

THE HOUSING DEVELOPMENT AGENCY

CONTRACT No. HDA/PE/2015/002

**Panel of Pre-approved Contractors - Nelson Mandela Bay Municipality
Integrated Human Settlements Support Programme for the period of
2015/16 to 2018/19 Financial Years**

**EXPRESSION OF INTEREST: LOCAL CONTRACTORS TO ENTER INTO
THE LIST OF PRE-APPROVED DATABASE OF CONTRACTORS TO
DELIVER HUMAN SETTLEMENTS SERVICES AND TOP STRUCTURES IN
THE NELSON MANDELA BAY METROPOLITAN MUNICIPALITY**

**EXPRESSION OF INTEREST FOR REGISTRATION ON PRE-
APPROVED DATABASE OF LOCAL CONTRACTORS**

23 OCTOBER 2015

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NAME OF BIDDER:

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1. TENDER NOTICE

EXPRESSION OF INTEREST (EOI) FORM FOR REGISTRATION ON PRE-APPROVED DATABASE OF CONTRACTORS

CONTRACT No: HDA / PE/2015/002

The Housing Development Agency (HDA) is a national public development agency established by an Act of Parliament (Act 23 of 2008). The HDA promotes sustainable communities through the facilitation of land acquisition and housing project management for the purposes of human settlement.

The Housing Development Agency has been appointed as an Implementing Agent for the Nelson Mandela Bay Municipality Integrated Human Settlements Support Programme by the National Department of Human Settlements, the Eastern Cape Department of Human Settlements and the Nelson Mandela Bay Metropolitan Municipality by means of a Memorandum of Agreement and Implementation Protocol.

The Nelson Mandela Bay Municipality Integrated Human Settlements Support Programme has been identified as a programme in which all 3 spheres of Government will efficiently and expediently work together to overcome systematic and social challenges impacting negatively on the human settlements' service delivery within the Nelson Mandela Bay Metropolitan Municipality.

The Housing Development Agency now invites eligible local contractors within the Nelson Mandela Bay Metropolitan Municipality to indicate their interest to enter into the pre-approved database of service providers for the construction of civil engineering services and top structures.

The expected implementation period of the above mentioned services is from 2015/2016 to 2018/2019 financial years.

The Qualification criteria to register are as follows:

1. Submission of a fully completed HDA Pre – approved Database Registration Form

- Attaching of Original or Certified copy of Business Registration Certificate
- Attaching of Original and valid Tax Clearance Certificate as issued by the South African Revenue Services
- A valid and Original or Certified Copy of NHBRC Registration Certificate – Top Structures
- A valid and Original or Certified Copy of CIDB Registration Certificate with CE Status – **FOR CIVIL ENGINEERING WORKS ONLY**
- A written commitment to participate in the Programme
- Proof of business existing in the Nelson Mandela Bay Metro (NMBM)

2. Attendance of the compulsory bid clarification meeting

Failure to comply with any of the above may result in disqualification

The elements of evaluation criteria are as follows:

FUNCTIONALITY	POINTS
Capacity (Methodology, organogram and CV's of key personnel)	30 points
Capability (Plant schedule, Proof of bank account and letter of undertaking from supplier)	30 points
Experience (Appropriate previous experience)	30 points
Local labour (Written commitment to adhere to 70% local labour target)	10 points

Functionality Assessment cut off percentage

The minimum points to be obtained by the bidder during functionality assessment to qualify for evaluation are (70) as a bench mark.

The physical address for collection and delivery of bid documents is:

The Housing Development Agency (HDA)
5th Floor, Fairview House
Fairview Office Park
66 Ring Road
Greenacres
Port Elizabeth
6000

Bid documents will be available for collection from **13h00 on Friday, 23 October 2015**. Thereafter, documents can be collected on subsequent weekdays during office hours (8h30 - 16h30).

