br>COMPANY | (V)<br>JOINT VENTURE /<br>CONSORTIUM |  |
|---------------------------|------------------------------|----------------------|-----------------|--------------------------------------|--|
|                           |                              |                      |                 | Incorporated                         |  |
|                           |                              |                      |                 | Unincorporated                       |  |

**Note:**

The following document must be attached to this form according to the status of the enterprise, in the form of a resolution authorising the signatory to sign all documents and any contract resulting therefrom on behalf of the enterprise, and **such resolution shall include a specimen signature of the signatory.**

Cooperative: 'Resolution of the Members'  
 Close Corporation: 'Resolution of the Members'  
 Company: 'Resolution of the Board' signed by the chairperson  
 Joint Venture / Consortium: 'Resolution/agreement passed/reached' signed by the authorised representatives of the enterprises

**MEMBERS RESOLUTION**

**CONTRACT NO. ZNB01874/00000/00/ESH/INF/23/T**

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

Close Corporation / Company / Partnership / Trust /Sole proprietor or sole trader Name:

Registration  
Number: \_\_\_\_\_ RESOLUTION OF THE

DIRECTORS OF THE COMPANY etc RESOLVED that

\_\_\_\_\_, in his/her capacity as \_\_\_\_\_, is authorised to make applications on behalf of the Close Corporation / Company / Partnership / Trust /Sole proprietor or sole trader for: any documentation relating to the business (which is not necessarily a change of ownership). The nominated person will also have access to webpage for the business.

Signature(s) for Close Corporation / Company / Partnership / Trust/ Sole proprietor or sole trader.  
(sole member still must sign this resolution)

Signature of members:

| Name     | Signature | Date   |
|----------|-----------|--------|
| 1. _____ | _____     | _____. |
| 2. _____ | _____     | _____. |
| 3. _____ | _____     | _____. |
| 4. _____ | _____     | _____. |
| 5. _____ | _____     | _____. |
| 6. _____ | _____     | _____. |

**Specimen signature of the signatory: \_\_\_\_\_.**

**Failure to complete, sign and date the relevant certificate(s) set out hereafter or failure to provide the certificate(s) in the form of a resolution as described above shall result in the tender being considered non-responsive and rejected in terms of clause C.3.8.1 of the Conditions of Tender.**

**G. CONSTRUCTION EXPERIENCE**

The following is a statement of work of similar nature recently successfully executed by myself / ourselves:

| EMPLOYER:<br>CONTACT<br>PERSON AND<br>TELEPHONE<br>NUMBER | EMPLOYER'S<br>AGENT:<br>CONTACT PERSON<br>AND TELEPHONE<br>NUMBER | NATURE OF WORK | VALUE OF<br>WORK<br>(inclusive of<br>VAT) | DATE<br>COMPLETED<br>OR<br>EXPECTED<br>TO BE<br>COMPLETED |
|---|---|----------------|---|---|
|   |   |                |   |   |
|   |   |                |   |   |
|   |   |                |   |   |
|   |   |                |   |   |
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|   |   |                |   |   |
|   |   |                |   |   |
|   |   |                |   |   |
|   |   |                |   |   |

*Attach additional pages if more space is required*

SIGNATURE: .....

DATE: .....

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

**H. KEY PERSONNEL**

**H1. KEY PERSONNEL - MANAGEMENT**

The Tenderer must insert in the spaces provided below a list of the key personnel to be employed in the management of the construction of the Works, together with a resume of their experience with particular reference to the construction of similar Works.

The Tenderer shall attach the curriculum vitae of the listed key management personnel to the page included below for this purpose.

| DESIGNATION             | NAME | PROJECT TYPE | VALUE OF WORK | YEAR COMPLETED |
|-------------------------|------|--------------|---------------|----------------|
| CONTRACTS<br>MANAGER    |      |              |               |                |
| CONSTRUCTION<br>MANAGER |      |              |               |                |
| FOREMAN/<br>SUPERVISOR  |      |              |               |                |

*Attach additional pages if more space is required*

SIGNATURE: .....

DATE: .....

