



public works & infrastructure

Department of
Public Works & Infrastructure
FREE STATE PROVINCE

HEAD OF DEPARTMENT

**MR. MOTSAMAI. E. MOHLAHO
PUBLIC WORKS & INFRASTRUCTURE**

PROPOSAL NUMBER: DPWFS EOI 001/2021

EOI DOCUMENTATION

**REQUEST FOR EXPRESSION OF INTEREST FROM CIDB
REGISTERED CONTRACTORS TO REGISTER ON MAINTENANCE
AND CONSTRUCTION PROJECTS FRAMEWORK CONTRACT OF
THE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE
FOR A PERIOD OF THREE (03) YEARS**

JUNE 2021

FREE STATE PROVINCIAL GOVERNMENT

REQUEST FOR EXPRESSION OF INTEREST FROM CIDB REGISTERED CONTRACTORS TO REGISTER ON MAINTENANCE AND CONSTRUCTION PROJECTS FRAMEWORK CONTRACT OF THE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE FOR A PERIOD OF THREE (03) YEARS

REFERENCE NO. DPWFS EOI 001/2021

TENDER VALUE RANGES

A registered contractor's grading designation (indicated in the first column, below), means that the contractor is considered capable of undertaking a contract in the range of tender values indicated in the third and fourth columns- in the contractor's registered class of construction works.

CONTRACTOR GRADING DESIGNATION	GRADING LEVEL	RANGE OF TENDER VALUES		TICK RELEVANT GRADING DESIGNATION (TICK ONLY ONE)		INDICATE CIDB REGISTRATION NUMBER
		GREATER THAN	LESS THAN OR EQUAL TO	CE	GB	
Class of works: GB or CE	3	R1, 000,000	R3, 000, 000			
Class of works: GB or CE	4	R3, 000, 000	R6, 000, 000			
Class of works: GB or CE	5	R6, 000, 000	R10, 000, 000			
Class of works: GB or CE	6	R10, 000, 000	R20, 000, 000			
Class of works: GB or CE	7	R20, 000, 000	R60, 000, 000			
Class of works: GB or CE	8	R60, 000,000	R200, 000, 000			
Class of works: GB or CE	9	R200, 000 000	No Limit			

NB: THE BIDDER MUST TICK THE APPROPRIATE BLOCK THAT THEY ARE TENDERING ON.

Signed		Date	
Name		Position	
Enterprise name			

Contents	
The Expression of Interest	
No	Heading
Part E1: Submission procedures	
E1.1	Notice and invitation to submit an expression of interest the stated criteria.
E1.2	Submission data advertised to the time a submission is evaluated.
Part E2: Returnable documents	
E2.1	List of Returnable Documents
E2.2	Submission schedules
Part E3: Standard Conditions of Expression of Interest and Agreement	
E3.1	Standard Conditions of Tender
E3.2	Contract Data
Part E4: Indicative scope of works	
E4.1	Indicative scope of work / Terms of reference
Part C4: Additional Returnable Documents	
E5.1	Proof of company registration on CIPC.
E5.2	A valid Tax Clearance Certificate issued by the South African Revenue Services.
E5.3	Certified copy of VAT Registration Certificate (if VAT number is not included in tax clearance certificate),
E5.4	Valid Proof of Registration on the National Treasury's Central Supplier's Database must be accompany this bid
E5.5	Certified copy of a Workmen's Compensation Certificate, Act 4 of 2002,
E5.6	Certified copy of Unemployment Insurance Certificate, Act 4 of 2002,
E5.7	Certified copy of Certificate of Incorporation (if tenderer is a Company),
E5.8	Certified copy of Founding Statement (if tenderer is a Closed Corporation),
E5.9	Certified copy of Partnership Agreement (if tenderer is a Partnership),
E5.10	Certified copy of Identity Document (if tenderer is a One-man concern),
E5.11	Partnership or Joint Venture Agreement (if tenderer is a Joint Venture),
E5.12	Resource Information Sheet for all key staff.

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**EOI - CIDB REGISTERED CONTRACTORS
TO REGISTER ON MAINTENANCE AND
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Appendix

- A. FORM: Key Persons and their jobs / functions in relation to the Services (to be completed by Service Provider – Detailed organogram.
- B. Resource Information Sheet- CV template.
- C. Schedule of undertaken.
- D. Standard Conditions of Tender.
- E. Service Level Agreement.

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EXPRESSION OF INTEREST

Part E1: Submission procedures

E1.1 – Notice and invitation to submit an expression of interest.

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E1.1 – Notice and invitation to submit an expression of interest.

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

DESCRIPTION: REQUEST FOR EXPRESSION OF INTEREST FROM CIDB REGISTERED CONTRACTORS TO REGISTER ON MAINTENANCE AND CONSTRUCTION PROJECTS FRAMEWORK CONTRACT OF THE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE FOR A PERIOD OF THREE (03) YEARS

E1.1: NOTICE AND INVITATION TO SUBMIT AN EXPRESSION OF INTEREST THE STATED CRITERIA.

Description:	REQUEST FOR EXPRESSION OF INTEREST FROM CIDB REGISTERED CONTRACTORS TO REGISTER ON MAINTENANCE AND CONSTRUCTION PROJECTS FRAMEWORK CONTRACT OF THE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE FOR A PERIOD OF THREE (03) YEARS		
Tender No:	DPWFS EOI 001/2021		
Advertising date:	11 June 2021	Closing Date:	12 July 2021
Closing time:	11:00	Validity Period	90 Days (Calendar Days)
Tenders are to be delivered to the following address on the stipulated closing date and time:	Department of Public Works and Infrastructure: Ground Floor (Main Entrance Foyer) at OR Tambo House (Old Lebohang Building); St Andrew Street; Bloemfontein		

1. COLLECTION OF TENDER DOCUMENTS

A non-refundable tender deposit of R1282.00 is payable in cash payable at 1st floor Room 102 of OR Tambo House, Cnr St. Andrew Street and Markgraaff Street, Bloemfontein between 08:00 and 12:00, and 13:00 and 14:45, of which proof is required on collection of the tender documents. Alternatively download the document for free from www.etenders.gov.za

Documents may be collected during working hours after 08:00 until 16:00 from Friday, 11 June 2021.

The physical address for collection of tender documents is:

FREE STATE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

Cnr St Andrews Street and Markgraaff Street

OR Tambo House

Room 101B, 1st Floor

Bloemfontein

9301

BIDS ARE TO BE COMPLETED IN ACCORDANCE WITH THE CONDITIONS AND BID RULES CONTAINED IN THE BID DOCUMENTS. BID DOCUMENTS MUST BE PROPERLY INDEXED AND NEATLY BOUNDED.