Bid documents will be supplied at no cost to the bidders and only 1 (one) document will be supplied per bidder. Alternatively, bidders can download the bid document from the HDA website www.thehda.co.za/tenders

Technical queries relating to this call for expression of interest may be addressed to;
Mr. N. Pukuza E-mail: nzuzo.pukuza@thehda.co.za

Supply Chain Management queries relating to this call for expression of interest may be addressed to;
Mr. M. Mokhine E-mail: moses.mokhine@thehda.co.za

A bid clarification meeting with representatives of the Employer will take place at the Nangoza Jebe Hall (formerly known as Centenary Hall), Cnr Ntshekisa & Msimka Streets, New Brighton, Port Elizabeth on the **03rd November 2015** starting at **10:00**.

The closing time and date for receipt of returnable documents is **12:00** on the **13th November 2015**. Documents must be submitted in a sealed envelope and deposited in the tender box located at above said address.

Telegraphic, telephonic, telex, facsimile, email and late tender submissions will not be accepted.

The HDA may accept or reject any variation, deviation, tender offer, or alternative tender offer, and may cancel the tender process and reject all tender offers at any time before the formation of a contract. The HDA shall not incur any liability to a Tenderer for such cancellation and rejection, but will give written reasons for such action upon request to do so.

2. BACKGROUND TO PROJECT

The Housing Development Agency (HDA) has been appointed as an Implementing Agent for the Nelson Mandela Bay Municipality Integrated Human Settlements Programme by the National Department of Human Settlements (NDoHS), the Eastern Cape Department of Human Settlements (ECDoHS) and the Nelson Mandela Bay Municipality (NMBM) by means of a Memorandum of Agreement and Implementation Protocol.

The Nelson Mandela Bay Municipality Integrated Human Settlements Support Programme has been identified as a Programme in which all 3 Spheres of Government will efficiently and expediently work together to overcome systematic and social challenges impacting negatively on the human settlements' service delivery within the NMBM..

The Housing Development Agency now invites eligible local contractors within the Nelson Mandela Bay Municipality to indicate their interest to enter into the pre-approved database of service providers for the construction of civil engineering services and top structures.

The expected implementation period of the above mentioned services is from 2015/2016 to 2018/2019 financial years.

3. LOCATION OF PROJECT

The projects in the support programme cover the whole foot-print of the all Human Settlement developments in NMBM.

4. PURPOSE OF THE EXPRESSION OF INTEREST

The HDA seeks to establish a panel of pre-approved local contractors within the NMBM for the delivery of Human Settlements projects i.e. Civil Engineering Services and Top-Structures in the NMBM.

There will be separate lists for Small Medium & Micro Enterprises (SMMEs) and Established contractors so as to ensure fair allocation of work.

The list will also be separated for top structures and for civil engineering works.

5. SCOPE OF SERVICES TO BE PROVIDED

The appointed service providers will have to carry out the below duties:

The construction of services and/or units to completion including all finishes as per the relevant drawings and specifications.

The completed structures will be subject to the normal 3 month defects liability period.

The sewer must be taken to the boundary and connected to the mains.

The water line will need to be taken to the boundary and connected to the meter (supplied by others).

Assist with the obtaining of the handover letter from the beneficiary.

Comply by obtaining the Occupation Certificate from the Local Authority.

Once the top structure is completed, the platforms are to be trimmed to falls and ensure storm water flows away from the top structure.

Cleaning of the site on completion of each top structure.

All preliminaries and other costs that the contractor must incur to comply with all of the provisions of this entire Tender Document for the construction of top structures have been allowed for in the unit price

(All Inclusive Vat @ Zero Rate) for each house.

No separate provision is made for the pricing of preliminaries.

6. SUBMISSIONS

Service providers must submit the following documents in response to the terms of reference:

6.1 A new fully completed HDA Pre - approved database Registration Form.

NOTE: For the purposes of this call for expression of interest (EOI), this has to be submitted even if the entity has been doing business with the HDA /NMBM/ ECDHS or has previously completed and submitted a Supplier Registration Form.

6.2 A Certified Copy of Registration Certificate (CIPC)

6.3 A prevailing valid Tax Clearance Certificate issued by the South African Revenue Services.

6.4 A valid and Original or Certified B-BBEE Status Level Verification Certificates issued by the following agencies SANAS, IRBA or CCA.