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

**H2. KEY PERSONNEL – LABOUR ENHANCED ACTIVITIES**

Contractors shall employ in labour-enhanced works only those supervisory and management staff that have completed the required Skills Programme in terms of Appendix C of the “Guidelines for the implementation of labour-enhanced infrastructure projects under the Expanded Public Works Programme (EPWP) Third Edition 2015”:

- Foremen / Supervisors at NQF level 4 “National Certificate: Supervision of Civil Engineering Construction Processes”;
- Site Agent / Construction Manager at NQF level 5 "Manage Labour-Intensive Construction Processes" or equivalent Quality Council for Trades and Occupations (QCTO) qualifications at NQF level 5 or 7.

Tenderers’ attention is drawn to the required minimum supervisor to worker ratio for this project stated in clause E2.3 of Part E of the Particular Specifications.

The Tenderer must insert in the spaces provided below the relevant details of the personnel to be employed in the construction of the Works possessing the required qualifications in the supervision or management of LIC projects. A copy of the relevant qualification certificate for each such person shall be attached to the next page below.

| DESIGNATION | NAME | NAME OF TRAINING INSTITUTION | QUALIFICATION OBTAINED IN THE SUPERVISION OR MANAGEMENT OF LIC PROJECTS | YEAR QUALIFICATION OBTAINED |
|-------------|------|------------------------------|---|-----------------------------|
|             |      |                              |   |                             |
|             |      |                              |   |                             |
|             |      |                              |   |                             |
|             |      |                              |   |                             |
|             |      |                              |   |                             |
|             |      |                              |   |                             |
|             |      |                              |   |                             |
|             |      |                              |   |                             |

*Attach additional pages if more space is required*

SIGNATURE: .....

DATE: .....

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

**Failure to list the names, designations, relevant qualification certificates and CV’s of the key personnel for Labour Enhanced Activities will result in tender being evaluated as non-responsive**

**CURRICULUM VITAE OF KEY PERSONNEL - MANAGEMENT**

*Refer to H1.*

*Curriculum Vitae of key management personnel to be attached to this page.*

and

**QUALIFICATIONS OF KEY PERSONNEL – LABOUR ENHANCED ACTIVITIES**

*Refer to H2.*

*Relevant qualification certificates to be attached to this page for each person possessing the required qualifications in the supervision or management of LIC projects.*

**I. CONSTRUCTION EQUIPMENT**

The following are lists of major construction equipment that I / we presently own or will acquire for this contract if my / our tender is accepted.

**(a) Details of major construction equipment owned by me / us:**

| DESCRIPTION ( <i>type, size and capacity</i> ) | QUANTITY | YEAR OF MANUFACTURE |
|--|----------|---------------------|
|  |          |                     |
|  |          |                     |
|  |          |                     |
|  |          |                     |
|  |          |                     |
|  |          |                     |
|  |          |                     |
|  |          |                     |
|  |          |                     |

*Attach additional pages if more space is required*

**(b) Details of major construction equipment that will be acquired:**

| DESCRIPTION ( <i>type, size and capacity</i> ) | QUANTITY | HOW ACQUIRED |        |
|--|----------|--------------|--------|
|  |          | HIRE / BUY   | SOURCE |
|  |          |              |        |
|  |          |              |        |
|  |          |              |        |
|  |          |              |        |
|  |          |              |        |
|  |          |              |        |
|  |          |              |        |
|  |          |              |        |

*Attach additional pages if more space is required*

SIGNATURE: .....

DATE: .....

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



**J. PROPOSED SUBCONTRACTORS**

I/We hereby notify you that it is my/our intention to employ the following subcontractors for work under this contract. If I/we am/are awarded a contract I/we agree that this notification does not change the requirement for me/us to submit the names of proposed subcontractors in accordance with the requirements of the contract for such appointments.

Acceptance of this tender shall not be construed as approval of any or all of the listed subcontractors. Should any or all of the subcontractors not be approved subsequent to the acceptance of the tender, it shall in no way invalidate this tender, and the tendered unit rates for the various items of work shall remain final and binding, even in the event of a subcontractor not listed below being approved by the Employer.

| NAME OF SUBCONTRACTOR | CSD NUMBER | DESIGNATED GROUP AND OWNERSHIP % | B-BBEE LEVEL | NATURE OF WORK | PERCENTAGE TO BE SUBCONTRACTED |
|-----------------------|------------|----------------------------------|--------------|----------------|--------------------------------|
|                       |            |                                  |              |                |                                |
|                       |            |                                  |              |                |                                |
|                       |            |                                  |              |                |                                |
|                       |            |                                  |              |                |                                |
|                       |            |                                  |              |                |                                |
|                       |            |                                  |              |                |                                |
|                       |            |                                  |              |                |                                |
|                       |            |                                  |              |                |                                |
|                       |            |                                  |              |                |                                |

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

NB: The subcontractors listed above will not contribute to the achievements of the objectives specified in Section C3.3 Part F of this tender document.

