



PROCUREMENT DOCUMENT

**APPOINTMENT OF A PANEL OF TEN (10) TERM CONTRACTORS FOR
REPAIRS AND MAINTENANCE SERVICES RELATED TO CIVIL AND
ELECTROMECHANICAL WORKS FOR THE MOGALAKWENA LOCAL
MUNICIPALITY FOR A PERIOD OF THIRTY SIX (36) MONTHS**

MOGALAKWENA LOCAL MUNICIPALITY

**CLOSING DATE: 22 FEBRUARY 2022
CLOSING TIME: 12:00**

Mogalakwena Local Municipality

54 Retief Street
Mokopane

Contact: Acting Technical Services Manager
Name: MYE Molepo
Telephone: 015-491 9603

NAME OF BIDDING ENTITY:

MOGALAKWENA LOCAL MUNICIPALITY

**TENDER No. 10-2021/22
NOTICE No. 16/2022**

CIDB GRADING 6 CE & 5ME OR HIGHER



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MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 10-2021/22

Notice No: 16/2022

CONTENTS

THE TENDER

Part T1: Tendering procedures

- T1.1 Tender notice and invitation to tender
- T1.2 Tender data

Part T2: Returnable documents

- T2.1 List of returnable documents
- T2.2 Returnable schedules

THE CONTRACT

Part C1: Agreements and Contract data

- C1.1 Form of offer and acceptance
- C1.2 Contract data

Part C2: Scope of Service

- C2 Scope of Service



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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 6CE & ME or higher**) to tender for the repairs and maintenance of the following:

The details of the projects are as follows:

NO:	PROJECT NAME	Non-refundable payment	TENDER NO:	NOTICE NO:	COMPULSORY BRIEFING MEETING
1	APPOINTMENT OF A PANEL OF TEN (10) TERM CONTRACTORS FOR REPAIRS AND MAINTENANCE SERVICES RELATED TO CIVIL AND ELECTROMECHANICAL WORKS FOR THE MOGALAKWENA LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY SIX (36) MONTHS	R0.00	10-2021/22	16/2022	To prevent the spread of the Covid-19 virus through interactions, a compulsory briefing will not be conducted for this tender.

Tender documents containing tender conditions will be made available and downloadable from www.mogalakwena.gov.za and www.etenders.gov.za.

The submission of fully completed tender documents with required attachments shall be sealed in an envelope with clearly marked the relevant tender name and number 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 **12H00 on 22 February 2022**.

All Tenders will be evaluated in accordance with the Supply Chain Policy of the Mogalakwena Local Municipality, MFMA and other related legislations. All submitted proposals shall remain valid for 90 days.

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 enquires relating to the issue of the document may be addressed to **Mr Nkwana M and Mr Tsebe K**, Tel No.: **015 491 9603**, e-mail: nkwanam@mogalakwena.gov.za and tsebek@mogalakwena.gov.za. Administrative enquiries to be addressed to **Ms Molewa DM, SCM Unit**, Tel No: **015 491 9671/9649**, e-mail scm@mogalakwena.gov.za

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.

NGOEPE HSM

ACTING MUNICIPAL MANAGER



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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	<p>The returnable documents, schedules and other certificates or statements are all listed under Section T2.1 "List of Returnable Documents".</p> <p>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.</p>

F.1.3.2	<p>Replace the wording with:</p> <p>“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.”</p>
F.1.3.3	<p>The following additional definitions shall apply:</p> <p>g) “Tender” and “Bid” shall have the same meaning. The company offering a tender or bid is referred to as the “Tenderer” or “Bidder”.</p>
F.1.4	<p>The employer’s agent is :</p> <p>Name: MYE Molepo Address: 54 Retief Street, Mokopane, 0601 Tel: 015 491 9603 E-mail: maseroke@gmail.com</p>
F.1.5	The employer does not bind itself to accept the lowest or any other Tender.
F.2.2	<p>Cost of Tendering</p> <p>The employer will not compensate the tenderer for any costs incurred in attending interviews or making any submissions in the office of the employer.</p> <p>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.</p>
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	<p>The arrangements for a compulsory clarification meeting are as stated in the Tender Notice and Invitation to Tender.</p> <p>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.</p>
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	<p>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.</p>

