

	T1.2: TENDER DATA
Clause	
C.1	General
C.1.1	Actions
C.1.1.1	The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in C.2 and C.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.
C.1.1.2	The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents, and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.
	Note: 1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.
	2) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.
C.1.1.3	The employer shall not seek, and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract.
C.1.2	Tender Documents
	The documents issued by the employer for the purpose of a tender offer are listed in the tender data.
C.1.3	Interpretation
	C.1.3.1 The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender.
	C.1.3.2 These conditions of tender, the tender data and tender schedules which are required for tender evaluation purposes, shall form part of any contract arising from the invitation to tender.
	C.1.3.3 For the purposes of these conditions of tender, the following definitions apply:
	a) conflict of interest means any situation in which:
	<ul> <li>i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfil his or her duties impartially;</li> </ul>
	ii) an individual or tenderer is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
	incompatibility or contradictory interests exist between an employee and the tenderer who employs that employee.

Tenderer	Witness 1	Witness 2	Employer	Witness 1	Witness 2 T1.2 Tender Data



- **b) comparative offer** means the price after the factors of a non-firm price and all unconditional discounts it can be utilised to have been taken into consideration
- **c) corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process;
- d) fraudulent practice means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels;

#### C.1.4 | Communication.

The Employer's Representative is:

Accounting Officer;	Procurement Enquiries.	Technical Enquiries.
Ms M.M Skosana	Mr SI Masilela	Mr Mduduzi Nkosi
P. O. Box 437	P.O. Box 437	Vuxaka Consulting Engineers
Middelburg	Middelburg	E-mail: admin@vuxaka.co.za
1050.	1050	Tel.: (013) 591 7122
Tel: 013 249 2006	Tel: 013 249 2104/5/7/2096	

Attention is drawn to the fact that verbal communication given by the Employer's representative prior to the close of tenders will not be regarded as binding on the employer. Only information issued formally by the employer in writing to the tenders, under the signature of the Accounting Officer or his nominee will be regarded as amending the tender documents. Tender offer communicated on paper shall be submitted as an original. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data

In the event that no correspondence or communication is received from the NDM within hundred and twenty (120) days after the stipulated closing date and time of the tender, the tender proposal will be deemed to be unsuccessful.

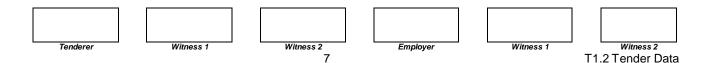
### C.1.5 | Cancellation and Re-Invitation of Tenders

- C.1.5.1 An employer may, prior to the award of the tender, cancel a tender if-
- due to changed circumstances, there is no longer a need for the engineering and construction works specified in the invitation;
- funds are no longer available to cover the total envisaged expenditure; or
- c) no acceptable tenders are received.
- d) there is a material irregularity in the tender process.
- C.1.5.2 The decision to cancel a tender invitation must be published in the same manner in which the original tender invitation was advertised
- C.1.5.3 An employer may only with the prior approval of the relevant treasury cancel a tender invitation for the second time.

## C.1.6 | Procurement procedures

## C.1.6.1 General

Unless otherwise stated in the tender data, a contract will, subject to C.3.13, be concluded with the tenderer who in terms of C.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.





### C.1.6.2 Competitive negotiation procedure

- C.1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of C.3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of C.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.
- C.1.6.2.2 All responsive tenderers or at least a minimum of not less than three responsive tenderers that are highest ranked in terms of the evaluation criteria stated in the tender data shall be invited to enter into competitive negotiations based on the principle of equal treatment, keeping confidential the proposed solutions and associated information.

Notwithstanding the provisions of C.2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

- C.1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to revise their tender offer based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer.
- C.1.6.2.4 The contract shall be awarded in accordance with the provisions of C.3.11 and C.3.13 after tenderers have been requested to submit their best and final offer.

### C.1.6.3 Proposal procedure using the two stage-system

# C.1.6.3.1 Option 1

Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender.

### C.1.6.3.2 Option 2

- C.1.6.3.2.1 Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents.
- C.1.6.3.2.2 The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data and award the contract in terms of these conditions of tender.

