



Physical Address: No. 01 Seller Street | Nqanqarhu | 5480

Postal Address: P.O. Box 1 | Nqanqarhu | 5480

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Social Media | Facebook: @Elundini Local Municipality | X: @ ElundiniLM
| YouTube Channel: @Elundini Local Municipality | Instagram: @elundini_lm

TENDER NOTICE AND INVITATION TO TENDER

The Elundini Local Municipality is Requesting for Proposals on the following goods and services:

Bid ref.	PROJECT NAME	Contract Number	CIDB Grading	Technical Enquires contacts	Closing Date
1.	Provision of Advertisement of Tenders, Vacancies and other Articles in the Print Media	ELM-2/020/2023-2024	N/A	Ms H. Mdzulwana Tel. 045 932 8125 E-mail: hlubikazi@elundini.gov.za	Wednesday, 17 April 2024
2.	Supply and Delivery of Steel Material and Ready Mix Concrete	ELM-6/009/2023-2024	N/A	Mr Z. Mabandla Tel. 045 932 8104 E-mail: zubenathim@elundini.gov.za	Thursday, 11 April 2024
3.	Framework contract for Construction Management Services of Building Works Projects	ELM-3/060/2023-2024	5GB	Mr S. Mrengqwa Tel. 045 932 8216 E-mail: siqalom@elundini.gov.za	Thursday, 18 April 2024
4.	Framework contract for Construction Management Services of Civil Works Projects	ELM-3/061/2023-2024	5CE	Mr S. Mrengqwa Tel. 045 932 8216 E-mail: siqalom@elundini.gov.za	Thursday, 18 April 2024

The clauses relate to the above bid reference numbers in sequence.

1. To require the services of an agent to handle advertisement of tenders, vacancies and other articles in the print media for the period of two (2) years. This service provides will be working on rotation basis with an existing contract with one (1) service provider.
2. To supply and deliver once off steel materials and ready mix concrete to increase production at Manssory projects in Tlokoeng.
3. Provision of services relating to Construction Management of Building Works for local SMMEs within Elundini Local Municipality for a three (3) year Framework term as and when is needed with no guarantee of a quantum of work with two (2) contractors.
4. Provision of services relating to Construction Management of Civil Works for local SMMEs within Elundini Local Municipality for a three (3) year Framework term as and when is needed with no guarantee of a quantum of work with two (2) contractors.

Bids no. 1 and 2 Contracts will be based on the National Treasury General Condition of Contracts. Bids no.3 and 4 Management project will be based on NEC 3 Engineering and Construction Contract – Option F. The bids will be evaluated on the basis of the Preferential Procurement Policy Framework Act, 2022, the Elundini Local Municipality's Supply Chain Management Policy and the 80/ 20 preferential procurement point system for acquisition of goods or services with Rand value equal to or below R50 million will be applied. Bid no. 2 will be evaluated based on minimum threshold for local production and content, only locally produced goods/products with a (100% on Steel products) stipulated minimum threshold will be considered. Stage one (1) of evaluation process will be in terms of the minimum threshold for local production and content required in accordance with the SABS approved standard SANS 1286:2017

Stage 1 of Evaluation: Test for responsiveness of goods and services are as follows:

Eligibility Criteria and Objective Criteria of the following Bids:

If you are aware of any instances of fraud or corruption in the municipality, report anonymously to Freecall: 0800 117844 | SMS 32840 | Email: elundini@tip-offs.com | Freepost: KZN138 Umhlanga Rocks 4320

All correspondence must be addressed to the Municipal Manager



Bid no.	Eligibility Criteria and Objective Criteria	Evidence
ELM-6/007/2023-2024	Objective criteria in line with RDP document and ELM SCM Policy to strengthen Local economy , all bids will be evaluated on Local production content threshold for Stell products is 100%	Completed MBD 6.2 and Annexure C
ELM-3/060/2023-2024 And ELM-3/061/2023-2024	Eligibility Criteria for this project will be available on Tender Data that will be uploaded on ELM Website. www.elundini.gov.za and will be also attached in the tender document	Required evidence

Bidders with non-compliant with the above Eligibility Criteria and Objective Criteria will be disqualified and not be considered for further evaluation

For exemption requests on designated products and the minimum threshold for local content cannot be met for various reasons, bidders must apply for exemption per tender from dti . After checking with the industry, the dti will decide whether to grant an exemption or not.

Stage 2 of Evaluation: - Functionality

ELM-2/020/2023-2024		ELM-6/007/2023-2024		ELM-3/060/2023-2024		ELM-3/061/2023-2024	
Evaluation Criteria	Maximum Points Allocated	Evaluation Criteria	Maximum Points Allocated	Evaluation Criteria	Maximum Points Allocated	Evaluation Criteria	Maximum Points Allocated
Expertise	40	N/A		Expertise	40	Expertise	30
Company Experience	40	Company Experience	40	Company Experience	20	Company Experience	20
Methodology	20	Lead time	20	Methodology	20	Methodology	20
				Company Resources	20	Company Resources	30
Total Points	100	Total Points	60	Total Points	100	Total Points	100

A minimum score of 70% out of total points must be score in order to proceed to the Financial Evaluation in all of the above bids.

Specific Goals are required from EME or QSE which is at least 51% owned by black people in all of the following bids: Allocated Points:

ELM-2/020/2023-2024	ELM-6/007/2023-2024	ELM-3/060/2023-2024	ELM-3/061/2023-2024	Proof to claim points for specific goal
Youth-Enterprise 18-35 = 3 Points	Youth-Enterprise 18-35 = 3 Points	N/A		Company Registration Document and Certified ID Copy
Women-Equity ownership = 3 Points	Women-Equity ownership = 3 Points	N/A		Company Registration Document and Certified ID Copy

Disability – Equity ownership = 2 Points	Disability – Equity ownership = 2 Points			Certificate from SASSA or Doctor Certificate (Proof of Disability)
Local Business within Elundini Geographic Area = 2 Points	Local Business within Elundini Geographic Area = 2 Points	Local Business within Elundini Geographic Area = 5 Points	Local Business within Elundini Geographic Area = 5 Points	Proof of business operation within the Elundini municipal Jurisdiction along with CSD Report
Black Owned = 10 Points	Black Owned = 10 Points	Black Owned = 15 Points	Black Owned = 15 Points	Company Registration Document and Certified BBBEE Certificate or Original Sworn Affidavit
Total Specific Goals = 20 Points				

Bidder that fail to submit proof of specific goal as stipulated below will not be allocated points.

PURCHASING AND SUBMISSION OF TENDER DOCUMENTS.

