



## CLUSTER

Human Settlement, Engineering, and Transport

## UNIT

Human Settlements

## DEPARTMENT

Human Settlements - Projects

### PROCUREMENT DOCUMENT

## PROFESSIONAL SERVICES

Documents are to be obtained, free of charge, in electronic format, from the National Treasury's eTenders website or the eThekweni Municipality's website.

**Contract No:** 1H-25745

**Contract Title:** Conduct Feasibility and Detailed Planning Studies, including obtaining Tranche 1 Approval from DoHS, Environmental Approval (EIA & WULA) and SPLUMA Approval for Ntshongweni Phase 2 Rural Settlement: Ward 7.

### CLARIFICATION MEETING AND QUERIES

**Clarification Meeting:** Compulsory Clarification Meeting to held on 12 March 2024

**Meeting Location, Date, Time:** To be held at 2nd Floor Boardroom, 90 Qashana Khuzwayo Road, New Germany on 25 March 2024 at 11:00am

**Queries can be addressed to:** Nkululeko Khumalo  
**The Employer's Agent's Representative:** Tel. : 0313116513  
 eMail: [nkululeko.khumalo@durban.gov.za](mailto:nkululeko.khumalo@durban.gov.za). Email queries to be submitted by 04 April 2024 and consolidated answers to questions will be uploaded 11 April 2024.

### TENDER SUBMISSION

**Delivery Location:** The Tender Box in the foyer of the Municipal Building  
 166 KE Masinga Road, Durban

**Closing Date/ Time:** Friday, 19 April 2024 at 11h00

### FACSIMILE, eMAIL, or POSTED TENDERS WILL NOT BE ACCEPTED

**Issued by:**

ETHEKWINI MUNICIPALITY

Deputy Head: Human Settlements - Projects

Date of Issue: 15/03/2024

Document Version : 14/03/2023

#### FOR OFFICIAL USE ONLY

Tenderer Name:			VAT Registered: Yes No
	Price (excl)	VAT	Price (incl)
Submitted: R	R	R	R
Corrected: R	R	R	R

## INDEX to PROCUREMENT DOCUMENT

TENDER PART		TENDERING PROCEDURES		Page
		Part T1	<b>T1.1</b>	<b>Tender Notice and Invitation to Tender</b>
	T1.1.1		Tender Notice and Invitation to Tender .....	2
<b>T1.2</b>	<b>Tender Data</b>			
	T1.2.1		Standard Conditions of Tender .....	3
	T1.2.2		Tender Data ( <i>applicable to this tender</i> ) .....	3
	T1.2.3	Additional Conditions of Tender .....	9	
Part T2	RETURNABLE DOCUMENTS			Page
	<b>T2.1</b>	<b>List of Returnable Documents</b> .....		13
	<b>T2.2</b>	<b>Returnable Schedules, Forms and Certificates</b> .....		13

CONTRACT PART		AGREEMENT AND CONTRACT DATA		Page
		Part C1	<b>C1.1</b>	<b>Form of Offer and Acceptance</b>
	C1.1.1		Offer .....	39
	C1.1.2		Acceptance .....	40
	C1.1.3		Schedule of Deviations .....	41
<b>C1.2</b>	<b>Contract Data</b>			
	C1.2.1		Standard Conditions of Contract .....	42
	C1.2.2		Contract Data .....	42
Part C2	PRICING DATA			Page
	<b>C2.1</b>	<b>Pricing Assumptions / Instructions</b> .....		46
	<b>C2.2</b>	<b>Pricing Schedule</b> (separate page numbering system) .....		48
Part C3	SCOPE OF WORK			Page
	<b>C3.1</b>	<b>Background</b> .....		50
	<b>C3.2</b>	<b>Employer's Requirements</b> .....		50
	<b>C3.3</b>	<b>Annexures</b> .....		Error!
		C3.3.1	Standard Conditions of Tender .....	66
	C3.3.2	Standard Professional Services Contract .....	67	

## PART T1: TENDERING PROCEDURES

### T1.1.1: TENDER NOTICE AND INVITATION TO TENDER

Tenders are hereby invited for Professional Services to **Conduct Feasibility and Detailed Planning Studies, including obtaining Tranche 1 Approval from DoHS, Environmental Approval (EIA & WULA) and SPLUMA Approval for Ntshongweni Phase 2 Rural Settlement: Ward 7.**

Subject	Description	Tender Data Ref.
<b>Employer</b>	The Employer is the eThekweni Municipality as represented by: Deputy Head: <b>Human Settlements - Projects</b>	F.1.1.1
<b>Tender Documents</b>	Documents can only be obtained in electronic format, issued by the eThekweni Municipality. Documentation can be downloaded from the <b>National Treasury's eTenders website</b> or the <b>eThekweni Municipality's Website</b> . The <u>entire document</u> should be printed (on A4 paper) and suitably bound by the tenderer.	F.1.2
<b>Clarification Meeting</b>	<b>To be held at 2nd Floor Boardroom, 90 Qashana Khuzwayo Road, New Germany on 25 March 2024 at 11:00am</b>	F.2.7
<b>Seek Clarification</b>	Queries relating to these documents are to be addressed to the Employer's Agent's Representative whose contact details are: <b>Nkululeko Khumalo</b> <b>Tel. : 0313116513</b> <b>eMail: <a href="mailto:nkululeko.khumalo@durban.gov.za">nkululeko.khumalo@durban.gov.za</a></b>	F.2.8
<b>Submitting a Tender Offer</b>	Tender offers shall be delivered to: <b>The Tender Box in the foyer of the Municipal Building</b> <b>166 KE Masinga Road, Durban</b>	F.2.13
<b>Closing Time</b>	Tender offers shall be delivered on or before <b>Friday, 19 April 2024</b> at or before <b>11h00</b> .	F.2.15
<b>Evaluation of Tender Offers</b>	<b>The 80/20</b> Price Preference Point System, as specified in the PPPFA Regulations 2022 will be applied in the evaluation of tenders. Refer to Clause F.3.11 of the Tender Data for the <b>Specific Goal(S)</b> for the awarding of Preference Points, and other related evaluation requirements.	F.3.11

Requirements for sealing, addressing, delivery, opening and assessment of tenders are further stated in the Tender Data

## **PART T1: TENDERING PROCEDURES**

### **T1.2: TENDER DATA**

#### **T1.2.1 STANDARD CONDITIONS OF TENDER**

The conditions of tender are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity in Construction Procurement (July 2015) as published in Government Gazette No 38960, Board Notice 136 of 2015 of 10 July 2015.

The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

#### **T1.2.2 TENDER DATA**

Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.

### **F.1: GENERAL**

**F.1.1 The employer:** The Employer for this Contract is the eThekweni Municipality as represented by:  
Deputy Head: **Human Settlements - Projects**

**F.1.2 Tender documents:** The Tender Documents issued by the Employer comprise:

- 1) This procurement document.
- 2) The “Standard Professional Services Contract – 3<sup>rd</sup> Edition July 2009” published by the Construction Industry Development Board (CIDB). This document is obtainable separately, and Tenderers shall obtain their own copies.
- 3) In addition, Tenderers are advised, in their own interest, to obtain their own copies of the following acts, regulations, and standards referred to in this document as they are essential for the Tenderer to get acquainted with the basics of construction management, the implementation of preferential construction procurement policies, and the participation of targeted enterprise and labour.
  - The Employer’s current (as at advertising date) Supply Chain Management Policy.
  - The Preferential Procurement Policy Framework Act No 5 of 2000, and the Preferential Procurement Policy Framework Act Regulations (2022).
  - The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, and the Construction Regulations (2014).
  - The Construction Industry Development Board Standard for Uniformity in Construction Procurement (July 2015).
  - Any other eThekweni Policy documents referenced in the Tender Documents.

Electronically downloaded documentation is obtainable from the National Treasury’s **eTenders Website** or the **eThekweni Municipality’s Website** at URLs:

- <https://www.etenders.gov.za/>
- <https://www.durban.gov.za/pages/business/procurement>

The entire downloaded document should be printed on white A4 paper (single-sided) and suitably bound by the tenderer.

**F.1.4 Communication and employer’s agent:** The Employer’s Agent’s Representative is:

The Tenderer's contact details, as indicated in the Contract Data: Clause C1.2.2.2 "Data to Be Provided by Contractor", shall be deemed as the only valid contact details for the Tenderer for use in communications between the Employer's Agent and the Tenderer.

## F.2: TENDERER'S OBLIGATIONS

### F.2.1 Eligibility: General

A Tenderer will not be eligible to submit a tender if:

- (a) the Tenderer submitting the tender is under restrictions or has principles who are under restriction to participate in the Employer's procurement due to corrupt or fraudulent practices.
- (b) the Tenderer does not have the legal capacity to enter into the contract.
- (c) the Tenderer does not comply with the legal requirements as stated in the Employer's current SCM Policy.
- (d) the Tenderer cannot provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the contract.
- (e) In the event of a Compulsory Clarification Meeting:
  - i) the Tenderer fails to attend the Compulsory Clarification Meeting.
  - ii) the Tenderer fails to have form "Certificate of Attendance at Clarification Meeting / Site Inspection" (in T2.2) signed by the Employer's Agent or his representative.
- (f) in the case of JV submissions, two or more JV entities have common directors / shareholders or common entities tendering for the same works.
- (g) at the time of closing of tenders, the Tenderer is not registered on the **National Treasury Central Supplier Database (CSD)** as a service provider. In the case of a Joint Venture, this requirement will apply individually to each party in the Joint Venture.
- (h) The tender fails to complete and sign the Declaration of Municipal Fees in T2.2: "Returnable Documents" and submits the required documentation. Reference is to be made to Returnable Document T2.2.12.

SCM Policy (Cl.14(4)) requires suppliers/ service providers/ contractors to be registered on the **eThekwini Municipality Central Supplier Database**.

In the event of the Tenderer not being registered on the eThekwini Municipality's Central Supplier Database, the tenderer must register on the internet at [www.durban.gov.za](http://www.durban.gov.za) by following these links:

- Business
- Supply Chain Management (SCM)
- Accredited Supplier and Contractor's Database.

The following are to be noted regarding registration on the **eThekwini Municipality Central Supplier Database**:

- (a) The information for registration as in the possession of the eThekwini Municipality will apply.

- (b) It is the Tenderer's responsibility to ensure that the details as submitted to the Municipality are correct.
- (c) Tenderers are to register prior to the submission of tenders.

**F.2.2.2 The cost of the tender documents:** Replace this paragraph with the following:

“Documents are to be obtained, free of charge, in electronic format, from the **National Treasury’s eTenders website** or the **eThekwini Municipality’s Website**. The entire electronically downloaded document should be printed on white A4 paper (single-sided) and suitably bound by the tenderer.

**F.2.6 Acknowledge addenda:** Add the following paragraphs to the clause:

“Addenda will be published, in electronic format, on the websites specified in F.1.2. Tenderers are to ensure that the eTenders website is consulted for any published addenda pertaining to this tender up to three days before the tender closing time as stated in the Tender Data.”

“Acknowledgement of receipt of the addenda will be by the return of the relevant completed, dated, and signed portion of the addenda, to the physical or email address as specified on the addenda. Failure of the tenderer to comply with the requirements of the addenda may result in the tender submission being made non-responsive.”

**F.2.7 Clarification meeting:**

**To be held at 2nd Floor Boardroom, 90 Qashana Khuzwayo Road, New Germany on 25 March 2024 at 11:00am**

In the event of a Compulsory Clarification Meeting, Tenderers must sign the attendance register in the name of the tendering entity. The Tenderer’s representative(s) at the clarification meeting must be able to clearly convey the discussions at the meeting to the person(s) responsible for compiling the entity’s tender offer.

**F.2.12 Alternative tender offers:** No alternative tender offers will be considered.

**F.2.13 Submitting a tender offer:** Submissions must be submitted on official submission documentation issued (in electronic format) by the eThekwini Municipality. The entire downloaded document should be printed on white A4 paper (single-sided) and suitably bound by the tenderer.

Identification details to be shown on each tender offer package are:

- Contract No. : **1H-25745**
- Contract Title : **Conduct Feasibility and Detailed Planning Studies, including obtaining Tranche 1 Approval from DoHS, Environmental Approval (EIA & WULA) and SPLUMA Approval for Ntshongweni Phase 2 Rural Settlement: Ward 7.**

The Employer’s address for delivery of tender offers is:

**The Tender Box in the foyer of the Municipal Building  
166 KE Masinga Road, Durban**

Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.

**F.2.15 Closing time:** The closing time for delivery of tender offers is:

- Date : **Friday, 19 April 2024**
- Time : **11h00**

**F.2.16 Tender offer validity:** The Tender Offer validity period is 120 Days from the closing date for submission of tenders.

