



## TENDER NO.: IDTKN19DPW001- CE

**REQUEST FOR PROPOSALS FROM QUALIFYING AND EXPERIENCED ENTITIES FOR PROVISION OF PROFESSIONAL CIVIL ENGINEERING SERVICES IN THE REFURBISHMENT OF PIETERMARITZBURG HIGH COURT**

**CLOSING DATE & TIME: 13<sup>TH</sup> AUGUST 2019, 11H00**

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

**CSD Number:.....**

**ISSUED BY:**

THE INDEPENDENT DEVELOPMENT TRUST  
22<sup>ND</sup> FLOOR DURBAN BAYHOUSE BUILDING  
333 ANTON LEMBEDE STREET  
DURBAN  
4000

PO BOX 5622, DURBAN, 4000  
TEL: (031) 369 7400  
WEBSITE: WWW.IDT.ORG.ZA

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# **PART T1: TENDERING PROCEDURE**



## Independent Development Trust

22<sup>ND</sup> FLOOR DURBAN BAYHOUSE BUILDING  
333 ANTON LEMBEDE STREET  
DURBAN  
4000

PO Box 5622, DURBAN, 4000  
Tel: (031) 369 7400  
Website: [www.idt.org.za](http://www.idt.org.za)

### T1.1 Tender Notice and Invitation to Tender

INDEPENDENT DEVELOPMENT TRUST (HEREINAFTER "IDT") INVITES **PROPOSALS FROM QUALIFYING AND EXPERIENCED ENTITIES FOR PROVISION OF PROFESSIONAL CIVIL ENGINEERING SERVICES IN THE REFURBISHMENT OF PIETERMARITZBURG HIGH COURT**

Compulsory Briefing Session will be held on the 31<sup>st</sup> July 2019 at IDT's KwaZulu Natal (KZN) Regional Offices, 19<sup>th</sup> Floor Boardroom Durban Bayhouse Building, 333 Anton Lembede Street, Durban (CBD) at 12H00.

The bid closes on **13<sup>th</sup> August 2019 at 11:00 AM**. Bids must be submitted and deposited in the Tender Box located at the IDT KZN Regional Offices, 22<sup>nd</sup> Floor, 333 Anton Lembede Street, Durban, 4000. **Bid validity period is 90 days.**

NB: Telegraphic, telephonic, telex, facsimile, electronic and / or late tenders will not be accepted.

The Bids will be evaluated on Functionality. Entities must score a minimum of **70%** on functionality to qualify for further evaluation. 80/20 Preference Point System in line with Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000), Regulations 2017 will be applicable.

#### Functionality Criteria

| Criteria  | Maximum Possible Score |
|---|------------------------|
| Qualification, Registration and Experience of key personnel | 49                     |
| Company's Experience in managing Major Building Projects    | 39                     |
| Client References   | 12                     |
| <b>TOTAL</b>  | <b>100</b>             |

**NB: To qualify for award of preference points, services providers must comply with one of the following conditions, relevant to the bidding entity:**

1. Valid and Original or Originally-certified B-BBEE certificates issued by a SANAS-Accredited verification Agency must be submitted with bid Or

**For Exempted Micro Enterprise (EME):**

2. Original Sworn Affidavit as prescribed in terms of B-BBEE Codes of Good Practice, and in a format provided by the Department of Trade & Industry.

**For Qualifying Small Enterprises (QSE):**

3. Valid and Original or Originally-certified B-BBEE certificates issued by a SANAS-Accredited verification Agency must be submitted with bid Or
4. Only QSE with at least 51% Black ownership can submit an Original Sworn Affidavit as prescribed in terms of B-BBEE Codes of Good Practice, and in a format provided by the Department of Trade & Industry.

**Joint Ventures**

5. Joint Venture entities must submit an Original or originally certified **Consolidated** B-BBEE certificate from SANAS-Accredited verification agency in order to qualify for points for their B-BBEE status level as an unincorporated entity.

Bid documents will be available, **at no cost**, from the IDT website (i.e downloadable) from the 22<sup>nd</sup> July 2019.

Queries relating to the issue of these documents may be addressed to the IDT [kzntenders@idt.org.za](mailto:kzntenders@idt.org.za)

## Independent Development Trust



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### T1.2 Tender Data

The conditions of tender are the Standard Conditions of Tender as contained in Annexure F of the CIDB Standard for Uniformity in Construction Procurement as per Government Notice No. 842 published in Government Gazette No. 29138 of 18 August 2006 and as amended from time to time. (see [www.cidb.org.za](http://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 the Tender.