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2. REASONS FOR DISQUALIFICATION

The department reserves the right to disqualify any bidder which does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder, however the bidder will be notified in writing of such disqualification:

- a. Bidders who's tax matters are not compliant with SARS requirements as reflected on eFiling and/or CSD at the time of award (however such bidders will be advised in writing to approach the SARS in order ensure that tax matters are compliant within a period of seven working days;
- b. Bidders who submitted incomplete information and documentation according to the requirements of this bid document, e.g. not submitting both a fully completed document with all returnable documents as stated on this tender document;
- c. Bidders who submitted information that is fraudulent, factually untrue or inaccurate information;
- d. Bidders who received information not available to other bidders through fraudulent means.
- e. Bidders whose CIDB grading status has been suspended and/or cancelled.
- f. Bidders who do not comply with mandatory requirement as stated in this document.
- g. Telegraphic, telephonic, telefax, facsimile and late tenders will not be accepted.
- h. Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data

3. EOI RESPONSE FORMAT

- a. Bidders shall submit their bid responses in accordance with the response format specified below):
 - i. The fully completed document including all additional documentation is to be returned in its entirety as part of the Expression of Interest.
- b. All tenders must be submitted on the official forms, supplemented as necessary - (not to be re-typed).
- c. Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the invitation to submit proposal.

4. ENQUIRIES & RESPONSES

All enquiries regarding this proposal should be submitted in writing to the following officials of the Department.

Technical related enquiries:

Initials and surname	Email address	Contact no
Mr. D. Matsela	matselad@fsworks.gov.za	0514037823

SCM related enquiries:

Initials and surname	Email address	Contact no
Mr. M. Phasumane	phasumanem@fsworks.gov.za	051 492 3861

5. MEDIUM OF COMMUNICATION

All documentation submitted in response to this bid document must be in English.

6. VERIFICATION OF DOCUMENTS

Respondents should check the numbers of the pages to satisfy themselves that none are missing or duplicated. No liability will be accepted by the Department in regard to anything arising from the fact that pages are missing or duplicated.

7. EVALUATION CRITERIA

7.1. This bid will be evaluated in three stages:

- a) On stage one Proposals will be evaluated on compliance with mandatory requirements.
- b) On stage two Proposals will be evaluated on functionality as stipulated on the Expression of interest.

7.2. Bidders may be called to present the Technical approach and Methodology.

7.3. Issuing of task order will be done on as and when basis for specific tasks and the Department will invite firms to submit responses for such a tasks order.

7.4. The Department will invite quotations on “as and when basis” to health and safety agent Firms which are appointed to participate in this Framework Contract. The issuing of specific tasks orders will be informed by the evaluation of quotations received from firms which will be there be appointed to perform such a task if their quotation is the most favourable quotation.

7.5. STAGE ONE – COMPLIANCE WITH THE MANDATORY REQUIREMENTS

- a) Provide a unique security Personal Identification number (PIN) issued by the South African Revenue Services (where Consortium / Joint Venture / Sub-contractors are involved, each party to the association must submit a separate or a unique security personal Identification number).
- b) Provide a valid Proof of Registration on the National Treasury’s Central Supplier’s Database.
- c) Each Potential Bidder who submits an EOI for General Building category of works must be registered with CIDB in one of the following Grading Levels – 3GB, 4GB, 5GB, 6GB, 7GB, 8GB, or 9GB). A valid CRS number must be provided as proof.
- d) Each Potential Bidder who submits an EOI for Civil Engineering category of works must be registered with CIDB in one of the following Grading Levels – 3CE, 4CE, 5CE, 6CE, 7CE, 8CE, or 9CE). A valid proof must be attached. A valid CRS number must be provided as proof.
- e) Only bidders who have B-BBEE level 01 and 02 will be considered for appointment on the framework contract.
- f) Attach a valid municipal services (water, sanitation, rates and electricity) clearance certificate with a current bill of account not owing more than one hundred and twenty (120) days or a valid lease agreement with a current statement from the lessor not owing more than one hundred and twenty days
- g) Duly completed and signed SBD 1, SBD 4, SBD 8 and SBD9.
- h) Complete and sign Annual Financial Declaration.
- i) A valid Letter of good standing issued by the Department of Labour.

7.6. STAGE ONE(B) Non – Mandatory requirements required for evaluation purposes:

- a) Every bidder will be expected to comply with the stipulated requirements for local production and content before being appointed for any project which will be implemented through these framework contract, i.e. each bidder will be expected to complete and sign SBD 6.2 -Requirements for local production and content for steel products and components for construction and any other applicable requirements for each projects.
- b) The department reserves the right to require bidders to attend mandatory clarification meetings for any project which will be implemented under the framework contract.
- c) The department reserves the right to require contractors who will be appointed on to the panel to sign a new and separate project specific contracts for every separate projects which contracts will be considered for appointment for the duration of contract.
- d) The department reserves the right to include the prequalification criteria for sub – contracting to Local Contractors and Contractor Development Programme participants for any project which will be implemented under these framework contract.
- e) Duly completed and signed SBD 6.1 – Preference points claim form in terms of the Preferential Procurement Regulations 2017.
- f) Attach appointment letters and completion certificates where similar nature of works were carried by the Contractor. Complete and sign schedule of tenderer`s experience.
- g) Provide proof of qualifications and experience of key staff. Complete and sign resource information sheet.
- h) Duly completed and signed: Annexure A Forms-- Record of Addenda to tender documents.
- i) Duly completed and signed: Annexure B Forms- Proposed amendments and qualifications.
- j) Duly completed and signed: Annexure D Forms- Compulsory Declaration. Each firm must sign a declaration form for sub – contracting indicating the minimum percentage of the scope of works each contract intends to sub – contract to Local Contractors and Contractor Development Programme Participants should they be awarded a project.

7.7. STAGE TWO (a) – EVALUATION BASED ON FUNCTIONALITY - CIDB GRADING 3 TO 6 CONTRACTORS:

- a) The minimum score for functionality which each bidder must obtain is 113 points out of 150 points before being considered for evaluation (award) of preference points. Evaluation on price will be done for each individual project on as and when bases based on the bills of quantities provided.
- b) The functionality criteria must be evaluate in conjunction with the stages below.
- c) The functionality criteria will be as follows:
 - i) Attach appointment letters and completion certificates where similar nature of works were carried by the Contractor. Complete and sign schedule of tenderer`s experience.
 - ii) Provide proof of qualifications and experience of key staff. Complete and sign resource information sheet.
 - iii) Locality of the bidding entity.
- d) The functionality criteria for contractors on CIDB grading 3 to 6 will be evaluated based on the following criteria:

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CRITERION	GUIDELINE FOR CRITERION	WEIGHT
CAPACITY OF THE CONTRACTOR TO EXECUTE THE WORKS	Capacity of the Contractor to execute the works. In order to qualify here, the Contractor will have to demonstrate their capacity/ ability to execute the works needed	50
	The projects will be scored in accordance with the following:	
	5 Projects – 50 Points	
	4 Projects – 40 Points	
	3 Projects – 30 points	
QUALIFICATION AND EXPERIENCE OF KEY STAFF	2 Projects – 20 Points	30
	1 Project – 10 Points	
	Completed Construction projects relevant to the grading which the contractor is applying for – Signed, dated appointment letters, completion certificates and letters of reference (pack of supporting documents) in the letterhead of the employer (henceforth referred to as letter of reference) must be submitted as proof:	
	Grading Applied for No of letters per project	
	3 At least 01 pack supporting documents	
OWNERSHIP OF THE BIDDING ENTITY BY DESIGNATED GROUPS	4 At least 02 pack supporting documents	50
	5 At least 02 pack supporting documents	
	6 At least 02 pack supporting documents	
	Bidders will forfeit points should they submit less than the required number of pack of supporting documents	
LOCALITY	Construction Company must have qualified individuals to manage the projects	20
	Project Manager with at least NQF level 6(Degree or equivalent) (20 points)	
	Project Manager with at least PM certificate (or equivalent) (10 points)	
	Here, Contractors will have to submit certified copies of qualifications	
TOTAL	Ownership of the bidding entity by designated groups:	150
	At least 51% female ownership - 30 Points	
	At least 51% youth ownerships - 20 points	
	Companies will also have to submit a copy of CIPC.	
	Free State Based Contractors.	
	Free State based – 20 Points	
	Not Free State based – 0 Points	