SIGNATURE: .....

DATE: .....

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

## K. PARTICIPATION IN JOB CREATION USING LOCAL LABOUR

The Tenderer shall be required to participate in job creation (employment of local labour) by executing various portions of the Works using local labour (unskilled or semi-skilled), recruited from the local community, who are South African Citizens or foreigners in possession of a work visa issued by the Department of Home Affairs (only one such foreigner may be employed on any project). Proof of citizenship or work visa may be audited during the contract period.

The creation of one job shall mean the employment, for any period of time, of one such unskilled or semi-skilled labourer from the local community.

The Tenderer shall note the requirements for Job Creation Reporting for EPWP as set out in Part E: Expanded Public Works Programme (EPWP) of the project specifications.

The number of jobs to be created using such local labour is inclusive of the local labour employed to execute various portions of the Works by both the main Contractor and any subcontractors, including the small development subcontractors in terms of Part F: Small Contractor Development of the project specifications.

The number of jobs to be created using such local labour shall include for a minimum percentage allocation to the following individual targeted groups:

- 60% Women;
- 55% Youth; and
- 2% Disabled.

The minimum required content of such local labour for this project shall be calculated as follows:

$$\begin{aligned} & \text{Minimum required content of such local labour (\%)} \\ = & \frac{(100 \times \text{amount spent on wages for such local labour (excluding VAT)})}{(\text{Subtotal 1* (excluding contingencies, contract price adjustment and VAT)})} \end{aligned}$$

*\*Subtotal 1 is obtained from the Tender Summary under C2.2 Bill of Quantities*

The minimum required content of such local labour for this project shall be **2.54%**.

For purposes of completing the table on the next page containing the Tenderer's declaration with respect to participation in job creation using local labour, the value of Subtotal 1\* (excluding contingencies, contract price adjustment and VAT) which is obtained from the Tender Summary under C2.2 Bill of Quantities, shall be used.

**TENDERER'S DECLARATION WITH RESPECT TO PARTICIPATION IN JOB CREATION USING LOCAL LABOUR:**

The Tenderer shall complete the table below reflecting the anticipated local labour force to be employed on this contract, including such local labour employed by subcontractors.

I/We hereby tender to participate in job creation through the employment of local labour by creating the following number of jobs using unskilled or semi-skilled labourers, recruited from the local community, who are South African Citizens or foreigners in possession of a work visa issued by the Department of Home Affairs (only one such foreigner may be employed on any project), including for a minimum allocation of 60% Women, 55% Youth and 2% Disabled:

| Local labour comprising unskilled or semi-skilled labourers recruited from the local community  | Anticipated number of jobs to be created | Total number of days anticipated | Wage rate per person-day (excluding VAT) (Rand) | Total wage cost (excluding VAT) (Rand) |
|---|--|----------------------------------|---|--|
| Contractor's local labour content   |  |                                  |   |  |
| Subcontractors' local labour content  |  |                                  |   |  |
| Total anticipated wage cost of local labour content (excluding VAT)   |  |                                  |   | R                                      |
| Subtotal 1* (excluding contingencies, contract price adjustment and VAT)  |  |                                  |   | R                                      |
| Hence anticipated local labour content expressed as a percentage of Subtotal 1* (excluding contingencies, contract price adjustment and VAT)  |  |                                  |   | %                                      |
| <i>Note: Should this percentage not equal or not exceed the specified minimum percentage, the Tender will be considered non-responsive in terms of subclause C.3.8.1 of the Conditions of Tender and such a tender shall be rejected.</i> |  |                                  |   |  |
| Specified minimum local labour content  |  |                                  |   | 2.54 %                                 |

***A penalty shall be applied to any shortfall in the local labour content achieved when measured against the specified minimum local labour content, as set out in Part E: Expanded Public Works Programme (EPWP) of the project specifications. The penalty shall not apply to shortfalls in the allocations to the individual target groups (i.e., Women/Youth/Disabled), only to shortfalls in the total local labour content achieved.***

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the Tenderer, confirms that he/she understands the conditions for such participation and confirms that the tender satisfies the conditions for participation in job creation through the employment of local labour.

