



**public works &  
infrastructure**

Department of  
Public Works & Infrastructure  
FREE STATE PROVINCE

**HEAD OF DEPARTMENT  
MR. M.E. MOHLAHO  
DEPARTMENT OF PUBLIC WORKS & INFRASTRUCTURE**

**TENDER NUMBER: DPWFS (T) 008/2023**

**TENDER DOCUMENTATION**

**APPOINTMENT OF SUITABLY QUALIFIED SERVICE  
PROVIDERS TO BE APPOINTED IN A PANEL FOR SUPPLY  
AND DELIVERY OF BUILDING MATERIAL FOR A PERIOD OF  
THREE (3) YEARS ON AN “AS AND WHEN NEEDED BASIS” TO  
FREE STATE PROVINCIAL DEPARTMENT OF PUBLIC WORKS  
AND INFRASTRUCTURE**

**MARCH 2024**

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**BEWARE OF SCM FRAUD AND PHISHING****WHAT IS FRAUD AND PHISHING?**

- *SCM fraud is a careful thought dishonesty, deceptive and corrupt process with the intention to influence any stage of the SCM process in order to make a financial gain or cause a loss. It can be perpetrated by contractors or sub-contractors external to the organization, as well as officials within the Department.*
- *Phishing is a form of fraud in which an attacker masquerades as a reputable entity or person in email or other forms of communication. Attacker will commonly use phishing emails to distribute malicious links or attachments that can perform variety of functions. Some will extract login credentials or account information from victims*

**How does phishing work?**

- The phisher may begin by **determining who their targeted victims** will be (whether at an organization or individual level) and creates strategies to collect data they can use to attack.
- Next, the phisher will create **methods like fake emails or phony web pages to send messages** that lure data from their victims.
- Phishers then send messages that **appear trustworthy** to the victims and begin the attack.
- Once the attack has been deployed, phishers will **monitor and collect the data** that victims provide on the fake web pages.
- Finally, phishers use the collected data to make illegal purchases or **commit fraudulent acts**.

That being said, not all attacks look and operate the same way. Phishing scams can take a variety of forms and can have different goals in their deployment.

**IMPORTANT:**

- No official of the department is allowed to request any form of gratuity and/or reward for assisting any bidder with their bid is considered over other bids for appointment.
- Report all suspicious acts and requests to South African Police Service on 08600 10111 **AND**;
- National Ant-Corruption Hotline: 0800 701 701 (toll free number) **OR**
- Email to: [integrity@publicservicecorruptionhotline.org.za](mailto:integrity@publicservicecorruptionhotline.org.za)

TENDER NUMBER:

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DESCRIPTION:

PANEL: SUPPLY AND DELIVERY OF BUILDING MATERIAL.



public works & infrastructure

Department of Public Works & Infrastructure  
FREE STATE PROVINCE

**THE DEPARTMENT OF PUBLIC WORKS & INFRASTRUCTURE**

**Physical address:**  
OR Tambo House  
Cnr St Andrews Street and Markgraaff Street  
Bloemfontein  
9301

**Post box number:**  
P.O. Box 690  
Bloemfontein  
9301

**DIRECTORATE: SUPPLY CHAIN MANAGEMENT**

**Contact Person:**

Name: Mr. Mosiuoa Kolobe  
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**Contact Person:**

Name: Mr. Bernard Mokoena  
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**DIRECTORATE: THABO MOFUTSANYANA DISTRICT:**

**Contact Person:**

Name: Ms. Angy Matshinini  
Telephone: 0587183606  
Email: [matshininia@fsworks.gov.za](mailto:matshininia@fsworks.gov.za)

**DIRECTORATE: LEJWELEPUTSWA AND FEZILE DABI DISTRICTS:**

**Contact Person:**

Name: Mr. Thabo Koko  
Telephone: 0574920019  
Email: [kokot@fsworks.gov.za](mailto:kokot@fsworks.gov.za)

*Indicate the region for which you are bidding for (bidders must bid for one region only)*

- Region 1: Motheo:
- Region 2: Xhariep:
- Region 3: Lejweleputswa:
- Region 4: Fezile Dabi
- Region 5: Thabo Mofutsanyane:

**TENDERER:** .....

**PRICES INCLUSIVE OF VALUE ADDED TAX:**

(a) TOTAL (100%) of the prices inclusive of value added tax:  
R.....

**TOTAL PRICE IN WORDS:**  
.....  
.....  
.....

**CIDB CRS NUMBER:**  
.....

TENDER NUMBER:

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| <b>Contents</b>                             |  |
|---|--|
| <b>The Tender</b>                           |  |
| <b>Part T1: Tendering Procedures</b>        |  |
| T1.1  | Tender Notice and Invitation to Tender |
| T1.2  | Tender Data                            |
| <b>Part T2: Returnable documents</b>        |  |
| T2.1  | List of Returnable Documents           |
| T2.2  | Returnable Schedules                   |
| <b>The Contract</b>                         |  |
| <b>Part C1: Agreement and Contract Data</b> |  |
| C1.1  | Standard Conditions of Tender          |
| C1.2  | Form of Offer and Acceptance           |
| C1.3  | Contract Data                          |
| <b>Part C3: Scope of Work</b>               |  |
| C3  | Scope of Work                          |

**TENDER NUMBER:**

**DPWFS (T) 008/2023**

**DESCRIPTION:**

**PANEL: SUPPLY AND DELIVERY OF BUILDING  
MATERIAL.**



## **THE TENDER**

### **PART T1: TENDERING PROCEDURES**

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

**TENDER NO: DPWFS (T) 008/2023**

**DESCRIPTION:** APPOINTMENT OF SUITABLY QUALIFIED SERVICE PROVIDERS TO BE APPOINTED IN A PANEL FOR SUPPLY AND DELIVERY OF BUILDING MATERIAL FOR A PERIOD OF THREE (3) YEARS ON AN “AS AND WHEN NEEDED BASIS” TO FREE STATE PROVINCIAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE.

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

The Department of Public Works, Free State Provincial Government, invites tenders for the Supply and Delivery of Building Material: Free State Province.

|   |   |                          |                         |
|---|---|--------------------------|-------------------------|
| Project title:  | <b>APPOINTMENT OF SUITABLY QUALIFIED SERVICE PROVIDERS TO BE APPOINTED IN A PANEL FOR SUPPLY AND DELIVERY OF BUILDING MATERIAL FOR A PERIOD OF THREE (3) YEARS ON AN “AS AND WHEN NEEDED BASIS” TO FREE STATE PROVINCIAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE.</b> |                          |                         |
| Tender No:  | DPWFS (T) 008/2023  |                          |                         |
| Advertising date:   | 22 March 2024   | Closing Date:            | 19 April 2024           |
| Closing time:   | 11:00am   | Validity Period          | 90 Days (Calendar Days) |
| <b>Compulsory Clarification Date:</b>   | NONE  | Compulsory Clarification | NONE                    |
| <b>Time:</b>  |   | Venue:                   |                         |
| Tenders are to be delivered to the following address on the stipulated closing date and time: | Department of Public Works and Infrastructure:<br>Ground Floor (Main Entrance Foyer) at OR Tambo House (Old Lebohang Building); St Andrew Street; Bloemfontein  |                          |                         |

**COLLECTION OF TENDER DOCUMENTS**

- Please note that bid documents are obtainable from e-tender portal on [www.etenders.gov.za](http://www.etenders.gov.za) from 22 March 2024 **OR**
- Bid documents will also be available from 22 March 2024 from 09h00 to 14h30 at the Department of Public Works and Infrastructure SCM Offices, Room 101B, First Floor, OR Tambo House Cnr Markgraaf and St Andrews Street, Bloemfontein. However, a non-refundable tender / bid deposit of R1 282.00 is payable in cash (**please bring the exact amount**) on collection of the bid documents. [Payments to be made at Room 102, 01st Floor, OR Tambo House].