### C.2 Tenderer's Eligibility

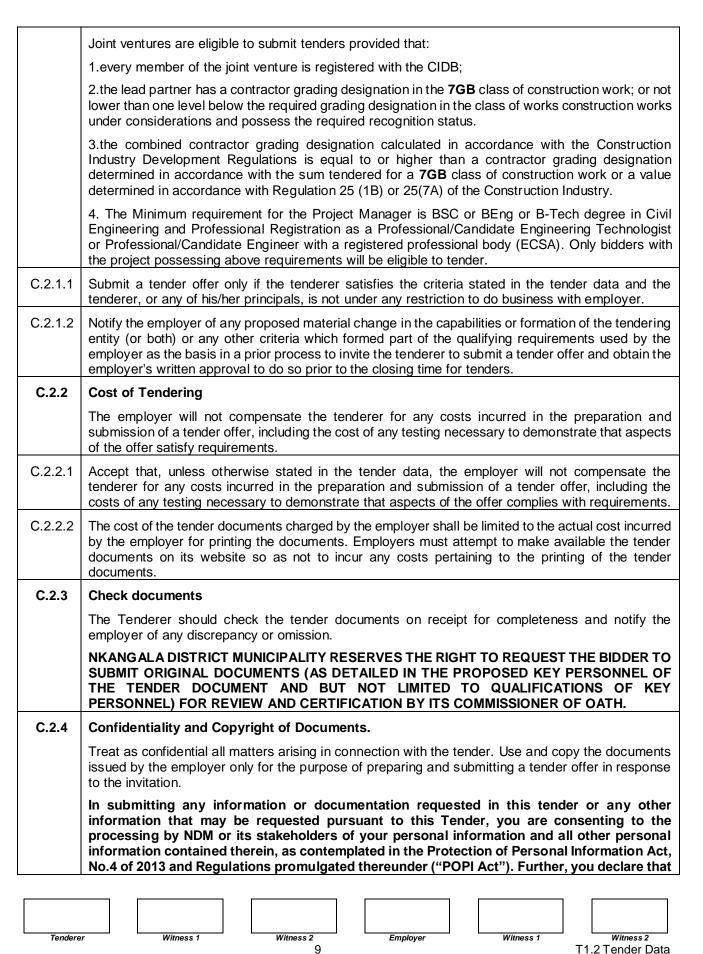
#### C.2.1 | Eligibility

Only those tenderers who are registered with the CIDB or are capable of being so prior to the evaluation of submissions. in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a **7GB or Higher** class of construction work, are eligible to have their tenders evaluated.

Only those tenderers/bidders who have company financial statements of the <u>past three years with</u> <u>annual turnover averaged at R 20 million</u> and above and have done similar projects are eligible to tender.

Tenderer	Witness 1	Witness 2	Employer	Witness 1		Witness 2
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		0			T4	2 Tandar Data
		0				2 Tender Data







	you have obtained all consents required by the POPI Act or any other law applicable. Thus, you hereby indemnify NDM against any civil or criminal action, administrative fine or other penalty or loss that may arise as a result of the processing of any personal information that you submit.
C.2.5	Reference documents
	Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.
C.2.6	Acknowledge addenda
	Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary, apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.
C.2.7	Clarification Meeting
	The compulsory clarification meeting will be held virtually through Microsoft MS Teams on <b>06</b> March <b>2024</b> , commencing at <b>10h00</b> . Meeting link can be obtained from  MathebulaNH@nkangaladm.gov.za or lobeserc@nkangaladm.gov.za.
C.2.8	Seek Clarification
	Request clarification of the tender documents, if necessary, by notifying the employer at least five (5) working days before the closing time stated in the tender data.
C.2.9	Insurance
	Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.
C.2.10	Pricing the tender
C2.10.1	Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable fourteen (14) days before the closing time stated in the tender data.
C2.10.2	Show VAT payable by the employer separately as an addition to the tendered total of the prices.
C2.20.3	Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.
C2.10.4	State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.
C.2.11	Alterations to the Tender Documents.
	Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations.
C.2.12	Alternative tender offer.
	No alternative tender offers will be considered or accepted.
C.2.13	Submitting tender offer:
C.2.13	Submitting tender offer:  No Tender document will be considered unless submitted on Council's Official Tender Document
C.2.13	
C.2.13	No Tender document will be considered unless submitted on Council's Official Tender Document