6.5 A valid and Original or Certified NHBRC Registration Certificate for top structures

6.6 A valid and Original or Certified CIDB Registration Certificate with CE status for civil works

6.7 A written commitment to participate in the SMME Development Programme and to adhere to conditions

6.8 Proof that business is based in the Nelson Mandela Bay Metropolitan Municipality

It is required that any contractors responding to this request for the expression of interest must at least submit a company profile indicating relevant experience where applicable including previous work and current work within the NMBM and anywhere else.

7. COMPULSORY BID CLARIFICATION AND CLOSING DATES

A compulsory bid clarification meeting, which must be attended by all the Bidders, will be held at 10h00 on Tuesday 03 November 2015, to enable Bidders to acquaint themselves fully with the bid conditions.

The Returnable Documents must be submitted on or before 12h00 on Friday 13 November 2015. These must be delivered in a sealed envelope by hand to:

The Procurement Officer
Housing Development Agency
Fairview Office Pak
5th Floor,
66 Ring Road
Greenacres
Port Elizabeth
6000

HDA will not accept returnable documents submitted **late** or by facsimile or by email.

8. EVALUATION CRITERIA

The submissions will only be evaluated for functionality

Acceptance of Tender (Check for compliance of the bid conditions)

Check and record whether bidder has attended the compulsory site clarification meeting.

Check and record whether bidder has submitted the original Tax Clearance Certificate and the NHBRC certificate and/or CIDB Registration where applicable

Check and record whether the bidder has submitted proof that the business exists in the NMBM

Check and record whether the bidder has submitted a commitment to participate in the SMME development programme and to adhere to its conditions

Check and record whether the bidder has submitted a fully completed HDA Pre approved Database Registration Form

8.1 Technical Assessment (Functionality)

Assess accepted bids and allocate points based on the following criteria.

Capacity (Methodology, organogram and CV's of key personnel) 30 points

Capability (Plant schedule, Proof of bank account and letter of undertaking from supplier) 30 points

Experience (Appropriate previous experience) 30 points

Local labour (Written commitment to adhere to 70% local labour target) 10 points

8.2. Qualifying Cut off Percentage

Points to be obtained by the bidder during technical assessment to qualify to the next stage are **(70)** as a bench mark.

8.3 Ranking

Bidders will be ranked according to their earned functionality points in descending order. The bidder with the highest number of functionality points will be ranked highest.

8.4 Selection Process and Adjudication

The selection of the qualifying proposal will be at the HDA's sole discretion. The HDA does not bind itself to accept any bid/proposal, and the HDA reserves the right not to appoint the service provider.

It may be possible that initially HDA may qualify a short list of potential candidates and request oral presentations from such candidates to the adjudication panel.

9. CONTACT PERSON FOR ANY QUERIES

Further clarification regarding the expression of interest can be sent by email to:
nzuzo.pukuza@thehda.co.za

Further information regarding supply chain matters and queries can be send via email to:
moses.mokhine@thehda.co.za

10. HDA PRE – APPROVED DATABASE FORM

10.1 SUPPLIER DETAILS

Registered Name of the company:

.....

Trading name of the company

.....

Company/Close Corporation Registration Number:	VAT Registration Number:	Income Tax Reference Number:
NHBRC REGISTRATION NO:	CIDB - CRS NO:	
Telephone Number:	Fax Numbers:	
Name of Contact Person:	Contact Numbers Cell:	
Business Physical Address:	Postal Address:	
Web Address:	E-mail:	
TYPE OF FIRM (Please √ the relevant box or boxes)		
<input type="checkbox"/> Public Company (Ltd)		
<input type="checkbox"/> Private Company (Pty) Ltd		
<input type="checkbox"/> Close Corporation (CC)		
<input type="checkbox"/> Sole Proprietor		
<input type="checkbox"/> Partnership		
<input type="checkbox"/> Trust		
<input type="checkbox"/> Section 21 Company		
<input type="checkbox"/> Consortium		
If any other (Specify)		

10.2 TOTAL NUMBER OF EMPLOYEES

(Please ✓ the relevant box and state the number)

Full Time

Number.....