7.8. STAGE TWO (b): EVALUATION ON FUNCTIONALITY – CIDB GRADING 7 TO 9 CONTRACTORS:

- The minimum score for functionality which each bidder must obtain is 113 points out of 150 points before being considered for evaluation (award) of preference points. Evaluation on price will be done for each individual project on as and when bases based on the bills of quantities provided.
- The functionality criteria must be evaluate in conjunction with the stages below.
- The functionality criteria will be as follows:

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- i) Attach appointment letters and completion certificates where similar nature of works were carried by the Contractor. Complete and sign schedule of tenderer`s experience.
 - ii) Provide proof of qualifications and experience of key staff. Complete and sign Resource Information Sheet.
 - iii) Locality of the bidder.
- d) The functionality criteria for contractors on CIDB grading 7 to 9 will be evaluated based on the following criteria:

CRITERION	GUIDELINE FOR CRITERION	WEIGHT
CAPACITY OF THE CONTRACTOR TO EXECUTE THE WORKS	Capacity of the Contractor to execute the works. In order to qualify here, the Contractor will have to demonstrate their capacity/ ability to execute the works needed	50
	The projects will be scored in accordance with the following:	
	6 Projects – 50 Points	
	5 Projects – 40 Points	
	4 Projects – 30 points	
	3 Projects – 20 Points	
	2 Project – 10 Points	
Completed Construction projects relevant to the grading which the contractor is applying for – Signed, dated appointment letters, completion certificates and letters of reference (pack of supporting documents) in the letterhead of the employer (henceforth referred to as letter of reference) must be submitted as proof:	Bidders will forfeit points should they submit less than the required number of pack of supporting documents	
Grading Applied for		No of letters per project
7		At least 02 pack supporting documents
8		At least 03 pack supporting documents
9		At least 04 pack supporting documents
	Construction Company must have qualified individuals to manage the projects	30

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QUALIFICATION AND EXPERIENCE OF KEY STAFF	Project Manager with at least NQF level 7(Degree or equivalent) (20 points)	
	Project Manager with at least NQF level 6(Diploma or equivalent) (10 points)	
	Here, Contractors will have to submit certified copies of qualifications	
OWNERSHIP OF THE BIDDING ENTITY DESIGNATED GROUPS	Ownership of the bidding entity by designated groups:	40
	At least 51% female ownership - 25 Points	
	At least 51% youth ownership - 15 points	
	Companies will also have to submit a copy of CIPC documents.	
LOCALITY	Free State Based Contractors.	30
	Free State based – 30 Points	
	Not Free State based – 0 Points	
TOTAL		150

7.9. STAGE THREE: EVALUATION ON PRICE AND PREFERENCE

7.10. The applicable preference point system will be evaluated when projects are implemented on “as and when bases” based on the estimates of each project. However bidders will awarded points for preference at the initial stage:

7.11. Bidders will be evaluated according to the 80/20 or 90/10 points system depending on the estimated value of the project whereby:

Allocation of points	CIDB Grading 3 to 6 (some 7s)	CIDB Grading 7 to 9
Price	80	90
Preference	20	10
Total points	100	100

E 1.2: SUBMISSION DATA

CONSTRUCTION INDUSTRY DEVELOPMENT BOARD STANDARD FOR UNIFORMITY IN ENGINEERING AND CONSTRUCTION WORKS CONTRACTS

AUGUST 2019

This standard is issued in terms of sections 4(f), 5(3)(c) and 5(4)(b) of the Construction Industry Development Board Act 38 of 2000 read with Regulation 24 of the Construction Industry Development Regulations, (as amended) issued in terms of section 33.

The Standard for Uniformity in Construction Procurement was first published in Board Notice 62 of 2004 in Government Gazette No 26427 of 9 June 2004. It was subsequently amended in Board Notice 67 of 2005 in Government Gazette No 27831 of 22 July 2005, Board Notice 99 of 2005 in Government Gazette No 28127 of 14 October 2005, Board Notice 93 of 2006 in Government Gazette No 29138 of 18 August 2006, Board Notice 9 of 2008 in Government Gazette No 30692 of 1 February 2008, Board Notice 11 of 2009 in Government Gazette No 31823 of 30 January 2009, Board Notice 86 of 2010 in Government Gazette No 33239 of 28 May 2010 and Board Notice 136 of 2015 in Government Gazette 38960 of 10 July 2015.

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- Annex A: Standard Tender Notice and Invitation to Tender
 - Annex B: Form of Offer and Acceptance
 - Annex C: Standard Conditions of Tender
 - Annex D: Standard Conditions for the calling for Expressions of Interest
 - Annex E: Standard Notice and Invitation to submit an Expression of Interest
 - Annex F: Record of Addenda to Tender Documents
 - Annex G: Compulsory Enterprise Questionnaire

STANDARD FOR UNIFORMITY IN ENGINEERING AND CONSTRUCTION WORKS CONTRACTS

1. Scope

This standard establishes requirements for engineering and construction works contracts aimed at bringing about standardisation and uniformity in construction contracts documentation, practices and procedures.

2. Normative references

The following referenced documents are for the application of this standard.

For undated references, the latest edition of the referenced document (including any amendments) applies.

- 2.1 Conditions of Contract for Construction for Building and Engineering Works designed by the Employer ("Red Book") as published by the International Federation of Consulting Engineers (FIDIC).
- 2.2 Conditions of Contract for Plant and Design-Build for Electrical and Mechanical Plant and for Building and Engineering Works, designed by the Contractor ("Yellow Book") as published by the International Federation of Consulting Engineers (FIDIC).
- 2.3 Conditions of Contract for EPC Turnkey Projects ("Silver Book") as published by the International Federation of Consulting Engineers (FIDIC).
- 2.4 Conditions of Contract for Design, Build and Operate Projects ("Gold Book") as published by the International Federation of Consulting Engineers (FIDIC).
- 2.5 General Conditions of Contract for Construction Works as published by the South African Institution of Civil Engineering.
- 2.6 JBCC Series 2000 Principal Building Agreement as published by the Joint Building Contracts Committee.
- 2.7 JBCC Series 2000 Minor Works Agreement as published by the Joint Building Contracts Committee.
- 2.8 NEC3 Engineering and Construction Short Contract as published by the Institution of Civil Engineers.
- 2.9 NEC3 Engineering and Construction Contract as published by the Institution of Civil Engineers.
- 2.10 Short Form of Contract ("Green Book") as published by the International Federation of Consulting Engineers (FIDIC).
- 2.11 Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2017 (as amended).
- 2.12 South African Bureau of Standards, SANS 10845-1, Construction procurement - Part 1: Processes, methods and procedures.
- 2.13 South African Bureau of Standards, SANS 10845-2, Construction procurement - Part 2: Formatting and compilation of procurement documentation.
- 2.14 South African Bureau of Standards, SANS 10845-3, Construction procurement - Part 3: Standard conditions of tender.
- 2.15 South African Bureau of Standards, SANS 10845-4, Construction procurement - Part 4: Standard conditions for the calling for expressions of interest.