**F.2.23 Certificates:** Refer to T2.1 for a listing of certificates that must be provided with the tender. All certificates must be valid at the time of tender closing.

**Tenderers are to include, at the back of their tender submission document, a printout of the required documents/ certificates.**

The Form of Offer (C1.1.1), Data to be provided by the Contractor (C1.2.2.2), and the Bill of Quantities (C2.2) are also required to be completed in full.

#### **Tax Clearance**

Refer also to returnable form in T2.2.3: "Tax Compliance Status PIN/ Tax Clearance Certificate".

SARS has introduced a new Tax Compliance Status System. Tenderers must submit a **Tax Compliance Status PIN** (TCS PIN) instead of an original Tax Clearance Certificate. This TCS PIN can be used by third parties to certify the taxpayer's real-time compliance status. This TCS PIN is to be entered on Returnable Document T2.2.1: "Compulsory Enterprise Questionnaire". Separate Tax Clearance Certificates / TCS PINs are required for each entity in a Joint Venture.

**Failure to comply will make the tender non-responsive.**

#### **Central Supplier Database (CSD)**

Refer also to returnable form in T2.2.12: "Eligibility: CSD Registration Report".

The entities (full) **CSD Registration Report**, obtained from the National Treasury Central Supplier Database, is to be included in the tender submission ( <https://secure.csd.gov.za> ).

Separate CSD Registration Reports are required for each entity in a Joint Venture.

### **F.3: THE EMPLOYER'S UNDERTAKINGS**

**F.3.1.1 Respond to requests from the tenderer:** Replace the words "five working days" with "three working days".

**F.3.2 Issue addenda:** Add the following paragraph: "Addenda will be published, in electronic format, on the same platform(s) as the Tender Notification (refer to F.1.2).

**F.3.4 Opening of Tender Submissions:** Tenders will be opened immediately after the closing time for tenders. The public reading of tenders will take place in the SCM Boardroom, 6<sup>th</sup> Floor, Engineering Unit Building, 166 KE Masinga Road, Durban.

**F.3.11 Evaluation of Tender Offers:**

#### **Eligibility**

Tenders will be checked for compliance with the ELIGIBILITY requirements, as specified in Clause F.2.1. Tenderers not in compliance will be deemed non-responsive.

#### **Functionality**

FUNCTIONALITY will be evaluated to determine the responsiveness of tenders received. The minimum score for FUNCTIONALITY is 70 points. Those tenders not achieving the minimum score will be deemed non-responsive.

The functionality Criteria, Sub-Criteria, Points per Criteria/ Sub-Criteria, Returnable Documentation and Schedules, Method of Evaluation, and Prompts for Judgement are as specified in T1.2.3: "Additional Conditions of Tender".

## **Preference Point System**

The financial offer will be reduced to a comparative basis using the **Tender Assessment Schedule**.

The procedure for the evaluation of responsive tenders is **PRICE AND PREFERENCE** in accordance with the Employer's current SCM Policy, the Preferential Procurement Policy Framework Act (5 of 2000), and the Preferential Procurement Policy Framework Act Regulations (2022).

### **Price Points**

The **80/20** preference points system will be applied. The Formula used to calculate the **Price Points (max. 80)** will be according to that specified Regulation 4.1.

### **Preference Points**

Refer to T2.2.6: "MBD 6.1: Preference Points Claim".

The Preference Points (either 20 or 10) will be derived from points allocated/ claimed for **Specific Goals** as indicated in the table(s) below, according to the specified **Goal/ Category Weightings**.

### **Ownership Goal**

The tendering entity's **Percentage Ownership**, in terms of the **Ownership Category(s)** listed below, is to be used in the determination of the tenderer's claim for **Preference Points**.

Goal Weighting %		
<b>Ownership</b>	<b>Criteria</b>	<b>80/20</b>
Race: Black	0%	
	>0% and <51%	8
	≥51% and <100%	15
	100%	20
<b>Proof of claim as declared on MBD 6.1</b> (1 or more of the following will be used in verifying the tenderer's status) <ul style="list-style-type: none"><li>• Companies and Intellectual Property Commission registration document (CIPC)</li><li>• CSD report.</li><li>• B-BBEE Certificate of the tendering entity.</li><li>• Consolidated BBBEE Certificate if the tendering entity is a Consortium, Joint Venture, or Trust (Issued by verification agency accredited by the South African Accreditation System).</li><li>• Agreement for a Consortium, Joint Venture, or Trust.</li></ul>		



**F.3.13 Acceptance of tender offer:** In addition to the requirements of Clause F.3.13 of the Standard Conditions of Tender, tender offers will only be accepted if:

- (a) The tenderer submits a **valid Tax Clearance Certificate OR Tax Compliance Status PIN**, issued by the TCS System of the South African Revenue Services, or has made arrangements to meet outstanding tax obligations.
- (b) The tenderer or any of its directors/shareholders is **not listed on the Register of Tender Defaulters** in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector.
- (c) The tenderer has not:
  - Abused the Employer's Supply Chain Management System; or
  - Failed to perform on any previous contract and has been given a written notice to this effect.
- (d) The tenderer has completed the **Compulsory Enterprise Questionnaire** and there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the Employer or potentially compromise the tender process.

The Municipality does not bind itself to accept the lowest or any tender. It reserves the right to accept the whole or any part of a tender to place orders. Bidders shall not bind the Municipality to any minimum quantity per order. The successful Tenderer (s) shall be bound to provide any quantities stipulated in the specification.

**F.3.17 Copies of contract:** The number of **paper copies** of the signed contract to be provided by the Employer is **ONE (1)**.

### T1.2.3 ADDITIONAL CONDITIONS OF TENDER

#### T1.2.3.1 Appeals

In terms of Regulation 49 of the Municipal Supply Chain Management Regulations persons aggrieved by decisions or actions taken by the Municipality, may lodge an appeal within 14 days of the decision or action, in writing to the Municipality. All appeals (clearly setting out the reasons for the appeal) and queries with regard to the decision of award are to be directed to:

The City Manager  
Attention Ms S. Pillay eMail: Simone.Pillay@durban.gov.za  
P O Box 1394  
DURBAN, 4000

#### T1.2.3.2 Prohibition on awards to persons in the service of the state

Clause 44 of the Supply Chain Management Regulations states that the Municipality or Municipal Entity may not make any award to a person:

- (a) Who is in the service of the State;
- (b) If that person is not a natural person, of which a director, manager, principal shareholder or stakeholder is a person in the service of the state; or
- (c) Who is an advisor or consultant contracted with the municipality or a municipal entity.

Should a contract be awarded, and it is subsequently established that Clause 44 has been breached, the Employer shall have the right to terminate the contract with immediate effect.

#### T1.2.3.3 Code of Conduct and Local Labour

The Tenderers shall make themselves familiar with the requirements of the following policies that are available on web address: <ftp://ftp.durban.gov.za/cesu/StdContractDocs/>:

- Code of Conduct;
- The Use of CLOs and Local Labour.

#### T1.2.3.5 Functionality Specification

Functionality Evaluation is applicable to this tender.

- The minimum number of evaluation points for Functionality is 70
- The Functionality criteria and maximum score in respect of each of the criteria are as follows:

Functionality criteria	Subcriteria	Maximum Points Score
Experience of Tenderer	Experience of service provider in executing work of similar scope	40
Experience of Key Resources in executing work of similar nature	General experience and qualification in relation to the service of key staff	34
Proposed Organogram and staffing	Project organogram, duties and responsibilities of people allocated to the project and location of key staff.	6
Methodology and Programme	Including programme, risk management and approach	20
<b>Maximum possible score for Functionality (M<sub>s</sub>)</b>		<b>100</b>

- Only those tenderers who achieve the minimum number of Functionality evaluation points (or greater) will be eligible to have their tenders further evaluated.
- Functionality shall be scored by not less than three evaluators and the scores of each of the evaluators will be averaged, weighted, and then totalled to obtain the final score.
- Each evaluation criteria will be assessed in terms of five (5) indicators and scores allocated

according to the following table:

Level 0	Level 1	Level 2	Level 3	Level 4
0	40	70	90	100

- The prompts for judgment and the associated scores used in the evaluation of Functionality shall be as follows:

Level	Score	Prompt for judgement
0	0	Failed to address the question / issue
1	40	Less than acceptable – response / answer / solution lacks convincing evidence of skill / experience sought or medium risk that relevant skills will not be available.
2	70	Acceptable response / answer / solution to the particular aspect of the requirements and evidence given of skill / experience sought
3	90	Above acceptable – response / answer / solution demonstrating real understanding of requirements and evidence of ability to meet it.
4	100	Excellent – response / answer / solution gives real confidence that the tenderer will add real value.

- Evaluation criteria will be adjudicated according to submissions made in accordance with the following schedules, which are found in Part T2.2: Returnable Schedules

Functionality criteria / Subcriteria	Returnable Schedules
Tenderer's Experience	<ul style="list-style-type: none"> <li>• Experience of Tenderer – including <ul style="list-style-type: none"> <li>• Letters of appointment</li> <li>• Completion letter</li> </ul> </li> </ul>
Project Experience of Key Staff	<ul style="list-style-type: none"> <li>• Key Personnel – incl. <ul style="list-style-type: none"> <li>○ Experience of Key Personnel (i.e. brief CV)</li> <li>○ Proof of registration with relevant professional body</li> <li>○ Educational qualifications</li> </ul> </li> </ul>
Organogramme & Staffing	<ul style="list-style-type: none"> <li>• Proposed Organogram – incl. <ul style="list-style-type: none"> <li>○ Staffing and Responsibilities</li> </ul> </li> </ul>
Methodology and Programme	<ul style="list-style-type: none"> <li>• Approach or Methodology and preliminary programme - incl. <ul style="list-style-type: none"> <li>○ Risk management plan/statement</li> <li>○ Quality Control Statement</li> </ul> </li> </ul>

- Unless otherwise stated, evaluation criteria will be adjudicated with respect to the contract specific Scope of Work, as specified in Part C.3. In this regard the following definitions apply to the evaluation criteria prompts for judgement:
  - 1) “**successfully completed**” implies a project has been completed on time and to specification;
  - 2) “**similar nature**” implies projects that were of a value of at least 70% of this tender's value, and had a comparable Scope of Work in terms of technical requirements and operations;
  - 3) “**experience**” implies experience on projects of a similar nature;
  - 4) “**accredited degree / diploma**” implies a minimum 3 year qualification within the built environment, from a registered University or Institute of Technology
  - 5) “**Professional Registration Required**” implies registration with a relevant professional body as professional

Level	Pts	Criterion: Tenderer's Experience
0	0	No response/ no evidence of experience submitted
1	40	Tenderer has limited experience. Successfully completed 1 project of a similar nature within the past 10 years.
2	70	Tenderer has relevant experience and has dealt with the critical issues specific to the assignment. Successfully completed 2 to 3 projects of a similar nature within the past 10 years.
3	90	Tenderer has extensive experience in relation to the project and has worked previously under similar conditions and circumstances. The tenderer also has local experience, local implies within eThekweni Municipality. Successfully completed 4 to 6 projects of a similar nature within the past 10 years.
4	100	Tenderer has outstanding experience in projects of a similar nature, and has extensive local experience, local implies within eThekweni Municipality. Successfully completed Successfully completed 7 or more projects of a similar nature within the past 10 years.