**The physical address for collection of tender documents is:**

**FREE STATE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE**

Cnr St Andrews Street and Markgraaff Street  
 OR Tambo House  
 Room 101B, 1<sup>st</sup> Floor  
 Bloemfontein  
 9301

**BIDS ARE TO BE COMPLETED IN ACCORDANCE WITH THE CONDITIONS AND BID RULES CONTAINED IN THE BID DOCUMENTS. BID DOCUMENTS MUST BE PROPERLY INDEXED AND NEATLY BOUNDED.**

## REASONS FOR DISQUALIFICATION

1. The department reserves the right to disqualify any bidder which does any one or more of the following, and such disqualification may take place without prior notice to the offending bidder:
  - a. Bidders who's tax matters are not compliant with SARS requirements as reflected on eFiling and/or CSD at the time of award (however such bidders will be advised in writing to approach the SARS in order ensure that tax matters are compliant within a period of seven (7) working days;
  - b. Bidders who submitted incomplete information and documentation according to the requirements of this bid document, e.g. not submitting both a fully completed document with all returnable documents as stated on this tender document;
  - c. Bidders who submitted information that is fraudulent, factually untrue or inaccurate information;
  - d. Bidders who received information not available to other bidders through fraudulent means.
  - e. Bidders who do not comply with mandatory requirement as stated in this document.
  - f. Telegraphic, telephonic, telefax, facsimile and late tenders will not be accepted.
  - g. Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data

## EVALUATION CRITERIA:

**THIS BID SHALL BE EVALUATED IN TWO STAGES (MANDATORY REQUIREMENTS AND EVALUATION OF FUNCTIONALITY:**

**STAGE THREE – PRICE AND PREFERENCE WILL BE IMPLEMENTED POST APPOINTMENT.**

- a) On stage one the bid will be evaluated on compliance with mandatory requirements.
- b) On stage two the bid will be evaluated on functionality as stipulated on the bid document
- c) **Stage three (price and preference) will be implemented post-appointment through issuing of quotations on an “as and when needed” basis to bidders who will be appointed onto the framework contract:**
  - Issuing of task order will be done on as and when basis for specific tasks and the Department will invite bidders to submit responses for such a tasks order. Bidders will complete SBD 7.1 on as and when the material is required.
  - The 80/20 **OR** 90/10 preference point system will be used to evaluate quotations when building material is required on “as and when basis”. This process will also be implemented in accordance with the Departmental Standard Operating Procedure for framework contract as recommended by the Bid Adjudication Committee and approved by the HOD at the time each project is implemented.
  - The 80/20 **OR** 90/10 preference point system will be implemented as follows:
 

|                |              |
|----------------|--------------|
| Price          | 80/90 points |
| Specific goals | 20/10 points |
| Total points   | 100 points   |

## 1. STAGE ONE: MANDATORY REQUIREMENTS

### 1.1. Mandatory Requirements

- 1.1.1 Provide Central Supplier Database's MAAA number which will be used to verify valid tax compliance status of the bidding entity. (Where Consortium / Joint Venture / Sub-contractors are involved, each party to the association must have a compliant tax status which will be confirmed at the time of award).
- 1.1.2 A valid proof of registration on the National Treasury's Central Supplier's Database must be accompanying this bid (where Consortium / Joint Venture / Sub-contractors are involved, each party to the association must submit a separate or a unique security personal Identification number).
  - a) However, joint ventures, partnerships, including unincorporated partnerships must register on the CSD within 15 days of the date of the bid being awarded to the successful bidder.
- 1.1.3 Attach duly completed and signed SBD documents (SBD 1 and SBD 4).
- 1.1.4 Complete and sign the Annual Financial Statements Declaration (Attach income statement and the balance sheet as support for the declaration).
- 1.1.5 **All documents must be completed in writing with a black pen.**



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**1.2 Non – Mandatory requirements required for evaluation purposes:**

- 1.2.1 Attach a valid municipal services (water, sanitation, rates and electricity) clearance certificate or a current bill of account not owing more than ninety (90) days or a valid lease agreement with a current statement from the lessor not owing more than 90 days.
- 1.2.2 Attach duly completed and signed Annexure A - Record of Addenda to tender documents.
- 1.2.3 Attach duly completed and signed Annexure B - Proposed amendments and qualifications.
- 1.2.4 Schedule of equipment offered
- 1.2.5 Duly completed and signed SBD 6.1 – Preference points claim form in terms of the Preferential Procurement Regulations 2022.
- 1.2.6 SBD documents (SBD 7), will be completed and signed post-appointment

**2. STAGE TWO: EVALUATION ON FUNCTIONALITY CRITERIA**

- 2.1. The evaluation on functionality criteria will be evaluated based on the following information:
  - 2.1.2 Attach proof of orders where the supplier delivered similar goods in last three (3) years counted up to the date of closing for this tender.
  - 2.1.3 Each bidder must obtain a minimum of 90 points out of 120 points for functionality in order to qualify for evaluation on price and preference using the 80/20 or 90/10 preference points systems.
  - 2.1.4 Functionality (Separate from price) \_\_\_\_\_ 120 points





