



# KWAZULU-NATAL PROVINCE

TRANSPORT  
REPUBLIC OF SOUTH AFRICA

**CONTRACT NO. ZNB00604/00000/00/ESH/INF/21/T: BETTERMENT AND RE-GRAVELLING OF ROAD D2475 FROM KM 0.00 TO KM 3.50 IN THE NKANDLA LOCAL MUNICIPALITY (KZ286), COST CENTRE ESHOWE.**

Name of Tenderer: .....

**This tender closes at 11:00 on Friday 13 August 2021 at the offices of the Department of Transport located at 24 John Ross Highway, Eshowe, 3815**

**LATE SUBMISSIONS WILL NOT BE CONSIDERED**

**Issued by:**

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

Contact Name : Mrs. Nellie Zikalala  
Telephone : 035 474 2031

**Prepared by:**

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

Contact Name : Mr T Nkosi  
Telephone : 035 474 2031



PROVINCE OF KWAZULU-NATAL  
DEPARTMENT OF TRANSPORT

CONTRACT NO. ZNB00604/00000/00/ESH/INF/21/T: BETTEREMENT AND RE-GRAVELLING OF ROAD D2475 FROM KM 0.00 TO KM 3.50 IN THE NKANDLA LOCAL MUNICIPALITY (KZ286), COST CENTRE ESHOWE.

Tender section of document: Pages T1 – T43  
Contract section of document: Pages C1 – C132

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Section number and heading	Page Colours
<b>The Tender</b>	
<b>Part T1: Tendering procedures</b>	
T1.1 Tender Notice and Invitation to Tender	White
T1.2 Tender Data	Pink
<b>Part T2: Returnable documents</b>	
T2.1 List of Returnable Documents	Yellow
T2.2 Returnable Schedules	Yellow
<b>The Contract</b>	
<b>Part C1: Agreements and Contract Data</b>	
C1.1 Form of Offer and Acceptance	Yellow
C1.2 Contract Data	Yellow
C1.3 Performance Guarantee	White
C1.4 Agreement in terms of Section 37(2) of the Occupational Health and Safety Act No. 85 of 1993	White
C1.5 Retention Money Guarantee	White
C1.6 Transfer of Rights	White
<b>Part C2: Pricing Data</b>	
C2.1 Pricing Assumptions	Yellow
C2.2 Bill of Quantities	Yellow
<b>Part C3: Scope of Work</b>	
C3.1 Standard Specifications	Blue
C3.2 Project Specifications	Blue
C3.3 Particular Specifications	Blue
<b>Part C4: Site Information</b>	
C4.1 Locality Plan	Green
C4.2 Example of Contract Signboard Details	Green
C4.3 Standard Details	Green

### DOCUMENT CHECKLIST

This document checklist is provided to assist the Tenderer.

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

## PART T1: TENDERING PROCEDURES

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T1.1	TENDER NOTICE AND INVITATION TO TENDER .....	T5
T1.2	TENDER DATA .....	T7

**PLEASE NOTE:**

Any appeals regarding the award of this bid should be lodged within 5 working days from the date of the publication of bid result in the same media as the advert of the bid from the websites [www.kzntransport.gov.za](http://www.kzntransport.gov.za), [www.tenderbulletin.gov.za](http://www.tenderbulletin.gov.za) and [www.cidb.org.za](http://www.cidb.org.za)

The address provided for the lodging of appeals is:

The Chairperson  
Bid Appeals Tribunal  
Private Bag X9082  
Pietermaritzburg  
3200

FAX NO.: 033 897 4501

## T1.1 TENDER NOTICE AND INVITATION TO TENDER

### **CONTRACT NO. ZNB00604/00000/00/ESH/INF/21/T: BETTEREMENT AND RE-GRAVELLING OF ROAD D2475 FROM KM 0.00 TO KM 3.50 IN THE NKANDLA LOCAL MUNICIPALITY (KZ286), COST CENTRE ESHOWE.**

The Province of KwaZulu-Natal, Department of Transport, invites tenders from contractors, experienced in roadworks, for the **betterment and re-gravelling of D2475 from KM 0.00 to KM 3.50 in the Nkandla Local Municipality (KZ286), Cost Centre Eshowe**. This project is in the province of KwaZulu-Natal in the **King Cetshwayo District Municipality**. The duration of the project is **5 months**.

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

It is estimated that tenderers must have a CIDB contractor grading designation **3CE or higher**.

Document and briefing notes will be made available on [www.kzntransport.gov.za](http://www.kzntransport.gov.za) from **05 July 2021**

There will be **NO** Tender Briefing for this tender but briefing notes will be available for downloading with the tender document to aid tenderers in completing the documents.