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>
F2.13.5 F2.15.1	<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</p> <p>Physical address: 54 Retief Street, Mokopane</p> <p>Identification details on the Sealed Tender envelope are: Tender No.: 10-2021/22 APPOINTMENT OF A PANEL OF TEN (10) TERM CONTRACTORS FOR REPAIRS AND MAINTENANCE SERVICES RELATED TO CIVIL AND ELECTROMECHANICAL WORKS FOR THE MOGALAKWENA LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY SIX (36) MONTHS</p> <p>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>
F2.13.6 F.3.5	A two-envelope procedure is not required.
F2.13.9	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.
F2.15	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.
F2.16	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 where possible and the following will be made public for each tenderer:</p> <p>The name of the company of tender received. This will be dependent on the COVID-19 protocols.</p>
F.3.11.1	<p>Evaluation of tenders will be in accordance with the Supply Chain Management Policy of the Mogalakwena Local Municipality provisions, together with those Tender Conditions as listed herewith.</p>

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	<p>Complete the schedule of deviations attached to the form of offer and acceptance, if any</p>
F.3.16	<p>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.</p>
F.3.17	<p>The number of paper copies of the signed contract to be provided by the employer is one (1).</p>

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. • 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 experience (appointment letters and valid completion certificate per project to be attached)
Capacity to perform related services for water and sewer supply (proof of access to relevant equipment, transport etc)
Employment of team members (proof of permanent employees to be made in an affidavit)
Methodology (Operation and Maintenance Procedures)

Criteria Description		Criteria Scoring	TOTAL points to be scored
Service provider's <u>relevant</u> past experience in related services for maintenance of Civil (Water & Sanitation) and Electromechanical (Attach valid certified copy of appointment letters / order and completion certificate / reference letter per project). NB: Subcontracting letters must be accompanied by the main contractor's letters from the appointing institution.			
1 - 2 relevant projects		10	
3 - 5 relevant projects		15	
TOTAL			Maximum of 15
List of Plant (Attach valid certified eNatis registration documents). The business premises may be visited by municipal officials to verify information supplied.			
To be Hired / Leased		Owned	
1 - 3 Relevant Plant available	2	5	
4 - 6 Relevant Plant available	5	15	
1x High Pressure Jetting Truck 2x 1 Ton Bakkie 1x Honey sucker truck 2x Water Tanker truck 1x Crane Truck 1x TLB			

Criteria Description	Criteria Scoring	TOTAL points to be scored
TOTAL		Maximum of 15
Proof of employment of team members and Qualifications (Attach certified affidavit, CV and certified qualifications)		
Geohydrologist (Bsc Honours Hydrogeology)	10	
Engineering Technician (N. Dipl. Electr / Mech Engineering)	5	
Engineering Technician (N. Dipl. Civil Engineering)	5	
Plumber (Trade Test Certificate)	5	
Plumber Assistants (Grade 8)	5	
An affidavit as proof of employment of above staff	10	
No affidavit as proof of employment of staff	0	
TOTAL		Maximum of 40
Methodology (Operation and Maintenance Procedures):		
Electrical motor and pump repairs and installation (Poor – 1, Good – 3, Excellent – 5)	5	
Borehole pump repairs and installation (Poor – 1, Good – 3, Excellent – 5)	5	
Installation of Meters (Poor – 1, Good – 3, Excellent – 5)	5	
Installation of Valves (Poor – 1, Good – 3, Excellent – 5)	5	
TOTAL		Maximum of 20
Company Financial References (Attach valid certified Bank Letter)		
Bank rating of "C" or better	5	
Bank rating of "B" or better	10	
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 (<u>office use only</u>)
• 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	
• 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 Civil and Electromechanical

The fields of expertise required are as follows:

1. CIVIL (WATER & SANITATION) AND ELECTROMECHANICAL

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 contractors purposes only and there is no commitment for the Mogalakwena Local Municipality to use the services of any bidder during the thirty six (36) months 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 thirty six months period.