Each item of data given below is cross-referenced to the clause marked "F" in the above mentioned Standard Conditions of Tender.

| Clause number | T1.2 Tender Data  |
|---------------|---|
| F1.1          | <p>The <i>Employer</i> is the <b>National Department of Public Works</b></p> <p>The employer <i>Representative</i> is:<br/> <b>Name: Mr. B. Mokhothu</b><br/>           DDG: Construction Project Management<br/>           Department of Public Works<br/>           Central Government Offices<br/>           Cnr Madiba &amp; Bosman Streets<br/>           Pretoria</p> |

|      |   |
|------|---|
| F1.4 | <p>The Employer's Agent is: <b>Independent Development Trust</b></p> <p>The IDT <i>Representative</i> is:<br/> Name: <b>Mr S. Mtetwa</b><br/> 22<sup>ND</sup> FLOOR DURBAN BAYHOUSE BUILDING<br/> 333 ANTON LEMBEDE STREET<br/> DURBAN<br/> 4000</p> <p>PO Box 5622, DURBAN, 4000<br/> Tel: (031) 369 7400 e-mail: <a href="mailto:kzntenders@idt.org.za">kzntenders@idt.org.za</a> Website: <a href="http://www.idt.org.za">www.idt.org.za</a></p>   |
| F2.1 | <p>Only those tenderers who satisfy and comply with the following eligibility “<b>GATE KEEPER</b>” criteria are eligible to submit tenders. <b>Failure to comply with any of the eligibility criteria below will result in outright disqualification.</b></p> <ol style="list-style-type: none"> <li>1. Provide with the bid a proof of registration on Central Supplier Database (CSD)</li> <li>2. Fully completed bid document and priced Form of Offer duly signed.</li> <li>3. Detailed full CIPC Certificate and originally certified ID copies of all directors (certification not older than 3 months)</li> <li>4. The bid offer must be properly received on the closing date and time specified on the invitation to tender (T1.1), fully completed and signed in black ink (all as per Standard Conditions of Tender)</li> <li>5. Attend compulsory clarification briefing meeting and sign attendance register.</li> <li>6. Resolutions by Legal Entity or Consortium / Joint-Venture* authorizing nominated signatory</li> <li>7. In case of a joint venture*arrangement, a signed <b>notarised</b> joint venture agreement must be attached.</li> <li>8. Proof of professional indemnity insurance of at least R 5 million</li> <li>9. Submit Valid COIDA or FEM certificate</li> <li>10. Fully completed &amp; signed Standard Bidding Documents <ol style="list-style-type: none"> <li>i. SBD 1; Invitation to Bid</li> <li>ii. SBD 4; Declaration of Interest</li> <li>iii. SBD 6.1; Preference points claim form in terms of the Preferential Procurement Regulations, 2017</li> <li>iv. SBD 8; Declaration of Bidder's past supply chain management practices</li> <li>v. SBD 9; Certificate of Independent Bid Determination</li> </ol> </li> <li>11. The tenderer or any of his/her principals, are not under any restriction to do business with government and its state-owned entities.</li> <li>12. B-BBEE Level 1 - 3</li> </ol> <p><b>*NB: For unincorporated JV's / consortium: Compulsory / 'Gate keeping' documents should be provided for each individual member of the JV or Consortium.</b></p> |

|         |  |
|---------|--|
| F2.7    | <b>Compulsory Briefing Session</b> will be held on the 31 <sup>st</sup> July 2019 at The IDT's KZN Regional Office, 19 <sup>th</sup> Floor Boardroom, 333 Anton Lembede Street, Durban, at 12H00.<br>Emailed request for further clarification sent to <a href="mailto:kzntenders@idt.org.za">kzntenders@idt.org.za</a> will be accepted and responded to up until five (5) days before bid closure. |
| F2.8    | Prospective bidders are encouraged to submit their requests for clarification before the date of the compulsory briefing session. However the Employer shall respond to requests for clarification received up to 5 days prior to tender closure.  |
| F2.12   | No alternative tender offers will be considered.   |
| F2.13.1 | Submit one tender offer only, either as a single tendering entity or as a member of a Joint Venture to provide the whole works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.  |
| F2.13.2 | The tender shall be submitted as an original copy, duly completed together with all returnable schedules and signed accordingly.   |
| F2.13.5 | A two envelope system shall not be applicable.   |
| F2.15   | The closing time for submission of the tender offers is as per Notice and Invitation to Tender T1.1.   |
| F2.16   | The tender offer validity period is as per Notice and Invitation to Tender T1.1.   |
| F2.20   | Bidders must submit with this bid a proof that the tendering entity has and maintains a professional indemnity insurance of at least <b>R 5 million</b> .  |
| F3.4    | Tenders shall <b>not</b> be opened in public after the closing time and offers will not be publicly announced.   |



**F3.11.2 Method 2 of evaluation of tender offers is applicable.**

The Bids will be evaluated on Functionality. Entities must score a minimum of **70%** on functionality to qualify for further evaluation. 80/20 Preference Point System in line with Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000), Regulations 2017 will be applicable.