			Experience of Key Resources in executing work of similar nature						
Job Title	Minimum Qualification Required	Professional Registration Required	Professional Body	Number of Years' Relevant Experience on projects of a similar nature					Total Points
				Level 0 0 pts	Level 1 40 pts	Level 2 70 pts	Level 3 90 pts	Level 4 100 pts	
Project Manager	Relevant Built Environment Degree	Pr. CPM	SACPCMP	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	5
Town Planner	Degree Town & Reg. Planning or Relevant Built Environment Degree	Pr. Pln	SACPLAN	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	5
Civil Engineer/Structural Engineer	BSc/Degree Engineering	Pr. Eng	ECSA	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	5
Environmentalist	BSc/Degree Environmental Science or Management or Relevant	Pr. Nat Sci	EAPASA/SAC NASP	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	5
Geotechnical Engineer	BSc/Degree Engineering or Relevant	Pr. Eng /Pr. Nat Sci	ECSA/SACNA SP	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	5
Land Surveyor	Degree Surveying or Relevant	Pr. LS	SAGC	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	5
Social Facilitator	Relevant	Proven work experience	N/A	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	4
			<p>Note 1: "experience" implies experience on projects of a similar nature with respect to the Scope</p> <p>Note 2: "accredited degree / diploma" implies a minimum 3 yr qualification within the built environment, from a registered University or Institute of Technology.</p>						

Level	pts	Criterion: Proposed Organogram and staffing
0	0	No Submission or Submission of no substance / irrelevant information provided
1	40	The organisation chart is sketchy, the staffing plan is weak in important areas. There is no clarity in allocation of tasks and responsibilities. Very few of the key staff are locally based
2	70	The organisational chart is complete and detailed, the technical level and composition of the staffing arrangements are adequate. Some of the key staff are locally based
3	90	Besides meeting the "satisfactory" rating, staff are well balanced i.e. they show good co-ordination, complimentary skills, clear and defined duties and responsibilities, some members of the project team have worked together before on limited occasions. Key staff are generally locally based
4	100	Besides meeting the "good" rating, the proposed team is well integrated and several members have worked together extensively in the past. Key staff are almost entirely locally based

Level	Pts	Criterion : Approach / Methodology
0	0	No response/ no documents submitted
1	40	The technical approach and / or methodology is poor / is unlikely to satisfy project objectives or requirements. The tenderer has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the project. The programme is poor and has missed critical aspects
2	70	The approach is tailored to address the specific project objectives and methodology. The approach does adequately deal with the critical characteristics of the project.  The project plan and manner in which risk is to be managed etc is tailored to the key aspects of the programme.  The programme is adequate.
3	90	The approach is tailored to address the specific project objectives and methodology and is sufficiently flexible to accommodate changes that may occur during execution.  The project plan and approach to managing risk etc is tailored to the critical characteristics of the project.  The programme is good and has allowed for all critical aspects
4	100	Besides meeting the "good" rating, the important issues are approached in an innovative and efficient way, indicating that the tenderer has outstanding knowledge of state-of-the- art approaches.  The programme is well though out and makes allowance for all the key risk areas.  The approach paper details ways to improve the project outcomes and the quality of the outputs

## **PART T2: RETURNABLE DOCUMENTS**

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

#### **T2.1.1 General**

The Tender Submission Documentation must be submitted in its entirety. All forms must be properly completed as required.

The Tenderer is required to complete each and every Schedule and Form listed below to the best of their ability as the evaluation of tenders and the eventual contract will be based on the information provided by the Tenderer. Failure of a Tenderer to complete the Schedules and Forms to the satisfaction of the Employer will inevitably prejudice the tender and may lead to rejection on the grounds that the tender is non-responsive.

#### **T2.1.2 Returnable Schedules, Forms and Certificates**

##### **Entity Specific**

T2.2.1	Compulsory Enterprise Questionnaire.....	14
T2.2.2	Certificate of Attendance at Clarification Meeting.....	16
T2.2.3	Tax Compliance Status PIN / Tax Clearance Certificate .....	17
T2.2.4	MBD 4: Declaration of Interest	18
T2.2.5	MBD 5: Declaration for Procurement Above R10 Million.....	20
T2.2.6	MBD 6.1: Preference Points Claim Form ITO the Preferential Regulations .....	21
T2.2.7	MBD 8: Declaration of Bidder's Past SCM Practices .....	21
T2.2.8	MBD 9: Certificate of Independent Bid Determination .....	26
T2.2.9	Joint Venture Agreements (if applicable) .....	29
T2.2.10	Record of Addenda to Tender Documents (if applicable).....	30
T2.2.11	Declaration of Municipal Fees .....	31
T2.2.12	CSD Registration Report.....	32

##### **Technical or Functionality Evaluation**

T2.2.13	Experience of Tenderer.....	33
T2.2.14	Proposed Organisation and Staffing .....	34
T2.2.15	Personnel Schedule.....	35
T2.2.16	Experience of Key Personnel.....	36
T2.2.17	Approach Paper / Methodology / Programme .....	38

### **T2.2 RETURNABLE SCHEDULES, FORMS, AND CERTIFICATES**

The returnable schedules, forms, and certificates, as listed in T2.1.2, can be found on pages [14](#) to [30](#).

#### **NOTE**

The **Form of Offer** (C1.1.1), The **Data to be Provided by Contractor** (C1.2.2.2), and the **Bill of Quantities** (C2.2) are also required to be completed by the tenderer.

**T2.2.1 COMPULSORY ENTERPRISE QUESTIONNAIRE**

Ref	Description	Complete or Circle Applicable	
1.1	Name of enterprise		
1.2	Name of enterprise's representative		
1.3	ID Number of enterprise's representative		
1.4	Position enterprise's representative occupies in the enterprise		
1.5	National Treasury Central Supplier Database Registration number	<b>MAAA</b>	
1.6	eThekwini Supplier Database: Reference number (PR), if any:	<b>PR</b>	
1.7	VAT registration number, if any:		
<b>2.0 Particulars of sole proprietors and partners in partnerships (attach separate pages if more than 4 partners)</b>			
	<b>Full Name</b>	<b>Identity No.</b>	<b>Personal income tax No. *</b>
2.1			
2.2			
2.3			
2.4			
<b>3.0 Particulars of companies and close corporations</b>			
3.1	Company registration number, if applicable:		
3.2	Close corporation number, if applicable:		
3.3	Tax Reference number, if any:		
3.4	South African Revenue Service: Tax Compliance Status PIN:		

**4.0 Record in the service of the state** (Insert on a separate page if necessary)

Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

- |   |  |
|---|--|
| <input type="checkbox"/> a member of any municipal council  | <input type="checkbox"/> a member of any provincial legislature  |
| <input type="checkbox"/> an official of any municipality or municipal entity  | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity |
| <input type="checkbox"/> a member of the board of directors of any municipal entity   | <input type="checkbox"/> a member of the National Assembly or the National Council of Province           |
| <input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999) | <input type="checkbox"/> an employee of Parliament or a provincial legislature                           |

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 mths

**5.0 Record of spouses, children and parents in the service of the state** (Insert on a separate page if necessary)

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

- |   |  |
|---|--|
| <input type="checkbox"/> a member of any municipal council  | <input type="checkbox"/> a member of any provincial legislature  |
| <input type="checkbox"/> an official of any municipality or municipal entity  | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity |
| <input type="checkbox"/> a member of the board of directors of any municipal entity   | <input type="checkbox"/> a member of the National Assembly or the National Council of Province           |
| <input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999) | <input type="checkbox"/> an employee of Parliament or a provincial legislature                           |

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 mths

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise:

- i) authorizes the Employer to verify the tenderers tax clearance status from the South African Revenue Services that it is in order.
- ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004.
- iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption.
- iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest.
- v) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

**NAME (Block Capitals):** \_\_\_\_\_

**Date**

**SIGNATURE:** \_\_\_\_\_



**T2.2.2 CERTIFICATE OF ATTENDANCE AT CLARIFICATION MEETING / SITE INSPECTION**

Reference is to be made to Clauses F.2.1(c) and F.2.7 of the Tender Data.

This is to certify that:

(tenderer name):

of (address):

was represented by the person(s) named below at the Clarification Meeting held for all tenderers, the details of which are stated in the Tender Data (F.2.7).

I / We acknowledge that the purpose of the meeting was to acquaint myself / ourselves with the site of the works and / or matters incidental to doing the work specified in the tender documents in order for me / us to take account of everything necessary when compiling our rates and prices included in the tender.

**Particulars of person(s) attending the meeting:**

Name: ..... Name: .....

Signature: ..... Signature: .....

Capacity: ..... Capacity: .....

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

Name: .....

Signature: .....

Date: .....

**T2.2.3 TAX COMPLIANCE STATUS PIN / TAX CLEARANCE CERTIFICATE**

Reference is to be made to Clauses F.2.23 and F.3.13(a) of the Tender Data.

SARS has introduced a new Tax Compliance Status System. Tenderers can submit a Tax Compliance Status PIN (TCS PIN) instead of an original Tax Clearance Certificate. This TCS PIN can be used by third parties to certify the taxpayer's real-time compliance status.

Separate Tax Clearance Certificates / TCS PINs are required for each entity in a Joint Venture.

The TCS PIN(s) are to be entered under item 3.4 on form **T2.1.2.1: Compulsory Enterprise Questionnaire**.

**Tenderers are to include, at the back of their tender submission document, a printout of their Tax Compliance Status PIN (TCS PIN) OR an original Tax Clearance Certificate.**

**Failure to include the required document will make the tender submission non-responsive.**

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

**NAME (Block Capitals):**

**Date**

**SIGNATURE:**

**T2.2.4 MBD 4: DECLARATION OF INTEREST**

MSCM Regulations: **“in the service of the state”** means to be:

- (a) a member of:
  - (i) any municipal council.
  - (ii) any provincial legislature.
  - (iii) the national Assembly or the national Council of provinces.
- (b) a member of the board of directors of any municipal enterprise.
- (c) an official of any municipality or municipal enterprise.
- (d) an employee of any national or provincial department, national or provincial public enterprise or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999).
- (e) a member of the accounting authority of any national or provincial public enterprise.
- (f) an employee of Parliament or a provincial legislature.

**“Shareholder”** means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

- 1 No bid will be accepted from persons **in the service of the state**<sup>1</sup>.
- 2 Any person, having a kinship with persons **in the service of the state**, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to **persons in service of the state**, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.
- 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Name of enterprise	Complete T2.1.2.1 Item 1.1
Name of enterprise’s representative	Complete T2.1.2.1 Item 1.2
3.2 ID Number of enterprise’s representative	Complete T2.1.2.1 Item 1.3
3.3 Position enterprise’s representative occupies in the enterprise	Complete T2.1.2.1 Item 1.4
3.4 Company Registration number	Complete T2.1.2.1 Item 3.1 or 3.2
3.5 Tax Reference number	Complete T2.1.2.1 Item 3.3
3.6 VAT registration number	Complete T2.1.2.1 Item 1.7

3.7 The names of all directors / trustees / shareholders / members / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted.

Circle Applicable	
3.8 Are you presently in the service of the state?	YES    NO
If yes, furnish particulars: .....	
.....	
3.9 Have you been in the service of the state for the past twelve months?	
YES    NO	
If yes, furnish particulars: .....	
.....	

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? YES NO  
 If yes, furnish particulars: .....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? YES NO  
 If yes, furnish particulars: .....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? YES NO  
 If yes, furnish particulars: .....

3.13 Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? YES NO  
 If yes, furnish particulars: .....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract? YES NO  
 If yes, furnish particulars: .....

4 The names of all directors / trustees / shareholders / members / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted

Full Name	Identity No.	State Employee No.	Personal income tax No.
Use additional pages if necessary			

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct.*

**NAME (Block Capitals):** ..... **Date** .....

**SIGNATURE:** .....

**T2.2.5 MBD 5: DECLARATION FOR PROCUREMENT ABOVE R10 MILLION  
(ALL APPLICABLE TAXES INCLUDED)**

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

	Circle Applicable
1.0 Are you by law required to prepare annual financial statements for auditing?	YES      NO
1.1 <b>If YES, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.</b>	
2.0 Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?	YES      NO
2.1 If NO, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.	
2.2 If YES, provide particulars. ..... .....	
3.0 Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?	YES      NO
3.1 If YES, provide particulars. ..... .....	
4.0 Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?	YES      NO
4.1 If YES, provide particulars. ..... .....	

**If required by 1.1 above, tenderers are to include, at the back of their tender submission document, a printout of their audited annual financial statements.**

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, and, if required, that the requested documentation has been included in the tender submission.*

**NAME (Block Capitals):** \_\_\_\_\_ **Date** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**T2.2.6 MBD 6.1: PREFERENCE POINTS CLAIM**  
**In terms of THE PREFERENTIAL PROCUREMENT REGULATIONS (2022)**

**Reference is to be made to Clause F.3.11 of the Tender Data.**

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

**1.0 GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to invitations to tender:

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

1.2 The applicable preference point system for this tender is the 80/20 preference point system.

1.3 Preference Points for this tender shall be awarded for:

- **Price and Specific Goals:** Either 80 or 90 (price) and 20 or 10 (specific goals), in terms of 1.2 above.
- The total Preference Points, for Price and Specific Goals, is 100.

1.4 Failure on the part of the tenderer to submit the required proof or documentation, in terms of the requirements in the Conditions of Tender for claiming specific goal preference points, will be interpreted that preference points for specific goals are not claimed.

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

**2.0 DEFINITIONS**

2.1 “**tender**” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation.

2.2 “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts.

2.3 “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes.

2.4 “**tender for income-generating contracts**” means a written offer in the form determined by Municipality in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the Municipality and a third party that produces revenue for the Municipality, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions.