| No                  | CRITERION                             | Evaluation Criteria  | Score      |
|---------------------|---------------------------------------|--|------------|
| 1                   | <b>FINANCIAL CAPABILITY</b>           | <p><b>Financial capability of the service provider verified through the annual financial declaration and supporting documents (e.g. income statement, balance sheet, credit facility from any large retailer/wholesaler and latest bank statement – not older than three (3) months):</b></p> <ul style="list-style-type: none"> <li>• Access finance above R50 000 = 10 points</li> <li>• Access finance above R150 000 = 20 points</li> <li>• Access finance above R250 000 = 30 points</li> <li>• Access finance above R350 000 = 40 points</li> <li>• Access finance above R500 000 = 50 points</li> </ul>   | 50         |
| 2                   | <b>PROJECT EXECUTION CAPABILITIES</b> | <p><b>Project Execution Capabilities</b></p> <ul style="list-style-type: none"> <li>• Experience in the supply and delivery of building material.</li> <li>• Number of past orders delivered will be allocated as follows: <ul style="list-style-type: none"> <li>○ Total value of orders combined R200 000 = 5 points</li> <li>○ Total value of orders combined R300 000 = 10 points</li> <li>○ Total value of orders combined R400 000 = 15 points</li> <li>○ Total value of orders combined R500 000 = 20 points</li> <li>○ Total value of orders combined R650 000 = 25 points</li> </ul> </li> </ul> <p><b><i>Proof in a form of previous orders/appointment letters confirming successful delivery in the last 3 years, i.e. between February 2021 and February 2024 must be attached.</i></b></p> | 25         |
| 3                   | <b>REFERENCE LETTERS:</b>             | <p><b>Reference letters:</b></p> <p>Submit copies of reference letters on the employer`s letter head where similar goods were delivered in the last three (3) years which correspond to the orders / appointment letters above, i.e. type of goods delivered, order number, date and amount.</p> <p>Value thresholds will be scored as follows:</p> <ul style="list-style-type: none"> <li>• No letter of reference = 0 points</li> <li>• 1 letter of reference = 15 Points</li> <li>• 2 letters of reference = 30 Points</li> <li>• 3 letters of reference and more = 45 Points</li> </ul>  | 45         |
| <b>Total points</b> |                                       |  | <b>120</b> |

The following scoring rubric will be used to score the functionality above:

| Rating         | Score out of 5 | Score out of 10 | Score out of 15 | Score out of 20 | Approach and methodology   |
|----------------|----------------|-----------------|-----------------|-----------------|--|
| <b>Poor</b>    | 1              | 2               | 3               | 4               | The approach and / or methodology is poor / is very unlikely to satisfy project objectives or requirements. The tenderer has completely misunderstood all aspects of the scope of work and does not deal with any critical aspects of the project. |
| <b>Average</b> | 2              | 4               | 6               | 8               | The approach and / or methodology is not good / 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.         |
| <b>Good</b>    | 3              | 6               | 9               | 12              | The approach is generic and not tailored to address the specific project objectives and methodology. The approach does not adequately deal with the critical   |

|                  |   |    |    |    |   |
|------------------|---|----|----|----|---|
|                  |   |    |    |    | characteristics of the project. The quality plan, manner in which risk is to be managed etc., is too generic.   |
| <b>Very Good</b> | 4 | 8  | 12 | 16 | The approach is specifically tailored to address the specific project objectives and methodology and is sufficiently flexible to accommodate changes that may occur during execution. The quality plan and approach to managing risk etc., is specifically tailored to the critical characteristics of the project. |
| <b>Excellent</b> | 5 | 10 | 15 | 20 | 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 approach paper details ways to improve the project outcomes and the quality of the outputs.                  |

### 3. STAGE THREE – PRICE AND PREFERENCE WILL BE IMPLEMENTED POST APPOINTMENT:

*On stage 3 the bid will be evaluated on price and preference through issuing of quotations on an “as and when needed” basis to bidders who will be appointed onto the framework contract.*

#### STAGE THREE: EVALUATION ON PRICE AND PREFERENCE

- 3.1. Pricing on the project in order to achieve the objectives of the Preferential Procurement Regulations.
- 3.2. The Department is committed to achieving the government’s objectives of the transformation of the economy economic transformation as set out in the Departmental SCM Policy, Preferential Procurement Policy Framework Act, the B-BBEE act and the Preferential Procurement Regulations of 2022.
- 3.3. Only bidders who meet all the mandatory requirements and who scores the minimum number of points for functionality will be considered for appointment into the panel and the Department reserves the right to limit the number of bidders appointed based on the points each bidder scores on the functionality.
- 3.4. The 80/20 preference point system will be used to evaluate quotations when building material is requested on “as and when basis”. This process will also be implemented in accordance with the Departmental Standard Operating Procedure for framework contract as recommended by the Bid Adjudication Committee and approved by the HOD at the time each project is implemented.
- 3.5. The 80/20 or 90/10 preference point system applicable to price quotations and tenders with a rand value of R50 million or below or rand value above R50 million (all applicable taxes included), will be used for evaluation of this bid.
- 3.6. The scoring of points for price and preference system in terms of the 80/20 and 90/10 preference point system where the lowest price score 80 or 90 points for price.
- 3.7. The points for preference will be allocated to bidders in accordance with the following specific goals:

**Table 1:**

The maximum points for this tender are allocated as follows:

|  | POINTS     | POINTS     |
|--|------------|------------|
| Price  | 80         | 90         |
| Specific goals                                   | 20         | 10         |
| <b>Total points for Price and SPECIFIC GOALS</b> | <b>100</b> | <b>100</b> |

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

80/20

or

90/10

$$P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

- b. Allocation of points in terms of the 80/20 preference point system.



Where

|      |   |   |
|------|---|---|
| Ps   | = | Points scored for price of tender under consideration |
| Pt   | = | Price of tender under consideration                   |
| Pmin | = | Price of lowest acceptable tender                     |

- c. 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 goals stated in table 2 below as may be supported by proof/ documentation stated in the conditions of this tender.

**Table 2:**

| The specific goals allocated points in terms of this tender | Number of points allocated (90/10 system) (To be completed by the organ of state) | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed (90/10 system) (To be completed by the tenderer) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|---|---|---|---|
| Race: Black ownership 100%                                  | 3   | 6   |   |   |
| Gender: Women ownership 100%                                | 3   | 6   |   |   |
| People living with Disability 100%                          | 2   | 4   |   |   |
| Companies from Free state 100%                              | 1   | 2   |   |   |
| Youth ownership 100%  | 1   | 2   |   |   |
| <b>Total Points Claimed out</b>                             | <b>10</b>   | <b>20</b>   |   |   |

**NB (Bidder must complete both point systems)**

**3.8. Claiming of preference points for Specific goals:**

- Bidders will be required to submit CIPC documents and Central Supplier Database (CSD) report in order to claim points for specific goal on Race: Black ownership 100%.
- Bidders will be required to submit CIPC documents, Central Supplier Database (CSD) report, share certificates and certified ID copy / (ies) in order to claim points for specific goal on Gender: Women ownership 100%.
- Bidders will be required to submit a medical certificate from a Registered Medical Practitioner or a letter condition from department of Labour confirming the bidder's disability in order to claim points for specific goal on People living with disability 100%.
- Bidders will be required to submit CIPC and FICA approved documents with the address corresponding with the municipal statement or lease agreement address in order to claim points for specific goal on companies from Free State province 100%.

**Note:** Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

The organ of state 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 to preferences, in any manner required by the organ of state.



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## SPECIAL CONDITIONS

1. The appointed Service Provider/(s) contractor will be expected to utilize AA tariffs to claim for transport.
2. The appointed Service Provider/(s) will be expected to deliver the material within seven (7) upon the receipt of an official order on normal circumstances.
3. However, during emergencies the Service Provider will be expected to deliver the requested material within 24 hours and the task order may only be despatched after the emergency has been dealt with.
4. The department together with the contractors will develop baseline prices during the first year of the contract which will be utilised for the remainder of the contract for all the items that will be procured for that contract.
5. All material must be SABS approved.

