



PROCUREMENT DOCUMENT

APPOINTMENT OF A PANEL OF TERM CONTRACTORS FOR
GENERAL BUILDING MAINTENANCE SERVICES FOR A PERIOD OF THREE
(3) YEARS

MOGALAKWENA LOCAL MUNICIPALITY
Tender No. 36-2020/2021
Notice No: 156/2021

CLOSING DATE: 22 JUNE 2021
CLOSING TIME: 10:00

Mogalakwena Local Municipality
54 Retief Street
Mokopane

Contact: Divisional Head Building Supervision
Name: Mapelo Mashishi
Telephone: 015-491 9624

NAME OF BIDDING ENTITY:

MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 36-2020/2021
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CIDB GRADING 3GB OR HIGHER



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T1 – TENDER PROCEDURE

T1.1 TENDER NOTICE AND INVITATION TO TENDER

Mogalakwena Local Municipality hereby invites suitably qualified service providers registered with CIDB (**Grade 3GB OR HIGHER**) to tender for the repairs and maintenance of the following:

The details of the projects are as follows:

NO:	PROJECT NAME	TENDER NO:	NOTICE NO:	COMPULSORY BRIEFING MEETING
1.	APPOINTMENT OF A PANEL OF TERM CONTRACTORS FOR GENERAL BUILDING MAINTENANCE SERVICES FOR A PERIOD OF THREE (3) YEARS	36-2020/2021	156/2021	DUE TO COVID-19 REGULATIONS, NO BRIEFING MEETING WILL BE HELD.

The respective project name with the project number must be clearly marked on the envelope before submission. Complete tender documents, fully priced, signed and sealed in an envelope must be deposited in the Tender Box at Mogalakwena Municipality, 54 Retief Street, Mokopane, by no later than **10:00 a.m. 22 JUNE 2021**.

NB* Service providers should take note that no bid/service will be awarded to a service provider who is not registered on Web Based Central Supplier Database (CSD).

No late, faxed, telegraphic, emailed and telephonic tenders will be accepted. The council also reserves the right to negotiate further conditions and requirements with the successful tenderer.

Technical Enquiries related to this tender may be addressed to Ms MP Mashishi on 015 491 9624 or via email on mashishima@mogalakwena.gov.za and administrative enquiries may be addressed to supplychain@mogalakwena.gov.za at telephone number 015 491 9649/9662 and 9671.

The Municipality does not bind itself to accept the lowest or any tender and reserves the right to accept any tender or any part thereof, which may result in the acceptance of more than one tender, whichever the case may be.

HSM NGOEPE

ACTING MUNICIPAL MANAGER

NOTICE NO: 156/2021



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T1.2: TENDER DATA

The conditions of tender are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity in Construction Procurement (July 2015) as published in Government Gazette No 38960, Board Notice 136 of 2015. (See www.cidb.org.za).

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 it 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	Tender Data
F.1.1	The employer is MOGALAKWENA LOCAL MUNICIPALITY
F.1.2	<p>The Documents issued by the Employer for the purpose of the Tender Document are as follows:</p> <p>THE TENDER</p> <p>Part T1: Tendering procedures</p> <p>T1.1 - Tender notice and invitation to tender</p> <p>T1.2 - Tender data</p> <p>Part T2: Returnable documents</p> <p>T2.1 - List of returnable documents</p> <p>T2.2 - Returnable schedules</p> <p>THE CONTRACT</p> <p>Part C1: Agreements and Contract data</p> <p>C1.1 - Form of offer and acceptance</p> <p>C1.2 - Contract data</p> <p>Part C2: Scope of Service</p> <p>C2 - Scope of Service</p>
F.1.3.1	The returnable documents, schedules and other certificates or statements are all listed under Section T2.1 "List of Returnable Documents".

	It is incumbent upon the tenderer to complete all of the returnable schedules bound in this document under Section T2.2 "Returnable Schedules" and to also attach those additional certificates or documents of statement as indicated in Section T2.2.
F.1.3.2	Replace the wording with: "These conditions of tender, the tender data and tender schedules which are only required for tender evaluation purposes, shall not form part of any contract arising from the invitation to tender, except for those tender conditions, claims, statements and undertakings presented by the tenderer that will have influence on the competitive procedure as contemplated under Clauses F.1.5, F.1.6. and as listed in the Tender Data under Clause F.3.11.1."
F.1.3.3	The following additional definitions shall apply: g) "Tender" and "Bid" shall have the same meaning. The company offering a tender or bid is referred to as the "Tenderer" or "Bidder".
F.1.4	The employer's agent is : Name: M P Mashishi Address: 54 Retief Street, Mokopane, 0601 Tel: 015 491 9603 E-mail: mashishima@mogalakwena.gov.za
F.1.5	The employer does not bind itself to accept the lowest or any other Tender.
F.2.1	Only those tenderers with registered and active CIDB grading required will be considered for this tender.
F.2.2	Cost of Tendering The employer will not compensate the tenderer for any costs incurred in attending interviews or making any submissions in the office of the employer. Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer complies with requirements.
F.2.5	The Tenderer is deemed to be in possession and have knowledge of the documents referred to in these documents but not attached.
F.2.7	The arrangements for a compulsory clarification meeting are as stated in the Tender Notice and Invitation to Tender. Tenderers must sign the attendance list in the name of the tendering entity. Addenda will be issued to and tenders will be received only from those tendering entities appearing on the attendance list.
F.2.8	The tenderer shall request clarification of the tender documents, if necessary, by notifying the employer at least 5 (Five) working days before the closing time stated in the tender data.
F.2.12	No alternative tender offers will be considered