Part time

Number.....

	Gender	Management	Non-Management	Technical/Specialist	Total

BUSINESS REFERENCE FOR PREVIOUS PROJECTS IN THE LAST THREE(3) YEARS

Company/Institution Name					
Address					
Contact Person				Telephone:	
Value of Contract	R			Date :	
Description of Work					
Company/Institution Name					
Address					
Contact Person				Telephone:	
Value of Contract	R			Date :	
Description of Work					

GENERAL

1. Did the firm exist under a previous name?	YES/NO
If YES, what was its previous name?	
2. Does your company or any of its employees have a vested interest in HDA, if so; state the details of such vested interest.	
3. Indicate as to whether any of the Partners, Proprietors 7 Shareholders is in the service of the HDA or has been in the service of HDA's in the previous twelve months:	
4. At what % of full capacity are you operating	
5. What was your average turnover (excluding VAT) during the previous three financial years?	

6. Have you previously been on an approved supplier list with Housing Development Agency, Nelson Mandela Bay municipality and/ or Eastern Cape Department of Human Settlements? <i>(if yes, give details, i.e. when and for what)</i>	
7. Are warranties offered on new items/repairs(if yes, state Particulars)	
8. Does your company have overdraft facility and when was it last adjusted?	
R	
Last Adjusted date:	Used: R

10.3 VALID BANKING DETAILS

Bank Account Name: _____

Name of Bank: _____

Branch Code & Name: _____

Account Number: _____

Type of Account: Cheque Savings Transmission

(Certified as correct by: Bank Details)
Name & Surname; _____

Signature: _____

Designation: _____

Tel Number: _____

Fax Number: _____

DATE STAMP of BANK

10.4 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm :

9.2 VAT registration number :

9.3 Company registration number
:

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;

- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution

WITNESSES:

- 1.
- 2.

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

DATE:.....

ADDRESS:.....

.....

.....

.....

10.5 LIST OF PRODUCTS/SERVICES OFFERED

(Please indicate the services offered as indicated below), services not indicated must be specified under

DISCIPLINE NAME	TICK
BUILDING & CONSTRUCTION	
ENGINEERS	
PROPERTY EVALUATORS	
QUANTITY SURVEYORS	
TOWN PLANNERS	
OTHER(PLEASE SPECIFY)	

PLANT AND EQUIPMENT

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

(a) **Details of major Plant/ Equipment that is owned by me / us and immediately available for this contract.**

DESCRIPTION (type, size, capacity etc.)	QUANTITY	YEAR OF MANUFACTURE

Attach additional pages if more space is required

(b) **Details of major Plant/ Equipment that will be HIRED, or ACQUIRED for this contract if my / our tender is accepted**

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

Attach additional pages if more space is required

The Tenderer undertakes to bring onto site without additional cost to the Employer any additional plant not listed but which may be necessary to complete the contract within the specified contract period.

NAME: (Block Capitals)

SIGNATURE: DATE:
(of person authorised to sign on behalf of the Tenderer)

10.7 SBD 4 FORM

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favoritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder², member):

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

¹“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) Provincial legislature;
- (d) National Assembly or the national Council of provinces; or
- (e) Parliament.

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

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

2.7.1 If so, furnish the following particulars:

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

.....

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

Position occupied in the state institution:

Any other particulars:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain **YES / NO**

the appropriate authority to undertake remunerative work outside employment in the public sector?

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

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

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

.....

.....

.....

2.8. Did you or your spouse, or any of the company's directors / **YES / NO**

trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?

2.8.1. If so, furnish particulars:

.....

.....

.....

2.9. Do you, or any person connected with the bidder, have **YES / NO**

any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

2.9.1. If so, furnish particulars.

.....

.....

.....