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## **PART T1: TENDERING PROCEDURES**

### **T1.2 – Tender Data**

#### **Annexure A**

#### **Standard Conditions of Tender**

## Standard Conditions of Tender

### C.1 General

#### C.1.1 Actions

- C.1.1.1** The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in C.2 and C.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.
- C.1.1.2** The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

*Note: 1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.*

*2) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.*

- C.1.1.3** The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract.

#### C.1.2 Tender Documents

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

#### C.1.3 Interpretation

- C.1.3.1** The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender.

- C.1.3.2** These conditions of tender, the tender data and tender schedules which are required for tender evaluation purposes, shall form part of any contract arising from the invitation to tender.

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

**a) conflict of interest means any situation in which:**

- 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 tenderer is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
- iii) incompatibility or contradictory interests exist between an employee and the tenderer who employs that employee.

- b) comparative offer** means the price after the factors of a non-firm price and all unconditional discounts it can be utilised to have been taken into consideration;

- c) corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process;

- d) fraudulent practice** means the misrepresentation of the facts in order to influence the tender

process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels;

#### **C.1.4 Communication and employer's agent**

Each communication between the employer and a tenderer shall be to or from the employer's agent only, and in a form that can be readily read, copied and recorded. Communications shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data.

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

C.1.5.1 An employer may, prior to the award of the tender, cancel a tender if-

- a) due to changed circumstances, there is no longer a need for the engineering and construction works specified in the invitation;
- b) funds are no longer available to cover the total envisaged expenditure; or
- c) no acceptable tenders are received.
- d) there is a material irregularity in the tender process.

C.1.5.2 The decision to cancel a tender invitation must be published in the same manner in which the original tender invitation was advertised

C.1.5.3 An employer may only with the prior approval of the relevant treasury cancel a tender invitation for the second time.

#### **C.1.6 Procurement procedures**

##### **C.1.6.1 General**

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

##### **C.1.6.2 Competitive negotiation procedure**

C.1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of C.3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of C.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.

C.1.6.2.2 All responsive tenderers or at least a minimum of not less than three responsive tenderers that are highest ranked in terms of the evaluation criteria stated in the tender data shall be invited to enter into competitive negotiations based on the principle of equal treatment, keeping confidential the proposed solutions and associated information. Notwithstanding the provisions of C.2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

C.1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to revise their tender offer based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer.

C.1.6.2.4 The contract shall be awarded in accordance with the provisions of C.3.11 and C.3.13 after tenderers have been requested to submit their best and final offer.



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

#### **C.1.6.3.1 Option 1**

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

#### **C.1.6.3.2 Option 2**

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

### **C.2 Tenderer's obligations**

#### **C.2.1 Eligibility**

C.2.1.1 Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer.

C.2.1.2 Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders.

#### **C.2.2 Cost of tendering**

C.2.2.1 Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer complies with requirements.

C.2.2.2 The cost of the tender documents charged by the employer shall be limited to the actual cost incurred by the employer for printing the documents. Employers must attempt to make available the tender documents on its website so as not to incur any costs pertaining to the printing of the tender documents.

#### **C.2.3 Check documents**

Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.

#### **C.2.4 Confidentiality and copyright of documents**

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.

#### **C.2.5 Reference documents**

Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.

#### **C.2.6 Acknowledge addenda**

Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.



### **C.2.7 Clarification meeting**

Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.

### **C.2.8 Seek clarification**

Request clarification of the tender documents, if necessary, by notifying the employer at least five (5) working days before the closing time stated in the tender data.

### **C.2.9 Insurance**

Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

### **C.2.10 Pricing the tender offer**

C.2.10.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable fourteen (14) days before the closing time stated in the tender data.

C.2.10.2 Show VAT payable by the employer separately as an addition to the tendered total of the prices.

C.2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.

C.2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

### **C.2.11 Alterations to documents**

Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations.

### **C.2.12 Alternative tender offers**

C.2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.

C.2.12.2 Accept that an alternative tender offer must be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.

C.2.12.3 An alternative tender offer must only be considered if the main tender offer is the winning tender.

### **C.2.13 Submitting a tender offer**

C.2.13.1 Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.

C.2.13.2 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.

C.2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.

C.2.13.4 Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.

C.2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

C.2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

C.2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.

C.2.13.8 Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.

C.2.13.9 Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.

#### **C.2.14 Information and data to be completed in all respects**

Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

#### **C.2.15 Closing time**

C.2.15.1 Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery.

C.2.15.2 Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.

#### **C.2.16 Tender offer validity**

C.2.16.1 Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.

C.2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.

C.2.16.3 Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted. If the validity period stated in C.2.16 lapses before the employer evaluating tender, the contractor reserves the right to review the price based on Consumer Price Index (CPI).

C.2.16.4 Where a tender submission is to be substituted, a tenderer must submit a substitute tender in accordance with the requirements of C.2.13 with the packages clearly marked as "SUBSTITUTE".

### **C.2.17 Clarification of tender offer after submission**

Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may 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.

**Note:** *Sub-clause C.2.17 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Employer elect to do so.*

### **C.2.18 Provide other material**

C.2.18.1 Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment. Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.

C.2.18.2 Dispose of samples of materials provided for evaluation by the employer, where required.

### **C.2.19 Inspections, tests and analysis**

Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.

### **C.2.20 Submit securities, bonds and policies**

If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

### **C.2.21 Check final draft**

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

### **C.2.22 Return of other tender documents**

If so instructed by the employer, return all retained tender documents within twenty-eight (28) days after the expiry of the validity period stated in the tender data.

### **C.2.23 Certificates**

Include in the tender submission or provide the employer with any certificates as stated in the tender data.

## **C.3 The employer's undertakings**

### **C.3.1 Respond to requests from the tenderer**

C.3.1.1 Unless otherwise stated in the tender Data, respond to a request for clarification received up to five (5) working days before the tender closing time stated in the Tender Data and notify all tenderers who collected tender documents.

C.3.1.2 Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

- a) an individual firm, or a joint venture as a whole, or any individual member of the joint venture fails to meet any of the collective or individual qualifying requirements;

- b) the new partners to a joint venture were not prequalified in the first instance, either as individual firms or as another joint venture; or
- c) in the opinion of the Employer, acceptance of the material change would compromise the outcome of the prequalification process.

### C.3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three (3) working days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify all tenderers who collected tender documents.

### C.3.3 Return late tender offers

Return tender offers received after the closing time stated in the Tender Data, unopened, (unless it is necessary to open a tender submission to obtain a forwarding address), to the tenderer concerned.

### C.3.4 Opening of tender submissions

C.3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

C.3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where

applicable, the total of his prices, number of points claimed for its BBBEE status level and time for completion for the main tender offer only.

C.3.4.3 Make available the record outlined in C.3.4.2 to all interested persons upon request.