F.2.13.3	Parts of each tender offer communicated on paper shall be submitted as an original. The document is to be intact in its original format and no pages shall be removed or re-arranged.
F2.13.4	<p>Only authorised signatories may sign the original and all copies of the tender offer where required.</p> <p>In the case of a COMPANY submitting a tender, include a copy of a resolution by its board of directors authorising a director or other official of the company to sign the documents on behalf of the company.</p> <p>In the case of a CLOSE CORPORATION submitting a tender, include a copy of a resolution by its members authorising a member or other official of the corporation to sign the documents on each member's behalf.</p> <p>In the case of a PARTNERSHIP submitting a tender, all the partners shall sign the documents, unless one partner or a group of partners has been authorised to sign on behalf of each partner, in which case proof of such authorisation shall be included in the Tender.</p> <p>In the case of a JOINT VENTURE submitting a tender, include a resolution of each company of the joint venture together with a resolution by its members authorising a member of the joint venture/consortium to sign the documents on behalf of the joint venture.</p> <p>Accept that failure to submit proof of authorisation to sign the tender shall result in the tender offer being regarded as non-responsive.</p>
F.2.13.5 F.2.15.1	<p>The employer's details and address for delivery of tender offers and identification details that are to be shown on each tender offer package are:</p> <p>Location of tender box: In the main entrance to the Mogalakwena Local Municipal offices Physical address: 54 Retief Street, Mokopane Identification details on the Sealed Tender envelope are: Tender No.: 36-2020/2021 APPOINTMENT OF A PANEL OF TERM CONTRACTORS FOR GENERAL BUILDING MAINTENANCE SERVICES FOR A PERIOD OF THREE (3) YEARS and the closing date and time of the tender as stated on the Tender Notice.</p> <p>Documents to be deposited in the Tender Box in the Entrance Foyer. Access to the tender box is only during office hours.</p> <p>Only tenders that were received in a sealed envelope clearly indicating the Name and Address of the Tenderer, description of the service and the tender number for which the tender is submitted will be eligible for acceptance.</p>
F.2.13.6 F.3.5	A two-envelope procedure is not required.
F.2.13.9	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.

F.2.15	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.
F.2.16	The tender offer validity period is 90 days.
F.2.19	<p>By submitting this tender, the tenderer/bidder authorizes the municipality or its delegate(s) to carry out any investigation deemed necessary to verify the correctness of the statements and documents submitted and that such documents reasonably reflect the ability of the tenderer to provide the goods and services required by the municipality.</p> <p>The tenderer acknowledges that access to his/her premises during normal working hours will be granted to the employer or his/her agents during tender and evaluation period to verify any of the claims made by the tenderer.</p>
F.2.23	<p>The documentation that must be submitted with the tender is listed under section T.2.1 List of Returnable Documents.</p> <p>The tenderer shall also refer to Clause F.3.13 hereinafter for the conditions in respect of rejection of tender.</p>
F.3.2	<p>The employer shall at any time prior to five (5) working days from the closing of tenders, be entitled to make any variation, amendment or addition to, or omission from the Tender Documents, including to the time and date set for the closing of tenders, by the issuing of an addendum (or addenda).</p> <p>Any Addendum so issued shall be deemed to form part of the tender documents and shall be communicated in writing to all parties who have acquired the tender documents from the employer. Acknowledgment of receipt is required by the tenderers of any such an addendum during the tender period. Failure to acknowledge the receipt of, or failure to comply in all respects with the content of any such addenda, will render any Tender subsequently submitted, as invalid.</p> <p>No variation by the employer of the tender documents will be of any force or effect unless set out in an addendum as described above, despite the fact that a variation of, or amendment to, the tender documents may have been implied in, or may reasonably be inferred from, any other document issued or statement made by the employer or the engineer.</p>
F.3.4	<p>This tender is based on a one envelope system and tenders will be opened in the following manner:</p> <p>Immediately after the tender closing date and time as stated in the invitation to tender at the Mogalakwena Local Municipality, the deposited tenderer envelopes will be opened and the following will be made public for each tenderer:</p> <p>The name of the company of tender received.</p>
F.3.11.1	Evaluation of tenders will be in accordance with the Supply Chain Management Policy of the Mogalakwena Municipality provisions, together with those Tender Conditions as listed herewith.

F.3.13	<p>Tender offers will only be accepted if:</p> <ul style="list-style-type: none"> • Authority for signatory is provided, • Has completed the Compulsory Enterprise Questionnaire and there is no conflict of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are permitted to submit tenders or participate in the contract; • The tenderer has not: <ul style="list-style-type: none"> ○ abused the employer's Supply Chain Management System; or ○ failed to perform on any previous contract and has been given a written notice to this effect; • The tenderer or any of its directors/shareholders is not 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; • The employer is reasonably satisfied that the tenderer has in terms of the Construction Regulations 2003, issued in terms of the Occupational Health and Safety Act 1993, the necessary competencies and resources to carry out the work safely. • The tenderer has registered and in good standing with the compensation fund or with a licensed compensation insurer; • Submitted a Valid Certified Copy of company registration certificate • Original Valid Tax Clearance Certificate (Tax Compliance status pin issued should also be attached for new tax clearance certificate issued) • The Mogalakwena Local Municipality may cancel a contract awarded of any company if: <ul style="list-style-type: none"> ○ The company or any of its directors has committed a corrupt or fraudulent act during the procurement process or in the execution of the contract, or ○ An official or other role player committed any corrupt or fraudulent act during the procurement process or in the execution of the contract that benefited that tender.
F.3.14.2	Complete the schedule of deviations attached to the form of offer and acceptance, if any
F.3.16	Notice of non-acceptance of tender will not be sent to individual unsuccessful tenderers. Particulars of the accepted tender can be obtained from the Municipal Manager.
F.3.17	The number of paper copies of the signed contract to be provided by the employer is one (1) .
Additional	<p>Furthermore:</p> <ul style="list-style-type: none"> • Bid documents must be completed in black ink. • All details must be legible and readable to ensure the Bid will be considered for adjudication • Bidders are required to sign each page of the Bid documents • Corrections may not be made by means of correction fluids such as Tipp-Ex or a similar product. In the event of a mistake having been made it shall be crossed out in ink and be accompanied by a full signature at each and every alteration. The municipality reserves the right to reject the Bid if corrections are not made in accordance with the above • The Bidder must submit comprehensive information to prove the relevant skills required for the position. • Tenders may only be submitted on the original tender documentation that is issued. The re-typing of the Tender document is not permitted.