Queries relating to this tender may be addressed to:

<b>Bidding procedure enquiries:</b>	<b>Technical enquiries:</b>
Mrs Ntombenhle Nxumalo Telephone: (035) 474 2031 E-mail: <a href="mailto:Ntombenhle.Nxumalo@kzntransport.gov.za">Ntombenhle.Nxumalo@kzntransport.gov.za</a>	Mrs Nellie Zikalala Telephone: (035) 474 2031 E-mail: <a href="mailto:Nellie.Zikalala@kzntransport.gov.za">Nellie.Zikalala@kzntransport.gov.za</a>

The closing time for receipt of tenders is **11:00 on Friday, 13 August 2021**. Telegraphic, telephonic, telex, facsimile, electronic, e-mail and late tenders will not be accepted.

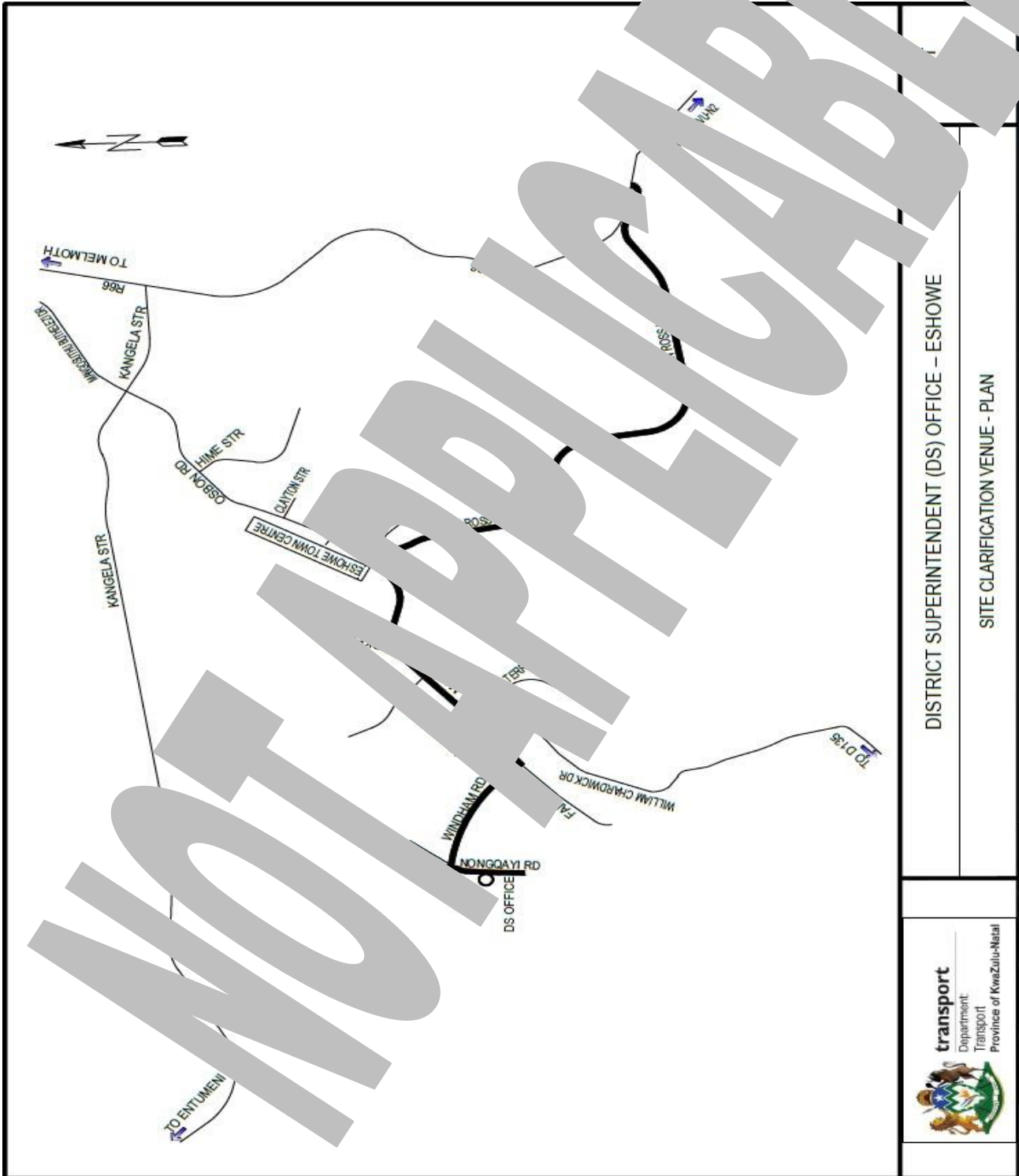
Original hard copy tenders must be deposited at the Tender Box located at the foyer of **KZN Department of Transport, Cost Centre Eshowe, 24 John Ross Highway, Eshowe, 3815**