**A. Functionality Criteria**

| Criteria   | Possible Maximum Score |
|--|------------------------|
| Qualification, Registration and Experience of key personnel                | 49                     |
| Company's Experience in managing Major Refurbishment of Multiple Buildings | 39                     |
| Client References  | 12                     |
| <b>TOTAL</b>   | <b>100</b>             |

**A1 Qualification, Registration and Experience of key personnel (49 points):**

Points are allocated for academic qualifications, professional registration and experience of allocated key personnel (*i.e on a full time basis*) for the bid/project under consideration. For each key personnel allocated to the bid/project, the bidder shall submit the following:

- (i) Curriculum Vitae together with certified proof of academic qualifications
- (ii) Certified proof of professional registration.

**NOTE:** All certified documents shall be original certified no older than 3 months. Uncertified copies shall not be allocated any points.

Evaluation points will be awarded in terms of the following table:

**A1.1 Qualifications of Proposed Resources**

| <b>A1.1 - Evaluation sub-criteria: Qualifications of proposed resources (10 points)</b> |                                  |               |
|---|----------------------------------|---------------|
| <b>Name of Staff Member</b>   | <b>Qualification (10 points)</b> |               |
|   | <b>Diploma</b>                   | <b>Degree</b> |
| 1. Accountable professional: Director / Manager   | 2.5                              | 5             |
| 2. Responsible Professional: Project Leader   | 2.5                              | 5             |
| <b>Subtotal number of points</b>  | <b>5</b>                         | <b>10</b>     |

**NOTE:** The persons referred to in items 1 and 2 above shall be two different persons

**A1.2 Professional Registration of Proposed Resources**

| <b>A1.2 - Evaluation sub-criteria: Professional Registration of proposed resources (24 points)</b> |                                  |                        |                |
|--|----------------------------------|------------------------|----------------|
| <b>Name of Staff Member</b>  | <b>Professional Registration</b> |                        |                |
|  | <b>None</b>                      | <b>Pr.Technologist</b> | <b>Pr. ENG</b> |
| 1. Accountable professional; Director/Manager  | 0                                | 6                      | 12             |
| 2. Responsible Professional; Project Leader  | 0                                | 6                      | 12             |
| <b>Subtotal number of points</b>   | <b>0</b>                         | <b>12</b>              | <b>24</b>      |

**NOTE:** The persons referred to in items 1 and 2 above shall be two different persons

**A1.3 Experience of Proposed Resources**

| <b>A1.3 – Evaluation sub-criteria: Experience of proposed key personnel (15 points)</b> |   |                     |                      |
|---|---|---------------------|----------------------|
| <b>Name of Proposed Personnel</b>   | <b>Experience of proposed key personnel, post professional registration (15 points)</b> |                     |                      |
|   | <b>Less than 5 Years</b>  | <b>5 - 10 Years</b> | <b>Over 10 Years</b> |
| 1. Accountable Professional; Director/Manager   | 0   | 5                   | 7.5                  |
| 2. Responsible Professional; Project Leader   | 0   | 5                   | 7.5                  |
| <b>Subtotal number of points</b>  | <b>0</b>  | <b>10</b>           | <b>15</b>            |

**NOTE:** The persons referred to in items 1 and 2 above shall be two different persons

**A2 Company’s experience in managing major building projects (39 points):**

Points shall be allocated for the bidding entity’s experience in managing major building projects **completed** (not currently running) in the past 15 years. The experience refers to major projects managed by the entity which are largely comprised of renovation or refurbishment / upgrades works which have the complexity and value in accordance with the estimated construction cost of this project (*i.e civil eng works*)

To score points for the above, bidders are required to submit the following:

1. Letters of appointments for projects listed under the “Project Experience” returnable schedule.
2. Confirmation of project completion by the Client for projects listed under the “Project Experience” returnable schedule.
3. Signed confirmation letter from Client confirming that they (Client) are in possession of as-built and relevant project close-out information of project/s listed and submitted for company experience.

**NB: Non-submission of any of the above-mentioned documents confirming bidder’s experience will result in the bidder not scoring any point for such project/s.**

Evaluation points will be awarded in terms of the following table:

**A2.1 Company experience in managing major refurbishment of multiple buildings (39 points)**

| Project                           | Projects less than R5 million | Projects between than R5 – R10 million | Projects between R10 – R20 million | Projects over R20 million |
|-----------------------------------|-------------------------------|--|------------------------------------|---------------------------|
| Project 1                         | 0                             | 5                                      | 9                                  | 13                        |
| Project 2                         | 0                             | 5                                      | 9                                  | 13                        |
| Project 3                         | 0                             | 5                                      | 9                                  | 13                        |
| <b>Sub-total number of points</b> | <b>0</b>                      | <b>15</b>                              | <b>27</b>                          | <b>39</b>                 |

**Note:** Project values referred to above is that related to the specific work of Civil Engineering.

**A3 Client References on company’s experience in managing major Refurbishment of buildings (12 points):**

Points are allocated for performance of the bidders on previous projects completed. Client Reference Scorecards” shall be submitted for scoring **(see returnable schedules – B1.3)** on the projects listed on the abovementioned “Relevant Project Experience”