	<ul style="list-style-type: none"> Bidders are required, in terms of section 21 of the Local Government: Municipal Finance Management Act, 2003 – Municipal Supply Chain Management Regulations as appeared in Government Gazette no. 27636 dated 30 May 2005, to provide the municipality with the following documents once the appointment has been made namely: <p>“1. If the bidder is required by law to prepare annual financial statements for auditing, their audited annual financial statement -</p> <p>a) for the past three years; or</p> <p>b) since their establishment if established during the past three years;</p> <p>2. A certificate signed by the bidder certifying that the bidder has no undisputed commitments for municipal services towards a municipality or other services provider in respect of which payment is overdue for more than 30 days;</p> <p>3. Particulars of any contracts awarded to the bidder by an organ of state during the past five years, including particulars of any material non – compliance or dispute concerning the execution of such contract.</p>
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Signed	_____	Date	_____
Name	_____	Position	_____
Tenderer	_____		

Evaluation Criteria

A two phase evaluation criteria will be considered in evaluating, namely:

- Phase 1: Technical Compliance
- Phase 2: Administrative Compliance

Phase 1: Technical Evaluation

Evaluation of technical proposals will be done according to the Guidelines in **Supply Chain Management: A Guide for Accounting Officers of Municipalities and Municipal Entities** (National Treasury) using the criteria as listed in tables below.

SCORING FOR TECHNICAL EVALUATION

Proof of previous relevant experience (appointment letters and valid completion certificate per project to be attached)
Locality of business: Attach proof of office address and municipal account and/or Lease Agreement
Employment of team members (proof of employees to be made in an affidavit and employment agreement/contract)
Valid Certified Copy B-BBEE Status Level Verification Certificate (A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate)

Criteria Description	Criteria Scoring	TOTAL points to be scored
Service provider's <u>relevant</u> past experience in related services for Building repairs and maintenance (Attach certified copies of appointment letters and certified valid completion certificate per project to be submitted).		
1 - 2 relevant projects	10	
3 - 5 relevant projects	20	
6 - 8 relevant projects	30	
TOTAL		Maximum of 30
Locality of business: Attach valid proof of office address and municipal account and/or Lease Agreement, the business premises may be visited by municipal officials to verify information supplied		
Within Mogalakwena LM	15	
Within Waterberg DM	10	
Within Limpopo Province	3	
Outside Limpopo Province	2	
TOTAL		Maximum of 15
Proof of employment of team members and Qualifications (Attach certified affidavit, CV and certified qualifications) #NB: All qualifications to be SAQA certified		
Project Manager: Project Management (NQF Level 5) or (N 6)		
Quality Assurance Officer: Quality Assurance certificate- (NQF Level 5)		
Safety Officer: Occupational Health and Safety Certificate- (NQF Level 5)		
Electrician: Electrical Engineering/ trade test certificates -(NQF Level 5) or (N 6)		
Site Agent: Civil Engineering (NQF Level 5) or (N 6)		
Plumber: Plumbing (NQF Level 5) or (N 6)		
Artisans: Mechanical engineering -(NQF Level 5) or (N 6)		

Criteria Description		Criteria Scoring	TOTAL points to be scored
Rigger: Certificate for advanced level Rigger			
Proof of employment of staff for 8 Qualifications		20	
Proof of employment of staff for 4 Qualifications		10	
No proof of employment of staff		0	
TOTAL			Maximum of 20
Key staff experience in building repairs and maintenance (Attach certified reference letters/testimonials not more than three months)			
4 or more years of relevant experience		20	
2-3 years of relevant experience		10	
1 year of relevant experience		5	
0 years of relevant experience		0	
TOTAL			Maximum of 20
Proof of Banking Rating (Attach latest stamped bank rating letter)			
Rating A		5	
Rating B		4	
Rating C		3	
Rating D		2	
TOTAL			Maximum of 5
List of equipment: (Attach valid certified proof of ownership or intention to hire signed letters). The business premises may be visited by municipal officials to verify information supplied.			
		To be Hired / Leased	Owned
Normal equipment available	5	5	
Specialized equipment available	10	10	
Storage facilities			
Offices			
Bakkies			
Hand Tools			
Generators 5KW or higher			
Mobile elevating work platforms with test certificates (specialized)			
Paver machines			
Crane trucks 10 ton or higher (specialized)			
Scaffolding (Specialized)			
#NB: Attach pictures of above equipments and machinery			
TOTAL			Maximum of 10
GRAND TOTAL			Maximum of 100

A minimum of 70 to be scored to proceed to Phase 2.

Phase 2: Administrative Compliance

Critical Criteria:

Critical Criteria	Compliance Yes/No (office use only)
• Original Valid Tax Clearance Certificate (Tax Compliance status pin issued should also be attached for new tax clearance certificate issued)	
• Original signed standard tender documents including initialling of all pages	
• Valid Certified Copy of Company Registration Certificate to be submitted	
• Valid Certified Copy B-BBEE Status Level Verification Certificate (A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate)	
• Valid Certified Copy of proof of registration with National Treasury Central Supplier Database	
• Valid Certified Copy of CIDB Registration (3GB or Higher)	
• Completed and signed Declaration of Interest (MBD4)	
• Completed and signed Declaration for Procurement above R10 mil (MBD5)	
• Completed and signed Preference points claim form in terms of the preferential procurement regulations 2011 (MBD 6.1)	
• Completed and signed Declaration certificate for local production and content for designated sectors (MBD 6.2)	
• Completed and signed Declaration of Past SCM Practices form (MBD8)	
• Completed and signed Declaration of Independent Bid Determination (MBD9)	

T1.3 TENDER SPECIFICATIONS

- Only relevant CIDB registered contractors may submit bid documents
- A relevant contractor means a company or person with experience in services related to building maintenance

The fields of expertise required are as follows:

1. BUILDING MAINTENANCE (Building works)

For more information please refer to Section C2: Scope of Service

T1.4 CONDITIONS OF CONTRACT

As this bid is for establishing a panel of term contractor's purposes only and there is no commitment for the Mogalakwena Local Municipality to use the services of any bidder during the Three (03) year period.