3. Definitions

For purposes of this standard, the following definitions apply:

- 3.1 black people means Africans, Coloureds and Indians -
- (a) who are citizens of the Republic of South Africa by birth or descent; or
 - (b) who became citizens of the Republic of South Africa by naturalisation -
 - (i) before 27 April 1994; or
 - (ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date.
- 3.2 capability means the abilities necessary to perform at the required level;
- 3.3 capacity means the resources (human capital, financial, physical assets, systems, procedures) which a tenderer puts at the disposal of the project to select, fund and execute the work;
- 3.4 conflict of interest means any situation in which someone in a position of trust has competing professional or personal interests which make it difficult for him to fulfill his duties impartially, an individual or the tenderer is in a position to exploit a professional or official capacity in some way for his personal or for corporate benefit, or incompatibility or contradictory interests exist between an employee and the tenderer who employs that employee;
- 3.5 contracting strategy means strategy that defines the nature of the relationship which the employer wishes to foster with the contractor, which in turn determines the risks and responsibilities between the parties to the contract and the methodology by which the contractor is to be paid;
- 3.6 contract data means document that identifies the applicable conditions of a contract and states the associated contract-specific data;
- 3.7 design and build means contract in which a contractor designs a project based on a brief provided by the employer and constructs it;
- 3.8 develop and construct means contract based on a scheme design prepared by the employer under which a contractor produces drawings and constructs it;
- 3.9 design by employer means contract under which a contractor undertakes only construction based on full designs issued by the employer;
- 3.10 employer means an organ of state entering into a contract with a contractor for the provision of engineering and construction works;
- 3.11 expression of interest means a request for respondents to register their interest in undertaking a specific contract or to participate in a project or programme and to submit their credentials, so they may, in terms of the employer's procurement procedures, be invited to submit a tender offer should they qualify or be selected to do so;
- 3.12 financial offer means the cost of the procurement in monetary terms;
- 3.13 form of offer and acceptance means the documents that formalize the legal process of offer and acceptance;

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- 3.14 functionality means the ability of a tenderer to provide engineering and construction works in accordance with specifications as set out in the tender documents;
- 3.15 invitation to tender means formal invitation to qualified tenderers to make a written offer for construction works;
- 3.16 list of returnable documents means document that lists everything the employer requires a tenderer to include with the tender submission;
- 3.17 management contractor means contract under which a contractor provides consultation during the design stage and is responsible for planning and managing all post contract activities for contractors and the performance of the whole contract;
- 3.18 notice and invitation to submit an expression of interest means the document that alerts respondents to submit their credentials in order to be admitted to an electronic database or to be invited to submit tenders should they satisfy the stated criteria;
- 3.19 potentially emerging enterprise means an enterprise which is least 50 percent owned, managed and controlled by black people;
- 3.20 preference means points awarded for Broad-Based Black Economic Empowerment (B-BBEE) status level of contribution;
- 3.21 pricing assumptions means the document that provides the criteria and assumptions which are assumed in the contract and which the tenderer has taken into account when developing his prices, or target in the case of target cost contracts;
- 3.22 quality means totality of features and characteristics of a product or service that bears on the ability of the product or service to satisfy stated or implied needs;
- 3.23 scope of work means the documentation that specifies and describes the engineering and construction works which are to be provided and any other requirements and constraints relating to the manner in which the contract work is to be performed;
- 3.24 services contract means the contract for the provision of labour or work, including knowledge-based expertise, carried out by hand, or with the assistance of equipment and plant;
- 3.25 site information means the document that describes the site as at the time of tender, to enable the tenderer to price tender and to decide upon the method of working and programming;
- 3.26 submission data means document that establishes the respondent's obligations in responding to a call for an expression of interest and the employer's undertakings in administering the process of calling for and receiving expressions of interest;
- 3.27 term contract means a contract that enables the employer to order work during a prescribed period at agreed rate;
- 3.28 tender data means the document that establishes the tenderer's obligations in submitting a tender and the employer's undertakings in administering the tender process and evaluating tender offers;

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- 3.29 tenderer means a cidb registered sole proprietor, partnership or trust who establishes a company or close corporation in terms of the Companies Act, 1973 or the Close Corporations Act, 1984; submitting a tender offer;
- 3.30 tender notice means a formal communication to tenderers to submit competitive tenders;
- 3.31 tender offer means a written offer to carry out engineering and construction works under given conditions, usually at a stated price, and which is capable of acceptance and conversion into a binding contract;
- 3.32 threshold means a monetary value of a procurement contract established in any legislation governing procurement or by the executive of an institution, below which a procedure must be used.

ANNEXURE G:**Standard Conditions for the calling for Expressions of Interest**

D.1 General

D.1.1 Actions

D.1.1.1 The employer and each respondent submitting an expression of interest shall comply with these conditions for calling for expressions of interest. In their dealings with each other, they shall discharge their duties and obligations as set out in D.2 and D.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anti-competitive practices.

D.1.1.2 The employer and the respondent and all their agents and employees involved in the submission process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Respondents shall declare any potential conflict of interest in their submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

Note:

- 1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.
- 2) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.

D.1.1.3 The respondent shall not make a submission without having a firm intention and the capacity to proceed with the next stage of the procurement process.

D.1.2 Supporting documents

The documents issued by the employer for the purpose of obtaining expressions of interest are listed in the submission data.

D.1.3 Interpretation

D.1.3.1 The submission data and additional requirements contained in the submission schedules that are included in the returnable documents are deemed to be part of these conditions for the calling for expressions of interest.

D.1.3.2 For the purposes of these conditions for the calling for expressions of interest, the following definitions apply:

- a) conflict of interest means any situation in which:
 - i. someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially.
 - ii. an individual or tenderer is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit.
 - iii. incompatibility or contradictory interests exist between an employee and the tenderer who employs that employee.
- b) corrupt practice means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process; and
- c) fraudulent practice means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels

D.1.4 Communication and employer's agent

Each communication between the employer and a respondent shall be to or from the employer's agent only, and in a form

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that can be readily read, copied and recorded. Communications shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a respondent. The name and contact details of the employer's agent are stated in the submission data.

D.2 Respondent's obligations

D.2.1 Eligibility

Submit an expression of interest only if the respondent complies with the criteria stated in the submission data and the respondent, or any of his/her principals, is not under any restriction to do business with the employer.