### C.3.5 Two-envelope system

C.3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

C.3.5.2 Evaluate functionality of the technical proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the functionality evaluation more than the minimum number of points for functionality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any points claimed on BBBEE status level. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for functionality.

### C.3.6 Non-disclosure

Not disclose to tenderers, or to any other 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.

### C.3.7 Grounds for rejection and disqualification

Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.

### C.3.8 Test for responsiveness

C.3.8.1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:

- a) complies with the requirements of these Conditions of Tender,
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the tender documents.

C.3.8.2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:

- 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.

Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

### C.3.9 Arithmetical errors, omissions and discrepancies

C.3.9.1 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.

C.3.9.2 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with C.3.11 for:

- a) the gross misplacement of the decimal point in any unit rate;
- b) omissions made in completing the pricing schedule or bills of quantities; or
- c) arithmetic errors in:
  - i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
  - ii) the summation of the prices.

C.3.9.3 Notify the tenderer of all errors or omissions that are identified in the tender offer and either confirm the tender offer as tendered or accept the corrected total of prices.

C.3.9.4 Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows:

- a) If bills of quantities or 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 quoted shall govern, and the unit rate shall be corrected.
- b) 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 bills of quantities apply) to achieve the tendered total of the prices.

### C.3.10 Clarification of a tender offer

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.

### C.3.11 Evaluation of tender offers

The Standard Conditions of Tender standardize the procurement processes, methods and procedures from the time that tenders are invited to the time that a contract is awarded. They are generic in nature and are made project specific through choices that are made in developing the Tender Data associated with a specific project.

Conditions of tender are by definition the document that establishes a tenderer's obligations in submitting a tender and the employer's undertakings in soliciting and evaluating tender offers. Such conditions establish the rules from the time a tender is advertised to the time that a contract is awarded and require employers to conduct the process of offer and acceptance in terms of a set of standard procedures.

The CIDB Standard Conditions of Tender are based on a procurement system that satisfies the following system requirements:

| Requirement    | Qualitative interpretation of goal   |
|----------------|--|
| Fair           | The process of offer and acceptance is conducted impartially without bias, providing simultaneous and timely access to participating parties to the same information.  |
| Equitable      | Terms and conditions for performing the work do not unfairly prejudice the interests of the parties.   |
| Transparent    | The only grounds for not awarding a contract to a tenderer who satisfies all requirements are restrictions from doing business with the employer, lack of capability or capacity, legal impediments and conflicts of interest.         |
| Competitive    | The system provides for appropriate levels of competition to ensure cost effective and best value outcomes.  |
| Cost effective | The processes, procedures and methods are standardized with sufficient flexibility to attain best value outcomes in respect of quality, timing and price, and least resources to effectively manage and control procurement processes. |

**The activities associated with evaluating tender offers are as follows:**

- a) Open and record tender offers received
- b) Determine whether or not tender offers are complete
- c) Determine whether or not tender offers are responsive
- d) Evaluate tender offers
- e) Determine if there are any grounds for disqualification
- f) Determine acceptability of preferred tenderer
- g) Prepare a tender evaluation report
- h) Confirm the recommendation contained in the tender evaluation report

### C.3.11.1 General

The employer must appoint an evaluation panel of not less than three persons conversant with the proposed scope of works to evaluate each responsive tender offer using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

### C.3.12 Insurance provided by the employer

If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide.

### C.3.13 Acceptance of tender offer

Accept the tender offer; if in the opinion of the employer, it does not present any risk and only if the tenderer:

- a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement;
- b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract;
- c) has the legal capacity to enter into the contract;
- d) is not; insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act No.2008, bankrupt or being wound up, has his/her affairs administered by a court or a judicial officer, has suspended his/her business activities or is subject to legal proceedings in respect of any of the foregoing;
- e) complies with the legal requirements, if any, stated in the tender data; and
- f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.





### **C.3.14 Prepare contract documents**

C.3.14.1 If necessary, revise documents that shall form part of the contract and that were issued by the employer as part of the tender documents to take account of:

- a) addenda issued during the tender period,
- b) inclusion of some of the returnable documents and
- c) other revisions agreed between the employer and the successful tenderer.

C.3.14.2 Complete the schedule of deviations attached to the form of offer and acceptance, if any.

### **C.3.15 Complete adjudicator's contract**

Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.

### **C.3.16 Registration of the award**

An employer must, within twenty-one (21) working days from the date on which a contractor's offer to perform a construction works contract is accepted in writing by the employer, register and publish the award on the cidb Register of Projects.

### **C.3.17 Provide copies of the contracts**

Provide to the successful tenderer the number of copies stated in the Tender Data of the signed copy of the contract as soon as possible after completion and signing of the form of offer and acceptance.

### **C.3.18 Provide written reasons for actions taken**

Provide upon request written reasons to tenderers for any action that is taken in applying these conditions of tender but withhold information which is not in the public interest to be divulged, which is considered to prejudice the legitimate commercial interests of tenderers or might prejudice fair competition between tenderers.

**TENDER NUMBER:**

**DPWFS (T) 008/2023**

**DESCRIPTION:**

**PANEL: SUPPLY AND DELIVERY OF BUILDING MATERIAL.**



**public works &  
infrastructure**  
Department of  
Public Works & Infrastructure  
FREE STATE PROVINCE

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## **PART T2: RETURNABLE DOCUMENTS**

### **T2.1 - List of Returnable Documents**





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**FREE STATE PROVINCIAL GOVERNMENT****DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE****TENDER NO: DPWFS (T) 008/223**

**DESCRIPTION:** APPOINTMENT OF SUITABLY QUALIFIED SERVICE PROVIDERS IN THE PANEL OF SUPPLY AND DELIVERY OF BUILDING MATERIAL FOR A PERIOD OF THREE (3) YEARS ON AN "AS AND WHEN NEEDED BASIS" TO FREE STATE PROVINCIAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

**T2.1 List of Returnable Documents**

The tenderer must complete the following returnable documents:

**List of Returnable Documents required**

- a. Attach duly completed and signed Annexure A - Record of Addenda to tender documents.
- b. Attach duly completed and signed Annexure B - Proposed amendments and qualifications.
- c. Resolution of Board of Directors
- d. Resolution of Board of Directors to enter into Consortia or Joint Ventures (in case of Joint Venture or Consortia)
- e. Special Resolution of Consortia or Joint Ventures.
- f. Standard Bidding Document (SBD 1) – Invitation to Bid
- g. Standard Bidding Document 4 (SBD 4) – Bidders Disclosure
- h. Standard Bidding a Document (SBD 6.1) – Preference points claim form in terms of the Preferential Procurement Regulations 2022.
- i. Annual Financial Statement Declaration.
- j. All other relevant documents, including but not limited to the company registration documents, curriculum vitae's (resource information sheet format) of all relevant officials and identity documents of all directors and relevant officials.
- k. **C1.2 Contract Data (Part 2)**
- l. **C3 Scope of Works**

TENDER NUMBER:

DPWFS (T) 008/2023

DESCRIPTION:

PANEL: SUPPLY AND DELIVERY OF BUILDING  
MATERIAL.