Name: .....

Duly authorized to sign on behalf of: .....

SIGNATURE: .....

DATE: .....

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

**Failure to complete, sign and date this form shall result in the tender being considered non-responsive and rejected in terms of clause C.3.8.1 of the Conditions of Tender.**

**L. BIDDERS HEALTH AND SAFETY DECLARATION**

In terms of Regulation 5(1)(h) of the OHS Act 1993 Construction Regulations 2014 (referred to as 'the Regulations' hereafter), a Contractor may only be appointed to perform construction work if the Employer is satisfied that the Contractor has the necessary competencies and resources to carry out the work safely in accordance with the Occupational Health and Safety Act No 85 of 1993, as amended and the OHS Act 1993 Construction Regulations 2014.

To that effect a person duly authorised by the Tenderer must complete and sign the declaration hereafter in detail.

**Declaration by Tenderer**

1. I, the undersigned, hereby declare and confirm that I am fully conversant with the Occupational Health and Safety Act No. 85 of 1993 (as amended by the Occupational Health and Safety Amendment Act No. 181 of 1993), and the OHS Act 1993 Construction Regulations 2014.
2. I hereby declare that my company has the competence and the necessary resources to safely carry out the construction work under this contract in compliance with the Construction Regulations and the Employer's Health and Safety Specification.
3. I propose to achieve compliance with the Regulations by one of the following:
  - (a) From my own competent resources as detailed in 4(a) hereafter: ..... **\*Yes / No**
  - (b) From my own resources or still to be appointed, and trained until competency is achieved, as detailed in 4(b) hereafter: ..... **\*Yes / No**
  - (c) From outside sources by appointment of competent specialist subcontractors as detailed in 4(c) hereafter: ..... **\*Yes / No**

(\* = delete whatever is not applicable)

4. Details of resources I propose:

Note: *Competent resources shall include safety personnel such as the construction manager, construction health and safety officer and construction supervisor as defined in Regulation 8, and competent persons as defined in the OHS Act 1993 Construction Regulations 2014, as applicable to this contract.*

- (a) Details of the competent and qualified key persons from my company's own resources, who will form part of the contract team:

| NAME OF COMPETENT PERSONS | POSITION TO BE FILLED BY COMPETENT PERSONS |
|---------------------------|--|
|                           |  |
|                           |  |
|                           |  |
|                           |  |
|                           |  |

- (b) Details of training of persons from my company's own resources (or to be hired) who still have to be trained to achieve the necessary competency:
  - (i) By whom will training be provided? .....
  - (ii) When will training be undertaken? .....
  - (iii) List the positions to be filled by persons to be trained or hired: .....
- (c) Details of competent resources to be appointed as subcontractors if competent persons cannot be supplied from own company:

Name of proposed subcontractor: .....

Qualifications or details of competency of the subcontractor: .....

.....  
.....

- 5. I hereby undertake, if my tender is accepted, to provide, before commencement of the works under the contract, a suitable, sufficiently documented and coherent site-specific Health and Safety Plan in accordance with Regulation 7(1)(a) of the Construction Regulations, which plan shall be subject to approval by the Employer.
- 6. I confirm that copies of my company's approved Health and Safety Plan, the Employer's Health and Safety Specification as well as the OHSA 1993 Construction Regulations 2014 will be provided on site and will at all times be available for inspection by the Contractor's personnel, the Employer's personnel, the Employer's Agent, Construction Health and Safety Agent, visitors, and officials and inspectors of the Department of Labour.
- 7. I hereby confirm that adequate provision has been made in my tendered rates and prices in the schedule of quantities to cover the cost of all resources, actions, training and all health and safety measures envisaged in the OHSA 1993 Construction Regulations 2014, and that I will be liable for any penalties that may be applied in terms of the said Regulations (Regulation 33) as a result of contravening or failing to comply with the provisions of the Act and the Regulations.
- 8. I agree that my failure to complete and execute this declaration to the satisfaction of the Employer will mean that I am unable to comply with the requirements of the OHSA 1993 Construction Regulations 2014 and accept that my tender will be prejudiced and may be rejected at the discretion of the Employer.