Tender documents may be obtained from the Elundini Local Municipality SCM Unit upon payment of a non-refundable amount of R250 (two hundred and fifty Rand), either paid in cash or by means of electronic funds transfer (EFT) to the Elundini Local Municipality (Where EFT is used proof of payment must be sent to kwaneles@elundini.gov.za). The cash amount is to be paid at the cashier's office between the hours of 08:00 and 16:00, prior to the collection of the tender documents from the SCM unit. ELM Cahier's office is situated at Elundini Traffic department, ERF 3503 Station Street, Nqanqarhu, 5480.

The tender documents will be available on **Monday, 18 March 2024**. NB: For EFT payment bidders must pay using this account: First National Bank (FNB) cheque account No: 62159933772, Ref No. 020114350000.

Completed bid documents and supporting documentation are to be placed in a sealed envelope endorsed with Project Name and Bid Number. At the back of the envelope bidders must write the bidder's name and address. Bid submission must be delivered to the Elundini Local Municipality, at No. 1 Seller Street, Nqanqarhu, Finance Department. The tender document must be placed in the Tender Box not later than 12H00 Noon on the above mentioned date, at that time the tender will be opened in public.

Bidders are encouraged to make electronic copies of the bid submission in a form of USB / CS as a precautionary backup. Enquiries relating to SCM may be addressed to Ms. H. Mduzulwana, Tel Np. 045 932 8125 or email: hlubikazi@elundini.gov.za. Telegraphic, telephone, telex, facsimile, e-mail and late tenders will not be accepted.

Tenders may only be submitted on the tender documentation that is issued. Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data and tender documents.

The minimum specifications, scope of work, detailed functionality, Local content threshold and calculations other bid conditions and rules will be uploaded on ELM website www.elundini.gov.za and detailed in the bid document under Tender Data. The Elundini Local Municipality SCM policy applies. Tender validity period is 12 weeks.

Tenders must request clarification on the tender documents, if necessary, by notifying the employer at least 5 (five) working days before the closing time stated in the tender data. No clarifications that will require issue of an addendum will be entertained after this period. There are scammers phoning bidders impersonating municipal staff soliciting bribes for tender. Please do not fall into that scam. Report any fraud or corruption to Freecall: 0800 117844 or sms to 32840 for anonymously.



JACK MDANI
MUNICIPAL MANAGER



Elundini Local Municipality

Tender no ELM-3/060/2023-2024

Framework contract for Construction Management Services of Building Works Projects

T1.2 Tender Data

The conditions of tender are the latest edition of SANS 10845-3:2015, *Construction and maintenance Procurement – Part 3: Standard conditions of tender*.

SANS 10845-3:2015 makes 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 provisions of SANS 10845-3:2015.

Each item of data given below is cross-referenced to the clause in SANS 10845-3:2015 to which it mainly applies. These standards should be read in conjunction with the Local Government Framework for Infrastructure Procurement and Delivery Management (LGFIPDM) and CIDB Conditions of tender.

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.

Clause number	Tender Data
1	The employer is the Elundini Local Municipality
1.2	<p>The tender documents issued by the employer comprise the following documents:</p> <p>THE TENDER</p> <p>Part T1: Tendering procedures T1.1 – Tender notice and invitation to tender T1.2 – Tender data</p> <p>Part T2: Returnable documents T2.1 – List of returnable documents T2.2 – Returnable schedules</p> <p>THE CONTRACT</p> <p>PartC1: Agreements and Contract data C1.1 – Form of offer and acceptance C1.2 – Contract data Part 1 – Data by the <i>Employer</i> Part 2 – Data by the <i>Contractor</i></p> <p>Part C2: Pricing data C2.1 – Pricing assumptions C2.2 – Pricing schedule</p> <p>Part C3: Scope of work C3.1 – Scope of work</p> <p>Part C4: Site information C4.1 – Site Information</p>
1.3	The tender documents issued by the employer comprise the documents listed on the contents page
1.4	<p>The employer's representative is: Name: Mr. siqalo Mrengqwa Elundini Local Municipality</p>

	1 Seller Street, Nqanqarhu, 5480. Tel No.: 045 932 8216 Fax No.: 045 932 1094 E-mail: sigalom@elundini.gov.za
1.5	The language for communications is English
4	Tenderer's Obligations

4.1

Only tenderers who satisfy the following eligibility criteria and who have provided the required evidence in their tender submission are eligible to have their bid offers evaluated:

1.The tenderer:

a) Is registered in terms of the Companies Act, 2008 (Act 71 of 2008) or Close Corporation Act, 1984, (Act No. 69 of 1984) or, if a partnership, has in place a partnership agreement that enables the partnership to continue to function in the event of a death or withdrawal of one of the partners

b) JV Eligibility requirements:

- A Joint venture must submit a consolidated valid original or certified copy of B-BBEE certificate must be submitted with the bid OR a valid original or certified copy of a Sworn Affidavit attested by a Commissioner of Oaths prepared and issued in terms of the amended B-BBEE Construction Sector Codes (CSC000) must be submitted in order to qualify for preference points for B-BBEE. Failure to comply with this, will automatically results in the non-awarding of points for B-BBEE.(This will not disqualify bidders but points for Specific Goals will not be allocated)
- Submit Joint Venture agreement in the case of joint venture.
- Fully completed Compulsory Returnable Documents for JV

2. The tenderer is registered with and active on the Construction Industry Development Board (CIDB) for Grading 5GB and above

3. Valid Proof of good standing with the Compensation for Occupational Injuries and Diseases (COID). Bidders who do not have the valid Compensation for Occupational Injuries and Diseases (COID) must submit a letter from Department of Labour stating that the bidder has applied for COID specifically for this project, in such case appointment will be subject to bidder submitting a Valid COID.

4. The Tenderer can demonstrate that he will have in his employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work for labour-intensive competencies for management and supervisory personnel.

a. Bidder must attach CVs and qualifications with proposed organogram showing key person

b. Construction Manager with ECSA professional Registration as an Engineer (Pr. Eng) / Technologist (Pr. Tech) or with SACMPM as a professional Registration as Construction Project Manager (Pr. CPM) /Construction Manager (Pr. CM)

c. Supporting team with team member having:

i. Construction manager to be in a possession of NQF level 7 "Manage Labour-Intensive Construction Processes" civil engineering or equivalent Quality Council for Trades and Occupations (QCTO) civil engineering qualifications at NQF level 7.

ii. Foreman to be in a possession of NQF level 5 "National Certificate: Supervision of Civil Engineering Construction Processes"

5. The tenderer can provide at least three contactable client references for the provision of construction services relating to the category of works tendered which generated a cumulative fee income of at least R5 Million including VAT. The municipality may conduct an intense due diligence which will include inspection of the claimed experience of the two (2) highly preferred bidders

6.The tenderer has demonstrated the availability of the required plant as per the requirements of the tender (see table below). Proof of ownership or leasing agreement is mandatory to satisfy requirements.