2.5 “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

### 3.0 FORMULA FOR CALCULATION OF PREFERENCE PRICE POINTS

#### 3.1 PROCUREMENT OF GOODS AND SERVICES

**POINTS AWARDED FOR PRICE:** A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \textbf{80 / 20 Points System} & \textbf{OR} & \textbf{90 / 10 Points System} \\ P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right) & & P_s = 90 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right) \end{array}$$

Where:

P<sub>s</sub> = Points scored for price of tender under consideration

P<sub>t</sub> = Price of tender under consideration

P<sub>min</sub> = Price of lowest acceptable tender

#### 4.0 POINTS AWARDED FOR SPECIFIC GOALS

4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goal(s) stated in **Table 1** below, as supported by proof/ documentation stated in the **Conditions of Tender**:

4.2 In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of:

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system, or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**TABLE 1:** Specific Goals for the tender and maximum points for each goal are indicated per the table below.

**Tenderers are to indicate their points claim for each of the Specific Goals in the shaded blocks.**

Ownership Category	criteria	80/20	Number of points CLAIMED (80/20 system)	Number of points CLAIMED (90/10 system)
<b>Ownership Goal: Race (black)</b>	Equals 0%	0		n/a
	Between 0% and 51%	8		n/a
	Greater or equal to 51% and less than 100%	16		n/a
	Equals 100%	20		n/a
<b>Total CLAIMED Points (20 Maximum)</b>				n/a

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, certify that the points claimed, based on the specific goals as specified in the tender, qualifies the tendering entity for the preference(s) shown.

I acknowledge that:

- 1) The information furnished is true and correct.
- 2) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- 3) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct.
- 4) If the specific goals have been claimed or obtained on a fraudulent basis, or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have:
  - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

**NAME (Block Capitals):** \_\_\_\_\_

**Date**

**SIGNATURE:** \_\_\_\_\_



**T2.2.7 MBD 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 1.0 This Municipal Bidding Document must form part of all bids invited.
- 2.0 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3.0 The bid of any bidder may be rejected if that bidder, or any of its directors have:
  - a) abused the municipal entity's supply chain management system or committed any improper conduct in relation to such system.
  - b) been convicted for fraud or corruption during the past five years.
  - c) wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years.
  - d) been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4.0 In order to give effect to the above, the following questions must be completed and submitted with the bid.

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?

(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 audi alteram partem rule was applied.)

The Database of Restricted Suppliers now resides on the National Treasury's website ([www.treasury.gov.za](http://www.treasury.gov.za)) and can be accessed by clicking on its link at the bottom of the home page.

4.1.1 If YES, provide particulars.

.....

.....

Circle Applicable	
YES	NO

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)?

The Register for Tender Defaulters can be accessed on the National Treasury's website ([www.treasury.gov.za](http://www.treasury.gov.za)) by clicking on its link at the bottom of the home page.

4.2.1 If YES, provide particulars.

.....

.....

YES	NO
-----	----

4.3 Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?

4.3.1 If YES, provide particulars.

.....

.....

YES	NO
-----	----

4.4 Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?

YES	NO
-----	----

4.4.1 If YES, provide particulars.

.....

.....

4.5 Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?

YES	NO
-----	----

4.5.1 If YES, provide particulars.

.....

.....

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both 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.*

**NAME (Block Capitals):**

**Date**

**SIGNATURE:**

.....

.....

## T2.2.8 MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

### NOTES

- <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.
- <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.

- 1.0 This Municipal Bidding Document (MBD) must form part of all **bids**<sup>1</sup> invited.
- 2.0 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or **bid rigging**).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3.0 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
- a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4.0 This MBD 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**.
- 5.0 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid.

**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 Municipality / Municipal Entity)

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

I certify, on behalf of:

-----  
(Name of Bidder)

that:

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.
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement, or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>9</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.
  - (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.
  
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.

**NAME (Block Capitals):**

**Date**

**SIGNATURE:**

**T2.2.9 JOINT VENTURES AGREEMENTS**

Joint Venture agreement and Power of Attorney Agreements to be attached here (if applicable).

**T2.2.10 RECORD OF ADDENDA TO TENDER DOCUMENTS**

I / We confirm that the following communications received from the Employer or his representative before the date of submission of this tender offer, amending the tender documents, have been taken into account in this tender offer.

ADD.No	DATE	TITLE OR DETAILS
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct.*

***It is also confirmed that the requirements, as stated on the Addenda, have been complied with.***

**NAME (Block Capitals):**

**Date**

**SIGNATURE:**

-----

-----

**T2.2.11 DECLARATION OF MUNICIPAL FEES**

Reference is to be made to Clause F.2.1(f)(ii) of the Tender Data.

I, the undersigned, do hereby declare that the Municipal fees of:

.....  
 (full name of Company / Close Corporation / partnership / sole proprietary/Joint Venture)

(hereinafter referred to as the TENDERER) are, as at the date hereunder, fully paid or an Acknowledgement of Debt has been concluded with the Municipality to pay the said charges in instalments.

The following account details relate to property of the said TENDERER:

<u>Account</u>	<u>Account Number: to be completed by tenderer</u>											
Consolidated Account												
Electricity												
Water												
Rates												
JSB Levies												
Other												

I acknowledge that should the aforesaid Municipal charges fall into arrears, the Municipality may take such remedial action as is required, including termination of any contract, and any payments due to the Contractor by the Municipality shall be first set off against such arrears.

- Where the tenderer’s place of business or business interests are outside the jurisdiction of eThekweni municipality, a copy of the accounts/ agreements from the relevant municipality are to be provided.
- Where the tenderer’s Municipal Accounts are part of their lease agreement, then a copy of the agreement, or an official letter to that effect, is to be provided.

**Tenderers are to include, at the back of their tender submission document, a printout of the above account’s and or agreements signed with the municipality.**

**Failure to include the required document will make the tender submission non-responsive.**

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

**NAME (Block Capitals):** \_\_\_\_\_ **Date** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_



## T2.2.12 CSD REGISTRATION REPORT

Reference is to be made to Clauses F.2.1(e) and F.2.23 of the Tender Data.

The Conditions of Tender, Clause F.2.1: Eligibility, requires a tenderer to be registered, at the time of tender closing, on the **National Treasury Central Supplier Database (CSD)** as a service provider.

CSD Registration Reports can be obtained from the National Treasury's CSD website at <https://secure.csd.gov.za/Account/Login>.

The date of obtaining the printout is to be indicated on the printout.

The following is an example of the beginning of the printout obtained from the above website.

The screenshot shows the beginning of a CSD Registration Report. At the top left is the logo for the Central Supplier Database for Government. To the right are two input fields: 'Report Date:' and 'Report Ran By:'. Below this is a green header bar with the text 'CSD REGISTRATION REPORT'. The main content area is titled 'SUPPLIER IDENTIFICATION' and contains a table of fields for supplier information.

SUPPLIER IDENTIFICATION			
Supplier number		Have Bank Account	
Is supplier active?		Total annual turnover	
Supplier type		Financial year start date	
Supplier sub-type		Registration date	
Legal name		Created by	
Trading name		Created date	
Identification type		Edit by	
Government breakdown		Edit date	
Business status		Restricted Supplier	
Country of origin		Restriction Last Verification Date	
South African company/CC registration number			

**Tenderers are to include, at the back of their tender submission document, a printout of their (full) CSD Registration Report.**

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

NAME (Block Capitals):

Date

SIGNATURE:

**T2.2.13 EXPERIENCE OF TENDERER**

Refer to T1.2.3.5: "Functionality Specification" for Functionality Points evaluation prompts (if applicable).

The experience of the tendering entity or joint venture partners in the case of an unincorporated joint venture or consortium, as opposed to the key staff members / experts, in projects of similar type and scale (> 5000 people) over the last five years will be evaluated. Tenderers must provide details of their knowledge of the local area and previous experience with key local stakeholders.

Tenderers should very briefly describe their experience in this regard and attach it to this schedule. Proof of participation / case studies and contact details of clients of the relevant projects must also be provided

The description should be put in tabular form with the following headings:

Employer, contact person and telephone number, where available	Description of event	Detail of work undertaken, nature of work & value	Date undertaken
--	----------------------	---	-----------------

The scoring of the tenderer's experience will be as follows:

Level	Score	Criterion: Tenderer's Experience
0	0	No response/ no evidence of experience submitted
1	40	Tenderer has limited experience. Successfully completed 1 project of a similar nature within the past 10 years.
2	70	Tenderer has relevant experience and has dealt with the critical issues specific to the assignment. Successfully completed 2 to 3 projects of a similar nature within the past 10 years.
3	90	Tenderer has extensive experience in relation to the project and has worked previously under similar conditions and circumstances. The tenderer also has local experience within eThekweni Municipality. Successfully completed 4 to 6 projects of a similar nature within the past 10 years.
4	100	Tenderer has outstanding experience in projects of a similar nature, and has extensive local experience within eThekweni Municipality. Successfully completed 7 or more projects of a similar nature within the past 10 years.

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

**NAME (Block Capitals):**

**Date**

**SIGNATURE:**

## T2.2.14 PROPOSED ORGANISATION and STAFFING

Refer to T1.2.3.5: "Functionality Specification" for Functionality Points evaluation prompts (if applicable).

The tenderer should propose the structure and composition of their team i.e. the main operational areas involved, the key staff member / expert responsible for each area, and the proposed technical and support staff. The roles and responsibilities of each key staff member / expert should be set out as brief job descriptions. In the case of an association / joint venture / consortium, it should, indicate how the duties and responsibilities are to be shared. The tenderer must also indicate where key personnel are based.

The tenderer must attach their Proposed Organisation and Staffing to this page.

The scoring of the proposed organisation and staffing will be as follows:

Level	Points	Criterion: Proposed Organogram and staffing
0	0	No Submission or Submission of no substance / irrelevant information provided
1	40	The organisation chart is sketchy, the staffing plan is weak in important areas. There is no clarity in allocation of tasks and responsibilities. Very few of the key staff are locally based
2	70	The organisational chart is complete and detailed, the technical level and composition of the staffing arrangements are adequate. Some of the key staff are locally based
3	90	Besides meeting the "satisfactory" rating, staff are well balanced i.e. they show good co-ordination, complimentary skills, clear and defined duties and responsibilities, some members of the project team have worked together before on limited occasions. Key staff are generally locally based
4	100	Besides meeting the "good" rating, the proposed team is well integrated and several members have worked together extensively in the past. Key staff are almost entirely locally based

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

**NAME (Block Capitals):**

**Date**

**SIGNATURE:**

**T2.2.15 PERSONNEL SCHEDULE**

Refer to T1.2.3.5: "Functionality Specification" for Functionality Points evaluation prompts (if applicable).

The tenderer must attach their proposed Personnel Schedule to this page using the following headings:

- Name
- Title
- Job Description
- Qualifications/ Years of Experience
- Estimated Period of Engagement on this project (weeks).

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

**NAME (Block Capitals):**

**Date**

**SIGNATURE:**

## T2.2.16 EXPERIENCE OF KEY PERSONNEL

Refer to T1.2.3.5: "Functionality Specification" for Functionality Points evaluation prompts (if applicable).

The experience of assigned staff member in relation to the scope of work will be evaluated from three different points of view:

- 1) General experience, level of education and training and positions held of each operational area team leader.
- 2) The skills and experience of the assigned staff in the specific operational areas. Linked to the scope of work.
- 3) The key staff members' / experts' knowledge of issues which the tenderer considers pertinent to events e.g. local conditions, legislation, techniques etc.

CVs of the team director, and team leaders of **not more than 2 pages each** should be attached to this schedule: (define which CV's are required). Each CV should be structured under the following headings:

Personal particulars	Qualifications	Skills	Name of current employer and position in enterprise	Outline of recent assignments / experience that has a bearing on the scope of work
----------------------	----------------	--------	---	--

The scoring of the experience of key staff will be as follows:

			Experience of Key Resources in executing work of similar nature						
Job Title	Minimum Qualification Required	Professional Registration Required	Professional Body	Number of Years' Relevant Experience on projects of a similar nature					Total Points
				Level 0 0 pts	Level 1 40 pts	Level 2 70 pts	Level 3 90 pts	Level 4 100 pts	
Project Manager	Relevant Built Environment Degree	Pr. CPM	SACPCMP	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	5
Town Planner	Degree Town & Reg. Planning or Relevant Built Environment Degree	Pr. Pln	SACPLAN	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	5
Civil Engineer/Structural Engineer	BSc/Degree Engineering	Pr. Eng	ECSA	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	5
Environmentalist	BSc/Degree Environmental Science or Management or Relevant	Pr. Nat Sci	EAPASA/SACNASP	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	5
Geotechnical Engineer	BSc/Degree Engineering or Relevant	Pr. Eng /Pr. Nat Sci	ECSA/SACNASP	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	5
Land Surveyor	Degree Surveying or Relevant	Pr. LS	SAGC	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	5
Social Facilitator	Relevant	Proven work experience	N/A	No Submission	≤ 3	>3 ≤ 7	> 7 ≤ 10	>10	4

Note 1: "experience" implies experience on projects of a similar nature with respect to the Scope  
Note 2: "accredited degree / diploma" implies a minimum 3 yr qualification within the built environment, from a registered University or Institute of Technology.