D.2.2 Cost of submissions

Accept that the employer will not compensate the respondent for any costs incurred in the preparation and delivery of a submission.

D.2.3 Check documents

Check the submission documents on receipt, including pages within them, and notify the employer of any discrepancy or omission.

D.2.4 Acknowledge addenda

Acknowledge receipt of addenda to the submission documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the submission data, in order to take the addenda into account.

D.2.5 Clarification meeting

Attend the clarification meeting(s) at which respondents may familiarize themselves with the proposed work, services or supply (and location, etc.) and raise questions. Details of the meeting(s) are stated in the submission data.

D.2.6 Seek clarification

Request clarification of the submission documents, if necessary, by notifying the employer at least five (5) working days before the closing time stated in the submission data.

D.2.7 Making a submission

D.2.7.1 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.

D.2.7.2 Seal the original and each copy of the submission as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the submission data, as well as the respondent's name and contact address.

D.2.7.3 Accept that the employer shall not assume any responsibility for the misplacement or premature opening of the submission if the outer package is not sealed and marked as stated.

D.2.8 Information and data to be completed in all respects

Accept that submissions, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

D.2.9 Closing time

Ensure that the employer receives the submissions at the address specified in the submission data not later than the closing time stated in the submission data. Proof of posting shall not be accepted as proof of delivery. The employer shall not accept submissions submitted by telegraph, telex, facsimile or e-mail, unless stated otherwise in the submission data. Accept that, if the employer extends the closing time stated in the submission data for any reason, the requirements of these conditions for expressions of interest apply equally to the extended deadline.

D.2.10 Clarification of submission

Provide clarification of a submission in response to a request to do so from the employer during the evaluation of submissions.

D.3 Employer's undertakings

D.3.1 Respond to clarification

Respond to a request for clarification received up to five (5) working days before the submission closing time stated in the submission data and notify all respondents who attended the clarification meetings, if any, of those responses.

D.3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the submission documents to each respondent during the period from the date of the calling for expressions of interest until seven (7) working days before the closing time for submissions stated in the submission data. If, as a result, a respondent applies for an extension to the closing time stated in the submission data, the employer may grant such extension and, shall then notify it to all respondents.

D.3.3 Late submissions

Unless otherwise stated in the submission data, return submissions received after the closing time stated in the submission data, unopened, (unless it is necessary to open a submission to obtain a forwarding address), to the respondent concerned.

D.3.4 Opening of submissions

D.3.4.1 Record the name of each respondent whose submission is opened and acknowledge receipt of each submission.

D.3.4.2 Make available the names of the respondents that made submissions prior to the closing time for submissions to all interested persons upon request.

D.3.5 Non-disclosure

Not disclose to respondents, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of submissions until after the evaluation process is complete.

D.3.6 Grounds for rejection and disqualification

Determine whether there has been any effort by a respondent to influence the processing of submissions and instantly disqualify a respondent if it is established that he/she engaged in corrupt or fraudulent practices.

D.3.7 Test for responsiveness

Determine, on opening and before detailed evaluation, whether each submission received:

- a) meets the requirements of these conditions for the calling for expressions of interest;
- b) has all the substantive provisions properly and fully completed and signed, and
- c) is responsive to the other requirements of the call for expressions of interest.

D.3.8 Non-responsive submissions

Reject all non-responsive submissions.

D.3.9 Evaluation of responsive submissions

D.3.9.1 Appoint an evaluation panel of not less than three persons. Evaluate submissions using the evaluation criteria established in the submission data.

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D.3.9.2 Notify the respondents of the outcome of the evaluation process within two (2) weeks of the evaluation report being accepted by the employer.

D.3.10 Provide written reasons for actions taken

Provide upon request written reasons to respondents for any action that is taken in applying these conditions, but withhold information which is not in the public interest to be divulged, which is considered to prejudice the legitimate commercial interests of respondents or might prejudice fair competition between respondents.

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**public works &
infrastructure**

Department of
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FREE STATE PROVINCE

PART E2: RETURNABLE DOCUMENTS

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E 2.1 LIST OF RETURNABLE DOCUMENTS

The tenderer must complete the following returnable documents:

- Compulsory Enterprise Questionnaire
 - Certificate of Resolution of board of Directors
 - Certificate of Resolution of board of Director to enter into Consortia or Joint Venture
 - Certificate of Special Resolution of Consortia or Joint Venture
 - Record of Addenda to Tender Documents
 - Proposed Amendments and Qualifications
 - Resource information sheet for all key staff
 - Schedule of the Tenderer's Experience
 - Invitation to tender – SBD 1
 - Declaration of Interest – SBD 4
 - Preferential Point Claim Form – BBBEE Status Level of Contribution– SBD 6.1
 - Declaration of Supply Chain Management Practices – SBD 8
 - Certificate of Independent Bid Determination – SBD 9
 - Acceptance of Bid Conditions and Bidder's Details
-
- A minimum of B-BBEE level two (2) of contribution certificate or higher, i.e. B-BBEE Certificate Level 1 and 2 contribution will be considered. (For the main contractor).
 - Municipal services (water, sanitation, rates and electricity) clearance certificate not owing more than ninety (90) days or lease agreement with a current bill of account not owing more than ninety (90) days.
 - A valid Letter of good standing issued by the Department of Labour
-

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E 2.2 SUBMISSION SCHEDULES

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RETURNABLE DOCUMENTS

RESOLUTION OF BOARD OF DIRECTORS

RESOLUTION of a meeting of the Board of *Directors / Members / Partners of:

(legally correct full name and registration number, if applicable, of the Enterprise)

Held at _____ (place)

on _____ (date)

RESOLVED that:

- 1 The Enterprise submits a Tender to the Department of Public Works and Infrastructure, Free State Province in respect of the following project:

(project description as per Tender Document)

Tender Number: _____ (Tender Number as per Tender Document)

2 *Mr/Mrs/Ms: _____

in *his/her Capacity as: _____ (Position in the Enterprise)

and who will sign as follows: _____

be, and is hereby, authorised to sign the Tender, and any and all other documents and/or correspondence in connection with and relating to the Tender, as well as to sign any Contract, and any and all documentation, resulting from the award of the Tender to the Enterprise mentioned above.

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			

Note:

1. Delete which is not applicable.
2. **NB.** This resolution must be signed by all the Directors / Members / Partners of the Tendering Enterprise.

ENTERPRISE STAMP

Blank area for the Enterprise Stamp.

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RESOLUTION OF BOARD OF DIRECTORS TO ENTER INTO CONSORTIA OR JOINT VENTURES

RESOLUTION of a meeting of the Board of *Directors / Members / Partners of:

(Legally correct full name and registration number, if applicable, of the Enterprise)

held at _____ (place) on

(date) **RESOLVED that:**

1 The Enterprise submits a Tender, in consortium/joint venture with the following Enterprises:

(List all the legally correct full names and registration numbers, if applicable, of the Enterprises forming the consortium/joint venture)

to the Department of Public Works and Infrastructure, Free State Province in respect of the following project:

(Project description as per Tender Document)

Tender Number: _____ (Tender Number as per Tender Document)

2 *Mr/Mrs/Ms: _____

in *his/her Capacity as: _____ (Position in the Enterprise)

and who will sign as follows: _____

be, and is hereby, authorised to sign a consortium/joint venture agreement with the parties listed under item 1 above, and any and all other documents and/or correspondence in connection with and relating to the consortium/joint venture, in respect of the project described under item 1 above.