SIGNATURE: .....

DATE: .....

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

**M. DEVIATIONS AND QUALIFICATIONS**

Should the Tenderer wish to make any deviation from or any qualification to the Special Conditions of Contract, Specifications, Bill of Quantities, or Drawings, or should he wish to qualify the tender in any way, he shall indicate the proposals clearly hereunder or alternatively on photocopies of the original tender documentation which shall be attached to this page.

**Please note:** The extent of deviations from the tender documents issued by the Employer prior to the tender closing date is limited to those permissible in terms of the Conditions of Tender. Please also refer to Returnable Schedule N.

| SECTION | PAGE | DEVIATION OR QUALIFICATION, INCLUDING REFERENCE CLAUSE OR ITEM NUMBER |
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*Attach additional pages if more space is required*

SIGNATURE: .....

DATE: .....

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

**N. SCHEDULE OF ALTERNATIVE TENDERS**

**The attention of tenderers is specifically drawn to clause C.2.12 Alternative tender offers of Annex C Standard Conditions of Tender and to clause C.2.12 of section T1.2 TENDER DATA in this project document.**

**An alternative tender offer or design shall be considered only if the main tender offer has also been submitted in accordance with the requirements of clauses C.2.12.1 and C.2.12.2 of Annex C and such main tender offer is the winning tender as stated in clause C.2.12.3 of Annex C.**

The requirements for alternative offers are as described in clause A2.1.4.2‘ALTERNATIVE DESIGNS’ of the ‘COTO Standard Specifications for Road and Bridge Works for South African Road Authorities (Draft Standard) (October 2020 edition)’.

Such alternative offers shall be described, measured and priced in sufficient detail to enable the Employer to evaluate the alternative. The Tenderer shall set out the proposal clearly hereunder or alternatively on photocopies of the original tender documentation which shall be attached to this page.

| <b>SECTION</b> | <b>PAGE</b> | <b>ALTERNATIVE OFFER,<br/>INCLUDING REFERENCE CLAUSE OR ITEM NUMBER</b> |
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SIGNATURE: .....

DATE: .....

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

**O. TECHNICAL PROPOSAL** *(Only applicable to complex work and Specialist work)*

The tenderer is required to submit a technical proposal which covers the following criteria.

**O1. Experience of key personnel**

The experience of assigned staff member in relation to the scope of work will be evaluated from three different points of view:

- 1) General experience (total duration of professional activity), level of education and training and positions held of each discipline specific team leader.
- 2) The education, training, skills and experience of the Assigned Staff in the specific sector, field, subject, etc which is directly linked to the scope of work.
- 3) The key staff members' / experts' knowledge of issues which the tenderer considers pertinent to the project e.g. local conditions, affected communities, legislation, techniques etc.

A CV of the Lead project manager/Engineer, contract manager, construction manager design civil engineers/specialists and foreman of not more than 3 pages each should be attached to this schedule:

Each CV should be structured under the following headings:

- 1 Personal particulars
  - name
  - date and place of birth
  - place (s) of tertiary education and dates associated therewith
  - professional awards
- 2 Qualifications (degrees, diplomas, grades of membership of professional societies and professional registrations)
- 3 Skills
- 4 Name of current employer and position in enterprise
- 5 Overview of post graduate / diploma experience (year, organization and position)
- 6 Outline of recent assignments / experience that has a bearing on the scope of work

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed

Date

Name

Position



**O2. Relevant experience**

List number of completed Road Rehabilitation/Reseal/Bridges/Upgrade projects.

The evaluation will consider the nature of the reference projects, scope of services provided, and Employer/Client completion certificate.

Final Approval Certificates/ Completion Certificates not older than 15 years per project to be provided with contact details of references.

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed: ..... Date: .....

Name: ..... Position: .....

## **P. NOTICES TO TENDERERS REGARDING THE COMPLETION OF FORMS**

PLEASE NOTE THAT THIS TENDER IS SUBJECT TO TREASURY REGULATIONS 16A ISSUED IN TERMS OF THE PUBLIC FINANCE MANAGEMENT ACT, 1999, THE KWAZULU-NATAL SUPPLY CHAIN MANAGEMENT POLICY FRAMEWORK AND THE GENERAL CONDITIONS OF CONTRACT.