Tenderer	Witness 1	Witness 2	Employer	Witness 1	Witness 2	-



	Tenders must be deposited in the tender box clearly marked with project description.	
	Location of tender Box: Main Entrance Ground Floor Nkangala District Municipality Building	
	Physical Address: Nkangala District Municipality, 2A Walter Sisulu Street, Middleburg 1050.	
	Telephonic, telegraphic, telex, facsimile or emailed tenders will not be considered	
	All tender received by the Nkangala District Municipality will remain in the Municipality's possess until after the stipulated closing date and time.	sion
	Accept that a tender submitted to the employer cannot be withdrawn or substituted. No substituteds will be considered	tute
C.2.15	Closing Time:	
	The time and location for opening of the Tender offers are:	
	Closing Time: 12h00	
	Closing Date: 29 March 2024	
	Location: Nkangala District Municipality	
	2A Walter Sisulu Street	
	Middelburg	
	1050	
	After the opening of the tender proposals, no information relating to the clarification, determina of responsiveness, evaluation and comparison of tender proposals and recommendati concerning the award of the tender shall be disclosed to any other tenderer or persons not concer with such process until the award of the Tender has been announced by the NDM.	ons
C.2.16	Tender Offer Validity	
	The Tenders shall remain valid for a period of a minimum of 90 to a maximum of 120 days from closing date.	the
C.2.17	Tender clarification after submission	
	A tender may be regarded as non-responsive if the tenderer fails to provide clarification reques by the employer within the time for submission stated in the employer's written request.	sted
C.3.11	Tender evaluation points	
	The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) therefore the 90/10-point system shall be applicable.	and
	Preference points for this bid shall be awarded for:	
	(a) Price; and	
	(b) Specific goals.	
	The maximum points for this bid are allocated as follows:	

						 ~ -		
Tenderer	Witness 1	Witness 2	Employer	_	Witness 1		tness 2	



		POINTS	
PRICE		90	
SPECIFIC GOALS		10	
Total points for Pric	e and SPECIFIC GOALS	100	
Evaluation of Tenders			
	is drawn to the fact that t the Supply Chain Manager		
he following steps wil	l be followed in evaluation;		
1. Determina	tion of whether or not tende	er offers are complete.	
<ol><li>Determinat</li></ol>	tion of whether or not tende	er offers are responsive	Э.
<ol><li>Determinat</li></ol>	tion of the reasonableness	of tender offers.	
4. Confirmation	on of the eligibility of prefer	ential points claimed b	y tenderers.
5. Determinat	tion of expertise and experi	ience of tenderers.	
6. Awarding o	of points for financial offer.		
7. Ranking of	f tenderers according to the	e total points	
erformance of risk an	alysis by checking the cred	lit record of the tendere	ers
Evaluation Criteria			
projects where the firm nust be provided.	evaluation of responsive was involved for Construct	tion Projects. Reference	ce of Clients inclu
	ed in terms of NDM Supp as a guideline in this regard		t Policy, and the
echnical adjudication	and General Criteria		
<ul><li>Tenders w</li></ul>	rill be adjudicated in terms of	of inter alia:	
<ul><li>Complianc</li></ul>	e with Tender conditions		
<ul><li>Technical :</li></ul>	specifications		
	es not comply with the Ten ons are not met, the Tende		
With regard to the a OF THE TENDER,	above, certain actions or er for example	rors are unacceptable	and warrants RE
	ance letter with a unique PII from SARS must been sub		onic Tax Complia
<ul> <li>Pages to be c submitted.</li> </ul>	completed, removed from the	ne Tender document, a	nd have therefore
<ul> <li>If tender docu</li> </ul>	ment is not fully completed	as required and as sti	pulated in the ter
<ul> <li>If any tender of</li> </ul>	document is tempered with	or it is un-binded or ur	nbundled.
<ul> <li>Scratching ou</li> </ul>	t without initialling next to t	he amended rates or ir	nformation.
	_		

Tenderer	Witness 1	Witness 2	Employer		Witness 1	Witness 2
				•		



- Attaching required documents which are older than three months before the date of the closing
   The Tender has not been properly signed by a party having the authority to do so, according to the Form E "Authority for Signatory"
  - A Resolution by a Board of Directors of the Company authorizing the Tenderer to sign the Tender document on behalf of the Company. No authority for signatory submitted.
- Particulars required in respect of the Tender have not been provided non-compliance of Tender requirements and/or specifications.
- The Tenderer's attempts to influence or has in fact influenced the evaluation and/or awarding of the contract.
- The Tender has been submitted after the relevant closing date and time
- Failure to complete and sign Form of Offer and Acceptance
- If any municipal rates and taxes or municipal service charges owed by that Tenderer or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months.