**public works &  
infrastructure**  
Department of  
Public Works & Infrastructure  
FREE STATE PROVINCE

## PART T2: RETURNABLE DOCUMENTS

### T2.2 - Returnable Schedules

TENDER NUMBER:

DPWFS (T) 008/2023

DESCRIPTION:

PANEL: SUPPLY AND DELIVERY OF BUILDING MATERIAL.



**Annexure A: Record of Addenda to tender documents**

We confirm that the following communications received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:

|     | Date | Title of Details |
|-----|------|------------------|
| 1.  |      |                  |
| 2.  |      |                  |
| 3.  |      |                  |
| 4.  |      |                  |
| 5.  |      |                  |
| 6.  |      |                  |
| 7.  |      |                  |
| 8.  |      |                  |
| 9.  |      |                  |
| 10. |      |                  |

Attach additional pages if more space is required.

Signature..... Date.....

Name..... Position.....

Tenderer.....

TENDER NUMBER:

DPWFS (T) 008/2023

DESCRIPTION:

PANEL: SUPPLY AND DELIVERY OF BUILDING MATERIAL.



**Annexure B: Proposed amendments and qualifications**

The Tenderer should record any deviations or qualifications he may wish to make to the tender documents in this Returnable Schedule. Alternatively, a tenderer may state such deviations and qualifications in a covering letter to his tender and reference such letter in this schedule.

The Tenderer's attention is drawn to clause 5.8 of SANS 10845-3 regarding the employer's handling of material deviations and qualifications.

| Page | Clause or item | Proposal |
|------|----------------|----------|
|      |                |          |

Signature.....

Date.....

Name.....

Position.....

Tenderer.....



## RESOLUTION OF BOARD OF DIRECTORS

**RESOLUTION** of a meeting of the Board of \*Directors / Members / Partners of:

\_\_\_\_\_

(legally correct full name and registration number, if applicable, of the Enterprise)

Held at \_\_\_\_\_ (place)

on \_\_\_\_\_ (date)

### RESOLVED that:

- 1 The Enterprise submits a Tender to the Department of Public Works and Infrastructure, Free State Province in respect of the following project:

\_\_\_\_\_

(project description as per Tender Document)

Tender Number: \_\_\_\_\_ (Tender Number as per Tender Document)

- 2 \*Mr/Mrs. /Ms.: \_\_\_\_\_

in \*his/her Capacity as: \_\_\_\_\_ (Position in the Enterprise)

and who will sign as follows: \_\_\_\_\_

be, and is hereby, authorised to sign the Tender, and any and all other documents and/or correspondence in connection with and relating to the Tender, as well as to sign any Contract, and any and all documentation, resulting from the award of the Tender to the Enterprise mentioned above.

|   | Name | Capacity | Signature |
|---|------|----------|-----------|
| 1 |      |          |           |
| 2 |      |          |           |
| 3 |      |          |           |
| 4 |      |          |           |
| 5 |      |          |           |
| 6 |      |          |           |
| 7 |      |          |           |
| 8 |      |          |           |

#### Note:

- \* Delete which is not applicable.
- NB.** This resolution must be signed by all the Directors / Members / Partners of the Tendering Enterprise.

#### ENTERPRISE STAMP

TENDER NUMBER:

DPWFS (T) 008/2023

DESCRIPTION:

PANEL: SUPPLY AND DELIVERY OF BUILDING MATERIAL.



public works & infrastructure  
Department of  
Public Works & Infrastructure  
FREE STATE PROVINCE

**RESOLUTION OF BOARD OF DIRECTORS TO ENTER INTO CONSORTIA OR JOINT VENTURES**

**RESOLUTION** of a meeting of the Board of \*Directors / Members / Partners of:

\_\_\_\_\_

(Legally correct full name and registration number, if applicable, of the Enterprise)

held at \_\_\_\_\_ (place) on \_\_\_\_\_ date

**RESOLVED that:**

1 The Enterprise submits a Tender, in consortium/joint venture with the following Enterprises:

\_\_\_\_\_

(List all the legally correct full names and registration numbers, if applicable, of the Enterprises forming the consortium/joint venture)

to the Department of Public Works and Infrastructure, Free State Province in respect of the following project:

\_\_\_\_\_

(Project description as per Tender Document)

Tender Number: \_\_\_\_\_ (Tender Number as per Tender Document)

2 \*Mr/Mrs. /Ms.: \_\_\_\_\_

in \*his/her Capacity as: \_\_\_\_\_ (Position in the Enterprise)

and who will sign as follows: \_\_\_\_\_

be, and is hereby, authorised to sign a consortium/joint venture agreement with the parties listed under item 1 above, and any and all other documents and/or correspondence in connection with and relating to the consortium/joint venture, in respect of the project described under item 1 above.

3 The Enterprise accept joint and several liability with the parties listed under item 1 above for the due fulfillment of the obligations of the joint venture deriving from, and in any way connected with, the Contract to be entered into with the Department in respect of the project described under item 1 above.

4 The Enterprise choose as its *domicilium citandi et executandi* for all purposes arising from this joint venture agreement and the Contract with the Department in respect of the project under item 1 above:

Physical address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (code) \_\_\_\_\_

TENDER NUMBER:

DPWFS (T) 008/2023

DESCRIPTION:

PANEL: SUPPLY AND DELIVERY OF BUILDING MATERIAL.



**public works & infrastructure**  
Department of  
Public Works & Infrastructure  
FREE STATE PROVINCE

Postal address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (code) \_\_\_\_\_

Telephone number: \_\_\_\_\_ (code) \_\_\_\_\_

Fax number \_\_\_\_\_ (code) \_\_\_\_\_

TENDER NUMBER:

DPWFS (T) 008/2023

DESCRIPTION:

SUPPLY AND DELIVERY OF BUILDING MATERIAL



public works &  
infrastructure

Department of  
Public Works & Infrastructure  
FREE STATE PROVINCE

|    | Name | Capacity | Signature |
|----|------|----------|-----------|
| 1  |      |          |           |
| 2  |      |          |           |
| 3  |      |          |           |
| 4  |      |          |           |
| 5  |      |          |           |
| 6  |      |          |           |
| 7  |      |          |           |
| 8  |      |          |           |
| 9  |      |          |           |
| 10 |      |          |           |
| 11 |      |          |           |
| 12 |      |          |           |
| 13 |      |          |           |
| 14 |      |          |           |
| 15 |      |          |           |

**Note:**

1. \* Delete which is not applicable.
2. **NB.** This resolution must be signed by all the Directors / Members / Partners of the Tendering Enterprise.
3. Should the number of Directors / Members / Partners exceed the space available above, additional names, capacity and signatures must be supplied on a separate page.