Plant Description	Quantity
Concrete mixer	1
10m3 Tipper Trucks	3
TLB	1
8 Ton Truck	2
LDV	2
Total	9

4.2	The tenderer accepts that, unless otherwise stated in the tender data, the employer does not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer comply with requirements.
4.3	It is the responsibility of the tenderer to check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.
4.4	Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.
4.5	The tenderer shall obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are incorporated into the tender documents by reference.
4.6	<p>If necessary, the employer shall issue addenda in writing that may amend or amplify the tender documents to each tenderer during the period from the date the tender documents are available until Five (5) working days before the tender closing time stated in the Tender Data. The Employer reserves its rights to issue addenda less than Five (5) working days before the tender closing time in exceptional circumstances. If, as a result a tenderer applies for an extension to the closing time stated on the front page of the tender document, the Elundini Municipality may grant such extension and, shall then notify all tenderers who drew documents.</p> <p>Notwithstanding any requests for confirmation of receipt of notices issued, the tenderer shall be deemed to have received such notices if the Elundini Municipality can show proof of transmission thereof via electronic mail, facsimile or registered post.</p> <p>Acknowledge receipt of addenda to the tender documents, which the employer may issue, and, if necessary, apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.</p>
4.7	<p>The arrangements for a compulsory clarification and inspection meeting are as follows:</p> <p>Where compulsory briefing is applicable, tenderers will be obligated to sign the attendance list in the name of the tendering entity. In that case, any Addenda issued to tenders will be received only from those tendering entities appearing on the attendance list.</p>
4.8	Tenderers must request clarification on the tender documents, if necessary, by notifying the employer at least 5 (Five) working days before the closing time stated in the tender data. No clarifications that will require issue of an addendum will be entertained after this period.
4.9	Tenderers are required to state the rates and currencies in Rands. Include in the rates, prices, and the tendered total of the prices (if any), all duties, taxes which the law requires to be paid [except value added tax (VAT)], and other levies payable by the successful tenderer, that are applicable 14 days before the closing time stated in the tender data. Show the VAT payable by the employer separately as an addition to the tendered total of the prices. Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data. State the rates and prices in monetary value of the contract unless otherwise instructed in the tender data
4.10	If after the commencement of the Contract, the cost or duration of the services is altered as a result of changes in, the amount of the main contractor or contract amount from which estimate were based, or amounts or additions to, any statute, regulation or by-laws, or the requirements of any authority having jurisdiction over any matter in respect of the Project, then the Contract Price and time for completion shall be adjusted in order to reflect the impact of those changes, provided that, within 90 days of first having become aware of the change, the Contractor furnished the Employer with detailed justification to the Price or Period of the Performance (or both).
4.11	<p>Alterations to the documents</p> <p>Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer or to correct errors made by the tenderer and ensure that all signatories to the tender offer initial all such alterations. Do not make erasures using masking fluid.</p>
4.12	No alternative tender offers will be considered
4.13.1	Parts of each tender offer communicated on paper shall be submitted as an original. No copies are required
4.13.2	<p>Tenderer must put initials at the bottom of each page of the tender document as proof that the bidder has reviewed and agreed to the contents of the tender data. This also prevents and ensures that various parties involved do not change and / or replace any page and modify the contents after the submission of the tender.</p> <p>Tenderer must sign the original and all copies of the tender offer where required in terms of the tender data. NOTE: The employer holds all authorized signatories liable on behalf of the tenderer.</p>

4.13.4	<p>The tenderer is required to submit tender with the following documents:</p> <ol style="list-style-type: none"> 1) a copy of the Central Supplier Database report showing, amongst other things, that tax matters of the service provider are in order with the South African Revenue Services. 2) proof of good standing with the Compensation for Occupational Injuries and Diseases (COID) Bidders who do not have the valid Compensation for Occupational Injuries and Diseases (COID) must submit a letter from Department of Labour stating that the bidder has applied for COID specifically for this project , in such case appointment will be subject to bidder submitting a Valid COID. 3) a copy of valid Construction Industry Development Board (CIDB) for Grading 5GB and above 4) The Tenderer can demonstrate that he will have in his employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work for labour-intensive competencies for management and supervisory personnel. 5) <ol style="list-style-type: none"> a. Bidder must attach CVs and qualifications with proposed organogram showing key person b. Construction Manager with ECSA professional Registration as an Engineer (Pr. Eng) / Technologist (Pr. Tech) or with SACPM as a professional Registration as Construction Project Manager (Pr. CPM) /Construction Manager (Pr. CM) c. Supporting team with team member having: <ol style="list-style-type: none"> i. Construction manager to be in a possession of NQF level 7 "Manage Labour-Intensive Construction Processes" civil engineering or equivalent Quality Council for Trades and Occupations (QCTO) civil engineering qualifications at NQF level 7. ii. Foreman to be in a possession of NQF level 5 "National Certificate: Supervision of Civil Engineering Construction Processes" 6) The tenderer can provide at least three contactable client references for the provision of construction services relating to the category of works tendered which generated a cumulative fee income of at least R5 Million including VAT. The municipality may conduct an intense due diligence which will include inspection of the claimed experience of the two (2) highly preferred bidders 7) 6.The tenderer has demonstrated the availability of the required plant as per the requirements of the tender (see table below). Proof of ownership or leasing agreement is mandatory to satisfy requirements. <table border="1" data-bbox="437 987 1235 1218"> <thead> <tr> <th>Plant Description</th> <th>Quantity</th> </tr> </thead> <tbody> <tr> <td>Concrete Mixer</td> <td>1</td> </tr> <tr> <td>10m³ Tipper Trucks</td> <td>3</td> </tr> <tr> <td>TLB</td> <td>1</td> </tr> <tr> <td>8 Ton Truck</td> <td>2</td> </tr> <tr> <td>LDV</td> <td>2</td> </tr> <tr> <td>Total</td> <td>9</td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>	Plant Description	Quantity	Concrete Mixer	1	10m ³ Tipper Trucks	3	TLB	1	8 Ton Truck	2	LDV	2	Total	9		
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4.13.5 4.15	<p>The employer's details and address for delivery of tender offers and identification details that are to be shown on each tender offer package are:</p> <p>Location of tender box: Elundini Local Municipality Finance Department</p> <p>Physical address: 1 Seller Street Nqanqarhu 5480</p> <p>Identification details : Tender no, Title of Tender and the closing date and time for tenders Closing Date : Thursday, 18 April 2024 Closing Time : 12H00</p> <p>The tender box is only open on weekdays between 08:00 and 16:00</p>																
4.13.6	Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.																
4.15	The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender.																
4.16.1	The tender offer validity period is 12 weeks . The validity of bids may be further extended by a period of not more than six months upon approval by the Accounting Officer.																