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

**NAME (Block Capitals):** .....

**Date**

**SIGNATURE:** .....

**T2.2.17 APPROACH PAPER / METHODOLOGY / PROGRAMME**

Refer to T1.2.3.5: “Functionality Specification” for Functionality Points evaluation prompts (if applicable).

Tenderers must explain their understanding of the objectives of the assignment and the Employer’s stated and implied requirements, highlight the issues of importance, and explain the technical approach they would adopt to address them. The approach paper should explain the methodologies to be adopted, and should also include a project plan and programme which outlines processes, procedures and associated resources, indicates how risks will be managed and identifies what contribution can be made regarding value management.

Tenderers must attach their approach papers to this page. The approach paper should not be longer than 6 pages.

The scoring of the approach paper will be as follows:

Criterion : Approach / Methodology		
Level 0	0 pts	No response/ no documents submitted
Level 1	40 pts	The technical approach and / or methodology is poor / is unlikely to satisfy project objectives or requirements. The tenderer has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the project. The programme is poor and has missed critical aspects
Level 2	70 pts	The approach is tailored to address the specific project objectives and methodology. The approach does adequately deal with the critical characteristics of the project.  The project plan and manner in which risk is to be managed etc is tailored to the key aspects of the programme.  The programme is adequate.
Level 3	90 pts	The approach is tailored to address the specific project objectives and methodology and is sufficiently flexible to accommodate changes that may occur during execution. The project plan and approach to managing risk etc is tailored to the critical characteristics of the project. The programme is good and has allowed for all critical aspects
Level 4	100 pts	Besides meeting the “good” rating, the important issues are approached in an innovative and efficient way, indicating that the tenderer has outstanding knowledge of state-of-the- art approaches. The programme is well thought out and makes allowance for all the key risk areas. The approach paper details ways to improve the project outcomes and the quality of the outputs

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

**NAME (Block Capitals):**

**Date**

**SIGNATURE:**

**PART C1 : AGREEMENTS AND CONTRACT DATA**

**C1.1 : FORM OF OFFER AND ACCEPTANCE**

**C1.1.1 : OFFER**

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract in respect of the following works:

Contract No: **1H-25745**

Contract Title: **Conduct Feasibility and Detailed Planning Studies, including obtaining Tranche 1 Approval from DoHS, Environmental Approval (EIA & WULA) and SPLUMA Approval for Ntshongweni Phase 2 Rural Settlement: Ward 7.**

The Tenderer, identified in the Offer signature block below, has examined the documents listed in the Tender Data and addenda thereto as listed in the Tender 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 Contractor 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.

**\* The offered total of the prices inclusive of Value Added Tax is:**

R..... (In words .....  
.....)

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 to the Tenderer before the end of the period of validity stated in the Tender Data, whereupon the Tenderer becomes the party named as the Contractor in the Conditions of Contract identified in the Contract Data.

**For the Tenderer:**

**\* Name of Tenderer** (organisation) : .....

**\* Signature** (of person authorized to sign the tender) : .....

**\* Name** (of signatory in capitals) : .....

**Capacity** (of Signatory) : .....

**Address** : .....

**Witness:**

**Signature** : .....

**Name**(in capitals) : : .....

**Date** : .....

**Notes:**

**\* Indicates what information is mandatory.**

**Failure to complete the mandatory information and sign this form will invalidate the tender.**



**C1.1 : FORM OF OFFER AND ACCEPTANCE**

**C1.1.2 : FORM OF ACCEPTANCE**

By signing this part of the Form of Offer and Acceptance, the Employer identified below accepts the Tenderer's Offer. In consideration thereof, the Employer shall pay the Contractor 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 : Agreement and Contract Data, (which includes this Agreement)
- Part C2 : Pricing Data, including the Bill of Quantities
- Part C3 : Scope of Work
- Part C4 : Site Information

and the schedules, forms, drawings and documents or parts thereof, which may be incorporated by reference into Parts C1 to C4 above.

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 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 Agreement. No amendments to or deviations from said documents are valid unless contained in this Schedule, which must be duly signed by the authorised representatives of both parties.

The Tenderer shall within two weeks after 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 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 fulfill 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). Unless the Tenderer (now Contractor) within five days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this Agreement, this Agreement shall constitute a binding contract between the parties.

**Signature** (*person authorized to sign the acceptance*) : .....

**Name** (*of signatory in capitals*) : .....

**Capacity** (*of Signatory*) : .....

**Name of Employer** (*organisation*) : .....

**Address** : .....

: .....

**Witness:**

**Signature** : ..... **Date** : .....

**Name**(*in capitals*) : : .....

**This Form will be completed by the Employer**

**C1.1 : FORM OF OFFER AND ACCEPTANCE**

**C1.1.3 : SCHEDULE OF DEVIATIONS**

**This form will be completed by THE EMPLOYER and ONLY THE SUCCESSFUL TENDERER**

- 1. **Subject** : .....
- Details** : .....
- : .....
- 2. **Subject** : .....
- Details** : .....
- : .....
- 3. **Subject** : .....
- Details** : .....
- : .....

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

**FOR THE TENDERER**

**FOR THE EMPLOYER**

.....	Signature	.....
.....	Name ( <i>in capitals</i> )	.....
.....	Capacity	.....
.....	Name and Address of	.....
.....	Organisation	.....
.....		.....
.....		.....
.....	Witness Signature	.....
.....	Witness Name	.....
.....	Date	.....

## C1.2 : CONTRACT DATA

### C1.2.1 CONDITIONS OF CONTRACT

#### C1.2.1.1 GENERAL CONDITIONS OF CONTRACT

The Conditions of Contract are the Standard Professional Services Contract (Third edition: July 2009) published by the Construction Industry Development Board. (see [www.cidb.co.za](http://www.cidb.co.za) - copied for ease of reference in C4.2).

The Contract Data (including variations and additions) shall amplify, modify or supersede, as the case may be, the Standard Professional Services Contract, to the extent specified below, and shall take precedence and shall govern.

Each item of data given below is cross-referenced to the clause in the Standard Professional Services Contract to which it mainly applies.

### C1.2.2 CONTRACT DATA

#### C1.2.2.1 DATA TO BE PROVIDED BY THE EMPLOYER

The Employer is the eThekweni Municipality as represented by : Deputy Head : **Human Settlements - Projects**

3.4 & The authorised and designated representative of the Employer is: **Enter Information**

4.3.2 The contact details of the authorised and designated representative are:

- Telephone : **031 311 6513**
- e-mail : **nkululeko.khumalo@durban.gov.za**

The address for the Receipt of communications is: **Enter Information**

1 The Project is : **1H-25745**  
: **Conduct Feasibility and Detailed Planning Studies, including obtaining Tranche 1 Approval from DoHS, Environmental Approval (EIA & WULA) and SPLUMA Approval for Ntshongweni Phase 2 Rural Settlement: Ward 7.**

1 Period of Performance : **36 Months**

1 Period of Performance : Unless terminated in terms of the Contract, or otherwise specified in the Contract Data, the Contract completion shall be when the Service Provider has completed all Deliverables in accordance with the Scope of Work.

1 Start Date : **14 Days from receipt of Award letter**

3.4.1 Communications by e-mail / facsimile **is/are not** permitted.

3.5 The location for the performance of the Project is : **Ntshongweni Rural Settlement**

3.6 The Service Provider may not release public or media statements or publish material related to the Services or Project under any circumstances.

3.9.2 The time-based fees used to determine changes to the Contract Price are as stated in the Pricing Data.

- 3.12 The penalty per Day payable is : **R xxxx** subject to a maximum amount of **R XXXXX**.
- 3.15.1 The programme shall be submitted within **14 Days** of the award of the Contract.
- 3.15.2 The Service Provider shall update the programme at intervals not exceeding **4 weeks**.
- 3.16 The time-based fees shall not be adjusted for inflation.
- 3.16.2 The indices are those contained in **Table A of P0141 Consumer Price Index** for “CPI for services” Published by Statistics South Africa.
- 4.3.1(d) The Service Provider is not required to assist in the obtaining of approvals, licenses and permits from the state, regional and municipal authorities having jurisdiction over the Project.
- 7.2 The Service Provider is required to provide personnel in accordance with the provisions of clause 7.2 and to complete the Personnel Schedule.
- 8.1 The Service Provider is to commence the performance of the Services within **14 Days** of date that the Contract becomes effective.
- 8.2.1 The Contract is concluded when : **Period of performance expires after the maximum permitted 36 months , successful conclusion of the project or employer terminates project.**
- 8.4.3(c) The period of suspension under clause 8.5 is not to exceed **3 months**
- 9.1 Copyright of documents prepared for the Project shall be vested with the **Employer**.
- 11.1 A Service Provider may subcontract any work which he has the skill and competency to perform.
- 12.1 Interim settlement of disputes is to be by **Mediation**.
- 12.2/3 Final settlement is by **Arbitration**.
- 12.2.1 In the event that the parties fail to agree on a mediator, the mediator is nominated by : **Association of mediators..**

### **C1.2.3 ADDITIONAL CONDITIONS OF CONTRACT**

The additional conditions of contract are:

#### **C1.2.3.1 PERFORMANCE MONITORING OF SERVICE PROVIDERS**

For contract awards that are greater than R10m, the Service Provider shall be subjected to "Performance Monitoring" assessments in terms of the applicable Section of the Council's current Supply Chain Management Policy.

#### **C1.2.3.3 EMPOWERMENT INITIATIVE**

It is a condition of contract that the Professional Service Provider / Civil Engineering Consultant must allow for a minimum of 10% of the contract value (excluding PC Sum and Fixed Cost allowances) to be subcontracted to persons who are >51% black owned. Proof of payment to the subcontractors will be required to verify that the minimum has been achieved.

**C1.2.2.2 DATA TO BE PROVIDED BY THE SERVICE PROVIDER**

Ref / Clause Number	Data
1	<p>The Service Provider is: .....</p> <p>.....</p> <p>Address : .....</p> <p>.....</p> <p>.....</p> <p>Telephone : ..... Fax : .....</p>
5.3	<p>The authorised and designated representative of the Service Provider is:</p> <p>Name : .....</p> <p>The address for receipt of communications is:</p> <p>Address : .....</p> <p>.....</p> <p>.....</p> <p>Telephone : ..... Fax : .....</p> <p>E-Mail : .....</p>
1	<p>The Period of Performance is : .....</p>
5.5 & 7.1.2	<p>The Key Persons and their jobs / functions in relation to the services are:</p> <p>Name : .....</p> <p>Specific Duties : .....</p> <p>Name : .....</p> <p>Specific Duties : .....</p>

**PART C2 : PRICING DATA**  
**C2.1 : PRICING INSTRUCTIONS**

C 2.1.1 The Service Provider is required to provide all the services necessary to undertake the project requirements in accordance with the Scope of Work. This includes all things necessary and incidental to providing the Services, including appointment and payment of subcontractors.