Points will be awarded in terms of the following table:

**Client’s Reference on similar Projects**

| <b>A3.1 - Evaluation sub-criteria: Client’s Reference (12 points)</b> |                                     |             |             |                  |
|---|-------------------------------------|-------------|-------------|------------------|
| <b>Projects</b>   | <b>Overall assessment by Client</b> |             |             |                  |
|   | <b>Poor</b>                         | <b>Fair</b> | <b>Good</b> | <b>Excellent</b> |
| Project 1   | 0                                   | 1           | 3           | 4                |
| Project 2   | 0                                   | 1           | 3           | 4                |
| Project 3   | 0                                   | 1           | 3           | 4                |
| <b>Total number of points</b>   | <b>0</b>                            | <b>3</b>    | <b>9</b>    | <b>12</b>        |

**(a) Price/Financial (Max 80 points)**

The score for financial offer is calculated using the following Formula 2:

$$Ps = 80 \left\{ 1 - \frac{(Pt - Pmin)}{Pmin} \right\}$$

Where:

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

**(b) Preference (N<sub>P</sub>) (Max 20 points)**

N<sub>P</sub> equals the preference point to be awarded to a Tenderer for attaining B-BBEE Status Level of contributor in accordance with the table below.

**NB: To qualify for award of preference points, services providers must comply with one of the following conditions, relevant to the bidding entity:**

1. Valid and Original or Originally-certified B-BBEE certificates issued by a SANAS-Accredited verification Agency must be submitted with bid Or

**For Exempted Micro Enterprise (EME):**

2. Original Sworn Affidavit as prescribed in terms of B-BBEE Codes of Good Practice, and in a format provided by the Department of Trade & Industry.

**For Qualifying Small Enterprises (QSE):**

3. Valid and Original or Originally-certified B-BBEE certificates issued by a SANAS-Accredited verification Agency must be submitted with bid Or
4. Only QSE with at least 51% Black ownership can submit an Original Sworn Affidavit as prescribed in terms of B-BBEE Codes of Good Practice, and in a format provided by the Department of Trade & Industry.

**Joint Ventures**

5. Joint Venture entities must submit an Original or originally certified **Consolidated** B-BBEE certificate from SANAS-Accredited verification agency in order to qualify for points for their B-BBEE status level as an unincorporated entity.

| B-BBEE Status Level of Contributor | Number of points |
|------------------------------------|------------------|
| 1                                  | 20               |
| 2                                  | 18               |
| 3                                  | 14               |
| 4                                  | 12               |
| 5                                  | 8                |
| 6                                  | 6                |
| 7                                  | 4                |
| 8                                  | 2                |
| Non-compliant contributor          | 0                |

F3.16.2 The outcome of the evaluation process and bid award will be published on National Treasury's e-tender in line with National Treasury's instruction no.1 of 2015/16

## PART T2: RETURNABLE DOCUMENTS

### T2.1 - List of Returnable Documents

|   |                              |
|---|------------------------------|
| Failure to submit any of the returnable documents required for evaluation, will result in zero points being awarded accordingly. Failure to submit any of the mandatory documents will result in outright disqualification. |                              |
| <b>T2.1 List of Returnable Documents</b>  |                              |
| I. Proof of registration on Central Supplier Database (CSD); e.g. Master Registration Number  | Mandatory                    |
| II. Fully completed bid document and priced Form of Offer   | Mandatory                    |
| III. Attend compulsory clarification briefing meeting and sign attendance register  | Mandatory                    |
| IV. Resolutions by Legal Entity or Consortium / Joint-Venture** authorizing nominated signatory   | Mandatory                    |
| V. In case of a joint venture, a signed notarised joint venture agreement must be included.   | Mandatory<br>(If applicable) |
| VI. Proof of professional indemnity insurance of at least R 5 million   | Mandatory                    |
| VII. B-BBEE (Broad-Based Black Economic Empowerment) as per T1.1  | Evaluation                   |
| <b>T2.2 Returnable Schedules</b>  |                              |
| I. SBD 1: Invitation to Bid   | Mandatory                    |
| II. SBD 4: Declaration of interest  | Mandatory                    |
| III. SBD 6.1: Preference points claim form in terms of PPPFA, Procurement Regulations 2017  | Mandatory                    |
| IV. SBD 8: Declaration of Bidder's past supply chain management practices   | Mandatory                    |
| V. SBD 9: Certificate of independent bid determination  | Mandatory                    |
| VI. Record of addenda to tender documents   | Mandatory<br>(If Applicable) |
| VII. Qualifications, Professional Registration and Experience of key personnel: B1.1  | Evaluation                   |
| VIII. Company's Experience in managing major refurbishment of multiple building: B1.2   | Evaluation                   |
| IX. Client References: B1.3   | Evaluation                   |