Details in relation to requirements for invitation and closing of this bid are as stipulated in the Tender Data section of this tender

### CLARIFICATION MEETING VENUE PLAN

Venue: Department of Transport, District Superintendent Office, 4th Nongqayi Street, Eshowe, 3815 Time and date:

GPS co-ordinates: S 28°54'13.26" and E 31°26'52.21" or - 28.9052085, 31.4478111



DISTRICT SUPERINTENDENT (DS) OFFICE – ESHOWE  
SITE CLARIFICATION VENUE - PLAN



## T1.2 TENDER DATA

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

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

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

Clause Number	Data
C.1.2	<p>The <b>Tender Documents</b> consist of the following:</p> <p>(a) This <b>Project Document</b>, which contains the following:</p> <p><b>PART T1: TENDERING PROCEDURES</b>  T1.1 Tender Notice and Invitation to Tender  T1.2 Tender Data</p> <p><b>PART T2: RETURNABLE DOCUMENTS</b>  T2.1 List of Returnable Documents  T2.2 Returnable Schedules</p> <p><b>PART C1: AGREEMENTS AND CONTRACT DATA</b>  C1.1 Form of Offer and Acceptance  C1.2 Contract Data  C1.3 Performance Guarantee  C1.4 Agreement in terms of Section 37(2) of the Occupational Health and Safety Act No. 85 of 1993  C1.5 Retention Money Guarantee  C1.6 Transfer of Rights</p> <p><b>PART C2: PRICING DATA</b>  C2.1 Pricing Assumptions  C2.2 Bill of Quantities</p> <p><b>PART C3: SCOPE OF WORK</b>  C3.1 Standard Specifications  C3.2 Project Specifications  C3.3 Particular Specifications</p> <p><b>PART C4: SITE INFORMATION</b>  C4.1 Locality Plan  C4.2 Example of Contract Signboard Details  C4.3 Standard Details</p> <p>(b) <b>Drawings</b> (issued separately by the Employer).</p> <p>(c) <b>‘General Conditions of Contract for Construction Works, Third Edition (2015)’</b> issued by the South African Institution of Civil Engineering (abbreviated title ‘General Conditions of Contract 2015’ – ‘GCC 2015’). This document is obtainable separately and Tenderers shall obtain their own copy.</p> <p>(d) <b>‘Standard Specifications for Road and Bridge Works for South African Road</b></p>

Clause Number	Data
	<p><b>Authorities (Draft Standard) (October 2020).</b> This document is obtainable separately and Tenderers shall obtain their own copy.</p> <p>(e) <b>‘Occupational Health and Safety Act No. 85 of 1993’, ‘Occupational Health and Safety Amendment Act No. 181 of 1993’, and the ‘Construction Regulations, 2014’</b> (Government Notice No. R. 489 published in Government Gazette No. 40883 of 2 June 2017,). These documents are obtainable separately and Tenderers shall obtain their own copies.</p> <p>(f) <b>‘Construction Industry Development Board Act No. 38 of 2000’</b> as amended and the <b>‘Regulations in terms of the Construction Industry Development Board Act No. 38 of 2000’</b> (Government Notice No. R. 692 published in Government Gazette No. 26427 of 9 June 2004, as amended).</p> <p>In addition, Tenderers are advised, in their own interest, to obtain their own copies of the relevant Acts, Regulations and Standards referred to in this document as they are essential for the Tenderer to become acquainted with the basics of construction management, the implementation of preferential construction procurement policies, and participation of targeted enterprises and labour.</p>
C.1.4	<p>The Employer’s Agent is:</p> <p>Name of the firm: KZN Department of Transport, Eshowe Cost Centre  Contact person: Mrs N Zikalala  Telephone: (035) 474 2031  Fax: (035) 474 4630  E-mail: Nellie.Zikalala@kzntransport.gov.za</p>
C.2.1	<p>Only those tenderers who satisfy the following criteria are eligible to submit tenders.</p> <p>a) CIDB registration</p> <p>Only those tenderers who are registered with the CIDB, at close of tender, in a contractor grading designation equal to or higher than a 3 for a CE class of construction work, are eligible to have their tenders evaluated.</p> <p>Only contractors whose CIDB status is “Active” at the time of evaluation will be considered for further evaluation. Contractors whose status is “Suspended” or “Expired” will not be considered for evaluation and will be disqualified from the bidding process.</p> <p>Joint ventures are eligible to submit tenders provided that:</p> <p>(i) every member of the joint venture is registered with the CIDB;</p> <p>(ii) the lead partner has a contractor grading designation in the minimum 3 CE class of construction work; or not lower than one level below the required grading designation in the class of construction work under consideration and possesses the required recognition status; and</p> <p>(iii) the combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a 3 CE class of construction work</p> <p>(b) Central Supplier Database</p> <p>Tenderers, or in the event of a joint venture, each member of the joint venture, must be registered on the Central Supplier Database at the closing date for tender submissions. Tenders received from such tenderers who do not comply with this requirement, will be considered non-responsive.</p>