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Notice No: 16/2022

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 water and sewer supply (Attach certified copy of appointment letters and certified valid completion certificate per project to be submitted).
	T2.2H	Locality of business: Fully operational office / Workshop (Attach valid proof of office address and municipal account, the business premises may be visited by municipal officials to verify information supplied).
	T2.2I	List of Plant (Attach valid certified registration documents). 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, CV and certified qualifications)
	T2.2K	Methodology (Operation and Maintenance Procedures)
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
	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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Tender No. 10-2021/22

Notice No: 16/2022

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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Notice No: 16/2022

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. 10-2021/22 for **APPOINTMENT OF A PANEL OF TEN (10) TERM CONTRACTORS FOR REPAIRS AND MAINTENANCE SERVICES RELATED TO CIVIL AND ELECTROMECHANICAL WORKS FOR THE MOGALAKWENA LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY SIX (36) MONTHS**

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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MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 10-2021/22

Notice No: 16/2022

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 stationary of the Joint Venture or the lead partner.



PROCUREMENT DOCUMENT

**APPOINTMENT OF A PANEL OF TEN (10) TERM CONTRACTORS FOR
REPAIRS AND MAINTENANCE SERVICES RELATED TO CIVIL AND
ELECTROMECHANICAL WORKS FOR THE MOGALAKWENA LOCAL
MUNICIPALITY FOR A PERIOD OF THIRTY SIX (36) MONTHS**

MOGALAKWENA LOCAL MUNICIPALITY
Tender No. 10-2021/22
Notice No: 16/2022

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.

<i>If attendance register has been signed at the clarification meeting:</i>
Name of person appearing on attendance register:
Representative organization name on attendance register:
<i>If the attendance register has not been signed at the clarification meeting.</i>
<p>This is to certify that I,,</p> <p>representative of (Tenderer)</p> <p>of (address)</p> <p>.....</p> <p>.....</p> <p>telephone number</p> <p>fax number</p> <p>e-mail</p> <p>attended the bid clarification meeting (date)</p> <p>in the company of (Employer's / Engineer's representative)</p> <p>EMPLOYER'S REPRESENTATIVE :</p>

PROCUREMENT DOCUMENT



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MOGALAKWENA LOCAL MUNICIPALITY
Tender No. 10-2021/22
Notice No: 16/2022

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

Signed

Date

Name

Position

Tenderer



PROCUREMENT DOCUMENT

APPOINTMENT OF A PANEL OF TEN (10) TERM CONTRACTORS FOR REPAIRS AND MAINTENANCE SERVICES RELATED TO CIVIL AND ELECTROMECHANICAL WORKS FOR THE MOGALAKWENA LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY SIX (36) MONTHS

MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 10-2021/22

Notice No: 16/2022

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 WATER AND SEWER SUPPLY

Provide the following information on relevant previous experience in **CIVIL & ELECTROMECHANICAL WORKS**

Note:

- The maximum number of points that can be scored = 25 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

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

Signed

Date

Name

Position

Tenderer

T2.2I List of Plant (Attach valid certified eNatis registration certificates and if to be leased an intention to lease letter to be attached as well).

Maximum number of points to be scored = 15

- Vehicle to take equipment and staff to site
- Equipment for digging trenches etc using labour intensive methods

List of equipment owned by the company

Item	Number to be hired by Company	Number owned by Company

Signed

Date

Name

Position

Tenderer

T2.2J AFFIDAVIT WITH LIST OF EMPLOYEES AND THEIR FIELDS OF EXPERTISE

An affidavit with a list of employees, their highest qualification received and their fields of experience (water or sewer) to be attached.

Maximum number of points to be scored = 40

CV and Qualifications = 30

Affidavit submitted = 10

No affidavit submitted = 0

The affidavit should contain the following information:

Name of Employee	ID Number	Highest Qualification obtained	Field of Experience (water and/or sewer)

NB: Affidavit must be certified

Please attach the document to this page

T2.2K METHODOLOGY

Maximum number of points to be scored = 20

Please attach the document to this page

T2.2L 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

T2.2M 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 6CE & 6ME or higher)

T2.2P**TENDER'S BANK ACCOUNT 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 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



PROCUREMENT DOCUMENT

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MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 10-2021/22