## **T2.2 Returnable Schedules**

INVITATION TO BID

SBD 1

YOU ARE HEREBY INVITED TO BID FOR PROVISION OF PROJECT CIVIL ENGINEERING SERVICES FOR PMB HIGH COURT

BID NUMBER: IDTKN19DPW001 CLOSING DATE: 13 AUGUST 2019 CLOSING TIME: 11:00

REQUEST FOR PROPOSALS FROM QUALIFYING AND EXPERIENCED ENTITIES FOR PROVISION OF PROFESSIONAL CIVIL ENGINEERING SERVICES IN THE REFURBISHMENT OF PIETERMARITZBURG HIGH COURT

The successful bidder will be required to fill in and sign a written Contract Form

BID DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT IDT OFFICES, 22ND FLOOR DURBAN BAYHOUSE BUILDING, 333 ANTON LEMBEDE STREET, DURBAN (CBD)

The IDT Bid Box at The Independent Development Trust, 22ND Floor Durban Bayhouse Building, 333 Anton Lembede Street, Durban

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is open from 8:30am to 17:00, 5 days a week, (i.e Monday to Friday or normal working days)

THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF BIDDER .....

POSTAL ADDRESS .....

STREET ADDRESS .....

TELEPHONE NUMBER CODE.....NUMBER.....

CELLPHONE NUMBER .....

EMAIL ADDRESS .....

FACSIMILE NUMBER CODE .....NUMBER.....

VAT REGISTRATION NUMBER.....

HAS A COPY OF A TAX CLEARANCE CERTIFICATE WITH A TAX COMPLIANT PIN BEEN SUBMITTED? YES / NO

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS/SERVICES OFFERED BY YOU? YES /NO (IF YES ENCLOSE PROOF)

ARE YOU SUBMITTING THIS TENDER BID AS A JOINT VENTURE WITH ANOTHER COMPANY IF YES, PLEASE PROVIDE NAME OF THE OTHER JOINT VENTURE YES /NO

SIGNATURE OF BIDDER .....

DATE .....

CAPACITY UNDER WHICH THIS BID IS SIGNED .....

TOTAL BID PRICE..... TOTAL NUMBER OF ITEMS OFFERED .....



**DECLARATION OF INTEREST**

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

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

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

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

2.2 Identity Number: .....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

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

<sup>1</sup>“State” means –

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

- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

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

2.7.1 If so, furnish the following particulars:

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

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

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

Any other particulars:

.....

.....

.....

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

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

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

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

.....

.....

.....

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

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

2.8.1 If so, furnish particulars:

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

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

2.9.1 If so, furnish particulars.

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

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

2.10.1 If so, furnish particulars.

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

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

2.11.1 If so, furnish particulars:

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



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

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

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

### 1. GENERAL CONDITIONS

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

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

1.2

- a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

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

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

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

## 2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
- 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 3. POINTS AWARDED FOR PRICE

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

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

**80/20 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 price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

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

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

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

**5. BID DECLARATION**

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

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

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

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

*(Tick applicable box)*

|     |    |
|-----|----|
| YES | NO |
|-----|----|

7.1.1 If yes, indicate:

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

*(Tick applicable box)*

|     |    |
|-----|----|
| YES | NO |
|-----|----|

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

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

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**8.6 COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in



paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

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

WITNESSES

1. ....

2. ....

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

DATE: .....

ADDRESS .....

.....

.....

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

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

| Item  | Question  | Yes                             | No                             |
|-------|---|---------------------------------|--------------------------------|
| 4.1   | Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?<br><br>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).<br><br><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b> | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars:   |                                 |                                |
| 4.2   | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?<br><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>   | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars:   |                                 |                                |
| 4.3   | Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?  | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.3.1 | If so, furnish particulars:   |                                 |                                |
| 4.4   | Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?   | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.4.1 | If so, furnish particulars:   |                                 |                                |

**CERTIFICATION**

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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

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

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Institution)

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

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

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

**SBD 9**

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<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

<sup>3</sup> 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.

**SBD 9**

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

|  |  |
|--|--|
| <b>Record of Addenda to Tender to Tender Documents</b> |  |
|--|--|

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 Received | Title or Details |
|----|---------------|------------------|
| 1. |               |                  |
| 2. |               |                  |
| 3. |               |                  |
| 4. |               |                  |
| 5. |               |                  |
| 6. |               |                  |
| 7. |               |                  |

*(Attach additional pages if more space is required)*

Signed

Date

Name

Position

*tenderer*



### B1.1 EVALUATION SCHEDULE: Qualifications, Professional Registration and Experience of key personnel

Points are allocated for professional qualifications, professional registration and experience of allocated key personnel for the panel under consideration. For each key personnel allocated to the project, the bidder shall submit the following: Curriculum Vitae together with certified proof of qualifications and professional registration.

| Item No. | Name of Accountable Professional: Director / Manager | Qualifications* | Category of Professional Registration** | Number years of experience post professional registration***    |
|----------|--|-----------------|---|---|
| 1        |  |                 |   |   |
|          |  |                 |   |   |
|          | Name of Responsible Professional: Project Leader     | Qualifications* | Category of Professional Registration** | Number of years of experience post professional registration*** |
| 2        |  |                 |   |   |
|          |  |                 |   |   |

\*Attach certified copies of qualifications with returnable documents

\*\*Attach certified copies of professional Registration with returnable documents

\*\*\*Attach Curriculum Vitae with returnable documents

**NOTE:** Certification of documents should be original certification. No points will be awarded for copies of certified documents.