When a need is identified the relevant contractor with the relevant expertise will be contracted on a rotational basis to provide services. A Service Level Agreement will be signed for each task/assignment to be awarded. The use of services of term contractors is dependent on the needs of the municipality. The municipality cannot be held responsible if the services of the term contractor is not required during the Three (03) year period.



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T2: Returnable Documents

(All Documents and Schedules MUST BE RETURNED for the tender to Qualify)

- T2.1 List of Returnable Documents
- T2.2 Returnable Schedules

NOTE:

Although the documents "Returnable Documents" are in line with the CIDB model, these are not the only documents to be returned together with the bid. All the documents indicated on document T1, must be completed and signed where applicable and submitted as a complete set of documents.



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T2.1 LIST OF RETURNABLE DOCUMENTS

All Documents and Schedules **MUST BE RETURNED** for the tender to Qualify

The tenderer must complete the following returnable documents

1 Returnable Schedules: Primary Responsiveness		
	T2.2A	General Information
	T2.2B	Authority for Signatory
	T2.2C	Certificate of Authority for Signatory of Joint Ventures/Consortium
	T2.2D	Certificate of Attendance of Briefing Meeting
	T2.2E	Record of Addenda to tender documents
	T2.2F	Tenderer's Deviations or Qualifications
2 Returnable Schedules: Claims for Quality		
	T2.2G	Service provider's <u>relevant</u> past experience in related services for building repairs and maintenance (Attach certified copy of appointment letters and certified valid completion certificate per project to be submitted).
	T2.2H	Locality of business: Attach valid proof of office address and municipal account and/or signed lease agreement, the business premises may be visited by municipal officials to verify information supplied
	T2.2I	List of Plant (Attach valid certified registration documents and signed intent to hire letters). The business premises may be visited by municipal officials to verify information supplied.
	T2.2J	Proof of employment of team members and Qualifications (Attach certified affidavit, employment agreement/contract, CV and certified qualifications)
	T2.2K	Methodology (Operation and Maintenance Procedures)
	T2.2K1	List of equipment: (Attach valid certified proof of ownership and signed intent to hire letters). The business premises may be visited by municipal officials to verify information supplied.
3 Returnable Schedules: Statements of Compliance (attach required certificates and documentation in Section 6)		

	T2.2L	Original Valid Tax Clearance Certificate (Tax Compliance status pin issued should also be attached for new tax clearance certificate issued)
	T2.2M	Valid Certified Copy of Company Registration Certificate to be submitted
	T2.2N	Valid Certified Copy of proof of registration with National Treasury Central Supplier Database
	T2.2O	Valid Certified Copy of CIDB Registration (3GB or Higher)
	T2.2P	Banking details
	T2.2Q	Completed and signed Declaration of Interest (MBD4)
	T2.2R	Completed and signed Declaration for Procurement above R10 mil (MBD5)
	T2.2S	Completed and signed Preference points claim form in terms of the preferential procurement regulations 2011 (MBD 6.1)
	T2.2T	Completed and signed Declaration certificate for local production and content for designated sectors (MBD 6.2)
	T2.2U	Completed and signed Declaration of Past SCM Practices form (MBD8)
	T2.2V	Completed and signed Declaration of Independent Bid Determination (MBD9)
4 Returnable Schedules: Contract portion of this document		
	C1.1	Form of Offer and Acceptance
	C1.2	Contract Data
	C2	Scope of service
5 Returnable Schedules: Documents under Separate Cover		
	There are no schedules to be completed for tender purposes in the other documents forming part of this contract	



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T2.2 RETURNABLE SCHEDULES

The following documents must be completed and proof attached in the Additional File where required:

T2.2A GENERAL INFORMATION

1. Name of bidding entity:

2. Contact details

Address : _____

Tel no : _____

Fax no : _____

E-mail address : _____

3. Legal entity (service provider): Mark with an X

Sole proprietor	
Partnership	
Close corporation	
Company (Pty) Ltd	
Joint venture/Consortium	

4. Income tax reference number :

5. For joint ventures/consortiums the following must be attached:

- Written power of attorney for authorized signatory;
- Pro-forma of the joint venture/consortium agreement;

Signed _____

Date _____

Name _____

Position _____

Tenderer _____



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T2.2B AUTHORITY OF SIGNATORY

Signatories for closed corporations and companies shall confirm their authority by attaching to this form a duly signed and dated Valid Certified Copy of the relevant resolution of their members or their board of directors, as the case may be, on the organizations official stationary.

An example of a resolution for a company is shown below:

"By resolution of the board of directors passed on 20....,

Mr/Ms.....

has been duly authorized to sign all documents in connection with the Tender for Contract No -----
----- for **APPOINTMENT OF A PANEL OF TERM CONTRACTORS FOR GENERAL
BUILDING MAINTENANCE SERVICES FOR A PERIOD OF THREE (3) YEARS** and any Contract
which may arise there from on behalf of

(NAME OF THE COMPANY IN BLOCK CAPITALS)

.....

Signed by accountable officer:

On behalf of company

In his/her capacity as:

Date:

.....

Signature of duly authorized signatory:

.....

As witnesses 1

.....

2

.....



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T2.2C CERTIFICATE OF AUTHORITY FOR SIGNATORIES OF JOINT VENTURE/CONSORTIUMS

This Returnable Schedule is to be completed by joint ventures/Consortiums.