C 2.1.2 The sole basis for the remuneration of the Service Provider to be appointed to proceed with the project shall be:

C 2.1.2.1 a) Fees:

Professional fees shall be invoiced on a progressive prorata basis for services that have been approved and accepted by the Client, subject to the following:

The client's approval is to be obtained to proceed to the applicable stage being invoiced

b) Professionals shall submit payment schedule/Cash flow detailing the percentages intended to be claimed in line with the Table below

DISCIPLINE	DELIVERY	MILESTONE 1	MILESTONE 2	MILESTONE 3
		<b>Line Dept. Pre-Approval</b>  Submission of all required designs/reports for the development requiring eThekweni Municipality Line Department Approval	<b>Line Dept. Post-Approval</b>  Receipt of Approval from eThekweni Municipality Line Departments after all comments/recommendations have been addressed by the Service Provider	<b>SPLUMA Approval</b>  Confirmed SPLUMA Approval for the development
<b>Pre-planning Studies</b>	EIA and WULA	40%	40%	20%
	Urban Design (Preliminary Studies)	50%	50%	
<b>Project Management</b>	Monthly Progress Report, Minutes of Progress Meeting and Technical Team Meetings, Project Program	40%	40%	20%
<b>Geotechnical Report</b>	Geotechnical Report		80%	20%
<b>Land Surveyor</b>	Land Audit Report		80%	20%
	GPS of Imizi		80% -	20% -

DISCIPLINE	DELIVERY	MILESTONE 1	MILESTONE 2	MILESTONE 3
<b>Town Planning</b>	SPLUMA Submission and Approval		40%	60%
<b>Civil Engineer/Structural Engineer</b>	Bulk Engineering Report	40%	40%	20%
	Traffic Impact Assessment and Public Transport Study		80%	20%
	Flood-line Report		80%	20%
	Storm Water Management Plan		80%	20%
	Structural Designs (house Plan)		80%	20%
<b>Social Facilitation</b>	Social Facilitation minutes of PSC meetings and Progress Report sessions with Councillors and Committees	20%	40%	40%



## C2.2 : PRICING SCHEDULE

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
<b>1.</b>	<b>PLANNING STUDIES</b>				
1.1	Preliminary Planning studies in preparation for Tranche 1/Stage 1 (incl. Pre-liminary layout and pre-SPLUMA Submission)	Per Site	466		
1.2	Town planning report	Project Area	1		
1.3	Final Layout preparation and amendments for Spluma Approval	Per Site	466		
<b>2.</b>	<b>ENVIRONMENTAL STUDIES</b>				
2.1	Basic assessment (preliminary)	Project Area	1		
2.2	Submit preliminary basic assessment report	Project Area	1		
2.3	Final Basic Assessment Report and EMPr approval (incl. ROD)	Project Area	1		
2.4	Flood line determination (floodline boundary in GIS format – incl. approval)	Project Area	1		
2.5	Ecological Study	Project Area	1		
2.6	Heritage Impact Assessment and Report	Project Area	1		
2.7	Wetland and Aquatic Assessment	Project Area	1		
2.8	Hydro and Geohydrology Study	Project Area	1		
<b>3.</b>	<b>WATER USE LICENCE</b>				
3.1	Report on confirmation of the applicable WULA process with DWS	Project Area	1		
3.2	WULA Application & Approval	Project Area	1		
<b>4.</b>	<b>GEOTECHNICAL ENGINEER</b>				
4.1.	Phase 1 Investigation	Project Area	1		
4.2.	Phase 2 Investigation	Per Site	466		
<b>5</b>	<b>TRAFFIC IMPACT ASSESSMENT</b>				
5.1	Traffic Impact Assessment Report	Project Area	1		
<b>6.</b>	<b>SOCIAL FACILITATION</b>				
<b>6.1</b>	Soci-Economic Survey (incl. potential beneficiary details and dwelling addresses info)	Per Site	466		

6.2	Establish project steering committee and Sign Social Compact Agreement	Project Area	1		
6.3	Community Meetings	Per Meeting	6		
<b>7.</b>	<b>LAND SURVEYOR</b>				
.7.1	Land Audit Report	Project Area	1		
7.2	Demarcate Outside figure/project boundary	Project Area	1		
7.3	Contour Survey & Land Survey Certificate	Per Site	466		
7.4	GPS Coordinates of each dwelling in GIS Formart (merged with beneficiary details and house addresses) & land survey certificate	Per Site	466		
<b>8.</b>	<b>CIVIL ENGINEER</b>				
8.1	Engineering Services Report (incl. letters from relevant line departments for confirmation of bulk services)	Project Area	1		
8.2	Top-structure Designs and Specifications	Per site	466		
<b>9</b>	<b>PROJECT MANAGEMENT</b>				
9.1	Management of professional team (incl. project progress meetings)	Project Area	1		
9.2	NHBRC – Project Enrolment	Project Area	1		
9.3	NHBRC – Home Enrolment	Per site	466		
9.4	Tranche 1 Packaging and Approval	Project Area	1		
9.5	Tranche 2 Packaging and Approval	Project Area	1		
	<b>SUB TOTAL CARRIED FORWARD</b>				<b>R</b>
	<b>SUB TOTAL BROUGHT FORWARD EXCLUDING VAT</b>				<b>R</b>
	<b>VAT@15%</b>				<b>R</b>
	<b>TOTAL INCLUDING VAT</b>				<b>R</b>
	this value to be transferred to Form of Offer				

NAME : ..... (Block Capitals)

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

## **PART C3 : SCOPE OF WORK**

### **C3.1 BACKGROUND**

Ntshongweni Phase 2 is a rural traditional settlement that is located outside the Urban Development Line, approximately +/-45km West of Durban Central District in the Outer West Region of the eThekweni Municipality within ward 7. The settlement can be accessed via N3, off MR551, D359 and D210 from Pinetown. The development involves the construction of 466 low income houses (i.e. 40m<sup>2</sup> units). The Ntshongweni Phase 2 housing project is not expected to follow a formal layout plan as houses will be constructed within existing homesteads (umizi). It is expected that one house will be constructed per household.

### **C3.2 EMPLOYER'S OBJECTIVES**

The employer is desirous of obtaining the services of a Professional Team to undertake feasibility and detailed studies required to obtain SPLUMA and EIA approvals, including DoHS approvals. These studies have to be conducted by accredited professional in their respective fields. The professional team will be required to package and submit Tranche 1 and 2 Project Linked Subsidy in line with the requirements of the Provincial Department of Human Settlement, whereby Tranche 1 and 2 approval is expected.

Deliverables to include but not limited to;

- a) Land Legal Audit
- b) Letter from Land Claims Commission
- c) Conclusion of a Development Rights Agreement with Ingonyama Trust Board (ITB)
- d) Social Compact Agreement signed by all relevant stakeholders
- e) **Packaging Tranche 1 (Pre-Planning Studies/Feasibility)**
- f) **Packaging Tranche 2: Detailed Planning Studies for SPLUMA, WULA and EIA approvals and Specialist Studies**
- g) SPLUMA approval including Settlement Plan
- h) Environmental Impact Assessment Report incorporating issues and concerns table and the record of decision from a competent authority. Including, but not limited to the EIA, Environmental Authorisation, Approved Environmental Management Programme and WUL Approval (where necessary)
- i) Detailed Geotechnical Investigation and Topographical Report with applicable recommendations
- j) Detailed House Plans with Specifications
- k) Bulk Infrastructure Services Report
- l) Letter(s) confirming availability of Bulk Services
- m) Socio economic Study
- n) Development Cost Estimates and Development Programme
- o) Funding application pack for Tranche 1 and 2
- p) NHBRC (National Home Builders Registration Council) Project and Home Enrollment

Preliminary Infrastructure and Services Designs with Specifications. Including, an investigation of on-site sanitation, including recommendation and designs

## Detailed Minimum Requirements For Various Professionals And Team Members

### PROJECT BRIEF FOR PROJECT MANAGER :

- a) *Prospective tenderers for this section to take note that compulsory registration as a Professional Project Manager with The South African Council for Project and Construction Management Professions (SACPCMP) is required to qualify as a responsive tenderer. The project manager needs to also have Professional Indemnity Insurance from an approved insurer. **Valid Certificates and C.V must be attached with this tender in order to qualify.***

### DUTIES AND RESPONSIBILITIES OF PROJECT MANAGER

- Manage all feasibility and detailed planning activities for the Rural Housing Development Project allocated to them.
- Formulate, facilitate, co-ordinate and maintain a sustainable continued regular liaison and interaction(s) by and between individual members of the professional team of service providers for the Project, Municipality Line Departments including relevant committees, service and statutory institutions as well as relevant Government Departments and the beneficiary community representatives together with Human Settlements : Project Officials.
- Support and encourage on-going consultation between the Professional Team Members as well as project stakeholders including Municipality Line and Government departments in order to Manage and control effective flow of communication, progress and completion of the commissioned tasks, assignments, studies, required services and process, feedback, compilation of all forms of reports, drawings, statistics, design and applications to ensure that they are obtained and delivered/submitted within the stipulated time frames.
- Prepare an Inception Report to be presented at the first professional team meeting (Outline project brief as per the tender document, outline activities to be undertaken to complete the project together with the program indicating key milestones and timelines, progress reporting frequency, human resource allocated to the project together with data or information required to successfully complete the project, approach adopted in the gathering of data required to successfully complete the project, outline the types of applications to be undertaken in terms of the relevant Development Planning Legislation, outline any risks and challenges that may hinder the successful completion of the project and the plan to address them, budget and cash-flow projections showing financial expenditure against activities for the duration of the project on monthly basis)
- The Project Manager will ensure that the professional team make use of a number of high-level tools, such as spatial data analysis systems, sophisticated economic analysis tools, transport modelling and planning systems, to deliver the necessary innovation to this project. The breadth of information and the sophistication with which it is analysed and integrated will be critical to ensuring that all opportunities are captured and optimised.
- Understanding confidently and convincingly translate the project specifics in terms of the activities of various role players involved and ensure that they deliver on time and in the correct sequence according to the estimated duration and the order in which the activities must be performed relating to the following:-
  - Environmental Issues;
  - Geo- Technical Matters;
  - Town Planning;
  - Land Surveying;
  - Roles of Municipality Line Departments
  - Responsibilities of the Provincial Government Departments and
  - Beneficiary Community Representative Structures

- Be empowered with Knowledge and Understanding of key factors which involve the technical, social, financial investigations/aspects required to make the project feasible as well as any other factors which are important and mandatory for the success of implementation of the project.
- Familiarise and understand the relevant project funding instruments, models and source together with the applicable adjustments of the Housing Subsidy Quantum and Grant Amounts by the Department of Human Settlements - KZN (DoHS).
- Sufficient capacity and competency to understand the contents during perusal and scrutiny of individual professional reports, drawings, designs and any other project related illustrations that are submitted by the Professional Team in order to combine the respective reports and prepare, compile and submit the following:-
  - The Project Feasibility Report
  - Submission: Housing Working Group (HWG)
  - Environmental reports (ROD, WULA, etc.)
  - Project Packaging and Preparation: Stages 1 Detailed Studies and 2 (S1 & S2)
  - PLS (Project Linked Subsidy) Application submission to Human Settlements Department (DoHS)
  - NHBRC (National Home Builders Registration Council) Enrolment submission (Project Enrolment Stage 1)
  - Compile close out report during closing of project and reconciliation of all finances.
- Proceed to manage the approvals of all submissions for the detailed planning stage especially for the implementation of Stage 1 (one) which will culminate in the Town Planning approval of the Project in accordance with the Applicable Town Planning scheme.
- The project shall be managed in accordance with the Gantt chart, required in terms of this memorandum of agreement, to be compiled by the Service Provider. The Gantt chart shall specify milestones and associated reports/ products in terms of which, and upon satisfactory performance of which, payment is to be made.
- Outline the methodology and prepare a programme for the entire project resulting in the preparation of a Project Charter and a Project Communication Plan;
- Assemble and collate the available information for the various components that are to be reviewed as well as ensure that the information is in a format that is readily accessible and available to Municipal officials after the project is complete;
- Establish procedures and undertake all activities relating to stakeholder engagement and consultation, for project reporting and financial control;
- Undertake all administrative activities associated with the project including convening meetings and taking minutes;
- Provide the Municipality with monthly progress reports;
- Presentation of the project to various municipal committees as and when required.
- Ensure completion of a Service Level Agreement with Supporting Documents.

## **PROJECT BRIEF: TOWN PLANNING CONSULTANT**

### **DUTIES AND RESPONSIBILITIES OF THE TOWN PLANNING CONSULTANTS**

The duties and responsibilities of the Town Planning Consultant shall include the following:

- Consultation with the Project Manager and all other Professional Team members.
- Preparation of a cost effective settlement layout plan for low income housing purposes in accordance

with eThekweni Municipal Standards.

- Obtain input from the other professional team members to ensure that the town planning complies with Geotechnical, Environmental and Land Survey standards and requirements.
- Consultation with the department of education to establish educational requirements and to obtain approval from the said department for proposed education sites where applicable.
- Consultation with the department of transport of provincial or national roads are bordering the project area or are within close proximity thereof in order to obtain their needs requirements and approval.
- Conduct a community and social facilities' assessment including surrounding capacity assessment.
- Consultation with all service providers to establish existing, proposed and future infrastructure requirements in respect of the project area.
- Provision of timeous and appropriate information to the project manager as and when required.
- Attendance of monthly progress meetings as scheduled by the project manager or as required.
- Attendance of community meetings as when required.
- Compliance with programme requirements as stipulated by the project manager.
- Obtain approval of town planning settlement plan from the relevant authorities and community.
- The settlements plan shall accommodate physiographical constraints identified through a slope analysis, geotechnical investigation and environmental impact assessment and further adhere to the guidelines and parameter as recommended.
- The settlements plan should adhere to eThekweni municipality's minimum standards for development planning and engineering regarding site sizes, panhandle widths, road geometric design parameters, road reserve widths, etc.
- Identification of individual site low points and private storm water servitudes as well as any other required for infrastructure purposes.
- Assess the status of all existing structures and infrastructure in order to retain the maximum number of structures and to minimize relocations. Block and brick structures should be accommodated as far as possible.
- Undertake a site inspection to establish all non-residential land uses in order to accommodate these land uses in the town planning where possible.
- Make provision for the amendment of the settlement plan to accommodate engineering requirements.
- The settlement plan should reflect erf numbers as supplied by the surveyor general the erf numbers and the numbering of the erven on the settlement plan should be done with the assistance of the appointed land surveyor.
- Preparation of a town planning motivation report and draft conditions of establishment.
- Assessment of the underlying property/properties and to ensure that all land legal aspects related to the town planning matters are appropriately addressed in the design stage of the settlement plan. in this regard specific attention should be given to restrictive title deed conditions to be removed/suspended as part of the development process.
- The project manager will supply you with the names and contact details of other professional team members.
- A municipal project liaison officer will be assigned to the project. The entire project team will be introduced to the ward councilor and ward committee prior to the commencement of any work on the project.
- You will be required to timeously draw to the project manager's attention any matter that can and will influence the settlement plan and town planning approval process in order for the matter to be addressed.