**B1.2 EVALUATION SCHEDULE: COMPANY EXPERIENCE**

Points are allocated for the bidding entity’s experience in managing major building projects completed in the past 15 years. Please list a minimum of three (3) projects to score for evaluation purposes.

| PROJECT NAME | BRIEF PROJECT DESCRIPTION | PROJECT VALUE<br>(Incl. VAT) | CONTRACT PERIOD | START DATE | ACTUAL COMPLETION DATE |
|--------------|---------------------------|------------------------------|-----------------|------------|------------------------|
| 1.           |                           |                              |                 |            |                        |
| 2.           |                           |                              |                 |            |                        |
| 3.           |                           |                              |                 |            |                        |

### B1.3 EVALUATION SCHEDULE: CLIENT REFERENCES

The Tenderer shall provide details of his performance on each of the previous projects listed in the “Relevant Experience” returnable schedule. “Client Reference Scorecards” will be completed by each of the respective Clients for the projects listed in the “Relevant Experience” returnable schedule. Uncompleted and Unsigned forms by the client will score zero points.

The following are to be completed by the Client

|                   |
|-------------------|
| <b>PROJECT 1:</b> |
|-------------------|

**Name of Project:**.....

**Name of Firm/Bidder:**.....

**Client/Client Department:** .....

**Contract Amount:**.....

**Contract Duration:** .....

**Actual Contract Duration:** .....

| Description / Performance                     | Poor (0) | Fair (1) | Good (3) | Excellent (4) |
|---|----------|----------|----------|---------------|
| Cost management                               |          |          |          |               |
| Timeous compilation of final account/as-built |          |          |          |               |
| Timeous co-operation during the contract      |          |          |          |               |
| Quality of service                            |          |          |          |               |
| Quality of reports                            |          |          |          |               |
| Performance of resources                      |          |          |          |               |
| Technical experience of resources             |          |          |          |               |

Any other remarks considered necessary to assist in evaluation of the Tenderer?

**Name of Client Representative:** .....

**Designation:** .....

**Telephone:** .....

**Client Signature:** .....

**Date:** .....

|       |
|-------|
| Stamp |
|-------|

### B1.3 EVALUATION SCHEDULE: CLIENT REFERENCES

The Tenderer shall provide details of his performance on each of the previous projects listed in the “Relevant Experience” returnable schedule. “Client Reference Scorecards” will be completed by each of the respective Clients for the projects listed in the “Relevant Experience” returnable schedule. Uncompleted and Unsigned forms by the client will score zero points.

The following are to be completed by the Client

|                   |
|-------------------|
| <b>PROJECT 2:</b> |
|-------------------|

**Name of Project:**.....

**Name of Firm/Bidder:**.....

**Client/Client Department:** .....

**Contract Amount:**.....

**Contract Duration:** .....

**Actual Contract Duration:** .....

| Description / Performance                     | Poor (0) | Fair (1) | Good (3) | Excellent (4) |
|---|----------|----------|----------|---------------|
| Cost management                               |          |          |          |               |
| Timeous compilation of final account/as-built |          |          |          |               |
| Timeous co-operation during the contract      |          |          |          |               |
| Quality of service                            |          |          |          |               |
| Quality of reports                            |          |          |          |               |
| Performance of resources                      |          |          |          |               |
| Technical experience of resources             |          |          |          |               |

Any other remarks considered necessary to assist in evaluation of the Tenderer?

**Name of Client Representative:** .....

**Designation:** .....

**Telephone:** .....

**Client Signature:** .....

**Date:** .....

|       |
|-------|
| Stamp |
|-------|

### B1.3 EVALUATION SCHEDULE: CLIENT REFERENCES

The Tenderer shall provide details of his performance on each of the previous projects listed in the “Relevant Experience” returnable schedule. “Client Reference Scorecards” will be completed by each of the respective Clients for the projects listed in the “Relevant Experience” returnable schedule. Uncompleted and Unsigned forms by the client will score zero points.

The following are to be completed by the Client

**PROJECT 3:**

**Name of Project:**.....

**Name of Firm/Bidder:**.....

**Client/Client Department:** .....

**Contract Amount:**.....

**Contract Duration:** .....

**Actual Contract Duration:** .....

| Description / Performance                     | Poor (0) | Fair (1) | Good (3) | Excellent (4) |
|---|----------|----------|----------|---------------|
| Cost management                               |          |          |          |               |
| Timeous compilation of final account/as-built |          |          |          |               |
| Timeous co-operation during the contract      |          |          |          |               |
| Quality of service                            |          |          |          |               |
| Quality of reports                            |          |          |          |               |
| Performance of resources                      |          |          |          |               |
| Technical experience of resources             |          |          |          |               |

Any other remarks considered necessary to assist in evaluation of the Tenderer?