4.17	<p>The tenderer shall provide clarification of a tender offer during the evaluation of tender offers, in response to a request from the employer to do so.</p> <p>Such clarifications can include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.</p> <p>Note: This clause does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Elundini Municipality elect to do so. Failure, or refusal, to provide such clarification or additional information within the time for submission stated in the Elundini Municipality's written request may render the tender non-responsive.</p>
4.18	<p>The employer shall grant during working hours to premises for inspections, tests and analysis, as provided for in the tender data.</p>
4.19	<p>Claims arising from submission of tender</p> <p>The tenderer warrants that it has:</p> <ul style="list-style-type: none"> • inspected the Specifications and read and fully understood the Conditions of Contract. • read and fully understood the whole text of the Specifications and Price Schedule and thoroughly • acquainted himself with the nature of the goods or services proposed and generally of all matters which may influence the Contract. • visited the site(s) where delivery of the proposed goods will take place, carefully examined existing conditions, the means of access to the site(s), the conditions under which the delivery is to be made, • and acquainted himself with any limitations or restrictions that may be imposed by the Municipal or other Authorities in regard to access and transport of materials, plant and equipment to and from the site(s) and made the necessary provisions for any additional costs involved thereby. • requested the Elundini Municipality to clarify the actual requirements of anything in the Specifications and Price Schedule, the exact meaning or interpretation of which is not clearly intelligible to the Tenderer • Escalations and escalations rates are clearly disclosed. • received any notices to the tender documents which have been issued in accordance with the Elundini Municipality's Supply Chain Management Policy. <p>The Elundini Municipality will therefore not be liable for the payment of any extra costs or claims arising from the submission of the tender.</p>
4.20	<p>A tenderer may request in writing, after the closing date, that the tender offer be withdrawn.</p> <p>Such withdrawal will be permitted or refused at the sole discretion of the Elundini Municipality after consideration of the reasons for the withdrawal, which shall be fully set out by the tenderer in such written request for withdrawal. Should the tender offer be withdrawn in contravention hereof, the tenderer agrees that:</p> <ul style="list-style-type: none"> • it shall be liable to the Elundini Municipality for any additional expense incurred or losses suffered by the Elundini Municipality in having either to accept another tender or, if new tenders have to be invited, the additional expenses incurred or losses suffered by the invitation of new tenders and the subsequent acceptance of any other tender; <p>the Elundini Municipality shall also have the right to recover such additional expenses or losses by set-off against monies which may be due or become due to the tenderer under this or any other tender or contract or against any guarantee or deposit that may have been furnished by the tenderer or on its behalf for the due fulfilment of this or any other tender or contract. Pending the ascertainment of the amount of such additional expenses or losses, the Elundini Municipality shall be entitled to retain such monies, guarantee or deposit security for any such expenses or loss.</p>
4.21	<p>Compliance with Occupational Health and Safety Act, 85 of 1993</p> <p>Tenderers are to note the requirements of the Occupational Health and Safety Act, 85 of 1993. The Tenderer shall be deemed to have read and fully understood the requirements of the above Act and Regulations and to have allowed for all costs in compliance therewith.</p> <p>In this regard the Tenderer shall submit upon written request to do so by the Elundini Municipality, a Health and Safety Plan in sufficient detail to demonstrate the necessary competencies and resources to deliver the goods or services all in accordance with the Act, Regulations and Health and Safety Specification.</p>
5c	<p>Employer's Undertaking</p>
5.1	<p>The employer will respond to requests for clarification received up to Five (5) working days before the tender closing time.</p>

5.2	<p>The employer shall issue addenda until Five (5) working days before tender closing time.</p> <p>If necessary, the employer shall issue addenda in writing that may amend or amplify the tender documents to each tenderer during the period from the date the tender documents are available until Five (5) working days before the tender closing time stated in the Tender Data. The Employer reserves its rights to issue addenda less than Five (5) working days before the tender closing time in exceptional circumstances. If, as a result a tenderer applies for an extension to the closing time stated on the front page of the tender document, the Elundini Municipality may grant such extension and, shall then notify all tenderers who drew documents.</p> <p>Notwithstanding any requests for confirmation of receipt of notices issued, the tenderer shall be deemed to have received such notices if the Elundini Municipality can show proof of transmission thereof via electronic mail, facsimile or registered post.</p>
5.3	Tenders will be opened immediately after the closing time for tenders as stated in the Tender Notice and Invitation to Tender.
5.3(a)	Tenders will be opened immediately after the closing time for tenders as stated in the Tender Notice and Invitation to Tender. If requested by any bidder present, names of the bidders, and if practical the total amount of each bid and of any alternative bids will be read out loud.
5.3(b)	Late bids will be registered and returned unopened unless the bidder did not clearly specify their address at the back of the envelope.
5.4	The employer or any of its employees must not disclose to tenderers, or to any person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer
5.5	Make available a record of the details announced at the tender opening meeting on the Elundini Municipality's website (www.elundini.gov.za)
5.6	<p>Bids must be evaluated in terms of their responsiveness to the bid specifications, requirements as well as criteria as set out in the bid document.</p> <p>Any additional criterial as per communicated addendum shall be considered.</p>
5.8	<p>Determine, after opening and before detailed evaluation, whether each tender offer that was properly received</p> <ul style="list-style-type: none"> a) complies with the requirements of the standard conditions of tender in this part of SANS 10845-3:2015 b) has been properly and fully completed and signed, and c) is responsive to the other requirements of the tender documents. <p>A responsive tender is one that conforms to all the terms, conditions, and scope of work of the tender documents, without material deviation or qualification. A material deviation or qualification is one which, in the employer's opinion, would</p> <ul style="list-style-type: none"> a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the scope of work, b) significantly change the employer's or the tenderer's risks and responsibilities under the contract, or c) affect the competitive position of other tenderers presenting responsive tenders if it were to be rectified. <p>Reject a non-responsive tender offer, and do not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.</p>
5.9	<p>Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.</p> <p>For Vat related discrepancies, National and Provincial Treasury prescripts in relation to VAT procedures apply.</p>

5.11.1

Evaluation of tender offers

The procedure for the evaluation of responsive tenders is Method 4: Financial offer, quality and preferences

STAGE ONE: RESPONSIVENESS TO THE BID REQUIREMENTS AND RULES

Bidders' proposals must meet the following minimum requirements and supporting documents must be submitted with the completed bid document in a sealed envelope in the bid box at the closing date and time. Failure to comply will automatically eliminate the bid for further consideration.