Notice No: 16/2022

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

PROCUREMENT DOCUMENT



APPOINTMENT OF A PANEL OF TEN (10) TERM CONTRACTORS FOR REPAIRS AND MAINTENANCE SERVICES RELATED TO CIVIL AND ELECTROMECHANICAL WORKS FOR THE MOGALAKWENA LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY SIX (36) MONTHS

MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 10-2021/22

Notice No: 16/2022

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*

PROCUREMENT DOCUMENT



APPOINTMENT OF A PANEL OF TEN (10) TERM CONTRACTORS FOR REPAIRS AND MAINTENANCE SERVICES RELATED TO CIVIL AND ELECTROMECHANICAL WORKS FOR THE MOGALAKWENA LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY SIX (36) MONTHS

MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 10-2021/22

Notice No: 16/2022

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

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

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

1. GENERAL CONDITIONS

- 1.1. The following preference point systems are applicable to all bids:
 - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2. The value of this bid is estimated not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point 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.
- 1.4. The maximum points for this bid are allocated as follows:

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

- 1.5. Failure on the part of a bidder to 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 a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE 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) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **“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;
- (d) **“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;
- (e) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) as amended by Act No 46 of 2013;
- (f) **“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;
- (g) **“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;
- (h) **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- (i) **“EME”** means an Exempted Micro Enterprise as defined by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) **“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;
- (k) **“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;
- (l) **“non-firm prices”** means all prices other than “firm” prices;
- (m) **“person”** includes a juristic person;
- (n) **“QSE”** means a Qualifying Small Enterprise as defined by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (o) **“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;
- (p) **“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;
- (q) **“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;
- (r) **“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

- ### 3. ADJUDICATION USING A POINT SYSTEM

- #### 4. POINTS AWARDED FOR PRICE

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

or

90/10

or

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = 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 2017, 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. A bidder who qualifies as an EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.
- 5.3. A Bidder other than EME or QSE must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4. A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6. Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7. A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8. A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS**1.4 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 a sworn affidavit.

8. SUB-CONTRACTING

- 8.1. Will any portion of the contract be sub-contracted?(***Tick applicable box***)

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

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.

(***Tick applicable box***)

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

9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm:
.....

9.2 VAT registration number:.....
.....

9.3 Company registration number:.....
.....

4. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
 - ☐ One person business/sole propriety
 - ☐ Close corporation
 - ☐ Company
 - ☐ (Pty) Limited
- [TICK APPLICABLE BOX]

5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

6. COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier

- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc. [TICK APPLICABLE BOX]

7. MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

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

.....

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.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....



PROCUREMENT DOCUMENT

**APPOINTMENT OF A PANEL OF TEN (10) TERM CONTRACTORS FOR
REPAIRS AND MAINTENANCE SERVICES RELATED TO CIVIL AND
ELECTROMECHANICAL WORKS FOR THE MOGALAKWENA LOCAL
MUNICIPALITY FOR A PERIOD OF THIRTY SIX (36) MONTHS**

MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 10-2021/22

Notice No: 16/2022

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, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9.(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	
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- 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	
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- 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



PROCUREMENT DOCUMENT

APPOINTMENT OF A PANEL OF TEN (10) TERM CONTRACTORS FOR REPAIRS AND MAINTENANCE SERVICES RELATED TO CIVIL AND ELECTROMECHANICAL WORKS FOR THE MOGALAKWENA LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY SIX (36) MONTHS

MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 10-2021/22

Notice No: 16/2022

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 TEN (10) TERM CONTRACTORS FOR REPAIRS AND MAINTENANCE SERVICES RELATED TO CIVIL AND ELECTROMECHANICAL WORKS FOR THE MOGALAKWENA LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY SIX (36) MONTHS

MOGALAKWENA LOCAL MUNICIPALITY

Tender No. 10-2021/22

Notice No: 16/2022

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

I, the undersigned, in submitting the accompanying bid:

MOGALAKWENA LOCAL MUNICIPALITY

Notice Number: 16/2022 (Tender No. 10-2021/22)

APPOINTMENT OF A PANEL OF TEN (10) TERM CONTRACTORS FOR REPAIRS AND MAINTENANCE SERVICES RELATED TO CIVIL AND ELECTROMECHANICAL WORKS FOR THE MOGALAKWENA LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY SIX (36) MONTHS