Clause Number	Data
	Prospective suppliers should self-register on the CSD website <a href="http://www.csd.gov.za">www.csd.gov.za</a> .
C.2.10	All Tenderers that are registered for Value Added Tax (VAT) with the South African Revenue Service (SARS) must include VAT in their tender offer.
C.2.11	The tenderer shall not retype the tender document. <b><u>Any tender submitted using a document that has been retyped shall be considered non-responsive and rejected in terms of clause C.3.8 of the Conditions of Tender.</u></b>
C.2.12	The requirements are as described in clause A2.1.4.2'ALTERNATIVE DESIGNS' of the 'COTO Standard Specifications for Road and Bridge Works for South African Road Authorities (Draft Standard) (October 2020 edition)'.
C.2.13	<p>C.2.13.3 Tender offers shall be submitted as an original only. Under no circumstances whatsoever may the Tender forms be retyped or redrafted. Photocopies of the original Tender documentation may be used, but an original signature must appear on such photocopies.</p> <p>C.2.13.5 The Employer's address for delivery of Tender offers and identification details to be shown on each Tender offer package are:</p> <p><b>Location of Tender Box: Outside the Foyer, KZN Department of Transport</b>  <b>Physical Address: 24 John Ross Highway, ESHOWE, 3815</b>  <b>Identification Details: Contract No. ZNB00604/00000/00/ESH/INF/21/T</b></p> <p>C.2.13.6 A two-envelope system <u>will not be followed</u>.</p>
C.2.15	<p>The closing time for submission of Tender Offers is:  <b>11:00 on Friday 13 August 2021</b></p> <p>Telegraphic, telephonic, telex, facsimile, electronic, e-mail and late tenders will not be accepted.</p>
C.2.16	The tender offer validity period is twenty-four (24) weeks, calculated from the date of bid closure.
C.2.18	The tenderer must submit to the Employer the names of all management and supervisory staff that will be employed to supervise the labour-intensive portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirement (refer to Returnable Schedule H).
C.2.19	Access shall be provided for inspections and testing by personnel acting on behalf of the Employer.
C.2.23	The certificates as required in the Returnable Schedules and Forms must be provided with the tender for each party to a consortium / joint venture.

Clause Number	Data								
C.3.4	<p>The time and location for opening of the tender submissions are: Time: <b>11:00</b>                      Date: <b>Friday 13 August 2021</b></p> <p>Location / Venue: Acquisition Section, 'B' Block Boardroom, 172 Burger Street, Pietermaritzburg, 3201</p>								
C.3.5	A two-envelope system will not be followed.								
C3.11.1	<p>The evaluation of tender offers will be based on price and preference in accordance with the Preferential Procurement Regulations 2017, as amended.</p> <p>The scope of work for this contract is classified in the following table.</p> <table border="1" data-bbox="347 703 1449 958"> <thead> <tr> <th data-bbox="354 712 1273 743"><i>Please mark appropriate:</i></th> <th data-bbox="1279 712 1442 743">YES / NO</th> </tr> </thead> <tbody> <tr> <td data-bbox="354 752 1273 833"><b>Simple/straightforward/routine work</b> - where the tasks or activities are of a straightforward nature in terms of which inputs are relatively well known and outputs can be readily defined.</td> <td data-bbox="1279 752 1442 833">YES</td> </tr> <tr> <td data-bbox="354 842 1273 900"><b>Complex work</b> - characterised by requirements for higher levels of skills, greater resources or not well-defined inputs and outputs.</td> <td data-bbox="1279 842 1442 900">NO</td> </tr> <tr> <td data-bbox="354 909 1273 958"><b>Specialist work</b> - requiring considerable innovation, creativity, and expertise or skill (or both) or work that has a high downstream impact.</td> <td data-bbox="1279 909 1442 958">NO</td> </tr> </tbody> </table>	<i>Please mark appropriate:</i>	YES / NO	<b>Simple/straightforward/routine work</b> - where the tasks or activities are of a straightforward nature in terms of which inputs are relatively well known and outputs can be readily defined.	YES	<b>Complex work</b> - characterised by requirements for higher levels of skills, greater resources or not well-defined inputs and outputs.	NO	<b>Specialist work</b> - requiring considerable innovation, creativity, and expertise or skill (or both) or work that has a high downstream impact.	NO
<i>Please mark appropriate:</i>	YES / NO								
<b>Simple/straightforward/routine work</b> - where the tasks or activities are of a straightforward nature in terms of which inputs are relatively well known and outputs can be readily defined.	YES								
<b>Complex work</b> - characterised by requirements for higher levels of skills, greater resources or not well-defined inputs and outputs.	NO								
<b>Specialist work</b> - requiring considerable innovation, creativity, and expertise or skill (or both) or work that has a high downstream impact.	NO								