1. Bid Document (This Document) must be submitted in its original format.
2. Bids which are late, incomplete, unsigned or submitted by facsimile or electronically, will not be accepted.
3. A copy of the Central Supplier Database report showing, amongst other things, that tax matters of the service provider are in order with the South African Revenue Services.
4. Valid Proof of good standing with the Compensation for Occupational Injuries and Diseases (COID). Bidders who do not have the valid Compensation for Occupational Injuries and Diseases (COID) must submit a letter from Department of Labour stating that the bidder has applied for COID specifically for this project, in such case appointment will be subject to bidder submitting a Valid COID.
5. A copy of valid Construction Industry Development Board (CIDB) for **Grading 5GB** and above
6. The Tenderer can demonstrate that he will have in his employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work for labour-intensive competencies for management and supervisory personnel.
 - a. Bidder must attach CVs and qualifications with proposed organogram showing key person
 - b. Construction Manager with ECSA professional Registration as an Engineer (Pr. Eng) / Technologist (Pr. Tech) or with SACPM as a professional Registration as Construction Project Manager (Pr. CPM) /Construction Manager (Pr. CM)
 - c. Supporting team with team member having:
 - i. Construction manager to be in a possession of NQF level 7 "Manage Labour-Intensive Construction Processes" civil engineering or equivalent Quality Council for Trades and Occupations (QCTO) civil engineering qualifications at NQF level 7.
 - ii. Foreman to be in a possession of NQF level 5 "National Certificate: Supervision of Civil Engineering Construction Processes"
7. The tenderer can provide at least three contactable client references for the provision of construction services relating to the category of works tendered which generated a cumulative fee income of at least R5 Million including VAT. The municipality may conduct an intense due diligence which will include inspection of the claimed experience of the two (2) highly preferred bidders
8. The tenderer has demonstrated the availability of the required plant as per the requirements of the tender (see table below). Proof of ownership or leasing agreement is mandatory to satisfy requirements.

Plant Description	Quantity
Concrete mixer	1
10m3 Tipper Trucks	3
TLB	1
8 Ton Truck	2
LDV	2
Total	9

9. Bidders must be a legal entity or partnership or consortia or joint ventures with a signed agreement in place with a consolidated BBBEE Certificate.
10. Form of offer and Acceptance (fully completed and signed)
11. Invitation to bid must be completed and signed.
12. Declaration of Interest (fully completed and signed)
13. Preference Points Claim form in terms of the Preferential Procurement Regulations 2022 (fully completed and signed)
14. Declaration of Bidder's past Supply Chain Management Practices. (Completed and signed)
15. Certificate of Independent Bid Determination. (Completed and signed)
16. Compulsory Enterprise Questionnaire (Completed and signed)
17. Elundini Municipality Ethics Commitment form for Suppliers (Completed and signed)
18. Proof of Authority of Signatory
19. Declaration of Employees of the State or other State Institutions.
20. Tenderer's declaration with respect to participation in job creation using Local Labour has been completed and signed complies with the set threshold for Local Labour. **The minimum required content of such local labour for this project shall be 10 %.**

21. Tenderer's declaration with respect to participation in job creation using Local Labour has been completed and signed complies with the set threshold for Local Labour. **The minimum required content of such local labour for this project shall be 10 %.**
22. Proof of attendance of clarification meeting, an attendance register will be circulated for record purposes.
23. A valid original or certified copy of B-BBEE certificate must be submitted with the bid OR a valid original or certified copy of a Sworn Affidavit attested by a Commissioner of Oaths prepared and issued in terms of the amended B-BBEE Construction Sector Codes (CSC000) must be submitted in order to qualify for preference points for Specific Goals. Failure to comply with this, will automatically results in the non-awarding of points for Specific Goals. (This is not an Elimination factor).
24. This tender will be awarded as a whole. All Items listed in the Bills of Quantities or Pricing schedule must be priced for (except provisional sums and allowances which must also be added to the total), failure to do so will increase commercial risk of the bid and may lead to elimination or passing over of the bidder.
25. If the offer (any of the items quoted for) is "Vat Inclusive", the VAT registration number of service provider must be indicated. Bidders are not entitled to claim the VAT if they are not VAT registered.
26. A Resolution of signatory form has been completed and signed by director/s or a letter bearing a letterhead of the tenderer has been attached (specific to this bid) to the bid submission; it must be duly signed by all directors and submitted the bid. Only a duly authorized official can sign the bid.
27. The Municipality reserves the right not to award the bid to the most favourable tenderer, if any of the situations occur if :-
 - d) the bidder has been awarded a considerable number of projects by the Municipality.
 - e) has performed unsatisfactorily in the past.
 - f) Does not meet objective criteria
28. Reject a bid where a tenderer submits more than one tender either individually or as a partner in a joint venture (JV) or consortium.
29. Reject a bid where the tender submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.

DUE DELIGENCE

30. The municipality will conduct intense due diligence which must include inspection of the claimed experience of the preferred bidders.
31. The municipality will provide due diligence form which will be used for the assessment purposes of the claimed project experience.

STAGE TWO: EVALUATION OF QUALITY

The quality criteria and maximum score in respect of each of the criteria in accordance with 5.11.9 are as follows:

- Experience of the tenderer – **20 points**
- Expertise – **40 points**
- Methodology – **20 Points**
- Company resources - **20 Points**

A minimum number of evaluation points for quality is **70 Points**. Any bidder who fails to meet the minimum qualifying score will not be considered further for evaluation on Price and Preference.

STAGE THREE: EVALUATION POINTS ON PRICE AND PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

The **80/20 preference point system** shall be applied for the purposes of this bid as per the requirements of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and PPPFA Regulations of 2022

Criteria	Points
Points on Price	80
Specific Goals	20
TOTAL	100

The **80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included).**

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

80/20

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

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

5.11.2

The financial offer derived from the bill of quantities will only be used for comparative basis.