3 The Enterprise accept joint and several liability with the parties listed under item 1 above for the due fulfilment of the obligations of the joint venture deriving from, and in any way connected with, the Contract to be entered into with the Department in respect of the project described under item 1 above.

4 The Enterprise choose as its domicilium citandi et executandi for all purposes arising from this joint venture agreement and the Contract with the Department in respect of the project under item 1 above:

Physical address:

TENDER NUMBER:

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_____ (code)

Postal Address:

_____ (code)

Telephone number: _____ (code)

Fax number: _____ (code)

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Note:

1. * Delete which is not applicable.
2. **NB.** This resolution must be signed by all the Directors / Members / Partners of the Tendering Enterprise.
3. Should the number of Directors / Members / Partners exceed the space available above, additional names, capacity and signatures must be supplied on a separate page.

ENTERPRISE STAMP

SPECIAL RESOLUTION OF CONSORTIA OR JOINT VENTURES

RESOLUTION of a meeting of the duly authorized representatives of the following legal entities who have entered into a consortium/joint venture to jointly tender for the project mentioned below: (legally correct full names and registration numbers, if applicable, of the Enterprises forming a consortium/joint venture)

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____
- 6 _____
- 7 _____
- 8 _____

Held at _____ (place)

on _____ (date)

RESOLVED that:

A. The above-mentioned Enterprises submit a tender in consortium/joint venture to the Department of Public and Infrastructure Works, Free State Province in respect of the following project:

(Project description as per Tender Document)

Tender Number: _____(Tender Number as per Tender Document)

B. Mr/Mrs/Ms: _____

in *his/her Capacity as: _____(Position in the Enterprise)

and who will sign as follows: _____

be, and is hereby, authorised to sign the tender, and any and all other documents and/or correspondence in connection with and relating to the tender, as well as to sign any Contract, and any and all documentation, resulting from the award of the tender to the Enterprises in consortium/joint venture mentioned above.

C. The Enterprises constituting the consortium/joint venture, notwithstanding its composition, shall conduct all business under the name and style of:

D. The Enterprises to the consortium/joint venture accept joint and several liability for the due fulfilment of the obligations of the consortium/joint venture deriving from, and in any way connected with, the Contract entered into with the Department in respect of the project described under item A above.

E. Any of the Enterprises to the consortium/joint venture intending to terminate the consortium/joint venture agreement, for whatever reason, shall give the Department 30 days written notice of such intention. Notwithstanding such decision to terminate, the Enterprises shall remain jointly and severally liable to the Department for the due fulfilment of the obligations of the consortium/joint venture as mentioned under item D above.

F. No Enterprise to the consortium/joint venture shall, without the prior written consent of the other Enterprises to the consortium/joint venture and of the Department, cede any of its rights or assign any of its obligations under the consortium/joint venture agreement in relation to the Contract with the Department referred to herein.

G. The Enterprises choose as the domicilium citandi et executandi of the consortium/joint venture for all purposes arising from the consortium/joint venture agreement and the Contract with the Department in respect of the project under item A above:

Physical address: _____

_____ (code)

Postal Address: _____

_____ (code)

Telephone number: _____ (code)

Fax number: _____

Compulsory Enterprise Questionnaire

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.		
Section 1: Name of enterprise:		
Section 2: VAT registration number, if any:		
Section 3: cidb registration number, if any:		
Section 4: CSD number:		
Section 5: Particulars of sole proprietors and partners in partnerships:		
Name*	Identity number*	Personal income tax number*
* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners		
Section 6: Particulars of companies and close corporations		
Company registration number:		
Close corporation number:		
Tax reference number:		
Section 7: SBD4 issued by National Treasury must be completed for each tender and be attached as a tender requirement.		
Section 8: SBD 6 issued by National Treasury must be completed for each tender and be attached as a tender requirement.		
Section 9: SBD8 issued by National Treasury must be completed for each tender and be attached as a tender requirement.		
Section 10: SBD9 issued by National Treasury must be completed for each tender and be attached as a tender requirement.		
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.		
Signed		Date
Name		Position
Enterprise name		

Invitation to tender (SBD 1)

SBD 1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	DPWFS EOI 001/2021	CLOSING DATE:	11 JULY 2021	CLOSING TIME:	11:00
DESCRIPTION	REQUEST FOR EXPRESSION OF INTEREST FROM CIDB REGISTERED CONTRACTORS TO REGISTER ON MAINTENANCE AND CONSTRUCTION PROJECTS FRAMEWORK CONTRACT OF THE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE FOR A PERIOD OF THREE (03) YEARS				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Ground Floor (Main Entrance Foyer)					
O.R Tambo House (Lebohang Building);					
Cnr. Markgraaff and St Andrews Street,					
Bloemfontein, 9301					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mr. M. Phasumane		CONTACT PERSON	Mr. D. Matsela	
TELEPHONE NUMBER	051 492 3861 / 066 307 2629		TELEPHONE NUMBER	051 403 7823	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	phasumanem@fsworks.gov.za		E-MAIL ADDRESS	matselad@fsworks.gov.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
-----------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------	--------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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?	<input type="checkbox"/>
YES <input type="checkbox"/> 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

<p>BID SUBMISSION:</p> <p>BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</p> <p>THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</p>
<p>TAX COMPLIANCE REQUIREMENTS</p> <p>BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> <p>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."</p>

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:

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

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 a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

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

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

2.1 Full Name of bidder or his or her representative:
.....

2.2 Identity Number:

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

2.4 Company Registration Number:
.....

2.5 Tax Reference Number:
.....

2.6 VAT Registration Number:
.....

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

¹“State” means –

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

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

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

2.7.1 If so, furnish the following particulars:

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

.....

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

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

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

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

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

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

.....

.....

.....

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

2.8.1 If so, furnish particulars:

.....

.....

.....

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

2.9.1 If so, furnish particulars.

.....

.....

.....

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

YES/NO

2.10.1 If so, furnish particulars.

.....

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

YES/NO

2.11.1 If so, furnish particulars:

.....

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

Full Name	Identity Number	Personal 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

.....
 Position

.....
 Name of bidder

Preferential Point Claim Form – BBBEE Status Level of Contribution (SBD 6.1)

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

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

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

1. GENERAL CONDITIONS

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

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

1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable;

1.3 Points for this bid shall be awarded for:

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

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

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

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

(b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

(c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

(d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

(e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

(g) **“prices”** includes all applicable taxes less all unconditional discounts;

(h) “proof of B-BBEE status level of contributor” means:

- 1) certificate issued by an authorized body or person; B-BBEE Status level
- 2) prescribed by the B-BBEE Codes of Good Practice; A sworn affidavit as
- 3) prescribed in terms of the B-BBEE Act; Any other requirement

(i) “QSE” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

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

3. POINTS AWARDED FOR PRICE

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

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

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

80/20 or 90/10

Where

- Ps = Points scored for price of bid under consideration
- Pt = Price of bid under consideration
- Pmin = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . . . =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated

by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

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

7.1.1 If yes, indicate:

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

(Tick applicable box)

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

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

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier

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

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) Recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) Forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS:</p> <p>.....</p>

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.