2.10. Are you, or any person connected with the bidder, **YES/NO** aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

2.10.1. If so, furnish particulars.

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

2.11. Do you or any of the directors / trustees / shareholders / members **YES/NO** of the company have any interest in any other related companies whether or not they are bidding for this contract?

2.11.1. If so, furnish particulars:

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

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

Full Name	Identity Number	Personal Income Tax Reference Number	State Employee Number / Persal Number

4. DECLARATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

10.8 SBD 6.1 FORM

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

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

3. GENERAL CONDITIONS

- a. The following preference point systems are applicable to all bids:
 - the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).
- b. The value of this bid is estimated to exceed R1 000 000 (all applicable taxes included) and therefore the 90/10 system shall be applicable.
- c. Preference points for this bid shall be awarded for:
 - (a) Price; and
 - (b) B-BBEE Status Level of Contribution.

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

	POINTS
1.3.1.1 PRICE90....
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

2.1 “**all applicable taxes**” includes value-added tax, pay as you earn, Income Tax, Unemployment Insurance fund contributions and skills development levies;

2.2 “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad Based Black Economic Empowerment Act;

- 2.3 “**B-BBEE status level of contributor**” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**consortium or joint venture**” means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- 2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with an annual total revenue of R5 million or less .
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 “**trust**” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

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

4. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

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

5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

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

6. BID DECLARATION

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

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

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

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

8 SUB-CONTRACTING

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

8.1.1 If yes, indicate:

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

I/we the undersigned acknowledges) that:

- The information furnished is true and correct
- The Equity Ownership claimed is in accordance with the General Conditions.
- Any conflict of Interest should be declared in writing
- An official of HDA purchase order will be accepted
- Payment of any goods delivered or services rendered will be affected within 30 days from receipt of invoice.

NAME & SURNAME

SIGNATURE

ADDRESS

TELEPHONE

DATE

COMMISSIONER OF OATH:
SIGNATURE:

DATE:

STAMP

10.9 SBD 8 FORM

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Standard Bidding Document must form part of all bids invited.
2. It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
3. The bid of any bidder may be disregarded if that bidder, or any of its directors have
 - a) abused the institution's supply chain management system;
 - b) committed fraud or any other improper conduct in relation to such system; or
 - c) failed to perform on any previous contract.

4. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

- 4.1. Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?

(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied).

The Database of Restricted Suppliers now resides on the National Treasury's Website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.

- Yes
- No

- 4.1.1. If so, furnish particulars:

- 4.2. Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)

The Register for Tender Defaulters can be accessed on the National Treasury's Website www.treasury.gov.za by clicking on its link at the bottom of the home Page.

- Yes
- No

- 4.2.1. If so, furnish particulars:

- 4.3. Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?

- Yes
- No

- 4.3.1. If so, furnish particulars:

- 4.4. Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?

- Yes
- No

- 4.4.1 If so, furnish particulars:

SBD 8

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME).....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
FORM IS TRUE AND CORRECT.
I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION
PROVE TO BE FALSE.**

.....
Signature Date

.....
Position Name of Bidder
Js3

10.10 SBD 9 FORM

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

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

ANNEXURE A

Certificate of Attendance at Clarification Meeting and Site Inspection

This is to certify that

(Tenderer).....

Of (address)

.....

Was represented by the person(s) named below at the compulsory site clarification meeting held for all tenderers at

(Location).....

On (date) starting at (time) .10H00.....

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

Particulars of person(s) attending the meeting:

Name : Name :

Signature : Signature :

Capacity : Capacity :

Attendance of the above person(s) at the meeting is confirmed by the Employer's representative, namely :

Name :

Signature :

Capacity :

Date :

Time :

ANNEXURE B

Company Registration Certificate & Directors' ID Copies

ANNEXURE C

Tax Clearance Certificate

ANNEXURE D
NHBRC Certificate

ANNEXURE E

CIDB Certificate

(FOR CIVIL ENGINEERING WORKS ONLY)

ANNEXURE F
B-BBEE Certificate

ANNEXURE G

Commitment to Participate in Development Programme

ANNEXURE H

Proof that Business exists in the Metro