We, the undersigned, are submitting this tender offer in Joint Venture/Consortium and hereby authorise Mr/Ms , authorised signatory of the company , acting in the capacity of lead partner, to sign all documents in connection with the tender offer and any contract resulting from it on our behalf.

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead partner		Signature: Name: Designation:
Partner		Signature: Name: Designation:
Partner		Signature: Name: Designation:
Partner		Signature: Name: Designation:

Attach hereto (separately) the agreement or undertaking of the Joint Venture/Consortium on the official stationery of the Joint Venture or the lead partner.



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T2.2D CERTIFICATE OF ATTENDANCE OF BRIEFING MEETING

NOTE: If the attendance register was signed at the clarification meeting, the name of the signatory shall be inserted on this page and the authorized signatory shall sign this page.

If attendance register has been signed at the clarification meeting:

Name of person appearing on attendance
register:

Representative organization name on attendance
register:

If the attendance register has not been signed at the clarification meeting.

This is to certify that I,,
representative of (Tenderer)
of (address)
.....
.....
telephone number
fax number
e-mail
attended the bid clarification meeting (date)
in the company of (Employer's / Engineer's representative)

EMPLOYER'S REPRESENTATIVE:



PROCUREMENT DOCUMENT

**APPOINTMENT OF A PANEL OF TERM CONTRACTORS FOR GENERAL
BUILDING MAINTENANCE SERVICES FOR A PERIOD OF THREE (3) YEARS**

**MOGALAKWENA LOCAL MUNICIPALITY
Tender No. 36-2020/2021
Notice No: 156/2021**

T2.2E 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 or Details
1.		
2.		
3.		

4.		
5.		
6.		
7.		

Signed

Date

Name

Position

Tenderer



PROCUREMENT DOCUMENT

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MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 36-2020/2021

Notice No: 156/2021

T2.2F TENDERER'S DEVIATIONS OR QUALIFICATIONS

The Tenderer should record any deviations or qualifications s/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 F.3.14.2 of the Standard Conditions of Tender referenced in the Tender Data regarding the employer's handling of material deviations and qualifications.

Tenderers must not include deviations or qualifications relating to the scope of service in this schedule where they are required to submit an Approach Paper.

Page	Clause or item	Proposal

Signed _____

Date _____

Name _____

Position _____

Tenderer _____

T2.2G COMPANY EXPERIENCE IN SERVICES RELATED TO BUILDING MAINTENANCE

Provide the following information on relevant previous experience in **BUILDING MAINTENANCE WORK**

Note:

- The maximum number of points that can be scored = 30 points
- Proof required: please attach valid certified copies of Appointment Letters and Completion Certificates

	Relevant Experience in similar projects for company					
	Description of project	Value (R, VAT Included)	Year(s)	Reference		
			Executed	Name	Organization	Tel no
1						
2						
3						
4						
5						
6						
7						
8						

T2.2H LOCALITY

The maximum number of points that can be scored is 15.

Within Mogalakwena LM	15
Within Waterberg DM	10
Within Limpopo Province	3
Outside Limpopo Province	2

Evidence to be supplied:

- **Proof of office address**
- **Latest municipal account**

Attach proof in Section 4.4: Proof of Address and Municipal account.

Item	Score (office use only)
Within Mogalakwena LM	
Within Waterberg DM	
Within Limpopo Province	
Outside Limpopo Province	

Signed

Date

Name

Position

Tenderer

T2.2I PLANT AVAILABLE (PROOF OF ACCESS TO RELEVANT EQUIPMENT, TRANSPORT ETC)

Maximum number of points to be scored = 10

- Vehicle to take equipment and staff to site
- Equipment for overall building maintenance

List of equipment owned by the company

ITEM	NUMBER TO BE HIRED BY COMPANY	NUMBER OWNED BY COMPANY

A municipal official may visit the business premises to verify the list supplied

Signed

Date

Name

Position

Tenderer

T2.2J LIST OF EMPLOYEES WITH AFFIDAVIT AND EMPLOYMENT AGREEMENTS/CONTRACTS AND THEIR FIELDS OF EXPERTISE

An affidavit with a list of employees, their highest qualification received and their fields of experience ((Repairs & Building Maintenance) to be attached.

Maximum number of points to be scored = 20

CV and Qualifications with Affidavit and signed employment/ contract submitted = 20

CV and Qualifications with No affidavit submitted =0

The affidavit should contain the following information:

NAME OF EMPLOYEE	ID NUMBER	HIGHEST QUALIFICATION OBTAINED	FIELD OF EXPERIENCE (REPAIRS & BUILDING MAINTENANCE)

NB: Affidavit must be certified and signed employment/ contract not more than 3 months

Please attach the document to this page

T2.2K KEY STAFF EXPERIENCE IN BUILDING REPAIRS AND MAINTENANCE (ATTACH CERTIFIED REFERENCE LETTERS/TENSTIMONIALS NOT MORE THAN THREE MONTHS)

Maximum number of points to be scored = 20

4 years and more of relevant experience = 20

2-3 years of relevant experience = 10

1 years of relevant experience = 5

0 years of relevant experience =0

NAME OF EMPLOYEE	ID NUMBER	HIGHEST QUALIFICATION OBTAINED	YEARS OF EXPERIENCE IN REPAIRS & BUILDING MAINTENANCE

Attach CV's with contactable references

T2.2L LIST OF EQUIPMENT / TOOLS

Maximum number of points to be scored = 10

Please attach the document to this page

T2.2M ORIGINAL VALID TAX CLEARANCE CERTIFICATE (TAX COMPLIANCE STATUS PIN ISSUED SHOULD ALSO BE ATTACHED FOR NEW TAX CLEARANCE CERTIFICATE ISSUED)

1. Submit VAT registration Documentation (Tax Compliance status pin should also be attached for new tax clearance certificates issued)

or

2. Letter signed off by an auditor or a certified accounting officer confirming that the entity by law has a turnover less than R1 Million for any 12 month consecutive period.