1. Unless inconsistent with or expressly indicated otherwise by the context, the singular shall include the plural and vice versa and with words importing the masculine gender shall include the feminine and the neuter.
2. Under no circumstances whatsoever may the tender forms be retyped or redrafted. Photocopies of the original tender documentation may be used, but an original signature must appear on such photocopies.
3. The tenderer is advised to check the number of pages and to satisfy himself that none are missing or duplicated.
4. Tender submitted must be complete in all respects.
5. Tender shall be lodged at the address indicated not later than the closing time specified for their receipt, and in accordance with the directives in the tender documents.
6. Each tender shall be addressed in accordance with the directives in the tender documents and shall be lodged in a separate sealed envelope, with the name and address of the tenderer, the tender number and closing date indicated on the envelope. The envelope shall not contain documents relating to any tender other than that shown on the envelope. If this provision is not complied with, such tender may be rejected as being invalid.
7. All tenders received in sealed envelopes with the relevant tender numbers on the envelopes are kept unopened in safe custody until the closing time of the tender. Where, however, a tender is received open, it shall be sealed. If it is received without a tender number on the envelope, it shall be opened, the tender number ascertained, the envelope sealed, and the tender number written on the envelope.
8. A specific box is provided for the receipt of tenders, and no tender found in any other box or elsewhere after the closing date and time of tender will be considered.
9. No tender sent through the post will be considered if it is received after the closing date and time stipulated in the tender documentation, and proof of posting will not be accepted as proof of delivery.
10. No tender submitted by telefax, telegraphic or other electronic means will be considered.
11. Tender documents must not be included in packages containing samples. Such tenders may be rejected as being invalid.
12. Any alteration made by the tenderer must be initialled. If not initialled the tenderer may be disqualified.
13. Use of correcting fluid is prohibited
14. Tenders documents will be opened in public as soon as practicable after the closing time of tender.
15. Where practical, prices are made public at the time of opening tender documents.

**Q. ACCEPTABLE PROOF & RIGHT TO AWARD**

**a) Acceptable Proof for the allocation of Specific Goals Points**

| The specific goals allocated points in terms of this tender  | Acceptable Proof for Allocation of Points   |
|--|---|
| <p><b>1. An EME or QSE which is at least 51% owned by</b></p> <p>a) black people</p> <p>b) black people who are youth</p> <p>c) black people who are women</p> <p>d) black people with disabilities</p>  | <p>CIPC company registration documents and CSD report and BBB-EE Certificate or Sworn affidavit</p>   |
| <p><b>2. Promotion of Tenderer's located in a Specific Area</b></p> <p>For CIDB grade 1-3 work:<br/>Operating business address located within the Local municipality</p> <p>For CIDB grade 4 -6 work:<br/>Operating business address located within the District municipality</p> <p>For CIDB grade 7 and above work:<br/>Operating business address located within the Province</p> |   |
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| <p><b>3. The creation of new jobs or the intensification of labour absorption</b></p>  | <p>Proof of participation on job creation as per the returnable schedule K must be at least <b>2.54%</b> above the Specified minimum local labour content</p> |

**b) Rights to Award**

- KwaZulu-Natal Department of Transport reserves the right to call for presentations from shortlisted suppliers or **Reserves the Right to accept bid In Whole or In Part."**
- Not to make any award in this bid or accept any tender submitted,
- Request further technical information from any tenderer after the closing date,
- Verify information and documentation of the tenderer(s),
- Not to accept any of the tender proposals submitted,
- To withdraw or amend any of the tender conditions by notice in writing to all tenderer prior to closing of the bid and post award, and
- If an incorrect award has been made to remedy the matter in any lawful manner it may deem fit.

**c) Price Negotiation at quotation stage.**

KwaZulu-Natal Department of Transport reserves the right to negotiate with the shortlisted tenderer prior and/or post award.

The terms and conditions for negotiations will be communicated to the shortlisted tenderers prior to invitation to negotiations.

The negotiation terms and conditions may include presentations and/or site visits. This phase is meant to ensure the conditions of tender and projects will be implementable.

KwaZulu-Natal Department of Transport supports the spirit of economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the KwaZulu-Natal Department of Transport does not support any form of fronting.