1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.

1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

- x is the imported content in Rand
- y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

Description of services, works or goods	Stipulated minimum threshold
_____	_____ %

3. Does any portion of the goods or services offered have any imported content?
(Tick applicable box)

YES NO

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

LOCAL CONTENT DECLARATION
(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Institution):
.....

NB

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thdti.gov.za/industrial development/ip.jsp](http://www.thdti.gov.za/industrial%20development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below. Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names),
do hereby declare, in my capacity as
of(name of bidder entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
 - (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:
Bid price, excluding VAT (y) R
Imported content (x), as calculated in terms of SATS 1286:2011 R
Stipulated minimum threshold for local content (paragraph 3 above)
Local content %, as calculated in terms of SATS 1286:2011

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE:	DATE: _____
WITNESS No. 1	DATE: _____
WITNESS No. 2	DATE: _____

**Declaration of Supply Chain Management
Practices – SBD 8**

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

Item	Question	Yes	No
4.1	<p>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?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

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

PART E2.2: RETURNABLE SCHEDULES

Certificate of Independent Bid Determination – 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.

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 bid.

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

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

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Record of Addenda to tender documents

We confirm that the following communications received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:

	Date	Title of Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Attach additional pages if more space is required.

Signature.....

Date.....

Name.....

Position.....

Tenderer.....

Proposed amendments and qualifications

The Tenderer should record any deviations or qualifications he may wish to make to the tender documents in this Returnable Schedule. Alternatively, a tenderer may state such deviations and qualifications in a covering letter to his tender and reference such letter in this schedule.

The Tenderer’s attention is drawn to clause 5.8 of SANS 10845-3 regarding the employer’s handling of material deviations and qualifications.

Page	Clause or item	Proposal

Signature.....

Date.....

Name.....

Position.....

Tenderer.....

Schedule of the Tenderer's Experience (Particulars of Tenderers Projects)

FORM: PARTICULARS OF TENDERERS PROJECTS			
Project title:	FRAMEWORK CONTRACT		
Tender no:	DPWFS EOI 001 /2021	Closing date:	12 July 2021
Advertising date:	11 June 2021	Validity period:	90 days

Note: The Tenderer is required to furnish the following particulars and to attach additional pages if more space is required. Failure to furnish the particulars will result in the tender offer being disqualified from further consideration.

1. PARTICULARS OF THE TENDERER'S CURRENT AND PREVIOUS COMMITMENTS

1.1. Current projects: Appointment letter(s) must be provided to buttress the information supplied below.

Projects currently engaged in	Name of Employer or Representative of Employer	Contact tel. no.	Contract sum	Contractual commencement date	Contractual completion date	Present progress
1						
2						
3						

Projects currently engaged in	Name of Employer or Representative of Employer	Contact tel. no.	Contract sum	Contractual commencement date	Contractual completion date	Present progress
4						
5						
6						
7						
8						

Projects currently engaged in	Name of Employer or Representative of Employer	Contact tel. no.	Contract sum	Contractual commencement date	Contractual completion date	Present progress
9						
10						
11						
12						

Name of Tenderer	Signature	Date

1.2. **Completed projects: Both appointment letter(s) and completion certificates linked to the project(s) listed below must be provided to buttress the information provided.**

Projects completed in the previous (five) years	5	Name of Employer or Representative of Employer	Contact tel. no.	Contract sum	Contractual commencement date	Contractual completion date	Date of Certificate of Practical Completion
1							
2							
3							
4							
5							

Projects completed in the previous (five) years	5 Name of Employer or Representative of Employer	Contact tel. no.	Contract sum	Contractual commencement date	Contractual completion date	Date of Certificate of Practical Completion
6						
7						
8						
9						
10						

Projects completed in the previous (five) years	5	Name of Employer or Representative of Employer	Contact tel. no.	Contract sum	Contractual commencement date	Contractual completion date	Date of Certificate of Practical Completion
11							
12							
13							

Name of Tenderer	Signature	Date

Resource Information Sheet (CV) – Project Manager who will be committed to the project on at all times

Professional Registration(s)	
Professional Registration	
Date of Birth:	
ID number:	
Employed by:	
Number of years with current employer	
Position held with current employer	

SIGNATURE OF RESOURCE:

DATE:

Key projects worked on (align to evaluation)	Name of project	Role in Project	Project Value	Duration of Project	Project Start Date	Project End Date	Reference Name	Reference Contact number
1								
2								
3								
4								
5								
6								

Key projects worked on (align to evaluation)	Name of project	Role in Project	Project Value	Duration of Project	Project Start Date	Project End Date	Reference Name	Reference Contact number
7								
8								
9								
10								
11								
12								

Key projects worked on (align to evaluation)	Name of project	Role in Project	Project Value	Duration of Project	Project Start Date	Project End Date	Reference Name	Reference Contact number
13								
14								
15								

In your opinion why you would be the right resource for this project, based on your experience?

NAME:

SIGNATURE OF RESOURCE:

DATE:

Acceptance of Bid Conditions and Bidder's Details

Acceptance of Bid Conditions and Bidder's Details

Bid No: _____

Name of Bidder : _____

Authorised signatory: _____

Name of Authorised Signatory _____

Position of Authorised Signatory _____

By signing above the bidder hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on him/her under this bid.

[Note to the Bidder: The Bidder must complete all relevant information set out below.]

(a) CENTRAL SUPPLIER DATABASE (CSD) INFORMATION

Bidders are required to be registered on the Central Supplier Database (CSD) of National Treasury. Failure to submit the requested information may lead to disqualification. Bidders are therefore required to submit as part of this proposal both their CSD supplier number and CSD unique registration reference numbers below:

Supplier Number	
Unique registration reference number	

(b) BIDDING STRUCTURE

Indicate the type of Bidding Structure by marking with an 'X':	
Individual Bidder	
Joint Venture/ Consortium	
Leading Contractor with Sub Contractors	
Other	

(c) **REQUIRED INFORMATION**

If Individual Bidder:	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	

If Joint Venture or Consortium, indicate the following for each partner: *insert separate page if necessary	
Partner 1	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	

Scope of work and the value as a % of the total value of the contract	
Partner 2	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	
Scope of work and the value as a % of the total value of the contract	

If bidder is a Leading Contractor using Sub-contractors, indicate the following:	
Leading Contractor	
Name of Company	
Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	

Sub-contractors *insert separate page if necessary	
Name of Company	
Company Registration Number	
Vat registration Number	
Contact Person	
Telephone Number	
Cellphone Number	
Fax Number	
Email address	
Postal Address	
Physical Address	
Subcontracted work as a % of the total value of the contract	

PART E3: INDICATIVE SCOPE OF WORKS

E3: INDICATIVE SCOPE OF WORKS

1. INDICATIVE SCOPE OF WORKS

1.1. INTRODUCTION

It is the intention of the Free State Department of Public Works and infrastructure to enter into a formal contract with a service provider/s that will carry out the services described hereunder. These Terms of Reference and the Service Provider's registration will form the basis of the framework agreement.