If any Tenderer who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that Tenderer that performance was unsatisfactory

Size of enterprise and current workload

- Evaluation of the Tenderer's position in terms of:
- Previous and expected current annual turnover
- Current contractual obligations

Capacity to execute the contract

Staffing profile

Evaluation of the Tenderer's position in terms of:

Staff available for this contract being Tendered for

Qualifications and experience of key staff to be utilized on this contract.

Proposed Key Personnel

In this part of the tender, the Tenderer shall also supply Curriculum Vitae (CV's) for the Staff available named and working on full time basis for the Tenderer. The CV should follow the normal Professional Format as used by Professional Service Providers.

Much importance will be placed on the experience of the staff proposed. The Tender must ensure that, if selected, the nominated staff will be assigned as proposed. Failure to do so may result in the annulment of any acceptance of the Tenders' proposal and/ or Agreement entered into by the Client for the execution of the services

Previous experience

The procedure for the evaluation of responsive Bids will be on the average of the four projects where the firm was involved. Reference of clients other than NDM MUST be provided.

The tenderer shall list in the appropriate Forms the appropriate related projects undertaken by the member firms of the tenderer within the last five (5) years.

Evaluation of the Tenderer's position in terms of his previous experience. Emphasis will be placed on the following:

Tenderer	Witness 1	Witness 2	Employer	Witness 1	Witness 2

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T1.2 Tender Data



	<ul> <li>Experience in the relevant technical field</li> </ul>
	Experience of contracts of similar size
	Some or all of the references will be contacted to obtain their input.
	The tenderer shall provide documentation of company experience of each member of the Consortium/Joint Venture related projects.
	Financial ability to execute the contract:
	Evaluation of the Tenderer's financial ability to execute the contract. Emphasis will be placed on the following:
	<ul> <li>Contact the Tender's bank manager to assess the Tenderer's financial ability to execute the contract and the Tenderer hereby grants his consent for this purpose.</li> </ul>
	Audited financial statements for three (3) years in case the total cost of the project charged is above R10 Million.
	Good standing with SA Revenue Services will be determined by Tax Compliance letter with a unique PIN in terms of the electronic Tax Compliance Status (TCS) system from SARS must been submitted.
	If the Tender does not meet the requirements contained in the NDM Procurement Policy, and the mentioned framework, it will be rejected by the Council, and may not subsequently be made acceptable by correction or withdrawal of the non-conforming deviation or reservation.
	Penalties
	The Nkangala District Municipality will if upon investigation it is found that a preference in terms of the Act and these regulations has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract, on discretion of the Municipal Manager, one or more of the following penalties will be imposed:
	<ul> <li>Cancel the contract and recover all losses or damages incurred or sustained from the Tenderer.</li> </ul>
	<ul> <li>Impose a financial penalty at the discretion of Council</li> </ul>
	Restrict the contractor, its shareholders and directors on obtaining any business from the Nkangala District Municipality for a period of 5 years
C.3.13	Acceptance of tender offer
	Accept the tender offer; if in the opinion of the employer, it does not present any risk and only if the tenderer:
	a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement;
	b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract;
	c) has the legal capacity to enter into the contract;
	d) is not; insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act No. 2008, bankrupt or being wound up, has his/her affairs administered by a court or a judicial officer, has suspended his/her business activities or is subject to legal proceedings in respect of any of the foregoing;
	e) complies with the legal requirements, if any, stated in the tender data; and

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	f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.
F.2.	The Employer's right to accept or reject any tender offer
	The employer has the right not to accept the lowest tender and to accept the whole or part of any tender or not to consider any tender not suitably endorsed is fully reserved by the Nkangala District Municipality.

A firm must obtain a minimum of 70 points out of the 90 points above to be considered for price and Specif Goals evaluation

Organizing and Staffing (Maximum points obtainable 50)

Project Manager / Team Leader: (Maximum Points obtainable 25)

Evaluation Criteria Minimum Required		Elimination Factor	Points obtainable	Points Claimed
Academic Qualifications	National Diploma NQF Level 6	Yes	0	
Academic Qualifications	BSC Degree or B-Tech in civil Engineering or Building NQF Level 7 or Higher	No	10	
Professional registration with (ECSA)	Professional/Candidate Engineer (Pr. Eng) or Professional/Candidate Engineering Technologist (Pr. Tech)	No	5	
Sub-total	1 ,			
Experience of Team Leader in	similar projects	Elimination Factor		
	0 -3	Yes	0	
Involvement in comparable projects i.e. Building Project,	4 - 9	No	4	
Office block, Schools, Clinic, Hospitals	10 - 14	No	6	
	15 and above	No	10	
Sub-total Sub-total			10	
Total			25	