### **Pre Planning/Feasibility Stage**

- To record preliminary planning information;
- Conduct site analysis;

- Prepare a sketch plan;
- Make an initial determination of the available area for housing development and estimated number of erven that can be yielded; and
- Engage with engineers to determine best fit for servicing.
- Close out report on the project

### **Preliminary Layout**

- On the basis of the formulated Concept Plan, the Service Provider is expected to provide draft layout to indicate the exact total yield for residential units, socio economic amenities/ facilities, road classes as per Design Standard principles (The Red Book) and indication of no-go areas by means of buffer strip where necessary. Furthermore, the 1:100 year flood line must be indicated on the development plans. The Concept /Framework Plan shall include the broad guidelines for the development of the area.
- Prepare a preliminary layout plan, land usage and schedule of erven (imizi);
- The draft layout plan should be presented to the PSC/ professional team meetings for comments in order to submit the amended layout as final for approval. Should amendments be required to the layout during construction, then these amendments and approvals will form part of the scope of the appointment tendered herein.
- Preparation of the Motivation report will be an essential key factor which will be considered as a supporting document of the final layout plan and will be used for submission of the Development Planning Application to the Municipality. This phase will also encompass addressing comments from the PSC/ professional team to finalize the draft layout. The layout plan will incorporate the concept layout plan ideas indicating the broad allocation of land uses and will be presented to the Project Steering Committee/ professional team meeting for the inputs and comments.
- The detailed final town planning layout and application report will be prepared and submitted to Public Sector Housing unit (pre-submission) for comments to obtain principle approval of draft layout and circulation for comments to relevant parties.

### **Submission To Public Sector Housing**

On the basis of the existing Record of Decision, the final layout will take into account of the implementation conditions in the Record of Decision and the Town Planner in preparation of lodging an application shall:

- Ensure that the layout is informed by the revised Traffic Impact Assessment (TIA), bulk services report, geotechnical report, topographical survey, land audit and the environmental report and any other studies deemed relevant as per SPLUMA requirements (Public Sector Housing Application Checklist ).
- Ensure that the design of the layout plan is in line with the relevant design principles and land use management policies of the Municipality including the Spatial Development Framework (SDF), Local Area Plans (LAPs) and the Town Planning Scheme (TPS) as well as the “Red Book”.
- Ensure that the layout plan is designed in a manner that optimally accommodates the proposed residential and is in close access to the surrounding amenities.
- Ensure that Property legal documentation such as the title deed is gathered.
- Ensure preparation of Conditions of Establishment.
- Ensure that an informative Motivation report with relevant mapping is attached.
- Ensure consolidation of underlying properties application is done concurrently with planning application by the land legal professional surveyor.
- Advertise the town planning application (**if applicable**) in the relevant newspaper and place the notice on the conspicuous position of the subject site for a period prescribed by the

applicable legislation.

### **Township Establishment**

- To prepare the necessary documentation and sub – division plan – Township Establishment plan approved applications;
- Submit town planning application as per the legislation prevailing at the time to the competent authority;
- Monitor application up to approval;
- Comply with any conditions of approval and establishment; and

The Town Planning Motivation Report together with the layout and supporting studies and approval/consents shall be submitted to Public Sector Housing unit for approval. **Public Sector Housing must be consulted to get guidance on the submission process of the Spluma Application.**

### **Deliverables**

- Preliminary layout plan and report
- SPLUMA Approval (Approved indicative layout plan, Decision Notice and approved Conditions of Establishment (CoE) and town planning report.

### **Professional Competency Required**

- *Service Providers must comply with legislative and governmental policy requirements and be registered with the South African Council for Town and Regional Planners as a Professional Town and Regional Planner in terms of Section 20 of the Town and Regional Planners Act, 1984 (Act 19 of 1984) as well as the Planning Professions Act (Act 36 of 2002) and have suitable Professional Indemnity Insurance from an approved Insurer. **Valid Certificates and C.V must be attached with this tender in order to qualify.***

## **PROJECT BRIEF: GEO-TECHNICAL ENGINEER**

### **DUTIES AND RESPONSIBILITIES OF THE GEO-TECHNICAL ENGINEER.**

The geotechnical engineer shall:

- Conduct a detailed geotechnical assessment on the subject site to determine its suitability for the project.
- Conduct the geotechnical assessments in line with the NHBRC requirements.
- Provide recommendations on the developmental constraints of the site by mapping out areas of the site that are not appropriate for the erection of structures.
- Work in close consultation with the project manager and professional team to ensure successful and timeous completion of the project.
- Professional Geotechnical services for the purposes of construction of low cost housing.
- Fees payable will include laboratory tests, plant hire, disbursements, advertising, hydrological study, field and office work.
- All work must be to the standards required of the SAACE and NHBRC.
- Provide the Project Manager with all appropriate information as and when required.
- Attend monthly progress meetings as scheduled by the Project Manager or as necessary.
- Comply with programme requirements as stipulated by the Project Manager to ensure that neither part nor whole of the works (construction of Housing) is delayed in any way.
- Provide appropriate base information to the Civil Engineer and Town Planner and other relevant



- professionals for the purpose of Town Planning.
- Submit final technical report to NHBRC for approval and to amend report where NHBRC has requested such.

## PRELIMINARY INVESTIGATION

- To make an initial determination for an Identified Land Parcel as to whether or not such land is fit for human settlements and suitable for project linked subsidy housing development.

### Phase 1 Investigation

- To identify any potential Hazards;
- Define the ground conditions and provides Site Classifications including detailed soil profile and groundwater occurrences within the zone of influence of foundation work;
- Determine the suitability of Dolomitic Land for subsidy housing developments;
- Provide the geotechnical basis for safe and appropriate land use planning, infrastructure design, housing unit design, and the formulation of precautionary measures and risk management procedures;
- Broadly classify the land which is to be developed for subsidy housing in terms of the Council's residential Site Class designations;
- Designate Dolomitic Land in accordance with the Council's dolomitic area designation and to obtain Council's in principle acceptance of such designations;
- Gather certain Factual Data which has a bearing on the determination of housing subsidy variations and the installation of township services; and
- Obtain necessary information for the Council's in-principle approval for the enrolment of the project in terms of the Housing Consumer Protection Measures Act (Act 95 of 1998).

### Phase 2 Investigation

- To confirm and refine the residential Site Class designations in respect of each erf so that the necessary documentation required for the enrolment of individual houses with the NHBRC can take place; and
- Confirm and refine in sites with D2 and D3 dolomitic area designations, that the mandatory precautions have been observed.
- To provide technical input into the house platform classifications, variation calculations, top-structure designs and specifications etc. as per the DoHS & NHBRC guidelines.

## Deliverables

Stage 1 geotechnical report – Inc. Field work and Soil Tests

Stage 2 Geotechnical report – Incl. Fieldwork and Soil Tests

## Professional Competency Required

- Service Providers must comply with legislative and governmental policy requirements and be registered **Professional Natural Scientist (Pr. Sci. Nat.) with South African Council for Natural Scientific Professions [SACNASP] OR as a Professional Geotechnical Engineer (Pr. Eng.) with Engineering Council of South Africa [ECSA]. *The Geotech professional needs to also have Professional Indemnity Insurance from an approved insurer. Valid Certificates and C.V must be attached with this tender in order to qualify.***

## PROJECT BRIEF: LAND SURVEYOR

### DUTIES AND RESPONSIBILITIES OF THE SURVEYOR:

- The Surveyor will be responsible for the co-ordination and management of all aspects of the survey works. Consultation with the Project Manager and all other Professional Team members.
- The Surveyor will ensure that the data provided is compatible with the systems used to enable the data to be usable by the Project Professional Team of Consultants.
- Attendance at Technical and Community meetings.

The Land Surveyor should prepare the following for the purpose of submission for SPLUMA Approval:

- Prepare the Consolidation diagram of underlying properties, and survey to confirm the outside figure diagrams for the entire project study area.
- To work with the appointed Town Planner to finalise the Conditions of Establishment (CoEs)
- Reservation or designation of Erf numbers to the Surveyor General
- GPS of allotments
- Pegging of allotments
- Provide schedule indicating each allotments, beneficiary name and co ordinates.
- Provide survey certificates required by DOHS.
- Prepare Land Legal Report

The land legal audit exercise will focus on the following activities:

- Obtain relevant data from the deeds office and / EThekweni Municipality Land Assembly Office. The information sourced will assist in providing a brief schedule of the properties located within the boundaries of the development by identifying and unpacking underlying properties within the project area.
- Confirm property description, land ownership, expropriation notices, extent of the site, title deeds numbers and any servitudes and restrictive conditions they may affect the proposed housing.
- Ascertain whether there are any land claims registered against the subject property, mineral rights. Ascertain Title Deed Conditions and other Encumbrances affecting the Parent Properties and Removal of Restrictive Conditions.
- Conduct land investigation to determine any encumbrances (servitudes, mining right, restrictive conditions of title. etc.
- To provide a detail plan of the site depicting all necessary detail and data in digital format for township design purpose;
- Survey boundary and structures to be provided as follows:
  - i. to determine the boundary positions of the existing structures for the layout plan,
  - ii. and to ensure that there are no conflicts between service and building positions and determine any restrictive conditions within the project area
  - iii. Survey any substantial buildings or services that are already constructed within the project.
- The Surveyor to obtain Approved Documents from the Town Planner and other relevant professional team members. The documents to finalise the consolidation and reservation application include the following:
  - iv. Municipal Project Area hand plan,
  - v. Proposed layout plan,
  - vi. Draft Conditions of Establishment ,
  - vii. KZN DOT Consent if applicable,
  - viii. And; any other documentation deemed relevant for the task
- Preparation and framing of the General plan subsequent to SPLUMA Approval (**if applicable**)
- Prepare and submit General Plans to the Surveyor General; and (**if applicable**)

- Site pegging in terms of approved general plans (**if applicable**)
- Provide the site handover for the pegs.
- Supplying final Layouts after survey in DXF format for input into the Local Authority Geographic Information System;
- Supplying a reasonable number of plans for the Professional Team (maximum of 7(seven) sets of Layout Plans and General Plans).
- Establish and accurately fix survey stations to be used for the future setting out of the township;

### **Professional Competency Required**

- Service Providers must comply with legislative and governmental policy requirements and be registered with the South African Geomatics Council for Land Surveyors SAGC as a Professional. The Land Surveyor needs to also have Professional Indemnity Insurance from an approved insurer. ***Valid Certificates and C.V must be attached with this tender in order to qualify.***

### **PROJECT BRIEF: ENVIRONMENTALIST**

#### **DUTIES AND RESPONSIBILITIES OF THE ENVIRONMENTAL CONSULTANT**

Complete E.I.A. (Full Environmental Study) and obtain Record of Decision for a low cost housing development including;

- Submission of application to DAEA
- Public Scoping process
- Specialized studies that are needed for the project
- Scoping report and submission thereof
- E.I.A report, submission and approval
- Ensure that the project meets all statutory environmental specifications and requirements
- Attend progress meetings as required by the Project Manager
- Conduct a wetland assessment, flood line delineation, water table assessment and impacts of the project on flora and fauna.

#### **Pre – Feasibility Scan Phase**

- To anticipate by means of Environmental Screening, the key environmental issues associated with a proposed Housing development using techniques including a technical Fatal Flaw Analysis to reveal potential technical flaws in the project, a financial and economic Fatal Flaw Analysis to indicate the viability of the project in broader economic terms and over the long term and an ecological Fatal Flaw Analysis to identify and predict the potential impact of the development on the functional integrity of the ecosystem extending beyond the immediate area in which a proposal would be implemented;
- Establish the suitability of the project for a Housing development;
- Determine the key issues and reasonable alternative for the proposed housing Development from an environmental perspective;
- Consult with and provide information to enable the Relevant Authority to determine whether or not further environmental Assessment is required for the proposed development; and
- Document the key environmental issues associated with a proposed Housing Development, identified risks and potential flaws, the findings of the scan and the outcomes of the consultations with Relevant Authorities.