Clause Number	Data
	<p>(a) Price and preference</p> <p>Tenders will be evaluated on price and preference in accordance with the Preferential Procurement Regulations, 2017.</p> <p>Preference points must be claimed using Returnable Schedule D - SDB 6.1 in accordance with the tenderer's B-BBEE status level of contributor.</p> <p>The tenderer's B-BBEE Status Level Verification Certificate must comply with the requirements of Returnable Schedule E and be submitted as an attachment to the returnable schedule.</p> <p><b><u>Total Score for Price and Preference</u></b> The points scored for a Tenderer in respect of Price will be added to the points scored in respect of Preference. Only the tender with the highest number of points may be selected, except in those instances permissible by legislation, practice notes or relevant policies.</p>
C.3.13	<p>(e) The legal requirements for acceptance of the tender offer are:</p> <p>(i) <b>Tender Defaulters Register</b> - the Tenderer or any of its principals is <u>not</u> listed on the register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.</p> <p>(ii) <b>Abuse of the SCM System</b> - the Tenderer has <u>not</u> abused the Employer's Supply Chain Management System and has <u>not</u> been given a written notice to the effect that he has failed to perform on any previous contract.</p> <p>(iii) <b>Declaration</b> - the Tenderer has indicated and declared whether a spouse, child or parent of the Tenderer is in the service of the State.</p> <p>(iv) <b>Fraud and Corruption</b> - the Employer is satisfied that the Tenderer or any of his principals have <u>not influenced</u> the tender offer and acceptance by the following criteria:</p> <ul style="list-style-type: none"> <li>• having offered, promised or given a bribe or other gift or remuneration to any person in connection with the obtaining of this Contract;</li> <li>• having acted in a fraudulent or corrupt manner in obtaining this Contract;</li> <li>• having approached an officer or employee of the Employer or the Employer's Agent with the object of influencing the award of a Contract in the Tenderer's favour;</li> <li>• having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from Tendering for this Contract or as to the amount of the Tender to be submitted by either party; or</li> <li>• having disclosed to any other person, firm or company other than the Employer, the exact or approximate amount of his proposed Tender.</li> </ul> <p>The Employer may, in addition to using any other legal remedies, repudiate the Tender offer and acceptance and declare the Contract invalid should it have been concluded already.</p>
C.3.17	<p>The number of paper copies of the signed contract to be provided by the Employer is <b>one (1)</b>.</p>

## **PART T2: RETURNABLE DOCUMENTS**

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

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

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

## T2.2 RETURNABLE SCHEDULES

A	CERTIFICATE OF ATENDANCE AT CLARIFICATION MEETING .....	T14
B	RECORD OF ADDENDA TO TENDER DOCUMENTS.....	T15
C	COMPULSORY ENTERPRISE QUESTIONNAIRE.....	T16
D	STANDARD BIDDING DOCUMENTS .....	T17
	SBD 1: INVITATION TO BID.....	T17
	SBD 4: DECLARATION OF INTEREST .....	T19
	SBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017 .....	T23
	SBD 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES.....	T27
	SBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION .....	T29
E	B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE.....	T31
F	CERTIFICATE OF AUTHORITY FOR SIGNATORY.....	T32
G	CONSTRUCTION EXPERIENCE .....	T33
H	KEY PERSONNEL.....	T34
I	CONSTRUCTION EQUIPMENT .....	T37
J	PROPOSED SUBCONTRACTORS.....	T38
K	PARTICIPATION IN JOB CREATION USING LOCAL LABOUR .....	T39
L	HEALTH AND SAFETY DECLARATION.....	T41
M	DEVIATIONS AND QUALIFICATIONS.....	T43

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

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

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

of (*address*) .....

.....  
was represented by the person named below at the clarification meeting held for all Tenderers at the Department of Transport, Superintendent Office, 1000 North Street, Durban 4001 on

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

**Particulars of person attending the meeting:**

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

Capacity: .....

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

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

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

<b>Departmental Stamp</b>
---------------------------

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

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

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

ADDENDUM NO.	DATE

SIGNATURE: .....

DATE: .....