Please attach the document to this page

T2.20 VALID CERTIFIED COPY OF COMPANY REGISTRATION

Please attach a valid certified copy of the company registration to this page

T2.2N PROOF OF REGISTRATION WITH NATIONAL TREASURY CENTRAL SUPPLIER DATABASE

Attach valid proof of registration on the National Treasury Central Data Base to this page

T2.20 CIDB REGISTRATION

Please attached a valid certified copy of CIDB registration (Grade 3GB or higher)

T2.2P TENDER'S BANK ACCOUNT AND BANK RATING INFORMATION

Attach the original, stamped letter from the bank to this page

If the Tenderer is a Joint Venture or Consortium, the information requested below is required for each Member.

I/We hereby authorise Mogalakwena Local Municipality to approach all or any of the following Banks for the purposes of obtaining a financial reference:

	BANK DETAILS
Name of Bank	
Branch Name	
Branch Code	
Account Number	
Type of Account	

Tenderer's Tax Details

Tenderer's VAT vendor registration Number:

Tenderer's SARS Tax reference Number:

Attach a signed and original Account Confirmation Letter from the Bank:

Note: Bank Rating Letter must not be older than 3 (three) Months.

I hereby confirm that the required documentation as requested above has been attached to this document.

Signed _____

Date _____

Name _____

Position _____

Tenderer _____



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MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 36-2020/2021

Notice No: 156/2021

T2.2Q

DECLARATION OF INTEREST (MBD 4)

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:

.....

Identity Number:

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

.....

Company Registration Number:

Tax Reference Number:

VAT Registration Number:

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

¹"State" means –

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

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

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

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:

.....

.....

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

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

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

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

.....

.....

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

If so, furnish particulars:

.....

.....

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

2.9.1 If so, furnish particulars.

.....

.....

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

2.10.1 If so, furnish particulars.

.....

.....

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

2.11.1 If so, furnish particulars:

.....

.....

Full details of directors / trustees / members / shareholders.

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

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

Attach a list to this page if table has insufficient space.

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 F.1.1.2 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signed _____ Date _____
Name _____ Position _____
Enterprise name _____



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T2.2R DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED) MBD5

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

1	Are you by law required to prepare annual financial statements for auditing?	Yes	No
1.1	If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.		
2	Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?	Yes	No
2.1	If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days. * Delete if not applicable		
2.2	If yes, provide particulars. * Delete if not applicable		
3	Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?	Yes	No
3.1	If yes, furnish particulars		
4	Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?	Yes	No
4.1	If yes, furnish particulars		

CERTIFICATION

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

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE
TO BE FALSE.

Signed

Date

Name

Position

*Enterprise
name*



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MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 36-2020/2021

Notice No: 156/2021

T2.2S PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017 (MBD 6.1)

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 not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

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

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

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

2. DEFINITIONS

2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

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

2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

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

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

2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

2.7 **“consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;

2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;

2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .

2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding

on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

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

be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

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

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

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

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

5.1 In terms of Regulation 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

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

6. BID DECLARATION

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

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

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

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate

issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

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

8.1.1 If yes, indicate:

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

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm :.....

9.2 VAT registration number :.....

9.3 Company registration number
.....
:

9.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated

.....

Registered Account Number

Stand Number

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?
years

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

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution

WITNESSES:

1.

.....

SIGNATURE(S) OF BIDDER(S)

2.

DATE:.....

ADDRESS:.....

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



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APPOINTMENT OF A PANEL OF TERM CONTRACTORS FOR GENERAL BUILDING MAINTENANCE SERVICES FOR A PERIOD OF THREE (3) YEARS

MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 36-2020/2021

Notice No: 156/2021

T2.2T DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS (MBD 6.2)

This Municipal Bidding Document (MBD) 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, 2011 and 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) makes provision for the promotion of local production and content.
- 1.2. Regulation 8.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids 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 the South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as required 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 –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

2. Definitions

- 2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the 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).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour and intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;

2.8. “**stipulated minimum threshold**” means that portion of local production and content as determined by the Department of Trade and Industry; and

2.9. “**sub-contract**” means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

3. **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:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

4. Does any portion of the services, works or goods offered have any imported content?

(Tick applicable box)

YES		NO	
-----	--	----	--

4.1 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 the 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.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

(Tick applicable box)

YES		NO	
-----	--	----	--

5.1. If yes, provide the following particulars:

- (a) Full name of auditor:
- (b) Practice number:
- (c) Telephone and cell number:
- (d) Email address:

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. 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 Accounting Officer / Accounting Authority 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 Municipality / Municipal Entity):
.....

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.thedti.gov.za/industrialdevelopment/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
- (ii) the declaration templates have been audited and certified to be correct.

(c)The local content percentages (%) 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 / Municipality /Municipal Entity 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 / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____



PROCUREMENT DOCUMENT

APPOINTMENT OF A PANEL OF TERM CONTRACTORS FOR GENERAL BUILDING MAINTENANCE SERVICES FOR A PERIOD OF THREE (3) YEARS

MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 36-2020/2021

Notice No: 156/2021

T2.2U DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MBD 8)

- 1 This form is part of the Municipal Bidding Documentation.
- 2 This form serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are to combat the abuse of the supply chain management system.
- 3 **The Tender of any Bidder may be rejected if the Bidder, or any of its directors have:**
 - a) Abused the Municipality's Supply Chain Management System or committed any improper conduct in relation to such system:
 - b) Been convicted for fraud or corruption during the past five years:
 - c) Willfully neglected, reneged or failed to comply with any government, municipal or public sector contract during the past five years; or
 - d) Been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corruption Activities Act (No 12 of 2004).
- 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	Is the Tenderer or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).		
4.1.1	If so, furnish particulars:		

ITEM	QUESTION	YES	NO
4.2	Is the Tenderer or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corruption Activities Act (No 12 of 2004)? (To access this Register enter the National Treasury's website www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012 326 5445).		
4.2.1	If so, furnish particulars:		
4.3	Was the Tenderer or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?		
4.3.1	If so, furnish particulars:		
4.4	Does the Tenderer or any of its directors owe any municipal rates and taxes or municipal charges to the municipality/municipal entity, or any other municipality/municipal entity, that is in arrears for more than three months?		
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the Tenderer and the municipality/municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?		
4.5.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TO BE 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.