### **Environmental Scoping Sub – Phase**

- To prepare Plan of Study which identifies and defines the roles and responsibility of the authorities, Interested and Affected Parties and other Stakeholders, establishes the process to be undertaken for the Assessment and establishes the contents of the report and the methods to be followed for the Environmental Scoping;
- Make known the proposed Housing development so that interested and affected parties are afforded an opportunity to comment on the proposed development and the Environmental Scoping process;
- Identify, prioritise and develop in consultation with Stakeholders, a strategy for addressing and resolving issues raised during the Scoping process;
- Prepare a report which provides the scope of work for the Environmental Impact Assessment (EIA) of the proposed Housing Development and establishes an issue trail from the Public Participation Process and draft the scope of work for the studies; and
- Obtain a Record of Decisions from the Relevant Authority which establishes the environmental requirements for the Housing Development.

### **Environmental Impact Report Sub-Phase**

- With respect to the scope of work developed in the Environmental Scoping Sub – Phase, to prepare a Plan of Study that describes the identified Environmental Issues and feasibility Alternatives for the proposed Housing Development, proposes methods for identifying the impacts of these on the environment;
- Provides timeframes for the different aspects of the Assessment during the pre – construction, construction, operational and decommissioning phases of the project;
- Make known the proposed housing development so that interested and affected parties are afforded an opportunity to comment on the proposed Housing development;
- Obtain feedback from the Stakeholders on issues raised during the Environmental Scoping Sub – Phase;
- Identify, priotise address and resolve key issues raised by, and in consultation with, Stakeholders during the EIA process;
- Prepare an Environmental Impact Assessment Report which documents the extent and significance of the identified Environment Impacts of the proposed Housing Development, the proposed Mitigation measures and the issues trail arising from the Public participation process to enable the Relevant Authorities to make decision regarding the environment acceptability of the Housing Development; and
- Obtain a Record of Decisions from the Relevant Authority which informs Stakeholders of the decisions taken regarding the Housing Development and the conditions imposed on such a development.

### **ENVIRONMENTAL PLAN SUB – PHASE**

- To establish an Environmental Management Plan to support the contents of the Environmental Scoping report or Environment impact Assessment report and the Record of Decisions provided by the Relevant Authority.

### **Environmental Monitoring and Auditing Sub – Phase**

- To implement a holistic approach to the management of Environmental Impacts of a Housing Development and to institute controls to ensure that the Environmental Impacts are managed in accordance with the Environmental Management Plan.

It should be noted that the service provider must comply with the required supporting studies if required which emphasize that the following plans and studies should also be prepared if required to inform the development

of a layout plan and to complete the feasibility study:

- Waste Management Plan
- Storm Water Management plan
- Alien plant control programme
- Building plan approval
- Water Use License

The environmental assessment practitioner shall address all objections received during the public participation process. The Environmental Impact Assessment Report will be submitted to the Department Of Economic Development, Tourism and Environment Affairs (DEDTEA) in order to secure a Record of Decision for proposed development.

#### Deliverables

- EIA and Record of Decision (RoD) – incl. EMPr where required
- WULA Notice from DWS – if applicable

#### Professional Competency Required

Service Providers must comply with legislative and governmental policy requirements and be registered with the Council of Environmental Assessment Practitioners of South Africa. Registration with a relevant professional body is required, including registration with SACNASP, i.e. South African Council for Natural Sciences Profession or any other relevant professional body. This also applies to the specialists studies to be undertaken. *Also the Professional Indemnity Insurance from an approved insurer is a requirement. **Valid Certificates and C.V must be attached with this tender in order to qualify.***

### PROJECT BRIEF: CIVIL/STRUCTURAL ENGINEERING CONSULTANT

#### DUTIES AND RESPONSIBILITIES OF STRUCTURAL ENGINEERING CONSULTANT

To provide technical input into the planning stage of the project such that the SPLUMA approval is obtained

This will be a requirement for approval to proceed to submit the layout for approval to the Municipal Line Departments. Cognizance to the funding restrictions and norms and standards applicable to low cost housing and value engineering are key to obtain approval to the next stage.

- Evaluation of existing bulk infrastructure servicing the area to determine current infrastructure, available capacity and future demand based on the proposed town planning layout in order to determine any future upgrades that may be necessary. It is envisaged that each household will be supplied with water borne sewer, a house connection with potable water and electricity.
- This will entail inter alia physically verifying existing infrastructure, liaising with the various role players including but not limited to: service providers, town planners, municipal officials etc.

#### DELIVERABLES

##### 1. Sewer Network

###### 1.1 Existing Sewer

- Physical verification of existing bulk mains

- Investigate and detail the different types of infrastructure servicing the area e.g. water borne sewer, VIP and urine diversion toilets etc.
- Investigate and detail the condition of the service.
- Determine catchment areas and volumes, as per proposed phases, draining into the main bulk line – these areas must be shown on a plan of the area.
- Investigate and detail the available capacity of the existing system.
- Submission of adequately scaled drawings showing all bulk sewer mains within the project area. Drawings must be in colour and 4 sets are to be submitted. A DXF format of the drawings must also be submitted.

### **1.2 Proposed New Sewer**

- Determine future demand by calculating new volumes and flows for each phase based on the densities of the proposed town planning layout.
- Analyse the impact of the new load on the existing system
- Determine upgrades to the existing system, if warranted, including the implementation of innovative and/or alternative sanitation solutions that are modular, adaptable, can be locally engineered, supplied, built, operated and maintained
- Liaise with the eThekweni Municipality's Water and Sanitation Unit to determine capacity and whether upgrades to the waste water treatment works servicing the area is necessary.

## **2. Water Reticulation Network**

### **2.1 Existing Water Reticulation**

- Physical verification of the existing bulk supply system.
- Investigate and detail the different types of infrastructure servicing the area e.g. stand pipes, individual house connections etc.
- Investigate and detail the condition of the service.
- Determine available capacity of the system as per the proposed phases.
- Submission of adequately scaled drawings showing all bulk water mains within the project area. Drawings must be in colour and 4 sets are to be submitted. A DXF format of the drawings must also be submitted.

### **2.2 Proposed New Water Reticulation Network**

- Determine future demand based on new densities of the proposed town planning layout.
- Analyse the impact of the new load on the existing system
- Determine upgrades to the existing system, if warranted.
- Liaise with the eThekweni Municipality's Water and Sanitation Unit to determine the available water supply and whether additional reservoirs are necessary.
- Provision of detailed designs and drawings for the new/upgraded water network and approved by the Water and Sanitation Unit

## **3. Road Network**

### **3.1 Existing Road Network**

- Investigate and detail the main access roads to the area.
- Investigate and detail the types and condition of the existing road network.
- Determine available capacity of Main Road (desk top study will suffice).

### **3.2 New Proposed Road Network**

- Provision of detailed designs and drawings for any new/proposed roads to be approved by Transport Planning Unit and Traffic Engineering Unit.

## **4. Stormwater Network**

### **4.1 Existing Stormwater Network**

- Physical verification of existing stormwater pipes and culverts.

- Investigate and detail the different types of infrastructure servicing the area e.g. concrete pipe, open stormwater channels etc.
- Investigate and detail the condition of the service.
- Determine available capacity of the system.
- Submission of adequately scaled drawings showing the stormwater network within the project area. Drawings must be in colour and 4 sets are to be submitted. A DXF format of the drawings must also be submitted.

#### **4.2 New Proposed Stormwater Network**

- Determine future runoff based on new densities of the proposed town planning layout.
- Analyse the impact of the new volumes and flows on the existing system.
- Determine upgrades to the existing system, if warranted.
- Determine any protection works to the existing stream that may be necessary.
- Provision of detailed designs and drawings for the new/upgraded stormwater network and approved by the Engineering Unit

### **5. Electrical Services**

#### **5.1 Existing Electrical Services**

- Investigate and detail existing bulk electrical services.
- Show locations of cables, both underground and overhead, transmission boxes and substations on adequately scaled drawings. Electrical servitudes and Eskom HV overhead transmission lines must also be depicted. Drawings must be in colour and 4 sets are to be submitted. A DXF format of the drawings must also be submitted.
- Liaison with the eThekweni Municipality's Electricity Unit to establish available capacity of the system.

#### **5.2 Proposed new Electrical Services**

- Liaison with the eThekweni Municipality's Electricity Unit/ Eskom to determine necessary upgrades to the network and for provision of new sub-stations to meet the new demand.

### **6. Other Services**

- Various other telecommunication services such as Telkom, Neotel and Link Africa may in the area. Detailed drawings showing the location of these services are to be submitted. Drawings must be in colour and 4 sets are to be submitted. A DXF format of the drawings must also be submitted.
- Flood line Determination report comprising of determination of flood levels along all drainages in the study area, annual flood limit, the 1:20 year and the 1: 50 year flood lines. Information must be supplied in dxf format and to be included in the site layout plans.

### **7. Storm water Management Plan**

- A detailed study establishing pre and post development runoff is required. This study will comment on and advise on any attenuation structures that maybe required. Special attention will also be given to the stream which traverses the project area.

### **8. Traffic Impact Assessment and Public Transport Study**

- This study is to be undertaken to provide transportation related input at a Framework Level and then to elaborate on these initial assessments to produce a detailed Traffic Impact Assessment and Public Transport Study.

### **9. Civil Engineering Design**

- The civil engineer to undertake all infrastructure designs necessary.

## 10. Structural Designs

- To provide undertake rational designs of the structural elements of houses in accordance with the provisions of the Home Building Manual and NHBRC requirements in order to satisfy certain provisions of the generic specifications GFSH-11
- Make sure designs are approved by the relevant statutory bodies.
- To undertake sketch plans of housing units which capture the broad technical and functional characteristic of homes in a Housing Development;
- To undertake various designs of plans that suits single standing house, semidetached houses, densification models of various stories and approvals thereof;
- To undertake working drawings for the construction of housing units; and
- Provide house plans for local government approval in accordance with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

### Professional Competency Required

Service Providers must comply with legislative and governmental policy requirements and be registered with the Engineering Council of South Africa, as a professional in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000), CIDB (if applicable) and any other respective professional body. Must have the Professional Indemnity as prescribed by the Engineering Council. PI cover must be maintained by the professional for a minimum period of 3 years after completion of the project as stipulated by ECSA. ***Valid Certificates and C.V must be attached with this tender in order to qualify.***

## PROJECT BRIEF: SPECIALISED SOCIAL FACILITATION AND BENEFICIARY ADMINISTRATION

### DUTIES AND RESPONSIBILITIES OF SOCIAL FACILITATOR

- Undertaking social facilitation/ surveys for the projects requested by the Department of Human Settlements by engaging with relevant stakeholders within the communities to be developed.
- Provide reports on social facilitation/ surveys for the projects requested by the Department of Human Settlements
- Conducting regular meetings with professionals and community leadership.
- Communicating the projects processes and progress to the relevant stakeholders.
- Facilitate and undertake beneficiary administration.
- Providing social workers for cases that need special attention within projects
- Consolidating a social compact determining the needs analysis in thus guiding to what product is needed
- Putting together a submission on project need basis

Professional Competency Required Service Providers must comply with legislative and governmental policy requirements Packaging (Funding Request)





**C3.3 ANNEXURES**

- 1. STANDARD CONDITIONS OF TENDER**
- 2. CIDB STANDARD PROFESSIONAL SERVICES OF CONTRACT**



**Annex F**  
*(normative)*

**Standard Conditions of Tender**

**F.1 General**

**F.1.1 Actions**

**F.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 F.2 and F.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.

**F.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:*
- i) *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 ineptitude that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.*
  - ii) *Conflicts of interest in respect of those engaged in the procurement process includes 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.*

**F.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.

**F.1.2 Tender Documents**

The documents issued by the employer for the purpose of a tender offer are listed in the tender data.

**F.1.3 Interpretation**

**F.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.

**F.1.3.2** These conditions of tender, the tender data and tender schedules which are only required for tender evaluation purposes, shall not form part of any contract arising from the invitation to tender.

**F.1.3.3** For the purposes of these conditions of tender, the following definitions apply:

- a) **conflict of interest** means any situation in which:
  - i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially;
  - ii) an individual or organisation is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or

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**STANDARD PROFESSIONAL SERVICES  
CONTRACT**

**(July 2009)**  
**(Third Edition of CIDB document 1014)**

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Standard Professional Services Contract