**ENTERPRISE STAMP**



TENDER NUMBER: DPWFS (T) 008/2023  
DESCRIPTION: PANEL: SUPPLY AND DELIVERY OF BUILDING MATERIAL



**SPECIAL RESOLUTION OF CONSORTIA OR JOINT VENTURES**

**RESOLUTION** of a meeting of the duly authorised representatives of the following legal entities who have entered into a consortium/joint venture to jointly tender for the project mentioned below: *(legally correct full names and registration numbers, if applicable, of the Enterprises forming a consortium/joint venture)*

- 1 \_\_\_\_\_  
\_\_\_\_\_
- 2 \_\_\_\_\_  
\_\_\_\_\_
- 3 \_\_\_\_\_  
\_\_\_\_\_
- 4 \_\_\_\_\_  
\_\_\_\_\_
- 5 \_\_\_\_\_  
\_\_\_\_\_
- 6 \_\_\_\_\_  
\_\_\_\_\_
- 7 \_\_\_\_\_  
\_\_\_\_\_
- 8 \_\_\_\_\_  
\_\_\_\_\_

Held at \_\_\_\_\_ *(place)*

on \_\_\_\_\_ *(date)*

**RESOLVED that:**

A. The above-mentioned Enterprises submit a tender in consortium/joint venture to the Department of Public and Infrastructure Works, Free State Province in respect of the following project:

\_\_\_\_\_  
\_\_\_\_\_

*(Project description as per Tender Document)*

Tender Number: \_\_\_\_\_ *(Tender Number as per Tender Document)*

B. Mr/Mrs. /Ms.: \_\_\_\_\_

TENDER NUMBER:

DPWFS (T) 008/2023

DESCRIPTION:

PANEL: SUPPLY AND DELIVERY OF BUILDING MATERIAL



in \*his/her Capacity as: \_\_\_\_\_ (Position in the Enterprise)

and who will sign as follows: \_\_\_\_\_

be, and is hereby, authorised to sign the tender, and any and all other documents and/or correspondence in connection with and relating to the tender, as well as to sign any Contract, and any and all documentation, resulting from the award of the tender to the Enterprises in consortium/joint venture mentioned above.

C. The Enterprises constituting the consortium/joint venture, notwithstanding its composition, shall conduct all business under the name and style of:

\_\_\_\_\_

D. The Enterprises to the consortium/joint venture accept joint and several liability for the due fulfilment of the obligations of the consortium/joint venture deriving from, and in any way connected with, the Contract entered into with the Department in respect of the project described under item A above.

E. Any of the Enterprises to the consortium/joint venture intending to terminate the consortium/joint venture agreement, for whatever reason, shall give the Department 30 days written notice of such intention. Notwithstanding such decision to terminate, the Enterprises shall remain jointly and severally liable to the Department for the due fulfilment of the obligations of the consortium/joint venture as mentioned under item D above.

F. No Enterprise to the consortium/joint venture shall, without the prior written consent of the other Enterprises to the consortium/joint venture and of the Department, cede any of its rights or assign any of its obligations under the consortium/joint venture agreement in relation to the Contract with the Department referred to herein.

G. The Enterprises choose as the *domicilium citandi et executandi* of the consortium/joint venture for all purposes arising from the consortium/joint venture agreement and the Contract with the Department in respect of the project under item A above:

Physical address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (code) \_\_\_\_\_

Postal Address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (code) \_\_\_\_\_

Telephone number: \_\_\_\_\_ (Code) \_\_\_\_\_

Fax number: \_\_\_\_\_

TENDER NUMBER: DPWFS (T) 008/2023  
 DESCRIPTION: PANEL: SUPPLY AND DELIVERY OF BUILDING MATERIAL



SBD 1

**PART A  
 INVITATION TO BID**

|  |   |               |  |  |       |
|--|---|---------------|--|--|-------|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/PUBLIC ENTITY)</b>  |   |               |  |  |       |
| BID NUMBER:  | DPWFS (T) 008/2023  | CLOSING DATE: | 19 APRIL 2024  | CLOSING TIME:  | 11:00 |
| DESCRIPTION  | <b>APPOINTMENT OF SUITABLY QUALIFIED SERVICE PROVIDERS IN THE PANEL OF SUPPLY AND DELIVERY OF BUILDING MATERIAL FOR A PERIOD OF THREE (3) YEARS ON AN "AS AND WHEN NEEDED BASIS" TO FREE STATE PROVINCIAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE</b> |               |  |  |       |
| <b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>   |   |               |  |  |       |
| Ground Floor (Main Entrance Foyer)   |   |               |  |  |       |
| O.R Tambo House (Lebohang Building);   |   |               |  |  |       |
| Cnr. Markgraaff and St Andrews Street,   |   |               |  |  |       |
| Bloemfontein, 9301   |   |               |  |  |       |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>  |   |               | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>                           |  |       |
| CONTACT PERSON   | Mr. Mosiuoa Kolobe  |               | CONTACT PERSON   | Mr. Bernard Mokoena  |       |
| TELEPHONE NUMBER   | 051 492 3886/ 1750  |               | TELEPHONE NUMBER   | 051 403 7826   |       |
| FACSIMILE NUMBER   |   |               | FACSIMILE NUMBER   |  |       |
| E-MAIL ADDRESS   | <a href="mailto:kolobem@fsworks.gov.za">kolobem@fsworks.gov.za</a>  |               | E-MAIL ADDRESS   | <a href="mailto:mokoena@fsworks.gov.za">mokoena@fsworks.gov.za</a>                                   |       |
| <b>SUPPLIER INFORMATION</b>  |   |               |  |  |       |
| NAME OF BIDDER   |   |               |  |  |       |
| POSTAL ADDRESS   |   |               |  |  |       |
| STREET ADDRESS   |   |               |  |  |       |
| TELEPHONE NUMBER   | CODE  |               | NUMBER   |  |       |
| CELLPHONE NUMBER   |   |               |  |  |       |
| FACSIMILE NUMBER   | CODE  |               | NUMBER   |  |       |
| E-MAIL ADDRESS   |   |               |  |  |       |
| VAT REGISTRATION NUMBER  |   |               |  |  |       |
| SUPPLIER COMPLIANCE STATUS   | TAX COMPLIANCE SYSTEM PIN:  |               | OR   | CENTRAL SUPPLIER DATABASE No:  | MAAA  |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?  | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF]  |               | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER THE QUESTIONNAIRE BELOW] |       |
| <b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>  |   |               |  |  |       |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  |   |               |  | <input type="checkbox"/> YES <input type="checkbox"/> NO   |       |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA?  |   |               |  | <input type="checkbox"/> YES <input type="checkbox"/> NO   |       |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?   |   |               |  | <input type="checkbox"/> YES <input type="checkbox"/> NO   |       |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  |   |               |  | <input type="checkbox"/> YES <input type="checkbox"/> NO   |       |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  |   |               |  | <input type="checkbox"/> YES <input type="checkbox"/> NO   |       |
| <b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.</b> |   |               |  |  |       |

TENDER NUMBER: DPWFS (T) 008/2023  
 DESCRIPTION: PANEL: SUPPLY AND DELIVERY OF BUILDING MATERIAL



SBD 1

**PART B  
 TERMS AND CONDITIONS FOR BIDDING**

|  |
|--|
| <b>1. BID SUBMISSION:</b>  |
| <p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b></p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b></p>   |
| <b>2. TAX COMPLIANCE REQUIREMENTS</b>  |
| <p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> <p>2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."</p> |

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

SIGNATURE OF BIDDER: .....