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 TEN (10) TERM CONTRACTORS FOR REPAIRS AND MAINTENANCE SERVICES RELATED TO CIVIL AND ELECTROMECHANICAL WORKS FOR THE MOGALAKWENA LOCAL MUNICIPALITY FOR A PERIOD OF THIRTY SIX (36) MONTHS

MOGALAKWENA LOCAL MUNICIPALITY
Tender No. 10-2021/22
Notice No: 16/2022

Part E3: Indicative Scope of work

C2: SCOPE OF WORK

BACKGROUND

According to Schedule 4 Part B of the Constitution of South Africa Local Government is responsible inter alia for "... electricity and gas reticulation, municipal planning, stormwater management systems in built-up areas, water and sanitation services limited to potable water supply systems and domestic wastewater and sewage disposal systems" and according to Schedule 5 Part B local government is also responsible for "... municipal roads".¹

It is therefore the mandate that, as a local municipality, the Mogalakwena Local Municipality is responsible for the supply of water, sanitation, roads and electrical services within its area of Jurisdiction.

The Mogalakwena municipal area can be divided into urban, peri-urban and rural areas. The focus of this scope of service includes the urban, peri-urban areas (including extensions), as well as all rural areas.

SCOPE OF WORK

1. WATER INFRASTRUCTURE

- Cleaning of water infrastructure (Manholes, sand pits etc)
- Pipe laying (Trenching, Bedding and backfilling)
- Installation of Concrete pump houses, refurbishment and general concrete work.
- Construction of brickwork manholes and chambers.
- Installation and refurbishment including maintenance of valves (all types).
- Annual cleaning of water storage infrastructure.

¹ Constitution of the Republic of South Africa No 108 of 1996
Page 57 of 6

- Refurbishment of reservoirs and pipe networks.
- Installation and maintenance of water meters (Water gauges, hand rails, steel step ladders etc.).
- Refurbishment of guard houses.
- Refurbishment and maintenance of water treatment facilities.
- Vegetation control surrounding water infrastructure such as pump station, reservoirs, valve chamber,
- Refurbishment of perimeter fencing.

2. SEWER

- Pipe laying (Trenching, Bedding and backfilling).
- Unblocking of sewer pipes.
- General Concrete Work where required.
- General brickwork where required.
- Sewer drainage by honey sucker
- Installation of manhole rings and covers.
- Refurbishment of perimeter fencing.
- Repair of building infrastructure and minor electrical works.
- Vegetation control surrounding water infrastructure such as pump station, reservoirs, valve chamber,

3. WATER AND SEWER ELECTROMECHANICAL WORKS

3.1. Electromechanical

- Assembling of electrical control panels, telemetry systems and cabling.
- Installing, conditioning and maintaining of water pumps (Mono, Submersible and centrifugal).
- Installing, conditioning and maintaining electric motors (Various sizes).
- Servicing of borehole pump diesel engines
- Welding and Steelworks

PRICING INSTRUCTIONS

General

1. The pricing instructions describe the criteria and assumptions which will be assumed in the contract that the Tenderer has taken into account when developing his prices. The bills of quantities record the contractor's rates for providing supplies, services, engineering and construction works in accordance with the scope of work. The terms of payment and the provisions for price adjustment, if applicable, are established in the contract data. These items are not described in the pricing data. The tenderer's obligations in pricing the tender offer and the employer's undertakings in the checking and correction of arithmetical errors are dealt with in the standard conditions of tender contained in annexure F of SANS 294, as amended in and read in conjunction with the tender data.

2. Documents mutually explanatory

The documents forming the Contract are to be taken as mutually explanatory of one another. The bill of quantities forms an integral part of the contract documents and shall be read in conjunction with the tender data, contract data, and scope of work, site information general and special conditions of contract, the specifications and the drawings.

3. Definitions For the purpose of this bill of quantities, the following words shall have the meanings hereby assigned to them:

Unit: The unit of measurement for each item of work as defined in the scope of work and site information

Quantity: The number of units of work for each item.

Rate: The payment per unit of measurement at which the contractor contracts to do the work.

Amount: The product of the quantity and the rate tendered for an item.