Signed Date

Name Position

Tenderer



PROCUREMENT DOCUMENT

APPOINTMENT OF A PANEL OF TERM CONTRACTORS FOR GENERAL BUILDING MAINTENANCE SERVICES FOR A PERIOD OF THREE (3) YEARS

MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 36-2020/2021

Notice No: 156/2021

T2.2V CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9)

I, the undersigned, in submitting the accompanying bid:

MOGALAKWENA LOCAL MUNICIPALITY

Notice Number: 156/2021 (Tender 36-2020/2021)

APPOINTMENT OF A PANEL OF TERM CONTRACTORS FOR GENERAL BUILDING MAINTENANCE SERVICES FOR A PERIOD OF THREE (3) YEARS

in response to the invitation for the bid made by:

MOGALAKWENA LOCAL MUNICIPALITY

do hereby make the following statements that I certify to be true and completed 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 work "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 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 constructed as collusive bidding. (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).
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 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 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 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.

Signed

Date

Name

Position

*Enterprise
name*



PROCUREMENT DOCUMENT

APPOINTMENT OF A PANEL OF TERM CONTRACTORS FOR GENERAL BUILDING MAINTENANCE SERVICES FOR A PERIOD OF THREE (3) YEARS

MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 36-2020/2021

Notice No: 156/2021

Part E3: Indicative Scope of work

C2: SCOPE OF WORK

1. BUILDING REPAIRS AND MAINTENANCE

1.1. All Municipal Owned Buildings

1.2. GENERAL REQUIREMENTS

1.2.1 Scope of works

This section covers matters that relate to the Contract as a whole. Definitions, phrases or wording that would otherwise require repetition in other sections of this document are also covered in this section. Matters covered by the General and/or Particular Conditions of Contract are not repeated in this section, except to provide more detailed information

1.2.2 Location of Works

The localities of the project is listed in PART 1.1

1.2.3 DESCRIPTION OF THE PROJECT

a) Background

Technical Services Department (Building Supervision Unit) of Mogalakwena Local Municipality comprises of Twenty Seven (27) owned buildings. The main function of the unit is to ensure that all council owned buildings are in compliance with National Building Regulations and conforms to the conditions of the approved plans.

The unit monitors building development and maintenance to protect the assets of the Municipality, its employees and members of the public by setting out norms in the interests

of maintaining safe and healthy environment as required by the National Building Regulations

In order to achieve this, the unit ensures compliance with acceptable legislations and regulations, compliance with the Public Health and Safety requirements and ensures that appropriate enforcement action is initiated in instances on non-compliance

The section looks after the above listed (part 1) council owned properties and ensuring that municipal buildings are being maintained and the value is being preserved. We are also responsible for the enforcement of statutory provisions regulating buildings and ensuring that the relevant legislation and other applicable standards are complied with.

The vision of the Building Supervision and Maintenance is to strive to the best of its abilities to comply with the vision of Mogalakwena Local Municipality, by playing an active and leading role with regard to service delivery and to the development of the Municipality and the communities at large.

b) Primary Objectives

The primary objectives are:

- Ensuring that all properties of the council are maintained and kept in good clean condition
- Ensuring that council property is recorded appropriately and that regular building inspections are done regularly
- Conduct maintenance and building inspections on the current state of all Council owned buildings
- To ensure that all Council owned buildings are compliant with Health and Safety Regulations as set
- General building repairs and maintenance which will include plumbing, electrical works, glazing, carpentry.
- The Service provider is to provide all relevant material, competent labour and efficient equipment that will be necessary to execute the repairs and maintenance work.
- The Service provider is also to provide the necessary equipment, tools, safety/protective clothing and relevant procedures to comply with public safety while executing the repairs and maintenance work.
- Maintenance work done is to be in accordance to General Building Maintenance Compensation of Occupational Injuries and Disease Act 130 of 1993(COIDA).
- All Buildings should be repaired and maintained as per specifications given and in compliance with the Legislative acts, e.g The National Building Regulation Act, The Occupational Health and Safety Acts, etc.

1.2.4 KEY PERSONNEL

The key personnel required for this project are listed in this contract Information provided by the Employer. The tenderer is required to list proposed candidates for the prescribed positions in the core team. When a proposed candidate for any position is not in permanent employ of the tenderer, but a contracted person, a signed letter of consent from the candidate must be scanned in and submitted with. Any changes

to the key personnel, as proposed in this tender, after award will thus only be permitted in exceptional circumstances. In such circumstances the competence and experience of any replacement personnel shall also meet the threshold of the Technical Proposal

1.2.5 MEETINGS AND LIASONS

(a) Meetings and liaisons between the Employer and the Service Provider

Meetings between the Employer and the Service Provider are formal occasions. The Employer shall perform the duties of chairperson and the Service Provider the secretarial services. The Service provider shall submit draft minutes to the Employer for review before distribution. Meetings and liaisons shall be scheduled according to the Service Provider's approved programme to discuss and record the progress of the Services.

Draft copies of all reports, design and tender documents submitted for review shall be discussed at specially convened meetings prior to their finalisation.

Attendance at the meetings and liaisons shall include joint venture members and/or Targeted Enterprise(s) (if any), sub-contractors and the designated key persons. A key person shall not be substituted by another Service Provider employee unless express permission for this has been sought from and approved by the Employer in writing. The Employer shall have the right to delay a meeting because of the non-availability of a key person and any delay costs so incurred shall be for the account of the Service Provider

(b) Project hand-over meeting

Project hand-over is a milestone event because it signals the commencement of the project. The Service Provider shall come to this meeting prepared by his desktop assessment of the project details. The meeting provides a platform for the Service Provider to explain in detail how he intends going about the scope of work and as per specified order given.

the Service Provider shall explain and demonstrate his awareness of the encompassing social, natural, economic, safety and statutory environment within which the project is situated and how each impacts on it.