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

**Failure to complete, sign and date this form or failure to acknowledge receipt of each Addendum issued shall result in the tender being considered non-responsive and rejected in terms of clause C.3.8 of the Conditions of Tender.**

**C. COMPULSORY ENTERPRISE QUESTIONNAIRE**

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.			
<b>Section 1: Name of enterprise:</b>			
<b>Section 2: VAT registration number, if any:</b>			
<b>Section 3: cidb registration number, if any:</b>			
<b>Section 4: CSD number:</b>			
<b>Section 5: Particulars of sole proprietors and partners in partnerships:</b>			
<b>Name*</b>	<b>Identity number*</b>	<b>Personal income tax number*</b>	
* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners			
<b>Section 6: Particulars of companies and close corporations</b>			
Company registration number:			
Close corporation number:			
Tax reference number:			
<b>Section 7: SBD4 issued by National Treasury must be completed for each tender and be attached as a tender requirement.</b>			
<b>Section 8: SBD 6 issued by National Treasury must be completed for each tender and be attached as a tender requirement.</b>			
<b>Section 9: SBD8 issued by National Treasury must be completed for each tender and be attached as a tender requirement.</b>			
<b>Section 10: SBD9 issued by National Treasury must be completed for each tender and be attached as a tender requirement.</b>			
The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise:			
i) authorizes the employer to verify the tenderers tax clearance status from the South African Revenue Services that it is in order;			
ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;			
iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;			
iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and			
iv) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.			
Signed		Date	
Name		Position	
Enterprise name			

**Failure to complete, sign and date this form shall result in the tender being considered non-responsive and rejected in terms of clause C.3.8 of the Conditions of Tender.**



**D. STANDARD BIDDING DOCUMENTS**

**SECTION A  
INVITATION TO BID**

**SBD1**

YOU ARE HEREBY INVITED TO TENDER FOR REQUIREMENTS OF THE KWAZULU-NATAL DEPARTMENT OF TRANSPORT					
<b>BID NUMBER:</b>	ZNB00604/00000/00/ESH/INF/21/T	<b>CLOSING DATE:</b> 13 August 2021		<b>CLOSING TIME:</b>	11:00
<b>DESCRIPTION</b>	CONTRACT NO. ZNB00604/00000/00/ESH/INF/21/T: BETTEREMENT AND RE-GRAVELLING OF ROAD D2475 FROM KM 0.00 TO KM 3.50 IN THE NKANDLA LOCAL MUNICIPALITY (KZ286), COST CENTRE ESHOWE.				
<b>TENDER RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
The Department of Transport, Main Entrance Foyer 24 John Ross Highway Eshowe, 3815			<b>Monday to Friday: 08:00 until 16:00</b> <b>Under no circumstances must suppliers submit their Tender offers/ responses to the official whose name appears on the enquiries.</b>		
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
<b>CONTACT PERSON</b>	Mrs Ntombenhle Nxumalo		<b>CONTACT PERSON</b>	Mrs Nellie Zikalala	
<b>TELEPHONE NUMBER</b>	(035) 474 2031		<b>TELEPHONE NUMBER</b>	(035) 474 2031	
<b>FACSIMILE NUMBER</b>	(035) 474 4630		<b>FACSIMILE NUMBER</b>	(035) 474 4630	
<b>E-MAIL ADDRESS</b>	<a href="mailto:Ntombenhle.Nxumalo@kzntransport.gov.za">Ntombenhle.Nxumalo@kzntransport.gov.za</a>		<b>E-MAIL ADDRESS</b>	<a href="mailto:Nellie.Zikalala@kzntransport.gov.za">Nellie.Zikalala@kzntransport.gov.za</a>	
<b>SUPPLIER INFORMATION</b>					
<b>NAME OF BIDDER</b>					
<b>POSTAL ADDRESS</b>					
<b>STREET ADDRESS</b>					
<b>TELEPHONE NUMBER</b>	CODE		NUMBER		
<b>CELLPHONE NUMBER</b>					
<b>FACSIMILE NUMBER</b>	CODE		NUMBER		
<b>E-MAIL ADDRESS</b>					
<b>VAT REGISTRATION NUMBER</b>					
<b>SUPPLIER COMPLIANCE STATUS</b>	TAX COMPLIANCE SYSTEM PIN:		<b>OR</b>	CENTRAL SUPPLIER DATABASE NO:	MAAA
<b>B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE</b>	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		<b>B-BBEE STATUS LEVEL SWORN AFFIDAVIT</b>	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EME &amp; QSE) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
<b>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		<b>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES	<input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES	<input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES	<input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES	<input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				<input type="checkbox"/> YES	<input type="checkbox"/> NO
<b>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.</b>					

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

**1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. 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.
- 1.4. THE DOCUMENTS MUST BE FILLED WITH ELIGIBLE INK (BLACK)
- 1.5. USE OF OMISSION ON THE DOCUMENT IS PROHOBITED
- 1.6. FAILING TO COMPLY WITH THE ABOVE REQUIREMENTS WILL RESULT IN THE BID BEING NON RESPONSIVE

**2. TAX COMPLIANCE REQUIREMENTS**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER: .....

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

DATE: .....

SBD 4

## DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, 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, shareholder<sup>2</sup>): .....