Sum: An amount contracted for an item, the extent of which is described in the bill of quantities, the specifications or elsewhere but the quantity of work of which is not measured in any units.

4. Descriptions

Descriptions in the bill of quantities are abbreviated and comply generally with those in the standardised specifications. Each standardised specification, read together with the relevant clauses of the scope of work, set out what ancillary or associated activities are included in the rates for the operations specified. Should any requirements of the measurement and payment clause of the applicable standardised specification, or the scope of work, conflict with the terms of the bill, the requirements of the standardised specification or scope of work, as applicable, shall prevail.

5. References

The clauses in a specification in which further information regarding the schedule item can be obtained appear under "reference clause" in the bill. The reference clauses indicated are not necessarily the only relevant sources of information in respect of scheduled items. Further information and specifications may be found elsewhere in the contract documents. Standardised specifications are identified by the letter or letters which follow in the SANS.

6. Net measurements Unless otherwise stated, items are measured net in accordance with the drawings, and no allowance is made for off-cuts and waste.

7. Quantities

The quantities set out in the bill of quantities are the estimated quantities of the contract works, but the contractor will be required to undertake whatever quantities may be directed by the employer/engineer from time to time. The contract price for the completed contract shall be computed from the actual quantities of work accepted and certified for payment.

8. Currency

All rates and sums of money quoted in the bill of quantities shall be in Rand and whole cents. Fractions of a cent shall be discounted.

9. Value Added Tax

Value Added Tax shall be excluded from the rates and sums contracted for the various items of work included in the bill of quantities. VAT will be added as a single entry to the summary.

10. Rates and prices

10.1 General

The contractor must price each item in the bill of quantities in BLACK INK. Reproduced computer printouts of the bills of quantities will not be acceptable. The rates and prices to be inserted in the bill of quantities shall cover all the services and incidentals for the work described under the several items. Such prices and rates shall cover all costs and expenses that may be required in and for the execution of the work described, and shall cover the cost of all general risks, liabilities and obligations set forth or implied in the documents on which the tender is based, as well as overhead charges and profit. Reasonable prices shall be inserted as these will be used as a basis for assessment of payment for additional work that may have to be carried out. A price or rate is to be entered against each item in the bill of quantities, whether the quantities are stated or not. An item against which no price is entered will be considered to be covered by the other prices or rates in the bill. The contractor will not be paid for items against which no rate or lump sum has been entered in the bill of quantities. Should the contractor indicate against any item that compensation for such item is included in another item, the rate for the item included in another item shall be deemed nil. "Rate only" items The contractor shall fill in a rate (in the rate column) against all items where the words "rate only" appear in the amount column, which rate will constitute payment for work which may be done in terms of this item. Such "rate-only" items are used where it is estimated that little or no work will be required under the item or where the item is to be considered as an alternative to another item for which a quantity is given.

Arithmetic

Excepting where sum amounts are required or where provisional sums have been indicated, the contractor shall enter an applicable rate in the rate column of the bill of quantities for each scheduled item. He shall also enter an appropriate sum in the Amount column for each scheduled item, by determining in the applicable line item the product of the quantity and the unit rate. If there is an error in the line item resulting from the product of the unit rate and the quantity, the rate shall be binding and the error of extension as entered in the tender offer will be corrected by the employer in determining the contract price. Where there is an error in addition, either as a result of

other corrections required by this checking process or in the tenderer's addition of prices, such error will be corrected by the employer in determining the contract price.

11. Variation in text

No alteration, erasure or addition is to be made in the text of the bill of quantities. Should any alteration, erasure or addition be made, it will not be recognized; the original wording of the bill of quantities will be adhered to.

12. Construction

Attention is drawn to the general conditions of contract and the contractor must not order the quantities of materials stated in the bill of quantities until he has confirmation from the Manager Technical Services or measurement on site that such equipment are in fact the correct equipment.

Items marked "L" in the bill of quantities shall be carried out using labour intensive methods where applicable.

Bill of quantities

The quantities allocated in the Bill of quantities are for evaluation purposes only, therefore the allocation of work will be subject to the availability of the budget in the financial year.

BIDDERS ARE TO PRICE FOR ALL ITEMS