**Name of Client Representative:** .....

**Designation:** .....

**Telephone:** .....

**Client Signature:** .....

**Date:** .....

Stamp



**CONTRACT**

# PART C1: AGREEMENT & CONTRACT DATA

## C1.1 Agreement and Contract Data

Conditions of Contract are the CIDB Standard Professional Services Contract 3<sup>rd</sup> Edition of the CIDB Document 1015.

Bidders must submit with this bid a proof that the tendering entity has and maintains a professional indemnity insurance of at least Five Million Rand (R 5 000 000.00) (NB: adequacy or inadequacy of such an insurance will only be re-looked prior to appointment of a successful service provider and upon conclusion of specific risk assessment)

# C1.2 Form of Offer & Acceptance

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract for the procurement of:

**Professional Civil Engineering service providers for the provision of professional services for major refurbishment of Pietermaritzburg High Court in Pietermaritzburg (KZN).**

The tenderer, identified in the Offer signature block, has

|        |   |
|--------|---|
| either | examined the documents listed in the Tender Data and addenda thereto as listed in the Returnable Schedules, and by submitting this Offer has accepted the Conditions of Tender. |
|--------|---|

By the representative of the tenderer, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance the tenderer offers to perform all of the obligations and liabilities of the Consultant under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the Contract Data.

|  |   |
|--|---|
| Total % Discounted Fee Offer exclusive of VAT is (%) | % |
| Total Discounted Fee Offer inclusive of VAT is (R)   |   |
| (in words)   |   |

**NB: % Discount offer based on Tariff of professional fees in terms of the Standard Scope of Services for Civil Engineering Profession as published in (Gazette No. 39480, Board Notice 138 of 2015)**

This Offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document including the Schedule of Deviations (if any) to the tenderer before the end of the period of validity stated in the Tender Data, or other period as agreed, whereupon the tenderer becomes the party named as the Consultant in the conditions of contract identified in the Contract Data.

Signature(s)

Name(s)

Capacity

For the tenderer:

(Insert name and address of organisation)

Date



Name &  
signature of  
witness

Acceptance

By signing this part of this Form of Offer and Acceptance, the Employer identified below accepts the tenderer's Offer. In consideration thereof, the Employer shall pay the Consultant the amount due in accordance with the conditions of contract identified in the Contract Data. Acceptance of the tenderer's Offer shall form an agreement between the Employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

Part C1                      Agreements and Contract Data, (which includes this Form of Offer and Acceptance)

Part C2                      Pricing Data

Part C3                      Scope of Work: The Scope

and drawings and documents (or parts thereof), which may be incorporated by reference into the above listed Parts.

Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Returnable Schedules as well as any changes to the terms of the Offer agreed by the tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Form of Offer and Acceptance. No amendments to or deviations from said documents are valid unless contained in this Schedule.

The tenderer shall within two weeks of receiving a completed copy of this agreement, including the Schedule of Deviations (if any), contact the Employer's agent (whose details are given in the Contract Data) to arrange the delivery of any securities, bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the Contract Data at, or just after, the date this agreement comes into effect. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the Schedule of Deviations (if any).

Signature(s)

Name(s) \_\_\_\_\_

Capacity \_\_\_\_\_

for the Employer      Independent Development Trust  
22<sup>ND</sup> Floor, Durban Bayhouse Building,  
333 Anton Lembede Street  
Durban  
PO Box 5622, Durban, 4001  
Tel: (031) 369-7400 - Fax: ((031) 307-3442)  
Website: www.idt.org.za

Name & signature of witness (Insert name and address of organisation) \_\_\_\_\_ Date \_\_\_\_\_

Note: If a tenderer wishes to submit alternative tenders, use another copy of this Form of Offer and Acceptance.

Schedule of Deviations

Note:

1. To be completed by the Employer prior to award of contract. This part of the Offer & Acceptance would not be required if the contract has been developed by negotiation between the Parties and is not the result of a process of competitive tendering.
2. The extent of deviations from the tender documents issued by the Employer prior to the tender closing date is limited to those permitted in terms of the Conditions of Tender.
3. A tenderer’s covering letter must not be included in the final contract document. Should any matter in such letter, which constitutes a deviation as aforesaid be the subject of agreement reached during the process of Offer and Acceptance, the outcome of such agreement shall be recorded here and the final draft of the contract documents shall be revised to incorporate the effect of it.

| No. | Subject | Details |
|-----|---------|---------|
| 1   |         |         |
| 2   |         |         |
| 3   |         |         |
| 4   |         |         |
| 5   |         |         |
| 6   |         |         |
| 7   |         |         |

By the duly authorised representatives signing this Schedule of Deviations below, the Employer and the tenderer agree to and accept this Schedule of Deviations as the only deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Tender Schedules, as well as any confirmation, clarification or changes to the terms of the Offer agreed by the tenderer and the Employer during this process of Offer and Acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the tenderer of a completed signed copy of this Form shall have any meaning or effect in the contract between the parties arising from this Agreement.