Tenderer	Witness 1	Witness 2	Employer	Witness 1	Witness 2
		15			T1.2 Tender Data

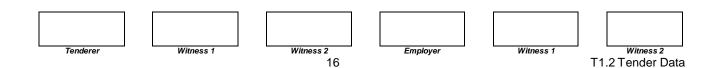


Site Agent: (Maximum Points obtainable 15)

Namai	
name:	

Evaluation Criteria Minimum Required		Elimination Factor	Points obtainable	Points Claimed
	Qualification below National Diploma Civil Engineering / Building NQF Level 6	Yes	0	
Academic Qualifications	National Diploma in Civil Engineering OR Building NQF level 6	No	4	
	B-Tech in civil Engineering	No	8	
Sub-total	8			
	0 -3	Yes	0	
Years of experience comparable projects i.e.	3 - 8	No	2	
Building related, Office Block, Schools, Clinics	9 - 14	No	4	
	15 and above	No	7	
Sub-total	7			
Total	15			

Note: 1 Should the Site Agent be the same as Project Manager zero points will be allocated.





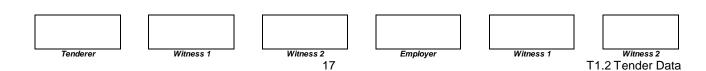
Safety Officer: (Maximum Points obtainable 10)

Name: .....

Evaluation Criteria Minimum Required Elimina Factor			Points obtainable	Points Claimed
	No professional registration i.e Candidate Construction Health and Safety Officer	Yes	0	
Professional Registration	SACPCMP Construction Health and Safety Officer or Similar/Candidate	No	3	
	SACPCMP Construction Health and Safety Manager or Similar/Candidate	No	5	
Sub-total				
	0 – 3	Yes	0	
Years of experience after qualification	4- 9	No	2	
	10 and above	No	5	
Sub-total	5			
Total	10			

Note: 1 should the Safety Officer be the same as Team leader, Site Agent, zero points will be allocated.

ORGANISING AND STAFFING/PERSONNEL					
PERSONNEL	TOTAL	SCORES			
Project Manager/Team Leader	25				
Site Agent	15				
Safety Officer	10				
TOTAL 50					





# PLANT (Maximum Points obtainable 18)

It must be noted that a total points of 18 are obtainable by the Construction Firm in relation to the requirements as mentioned on the table below, failure to submit evidential supporting documents (refer to Note:2) is not an eliminating factor **BUT** a zero point will be scored. Letter of intent or quotation from the lessor must be attached.

Evaluation Criteria	Minimum Required	Elimination Factor	Points obtainable (Owned)	Points obtainable (Leased)	Points Claimed
Firm's plant and equipment –	Firm's number of Excavators, 20t and above x 1	No	6	3	
Note: 2 Proof of ownership of the firm's equipment and license discs or a signed undertaking by 3 <sup>rd</sup> party to	Firm's number of TLBs x 1	No	6	3	
provide the plant for the duration of the contract must be attached. Failure to do so will result in forfeiting the plant points	Firm's number of Water Cart, 10 000l and above x 1	No	3	1.5	
plant points	Firm's number of Tipper Truck x 2	No	3	1.5	
Sub-total			18	9	
Total			18	9	



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# **EXPERIENCE OF FIRM (Maximum Points obtainable 22)**

Note: Company's previous completed projects

Provide proof of the company's previous completed projects which is in the form of verifiable appointment letters **and** completion certificates. If these are not provided, zero points will be allocated in that regard.

Evaluation Criteria	Evaluation Criteria	Eliminati on Factor	Points obtainable	Points Claimed
	0 - 3 Project	yes	0	
Company experience in terms	4 – 6 Projects	No	5	
Building projects	7 – 9 Projects	No	15	
	10 and above	No	22	
Sub-Total			22	
TOTAL			22	

It must be noted that a total point of 22 are obtainable by the Construction Firm in relation to the requirements as mentioned on the table below, failure to submit evidential supporting documents is not an eliminating factor BUT a zero point will be scored.

TOTAL SCORE:		_/90			
Tenderer	Witness 1	Witness 2	Employer	Witness 1	Witness 2
		19			T1.2 Tender Data