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.

<sup>1</sup>"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.

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

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

2.7.1 If so, furnish the following particulars:

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

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

.....  
Position occupied in the state institution:

.....  
Any other particulars:

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

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

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

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

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

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

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

2.8.1 If so, furnish particulars:

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

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

2.9.1 If so, furnish particulars.

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

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

SBD 6.1

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

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

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

**1. GENERAL CONDITIONS**

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

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

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

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:

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

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 tenders, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

- (e) “**EME**” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) “**functionality**” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents;
- (g) “**prices**” includes all applicable taxes less all unconditional discounts;
- (h) “**proof of B-BBEE status level of contributor**” means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) “**QSE**” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

**3. POINTS AWARDED FOR PRICE**

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

A maximum of 80 or 90 points is allocated for price on the following basis:  
**80/20**

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

Where

- P<sub>s</sub> = Points scored for price of bid under consideration
- P<sub>t</sub> = Price of bid under consideration
- P<sub>min</sub> = 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	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 20 points)

Points claimed in respect of paragraph 6.1 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:**

- 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

EME	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-BBEE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

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

WITNESSES
1. ....
2. ....

.....
SIGNATURE(S) OF BIDDER(S)
DATE: .....
ADDRESS .....
.....
.....

**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

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

Item	Question	Yes	No
4.1	<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><b>(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).</b></p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) 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><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></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:		

**SBD 8**

**CERTIFICATION**

I, THE UNDERSIGNED (FULL NAME) .....  
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND  
CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN  
AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.

SBD 9

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

**CONTRACT NO. ZNB00604/00000/00/ESH/INF/21/T: BETTEREMENT AND RE-GRAVELLING OF ROAD D2475 FROM KM 0.00 TO KM 3.50 IN THE NKANDLA LOCAL MUNICIPALITY (KZ286), COST CENTRE ESHOWE.**

in response to the invitation for the bid made by the PROVINCE OF KWAZULU-NATAL, DEPARTMENT OF TRANSPORT, do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: ..... that:  
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of and to sign the bid, on behalf of the bidder.
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - a. has been requested to submit a bid in response to this bid invitation;
  - b. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - c. provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraph 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - a. prices;
  - b. geographical area where the products or services will be rendered (market allocation);
  - c. methods, factors or formulas used to calculate prices;
  - d. the intention or decision to submit or not 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 and of the awarding of the 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 as amended and/or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and/or such bidders 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

.....  
Full name of signatory

.....  
Capacity of signatory

**Failure to complete, sign and date this form shall result in the tender being considered non-responsive and rejected in terms of clause C.3.8 of the Conditions of Tender.**

## E. B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE

Notes to tenderer:

1. The tenderer shall submit proof of B-BBEE Status Level of Contributor by submitting a copy of a valid B-BBEE Verification Certificate issued in accordance with the Amended Construction Sector Code published in Notice 931 of 2017 of Government Gazette No. 41287 of 1 December 2017.
2. The certificate shall:
  - (i) have been issued by a verification agency accredited by the South African National Accreditation System (SANAS); or
  - (ii) in the case of an Exempted Micro Enterprise (EME) with a total annual revenue of R10 million and less, be in the form of a sworn affidavit or a certificate issued by the Companies and Intellectual Property Commission (CIPC), in respect of their ownership and annual turnover, for the year ending not earlier than 12 (twelve) months prior to the tender closing date;
  - (iii) in the case of a Qualifying Small Enterprise (QSE) with a total annual revenue of more than R10 million but less than 50 million, be in the form of a sworn affidavit or a certificate issued by the Companies and Intellectual Property Commission (CIPC), in respect of their ownership and annual turnover, for the year ending not earlier than 12 (twelve) months prior to the tender closing date; and
  - (iv) have a date of issue not earlier than 12 (twelve) months prior to the tender closing date.
3. A consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level Verification Certificate. In addition, the consolidated B-BBEE Status Level Verification Certificate for unincorporated joint ventures shall only be applicable to this project (Tender No. to be indicated on the certificate).
4. An enterprise will qualify as an Exempted Micro Enterprise (EME) if it has a total annual revenue of R10 million or less, and is deemed to have the following B-BBEE Status in accordance with their black ownership levels:
  - (i) if less than 30% Black Owned then **“Level Five Contributor”**;
  - (ii) if at least 30% Black Owned but less than 51% Black Owned then **“Level Four Contributor”**;
  - (iii) if at least 51% Black Owned but less than 100% Black Owned, then **“Level Two Contributor”**; and
  - (iv) if 100% Black Owned then **“Level One Contributor”**.
5. Tenderers are advised that any misrepresentation in the affidavits is a criminal offence.