For the tenderer:

For the Employer:

Signature

Name

Capacity

On behalf  
of

(Insert name and address of  
organisation)

Name &  
signature  
of  
witness

Date

Independent Development Trust  
22<sup>ND</sup> Floor, Durban Bayhouse Building,  
333 Anton Lembede Street  
Durban  
PO Box 5622, Durban, 4001  
Tel: (031) 369-7400 - Fax: ((031) 307-  
3442)

Website: [www.idt.org.za](http://www.idt.org.za)

(Insert name and address of  
organisation)

# PART C 2: PRICING DATA

**Professional Fee Offer**

| <b>Provision of Civil Engineering professional services for the Refurbishment of Pietermaritzburg High Court in Pietermaritzburg (KZN).</b>  |                               |                     |                    |
|--|-------------------------------|---------------------|--------------------|
| <i>NB: Expenses / disbursements as provided for in the contract are paid in addition to the total of the project cost-based tariff but in line with the latest Government rates as published by the Department of Public Works. Travelling disbursement claims will be limited to within the KZN Province. Reimbursement for travel expense and time, shall be for the distance travelled and time spent in travelling, minus 100km and 2 hours respectively per round trip. (Claims limited 2700 cc engine)</i> |                               |                     |                    |
| <b>Project Cost Estimate</b>   |                               | <b>Estimate</b>     |                    |
| <b>80/20</b> Preference Point System   |                               | <b>Amount</b>       |                    |
| Estimated cost of construction work  |                               | <b>R 20 000 000</b> |                    |
| <b>Tariff of professional fees in terms of the Standard Scope of Services for Civil Engineering Profession as published in (Gazette No. 39480, Board Notice 138 of 2015)</b>   |                               |                     |                    |
| Standard services  |                               | Proportion of fee   | % Fee Discount     |
| Stage 1  | Inception                     | 5%                  |                    |
| Stage 2  | Concept and Viability         | 25%                 |                    |
| Stage 3  | Design development            | 30%                 |                    |
| Stage 4  | Documentation and procurement | 10%                 |                    |
| Stage 5  | Construction                  | 20%                 |                    |
| Stage 6  | Close out                     | 10%                 |                    |
| <b>Fee Offer</b>   |                               | <b>100%</b>         |                    |
| <b>Discounted Fee Offer (Price) (R)</b>  |                               |                     |                    |
| <b>Disbursement Budget</b>   |                               |                     | <b>R 50,000.00</b> |
| <b>Total Discounted Fee Offer Incl Disbursement</b>  |                               |                     |                    |

Signature(s)

Name(s)

Capacity

**For the tenderer:**

Name & signature of witness

*(Insert name and address of organisation)*

Date

## PART C 3: SCOPE OF WORKS

Scope of services includes standard / normal services (Stages 1 – 6) as envisaged in the guideline scope of services and tariff of fees for Civil Engineering profession.

The works include refurbishment of buildings from roof to floor covering including, but not limited to the following;

- Repair and refurbish all structural defects
- Refurbish the facility (External and Internal)
- Upgrade the existing storm water services
- Waterproof the entire facility
- Replace damaged roofing, ceiling and trusses
- Connect the existing standby generator to the High Court
- Provide additional Court Space
- Upgrade the existing Parking Area and provide additional Judges Parking
- Repair and Refurbish access control systems
- Repair and refurbish ablutions facilities
- Repair and Upgrade the existing Fire Detection System
- Install bird's nets throughout the building
- Reconfigure and utilise the courtyard space
- Replace and repair all fittings
- Service and repair lifts
- Provide office space for Justice and OCJs needs
- Upgrade Electrical
- Upgrade HVAC System
- Ensuring the Building is OHS compliant

The process of work will be carried out as follows;

- Carry out “as-is” conditional assessment of the building including the items listed above
- Prepare report (*i.e scope and budget*) for submission to the IDT and NDPW for approval.
- Carry out Detailed Design Work in line with the approved Scope of Works and Budget.
- Prepare tender documentation work and manage construction works (i.e inception to closure
- **NOTE:** The IDT reserves the right to award all or parts of the works. Remuneration to the service provider shall only be limited to the work done to completion to the acceptance and approval of the IDT and NDPW

# **PART C 4: SITE INFORMATION**

Pietermaritzburg High Court is situated on 301 Church Street, in Pietermaritzburg (CBD), in KwaZulu-Natal Province. It is a highly sensitive facility and is classified as a National Key Point. It is a condition of this tender that the successful service provider will be subjected to a security clearance exercise by relevant and competent authorities mandated by law to undertake such exercise.

.....End of Document.....