Framework agreements are designed to allow the employer to invite bids from contractors to carry out work on an as instructed basis over a set term. Framework agreement is between two parties that establish the terms for the supply of goods, construction works or services over period of time within a broad scope of work without guaranteeing any quantum of goods, services or works.

The essential elements of a framework agreement are:

- 1.1.1.** A framework agreement is only entered into with contractors who have the resources and the capacity to carry out work that is likely to be instructed.
- 1.1.2.** A framework agreement uses Bills of Quantity as the basis by which contractors are to be remunerated for instructed work by the employer.
- 1.1.3.** The scope of work of a framework agreement needs to identify the extent and location of the work covered by the contract as the employer may not instruct a contractor to provide work outside of the scope of work associated with the contract.
- 1.1.4.** Contractors may only proceed with work associated with a batch/task/package when an official batch/task/package order to do so.
- 1.1.5.** Employers are not permitted to issue a batch/task/work package order after the end date of the term of the framework agreement.
- 1.1.6.** Any work commenced before the end of the term of a framework contract may continue until the end date provided in the batch/task/package order.

1.2. Section 1: Summary of Brief

Panel registration are requested from CIDB registered service providers with grading of **3GB/ CE to 9GB/CE** General Building Works and Engineering Works and Special Works. Service providers must have experience and qualification to undertake implementation of construction, renovations, refurbishment and other related projects implemented by for the Free State Department of Public Works and Infrastructure.

1.3. Section 2: Project Description

1.3.1. Background

- a.** The Free State Department of Public Works and Infrastructure seeks to accelerate delivery of an infrastructure and related services in order to improve access and meet its objective of providing quality service in the province.
- b.** It is against this background that the Free State Department of Public Works and Infrastructure is seeking to register service providers, in the form of construction companies for the implementation of infrastructure projects for period of three (3) years from date of approval.

1.4. Section 3: Contract Purpose / Objectives

- 1.4.1. The Department of Public Works and Infrastructure intends to establish a data base of service providers capable of implementing construction, renovations, refurbishment and other related projects in the Free State Province. In an effort to ensure that the Department consistently meet its service delivery targets as communicated through UAMP development processes, sufficient resources and effective measures need to be put in place.
- 1.4.2. To achieve this, the Department needs to have a readily available pool of contractors which can be called upon to assist in the roll out of infrastructure projects as and when requested. The DPW&I would like to invite contractors to be included into a framework contract, with no guarantee of any quantum of works.
- 1.4.3. The objective is to have a readily available pool of contractors which can be called upon to perform work in the different classes of construction works on an as-and-when basis.
- 1.4.4. In an effort to fast track the delivery and implementation of projects, the Department seeks to establish a framework contract with contractors that can be called upon on an “ad hoc basis” to perform the following classes of work:
 - a. General Building (GB).
 - b. Civil Engineering (CE).
- 1.4.5. The Department intends to create a data base of registered contractors capable of implementing construction, maintenance, renovation, refurbishment and other similar project within Free State Province.
- 1.4.6. As part of efforts to ensure that the Department consistently meets its service delivery targets as outlined in the Annual Performance Plan and Infrastructure Delivery Management System of the Department, proactive planning and effective measures which ensures sufficient resources can be deployed within a short period of time are put in place.
- 1.4.7. To achieve objectives stated above, the Department will request and accept Expression of Interest pool of registered, suitably qualified and experienced contractors in various CIDB categories of works and grading levels who readily available to assist with the implementation of infrastructure projects, can be requested within a short period and on as and when commence with projects.
- 1.4.8. The Department will appoint the contractors into the framework contract, with no guarantee of any quantum of works as the objective is to have a readily available pool of contractors which can be called upon to perform work in maintenance, renovations, refurbishment and construction works on an as-and-when basis for a period of three (03) years.

1.5. Envisaged scope of work which will be covered by the framework

- 1.5.1. The framework contract will be for suitably qualified and experienced contractors in various CIDB categories of works and grading levels who readily available to assist with the implementation of infrastructure projects, can be requested within a short period and on as and when commence with projects.
- 1.5.2. The scope of work will broadly include the following type of projects:
 - a. All Maintenance, refurbishment, renovation and construction works which fall under the following CIDB categories and grading on “as and when” needed:
 - i. All relevant departmental works, including works implemented on behalf of client departments which falls under CIDB General Building (GB) category from

- grading 3GB to 9GB.
 - ii. All relevant departmental works, including works implemented on behalf of client departments which falls under CIDB Civil Engineering (CE) category from grading 3CE to 9CE.
 - iii. All other categories works which is included on the scope of work for any designated project but does not fall under the above categories of works shall, where possible and practical be sub – contracted to specialist local contractors who are suitably qualified to carry such works.
 - iv. The appointed contractors will be expected to also provide sufficient opportunities for sub – contracting to local contractors and Contract Development Programme (CDP) participants from the area which projects will be taking place in as part of the efforts to develop Small, Medium, Micro Enterprises with in the province in line with the provisions of Preferential Procurement Regulations, CIDB regulations and applicable industry charters.
- b. However, the reserves the right to go on normal tender process for any of the categories works listed above should it opt to do so.
- c. The essential elements of a framework agreement are:
- i. A framework agreement is only entered into with contractors who have the resources and the capacity to carry out work that is likely to be instructed and each contractor must submit a separate bid for each category of works they are bidding for. Contractors will only be allowed to bid for their current CIDB grading level.
 - ii. A framework agreement uses Bills of Quantity as the basis by which contractors are to be remunerated for instructed work by the employer.
 - iii. The scope of work of a framework agreement needs to identify the extent and location of the work covered by the contract as the employer may not instruct a contractor to provide work outside of the scope of work associated with the contract.
 - iv. Contractors may only proceed with work associated with a batch/task/package when an official batch/task/package order to do so.
 - v. Employers are not permitted to issue a batch/task/work package order after the end date of the term of the framework agreement.
 - vi. Any work commenced before the end of the term of a framework contract may continue until the end date provided in the batch/task/package order.

1.5.3. Scope of work

The Department has various infrastructure projects that need to be implemented. These projects include:

- a. General building works.
- b. Construction, renovations and refurbishment.
- c. Auxiliary building works.
- d. Repair works.
- e. Civil engineering work.

1.5.4. Competitive bidding process

- a. A minimum of five (5) panel registered service providers will be requested by the employer to price, detailed bill of quantities in competitive bidding process in line with

the Preferential Procurement Policy Framework Act (PPPFA).

1.6. Remuneration Framework

The appointed service providers will be remunerated based on work completed, subject to measurement of a priced bill of quantities, verified by the employer's delegated project manager.

1.7. Service level agreement

Prior to the commencement of any task order, the service provider shall enter into project specific built environment contract, e.g. NEC3 or JBCC edition 4.1 of 2005. Such document must be made available to the employer at no additional cost.