**F. CERTIFICATE OF AUTHORITY FOR SIGNATORY**

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

(I) COOPERATIVE	(II) SOLE PROPRIETOR	(III) CLOSE CORPORATION	(IV) PARTNERSHIP	(V) COMPANY	(VI) JOINT VENTURE / CONSORTIUM	
					Incorporated	
					Unincorporated	

I/We, the undersigned, being the Member(s) (Cooperative), Sole Owner (Sole Proprietor), Member(s) (Close Corporation), Partners (Partnership), Representative (Company) or Lead Partner (Joint Venture / Consortium), in the enterprise trading as:

.....

hereby authorise Mr/Mrs/Ms .....

acting in the capacity of .....

whose signature is .....

to sign all documents in connection with this bid and any contract resulting therefrom on behalf of the enterprise.

NAME	ADDRESS	SIGNATURE	DATE

**Note:**

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

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

**Failure to complete, sign and date this form or failure to provide the certificate(s) in the form of a resolution as described above shall result in the tender being considered non-responsive and rejected in terms of clause C.3.8 of the Conditions of Tender.**



**G. CONSTRUCTION EXPERIENCE**

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

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

*Attach additional pages if more space is required*

SIGNATURE: .....

DATE: .....

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

**H. KEY PERSONNEL**

**H1. KEY PERSONNEL - MANAGEMENT**

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

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

DESIGNATION	NAME	PROJECT TYPE	VALUE OF WORK	YEAR COMPLETED
CONSTRUCTION MANAGER				
FOREMAN				

*Attach additional pages if more space is required*

SIGNATURE: .....

DATE: .....

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

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

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

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

Tenderers’ attention is drawn to the required minimum supervisory workers for the project stated in clause F2.3 of Part F of the Particular Specifications.

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

DESIGNATION	NAME	TYPE OF TRAINING / CERTIFICATION	QUALIFICATION OBTAINED / SUPERVISION OR MANAGEMENT OF LIC PROJECTS	YEAR QUALIFICATION OBTAINED

*Each additional row if more space is required*

SIGNATURE: .....

DATE: .....

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

**CURRICULUM VITAE OF KEY PERSONNEL - MANAGEMENT**

*Refer to H1.*

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

and

**QUALIFICATION OF KEY PERSONNEL IN ALL OUR PROJECTS**

*Refer to H2.*

*Relevant qualification certificates to be attached to the project reports of persons possessing the required qualification in the supervision or management of projects.*

**NOT APPLICABLE**

**I. CONSTRUCTION EQUIPMENT**

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

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

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

*Attach additional pages if more space is required*

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

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

*Attach additional pages if more space is required*

SIGNATURE: .....

DATE: .....

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

**J. PROPOSED SUBCONTRACTORS**

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

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

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

*Attach additional pages if more space is required.*

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

SIGNATURE: .....

DATE: .....

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

## K. PARTICIPATION IN JOB CREATION USING LOCAL LABOUR

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

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

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

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

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

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

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

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

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

The minimum required content of such local labour for this project shall be 3 %.

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

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

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

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

Local labour comprising unskilled or semi-skilled labourers recruited from the local community	Anticipated number of jobs to be created	Total number of person-days anticipated	Wage rate per person-day (excluding VAT) (Rand)	Total wage cost (excluding VAT) (Rand)
Contractor’s local labour content				
Subcontractors’ local labour content				
Total anticipated wage cost of local labour content (excluding VAT)				R
Subtotal 1* (excluding contingencies, contract price adjustment and VAT)				R
Hence anticipated local labour content expressed as a percentage of Subtotal 1* (excluding contingencies, contract price adjustment and VAT))				%
Specified minimum local labour content				3 %

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

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

Name: .....

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

SIGNATURE: .....

DATE: .....

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

**Failure to complete, sign and date this form shall result in the tender being considered non-responsive and rejected in terms of clause C.3.8 of the Conditions of Tender.**



**L. HEALTH AND SAFETY DECLARATION**

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

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

**Declaration by Tenderer**

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

(\* = delete whatever is not applicable)

- 4. Details of resources I propose:

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

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

NAME OF COMPETENT PERSONS	POSITION TO BE FILLED BY COMPETENT PERSONS

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

Name of proposed subcontractor: .....

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

.....  
.....

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

SIGNATURE: .....

DATE: .....

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

### M. DEVIATIONS AND QUALIFICATIONS

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

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

SECTION	PAGE	DEVIATION OR QUALIFICATION, INCLUDING REFERENCE CLAUSE OR ITEM NUMBER

*Attach additional pages if more space is required*

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

**N. SCHEDULE OF ALTERNATIVE TENDERS**

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

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

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

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

SECTION	PAGE	ALTERNATIVE OFFER, INCLUDING REFERENCE CLAUSE OR ITEM NUMBER

SIGNATURE: .....

DATE: .....

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