5.11.5	<p>The procedure for the evaluation of responsive tenders is Method 4: Financial offer, quality and preferences</p> <p>The total number of tender evaluation points (TEV) shall be determined in accordance with the following formula.</p> $T_{EV} = 0,6 (N_{FO} + N_P) + 0,4 N_Q$ <p>N_{FO} is the number of tender evaluation points awarded for the financial offer made in accordance with 5.11.7 where the score for financial offer is calculated using Formula 2 and $W1$ equals 80. N_P is the number of tender evaluation points awarded for preferences claimed in accordance with the Preferencing Schedule N_Q is the number of tender evaluation points awarded for quality offered in accordance with 5.11.9 where, $W2 = 100$. Up to 100 minus $W1$ tender evaluation points will be awarded to tenderers who complete the preferencing schedule and who are found to be eligible for the preference claimed.</p>									
5.11.7	<p>Scoring financial Offers</p> <p>Score the financial offers using the following formula:</p> $N_{FO} = W1 \times A$ <p>where</p> <p>N_{FO} is the number of tender evaluation points awarded for the financial offer.</p> <p>$W1$ is the maximum possible number of tender evaluation points awarded for the financial offer as stated in the tender data.</p> <p>A is the number calculated using the relevant formula described in Table 1, as stated in the tender data.</p> <p style="text-align: center;">Table 1 — Formulae for calculating the value of A^a</p> <table border="1" data-bbox="359 1008 1332 1142"> <thead> <tr> <th>Formula number</th> <th>Basis for comparison</th> <th>Formula</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Highest price or discount</td> <td>P/P_m</td> </tr> <tr> <td>2</td> <td>Lowest price or percentage commission or fee</td> <td>P_m/P</td> </tr> </tbody> </table> <p>^a P_m is the comparative offer of the most favourable comparative offer. P is the comparative offer of the tender offer under consideration.</p>	Formula number	Basis for comparison	Formula	1	Highest price or discount	P/P_m	2	Lowest price or percentage commission or fee	P_m/P
Formula number	Basis for comparison	Formula								
1	Highest price or discount	P/P_m								
2	Lowest price or percentage commission or fee	P_m/P								

5.11.9

Scoring Quality

The quality criteria and maximum score in respect of each of the criteria are as follows:

No.	Quality criteria	Sub-criteria	Maximum number of points
1.	Company Experience		20
	<p>The bidder should have implemented at least 3 General Building works Projects of similar nature with a CUMULATIVE value of not less than R 5 Million.</p> <p>(Failure to submit documents which clearly indicate the requirements listed under sub criteria will result in the Bidder getting zero points)</p>	<p>General Building Experience: Provide Letters of Appointments and completion certificates.</p> <p>4 or more appointment letters as well as completion certificate of the same projects = 20 points</p> <p>3 Appointment letters as well as 3 completion certificates of the same project =15 points</p> <p>2 Appointment letters as well as 2 completion certificates of the same project =10 points</p> <p>1 Appointment letter as well as 1 completion certificate of the same project =5 points Total of 20 points for the tenderer's experience</p>	
2.	Expertise		40
	Technical competency of key person and relevant experience in similar projects	<p>Team Leader: Construction Manager CV and qualifications: NQF level 7 "Manage Labour-Intensive Construction Processes" civil engineering or equivalent Quality Council for Trades and Occupations (QCTO) civil engineering qualifications at NQF level 7 11 - 15 years of experience and above = 15 points 6- 10 years = 5 points 5 years or less = 0 points</p> <p>ECSA registration as Engineer / Technologist or SACPMP Registration as Construction Project Manager / Construction. = 10 points</p> <p>ECSA Registration as Technician or Candidate SACPMP Registration as candidate Construction Project Manager / Construction. = 0 points</p> <p>Total of 25 points for the key person</p> <p>Support Team</p> <p>Additional team members with suitable qualifications and experience must be provided in line with the company organogram.</p> <p>Foreman : NQF level 5 "National Certificate: Supervision of Civil Engineering Construction Processes = 15 points (5 points for each requirement met)</p>	
3.	Company Resources (Plant and Equipment)	The tenderer must provide the list of plant to be used for the successful completion of the project. Highlight your understanding of the project by providing relevant plant and equipment required specifically for this project. 20 points maximum.	20

		Bidders must provide proof of ownership or intent to lease from the plant hire firm. The ownership must be provided in a form of licencing registration documents or certificates.	20																												
	<table border="1"> <thead> <tr> <th>Plant Description</th> <th>Quantity</th> <th>Own Plant</th> <th>Hired Plant</th> </tr> </thead> <tbody> <tr> <td>Concrete mixer</td> <td>1</td> <td>3</td> <td>1</td> </tr> <tr> <td>10m3 Tipper Trucks</td> <td>3</td> <td>6</td> <td>3</td> </tr> <tr> <td>TLB</td> <td>1</td> <td>3</td> <td>1</td> </tr> <tr> <td>8 Ton Truck</td> <td>2</td> <td>4</td> <td>2</td> </tr> <tr> <td>LDV</td> <td>2</td> <td>4</td> <td>2</td> </tr> <tr> <td>Total</td> <td>9</td> <td>20</td> <td>9</td> </tr> </tbody> </table> <p>NB: 2 Points for 1 unit in the description Total claimed points for plant and equipment is 20</p>	Plant Description	Quantity	Own Plant	Hired Plant	Concrete mixer	1	3	1	10m3 Tipper Trucks	3	6	3	TLB	1	3	1	8 Ton Truck	2	4	2	LDV	2	4	2	Total	9	20	9		
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4.	<p>Company Quality Management System Methodology must address quality management system, administration system for reporting, programming and cost management. Reflection on construction methodology to reflect management for site activities. The plan must also reflect how OHS Compliance will be ensured. Draft project plan coupled with Gantt chart to undertake the works. Five (5) components must be stated in writing/or be visible on the project plan and cash flow spreadsheet;</p> <p>(1) Methodology for subcontracting – 4 points; (2) Critical Path and Milestones (Gantt Chart) - 4points; (3) Resource allocation - 4 points; (4) Testing and quality assurance – 4 points (5) Monthly project cash flow, (cash flow must be in-line with the project cost and programme of works) - 4 points</p>		20																												
	Maximum possible score for quality (Ms)		100																												
<p>Quality shall be scored by not less than three evaluators in accordance with the following schedules: Experience of the tenderer – 20 points Expertise – 40 points Methodology – 20 Points Company resources - 20 Points</p> <p>The minimum number of evaluation points for quality is 70 points , no bidder who scored less than the minimum qualifying score will be evaluated further on Price and Specific goals.</p>																															
5.11.9	The Quality will be subject to due diligence and verification, which may include visiting the employers to verify claimed experience																														

5.13

Tender offers will only be accepted if:

- a) Submits a valid SARS Tax Clearance Certificate or/and a tax compliance status document reflecting the pin for the Employer to verify that the tenderer is in good standing.
- b) The tenderer is registered with and active on the Construction Industry Development Board (CIDB) for **Grading 5GB** and above
- c) Submits a valid proof of good standing with the Compensation for Occupational Injuries and Diseases (COID). Bidders who do not have the valid Compensation for Occupational Injuries and Diseases (COID) must submit a letter from Department of Labour stating that the bidder has applied for COID specifically for this project, in such case appointment will be subject to bidder submitting a Valid COID.
- d) A copy of valid Construction Industry Development Board (CIDB) for **Grading 5GB** and above
- e) The Tenderer can demonstrate that he will have in his employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work for labour-intensive competencies for management and supervisory personnel.
 - a. Bidder must attach CVs and qualifications with proposed organogram showing key person
 - b. Construction Manager with ECSA professional Registration as an Engineer (Pr. Eng) / Technologist (Pr. Tech) or with SACPM as a professional Registration as Construction Project Manager (Pr. CPM) /Construction Manager (Pr. CM)
 - c. Supporting team with team member having:
 - i. Construction manager to be in a possession of NQF level 7 "Manage Labour-Intensive Construction Processes" civil engineering or equivalent Quality Council for Trades and Occupations (QCTO) civil engineering qualifications at NQF level 7.
 - ii. Foreman to be in a possession of NQF level 5 "National Certificate: Supervision of Civil Engineering Construction Processes"
- f) The tenderer can provide at least three contactable client references for the provision of construction services relating to the category of works tendered which generated a cumulative fee income of at least R5 Million including VAT. The municipality may conduct an intense due diligence which will include inspection of the claimed experience of the two (2) highly preferred bidders
- g) The tenderer has demonstrated the availability of the required plant as per the requirements of the tender (see table below). Proof of ownership or leasing agreement is mandatory to satisfy requirements.
- h) Bidders must be a legal entity or partnership or consortia or joint ventures with a signed agreement in place.
- i) the tenderer is registered on the Central Supplier Database (CSD) for the South African government (see <https://secure.csd.gov.za/>) unless it is a foreign supplier with no local registered entity
- j) Prospective bidders must register on CSD prior submitting bids (open tenders). Any prospective bidder found to have Tax matters not in order with SARS (verified through CSD) during the evaluation process (after being given an opportunity to rectify tax matters) will be eliminated and not be considered further in the process. Preferred bidder/s will be afforded an opportunity to rectify their tax affairs within 7 days. A bidder that fails to rectify its tax matters with SARS will be eliminated.
- k) 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.
- l) the tenderer has not:
 - i) abused the Employer's Supply Chain Management System; or
 - ii) failed to perform on any previous contract and has been given a written notice to this effect; and
- m) 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 and persons in the employ of the state are permitted to submit tenders or participate in the contract;
- n) the tenderer is not more than three months in arrears in its municipal rates and taxes or municipal service charges, if applicable. Proof of payment to be supplied. Where no municipal rates are applicable, a proof of residence from the Councillor and a Sworn Affidavit from the SAPS stating that the tenderer is not liable for municipal rates must be supplied.
- o) NOTE: The amount reflected on the Form of Offer and Acceptance takes precedence over any other total amount indicated elsewhere in bidder's tender submission. If the Form of Offer and Acceptance has no value or figure, the bidder will be regarded as having made no offer.
- p) Tenderer's declaration with respect to participation in job creation using Local Labour has been completed and signed complies with the set threshold for Local Labour. **The minimum required content of such local labour for this project shall be 10 %.**

	<ul style="list-style-type: none"> q) the tender has offered a market related offer. If the offer is believed not to be market related, the Municipality through its Supply Chain Management bid committees will attempt to negotiate the offer with identified bidder/s to a reasonable amount. Bidders are not allowed to increase their tender offers during this process. r) A Resolution of signatory form has been completed and signed by director/s or a letter bearing a letterhead of the tenderer has been attached (specific to this bid) to the bid submission; it must be duly signed by all directors and submitted the bid. Only a duly authorized official can sign the bid. s) The Municipality reserves the right not to award the bid to the most favourable tenderer, if any of the situations occur: t) the bidder has been awarded a considerable number of projects by the Municipality. u) Where a bidder or its directors has previously failed to perform in the previous order where notices of poor performance were issued or application for restriction has been lodged with National Treasury in terms of SCM Regulation 38.
5.17	The number of paper copies of the signed contract to be provided by the employer is one.
	<p>Risk Analysis</p> <p>Notwithstanding compliance with regard to any requirements of the tender, the Elundini Municipality will perform a risk analysis in respect of the following:</p> <ul style="list-style-type: none"> a) reasonableness of the financial offer b) reasonableness of unit rates and prices c) the tenderer's ability to fulfil its obligations in terms of the tender document, that is, that the tenderer can demonstrate that he/she possesses the necessary professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, capacity, experience, reputation, personnel to perform the contract, etc.; the Elundini Municipality reserves the right to consider a tenderer's existing contracts with the Elundini Municipality in this regard. d) any other matter relating to the submitted bid, the tendering entity, matters of compliance, verification of submitted information and documents, etc. e) there is any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any Organ Of the State and where there are notices of poor performance issued thereof. [Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the <i>Audi alteram partem rule</i> was applied]. f) tenderer/s(or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector [Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied]. The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za). g) tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) h) tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years? i) the tenderer/s employees/directors are also employees/contractors/consultants or directors in the organ of state. <p>The conclusions drawn from this risk analysis will be used by the Elundini Municipality in determining the acceptability of the tender offer.</p> <p>No tenderer will be recommended for an award unless the tenderer has demonstrated to the satisfaction of the Elundini Municipality that he/she has the resources and skills required.</p>

7.	<p>Pricing</p> <p>Arithmetical errors, omissions and discrepancies</p> <p>Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.</p> <p>If pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as tendered shall govern, and the unit rate shall be corrected.</p> <p>Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if Price Schedules apply) to achieve the tendered total of the prices.</p> <p>Consider the rejection of a tender offer if the tenderer does not correct or accept the correction of the arithmetical error in the manner described above.</p> <p>Other</p> <p>For Vat related discrepancies, National and Provincial Treasury prescripts in relation to VAT procedures apply.</p> <p>Unconditional discounts must be taken into account for evaluation purposes</p> <p>The Employer must evaluate whether tender has offered a market related offer. If the offer is believed not to be market related, the Municipality through its Supply Chain Management bid committees will attempt to negotiate the offer with identified bidder/s to a reasonable amount. Bidders are not allowed to increase their tender offers during this process</p> <p>In the event of tendered rates or lump sums being declared by the Elundini Municipality to be unacceptable to it because they are not priced, either excessively low or high, or not in proper balance with other rates or lump sums, the tenderer may be required to produce evidence and advance arguments in support of the tendered rates or lump sums objected to. If, after submission of such evidence and any further evidence requested, the Elundini Municipality is still not satisfied with the tendered rates or lump sums objected to, it may request the tenderer to amend these rates and lump sums along the lines indicated by it.</p> <p>The tenderer will then have the option to alter and/or amend the rates and lump sums objected to and such other related amounts as are agreed on by the Elundini Municipality, but this shall be done without altering the tender offer in accordance with this clause. Should the tenderer fail to amend his tender in a manner acceptable to and within the time stated by the Elundini Municipality, the Elundini Municipality may declare the tender as non-responsive.</p> <p>Bidder must comply with all pricing instructions as stated on the Price Schedule and tender conditions.</p> <p>All prices must include VAT where applicable</p> <p>The Elundini Municipality may, after the closing date, request additional information or clarification from tenderers, in writing on any matter affecting the evaluation of the tender offer or that could give rise to ambiguity in a contract arising from the tender offer, which written request and related response shall not change or affect their competitive position or the substance of their offer. Such request may only be made in writing by the delegated official using any means as appropriate and such communication must be approved by the Accounting Officer.</p>
8.	<p>Incorrect Information</p> <p>Where a contract has been awarded on the strength of the information furnished by the bidder which, after the conclusion of the relevant agreement, is proved to have been incorrect, the Elundini Municipality may, in addition to any other legal remedy it may have, recover from the contractor all costs, losses or damages incurred or sustained by the Municipality as a result of the award of the contract</p>
9.	<p>Change of information</p> <p>If after the commencement of the Contract, there is any amendment in the key personnel from which bid evaluation was based, within 90 days of first having become aware of the change, the Contractor must furnish the Employer with detailed justification to change of key personnel, which might be accepted or not accepted by the employer depending on its discretion and the level of skill of personnel used for the replacement.</p>