This meeting also provides the opportunity for administration details to be finalised. Included among these, but without providing limits to what may be required shall be:

1. Signing and initialing of the contract document;
2. Confirmation of prescribed insurance cover, including that of joint venture members (if any);
3. Confirmation of vendor registration;
4. Delivery of a compact disc (CD) containing all relevant forms and procedures needed for effective project administration.

The Service Provider shall meet with the Employer as and when instructed by the Employer to discuss and minute the progress of the Services.

c) Progress meetings

The first progress meeting shall not be scheduled longer than six calendar weeks after the hand-over meeting. The Service Provider's programme, as envisaged at the hand-over meeting shall be fine-tuned and approved at the first progress meeting. The Service Provider is expected to present a programme of works and shall identify the number and frequency of progress meetings. They may be reduced or increased as necessary to achieve the milestone dates. The minutes shall record the discussions held and the decisions made. The duties for Sub-Contractors shall be monitored by the main Service provider and shall be reported to at progress meetings.

The Service Provider shall ensure that all proceedings of meetings (whether formal or informal regarding this contract) are formally documented. These meetings may be between the Service Provider, sub-contractors and/or other Stakeholders and the Employer may attend these meetings.

The Service Provider shall also submit any reports regarding training, empowerment, capacity building, small contractor development, labour and staff returns and any such aspects as may be required by the Employer.

The Service provider shall submit an occupational health and safety file and ensure that all necessary adherence/compliances are in order each day for the duration of the project.

d) Risk Management

The concept of risk shall be discussed at all meetings, starting with the hand-over meeting. The Service Provider shall identify restrictions and limitations on the commencement stage that the various processes may impose, estimate the probability that they will impact on performance, advise what measures are proposed to avoid them and what mitigating measures could be taken to mitigate in the event they do occur. This creates a risk register that must be raised and discussed at each successive progress meeting. Used properly, the risk register will predict or pre-warn of change; as the probability of an event increases so will the need for a variation order to approve extensions of time or allocation of more funds become more certain. A base risk register shall be discussed and recorded at the hand-over meeting. It shall be re-visited at each successive progress meeting to confirm the status of each and record any changes. The opportunity to add more or remove others will also be discussed at the progress meetings. Identified risks will have a cost element to them and these must also be brought to the Employer's attention for discussion and decision

e) Safety

This part of the specification has the objective to assist the Service Provider entering into contracts with the Employer that they comply with the Occupational Health and Safety (OH&S) Act, No 85 of 1993, as well as all applicable Regulations. Compliance with this document does not absolve the Service Provider from complying with minimum legal requirements and the Service Provider remains responsible for the health and safety of his employees and those of his Mandataries. The Service Provider shall therefore include this part of the specification to any contract that he may have with subservice providers and/or suppliers.

This part also covers the development of a health and safety specification that addresses all aspects of occupational health and safety as affected by this contract. It provides the requirements that the Service Provider shall comply with in order to reduce the risks associated with this contract, which may lead to incidents causing injury and/or ill health. In this matter the spirit and intention of Regulation 5(1)(l) of the Construction Regulations, 2014, regarding negotiations between the parties, related to the contents and approval of the Health and Safety Plan, must be complied with.

The Service Provider shall on award of the contract become the Client's Agent in terms of Construction Regulation 5(5), (6) and (7) of the Occupational Health and Safety Act, (Act 85 of 1993). The duties and responsibilities as the Client's Agent are as prescribed in Construction Regulation 5(7).

The Service Provider shall on award of the contract become the Employer's Agent in terms of Construction Regulation 4(5). The duties and responsibilities as the Employer's Agent are as prescribed in construction regulation 4 in its entirety.

During the construction phase the supervising Service Provider must ensure that the Employer's duties are continuously fulfilled, meaning that the Service Provider has to include amongst its permanent monitoring staff at least one appropriately trained member. In addition the Service Provider must conduct monthly internal audits to ensure the site personnel are adhering to the statutory requirements. Costs for performing this duty are recoverable via the rate offered for this scheduled item of work

The Employer may order external audits the costs of which are separately recoverable as a disbursement to the specialist sub-contractor selected to conduct the audits.

Furthermore, the Service Provider must, in compliance with Section 24 of the Occupational Health and Safety Act (Act 85 of 1993) report immediately to the Employer's Health and Safety Officer and the relevant project manager the details of a Section 24 incident, including confirmation that the Contractor has similarly reported the same incident directly to the Department of Labour.

Note: The above duties shall not be interpreted as being exhaustive and if any conflict between them and the legislated Construction Regulation arises, the latter shall rule.

f) Training

The Employer may enter into a separate arrangement with the Service Provider for training of its own permanent employees. The trainees are expected to work according to the Service Provider's terms and conditions of employment, especially those related to confidentiality. They are to be treated as if they were the Service Provider's own full time personnel.

No allowances shall be made for working overtime.

The Service Provider, apart from providing the technical training, shall also provide trainees with all the tools (including appropriate information technology hardware and software) and space necessary to carry out any construction work as if they were the Service Provider's own permanent staff.

g) Penalties and Delays

Penalties shall be applied for each calendar day by which the Service Provider fails to meet the prescribed dates for scheduled work to be done. raft reports and documents shall be submitted to the Employer at least seven working days prior to any meetings scheduled for the discussion and finalisation thereof. The Service Provider shall thus take this period into account in compiling its programme.

Any delays to the above programme that are attributable to the Employer, or to other approved mitigating circumstances, will not be subject to penalties. In the event of such instances arising, any extensions of time granted shall be limited to the equivalent number of calendar days attributable to each instance.