Elundini Local Municipality

Tender no ELM-3/060/2023-2024

Framework contract for Construction Management Services of Building Works Projects

C3: Scope of work

1. Project Description

The scope of this Framework Contract is the provision of services relating to the Construction Management of SMMEs relating to Building Works designed for Local SMMEs within Elundini Local Municipality for a 3-year framework term, as and when the specific Package Order is issued to the Service Provider with no guarantee of a quantum of work opportunities. The municipality seeks to go into a framework contract with 2x CIDB Grade 5GB period of 3 years.

2. Project Background

Framework contract for construction management services for SMME development within Elundini Local Municipality

2.1 Vision

To have a panel of service providers for a period of time without a quantum of works, this will provide efficient turnaround time in attending to infrastructure.

2.2 Mission

- To promote broad based black economic empowerment;
- To promote local employment (temporary and permanent) through the delivery of the works;
- To develop small enterprise capacity to undertake the portions of the work as subcontractors and the maintenance of the completed works;
- To retain as much of the project expenditure within the Elundini Local Municipality; and,
- To Support skills development by increasing the number of people who have part qualifications, national qualifications and professional designations awarded by statutory councils.

2.3 Objectives

- The Employer's primary objective in entering into this framework contracts over a 3-year framework term for Construction of building works within the Elundini Municipal area of jurisdiction, on an as and when instructed basis without a commitment to a quantum of work, is to secure the services of a limited number of suitably qualified contractors to serve the Employer's current and emerging needs.
- The secondary or developmental objectives of the Employer are to provide employment and business opportunities to persons residing or located within the Elundini Municipal area.

2.4 Specific

- The Contractor is required to provide all required personnel, materials, equipment and plant required for the construction of unpaved roads and associated works as instructed through a Package Order issued by the Elundini Local Municipality.
- The Contractor will furthermore be required to subcontract up-to 100% of the Actual Construction Works to local businesses in order to develop them over the framework period to enable them to rise their CIDB grading.
- The main contractor to be appointed will only be paid handling fees amounting up to 20%
- Each Package Order will specify its own Works Information with the necessary details applicable for the construction of that Work Package. This will include but not limited to reporting, invoicing, technical details, drawings, location, Site Information as well as people employment requirements.

3.Guideline Scope of Services

3.1 Description of the services

The services over the term of the contract include:

- 1) The management and integration of projects within infrastructure programme from their conception to their completion in support of the Employer's objectives and aspirations;
- 2) The management of the NEC3 Engineering and Construction Contract (Option F) entered into between the successful tenderer and the Employer including the drafting and issuing of Package Orders;
- 3) The reviewing of end of stage deliverables developed and advising the Employer on their acceptability;
- 4) The gathering of data and the drafting of reports required by the Elundini Local Municipality and Others including progress reports on initiatives to attain secondary procurement objectives;
- 5) The management of the schedule for the programme and cash flows including the setting of control budgets and financial reporting.
- 6) The provision as necessary of suitably qualified personnel who can undertake construction monitoring duties;
- 7) The management of documents associated with the programme; and
- 8) The management of the development of subcontract documents and the procurement process from the advertisement of tenders to the award of the subcontracts.
- 9) The managing contractors to be appointed are limited to manage works up to a value of R2.5 Million.
- 10) Issuing of task orders will be done on a rotational basis and subject to performance of the managing contractor thereof.

4.Conditions of Appointment

The company shall be an entity that is registered with the relevant statutory body for General Building construction works grading (CIDB). The Project team of the company should hold a Civil Engineering/Building/Quantity Surveying Qualification and necessary qualifications as required to manage labour intensive construction works. The tender and personnel should have relevant experience to carry out the work.

5. SCOPE OF WORK

The Employer intends entering into a framework contract with a single Contractor for a single package order, following a competitive selection process (qualified procedure). The NEC3 Engineering and Construction Contract (ECC), Option F: Management contract will form the basis of the framework contract entered into with the Employer. The management Contractor's responsibilities for construction work are the same as those of a Contractor working under one of the other options provided in the NEC3 ECC.

However, the management Contractor performs only a limited amount of construction works typically relating to;

- Site establishment and de-establishment.
- Construction management including site monitoring on behalf of the client.
- Securing of work sureties and insurances for the works on behalf of the SMME.
- Payment of the CLO and PSC members.

-The actual works will be contracted to local sub-Contractors and suppliers who will be subcontracted through direct contracts with the Contractor, who acts as a management Contractor.

The management Contractor tenders his Fee and is paid on a cost reimbursable basis i.e. Defined Cost uplifted by his Fee percentage. Defined Cost includes subcontract amounts and the prices of the work done by the Contractor himself less Disallowed Cost. Disallowed Cost includes costs not justified by accounts and record, costs not in accordance with a Subcontractor's contract, costs incurred because procedures were not followed and payment to a Subcontractor for work which the Contractor is to do himself and the Contractor's management.

The management Contractor is responsible for supplying management services. The management Contractor's Fee will increase if subcontractors' prices (part of Defined Cost to the Contractor) increase due to compensation events. However, he will not receive separate payment for his work in dealing with compensation events and he will not receive any additional Fee for work on compensation events which does not lead to an increase in subcontractors' prices.

Respondents who are invited to submit tenders will be evaluated on the basis of financial offer, preference and quality. Tenderers will be required to tender their direct fee percentage and subcontracted fee percentages. These parameters will be reduced to a comparative offer in terms of a tender assessment schedule. A framework contract will be entered into with the highest scoring tenderer.