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

(Proof of authority must be submitted e.g. company resolution)

DATE: .....

**BIDDER'S DISCLOSURE**

**1. PURPOSE OF THE FORM**

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

**2. Bidder's declaration**

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

| Full Name | Identity Number | Name of State institution |
|-----------|-----------------|---------------------------|
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:  
 .....  
 .....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:  
 .....  
 .....

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

**3 DECLARATION**

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.  
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA

SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN

MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

<sup>2</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.

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022**

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

**1.2 To be completed by the organ of state**

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The applicable preference point system for this tender is the 80/20 preference point system.
- c) Either the 90/10 or 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

**1.4 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

|  | POINTS     | POINTS     |
|--|------------|------------|
| PRICE  | 80         | 90         |
| SPECIFIC GOALS                                   | 20         | 10         |
| <b>Total points for Price and SPECIFIC GOALS</b> | <b>100</b> | <b>100</b> |

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state 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 to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

- (a) **“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;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state 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 organ of state and a third party that produces revenue for the organ of state, 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; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

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

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

$$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right) \quad \text{or} \quad Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

#### 3.2.1. POINTS AWARDED FOR PRICE

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

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right) \quad \text{or} \quad Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender



**4. 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 goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this 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 points claimed are indicated per the table below.**

*(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.*

*Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)*

| The specific goals allocated points in terms of this tender | Number of points allocated (90/10 system)<br>(To be completed by the organ of state) | Number of points allocated (80/20 system)<br>(To be completed by the organ of state) | Number of points claimed (90/10 system)<br>(To be completed by the tenderer) | Number of points claimed (80/20 system)<br>(To be completed by the tenderer) |
|---|--|--|--|--|
| Race: Black ownership 100%                                  | 3  | 6  |  |  |
| Gender: Women ownership 100%                                | 3  | 6  |  |  |
| People living with Disability 100%                          | 2  | 4  |  |  |
| Companies from Free state 100%                              | 1  | 2  |  |  |
| Youth ownership 100%  | 1  | 2  |  |  |
| <b>Total Points Claimed out</b>                             | <b>10</b>  | <b>20</b>  |  |  |

**NB** (Bidder must complete both point systems)

**DECLARATION WITH REGARD TO COMPANY/FIRM**

- 4.3. Name of company/firm.....
- 4.4. Company registration number: .....
- 4.5. TYPE OF COMPANY/ FIRM

TENDER NUMBER: DPWFS (T) 008/2023  
PANEL: SUPPLY AND DELIVERY OF BUILDING MATERIAL  
DESCRIPTION:



- Partnership/Joint Venture / Consortium
  - One-person business/sole propriety
  - Close corporation
  - Public Company
  - Personal Liability Company
  - (Pty) Limited
  - Non-Profit Company
  - State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) 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.

|  |       |
|--|-------|
| <p>.....</p> <p><b>SIGNATURE(S) OF TENDERER(S)</b></p> |       |
| <b>SURNAME AND NAME:</b>                               | ..... |
| <b>DATE:</b>   | ..... |
| <b>ADDRESS:</b>  | ..... |
|  | ..... |
|  | ..... |
|  | ..... |

TENDER NUMBER:

DPWFS (T) 008/2023

DESCRIPTION:

PANEL: SUPPLY AND DELIVERY OF BUILDING MATERIAL



public works & infrastructure  
Department of Public Works & Infrastructure  
FREE STATE PROVINCE

**Annual Financial Statements Declaration**

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

- 1) The enterprise's financial year end is .....
- 2) The enterprise's financial statements have been prepared in accordance with the provisions of the Companies Act of 2008 or the Close Corporation Act of 1984, as applicable
- 3) The enterprise has compiled its financial accounts [tick one box]:
  - internally  independently
- 4) The following statement applies to the enterprise [tick one box and provide relevant information]
  - enterprise has had its financial statements audited;  
name of auditor .....
  - enterprise is required by law to have an independent review of its financial statements  
name of independent reviewer .....
  - enterprise has not had its financial statements audited and is not required by law to have an independent review or audit of such statements
- 5) The attached income statement and balance sheet is a true extract from the financial statements complying with applicable legislation for the preceding financial year within 12 months of the financial year end.  
*[Attach the income statement and the balance sheet contained in the financial statement]*
- 6) The annual turnover for the last financial year is R .....
- 7) The total assets as at the end of the last financial year is R .....
- 8) The total liabilities as at the end of the financial year is R .....

I hereby declare that the contents of this Declaration are within my personal knowledge, and save where stated otherwise are to the best of my belief both true and correct.

Signature .....

Date .....

Name .....

Position .....

Tenderer .....

TENDER NUMBER:

DPWFS (T) 008/2023

DESCRIPTION:

PANEL: SUPPLY AND DELIVERY OF BUILDING  
MATERIAL



**public works &  
infrastructure**  
Department of  
Public Works & Infrastructure  
FREE STATE PROVINCE

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## SCHEDULE OF PLANT AND EQUIPMENT

**Schedule of Plant and Equipment**

The following are lists of major items of relevant equipment that I / we presently own or lease and will have available for this contract or will acquire or hire for this contract if my / our tender is accepted.

(a) Details of major equipment that is owned by and immediately available for this contract.

| Quantity | Description, size, capacity, etc. |
|----------|-----------------------------------|
|          |                                   |

Attach additional pages if more space is required.

(b) Details of major equipment that will be hired, or acquired for this contract if my / our tender is acceptable.

| Quantity | Description, size, capacity, etc. |
|----------|-----------------------------------|
|          |                                   |

Attach additional pages if more space is required.

Signature..... Date.....

Name..... Position.....

Tenderer.....

TENDER NUMBER:

DPWFS (T) 008/2023

DESCRIPTION:

PANEL: SUPPLY AND DELIVERY OF BUILDING  
MATERIAL



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## **PART C1: AGREEMENT AND CONTRACT DATA**

### **C1.2 - Contract Data**

#### **CONTRACT PERIOD**

**36 MONTHS**

TENDER NUMBER: DPWFS (T) 008/2023

DESCRIPTION: SUPPLY AND DELIVERY OF BUILDING MATERIAL



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FREE STATE PROVINCIAL GOVERNMENT

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

**TENDER NO:** DPWFS (T) 008/2023

**DESCRIPTION:** APPOINTMENT OF SUITABLY QUALIFIED SERVICE PROVIDERS IN THE PANEL OF SUPPLY AND DELIVERY OF BUILDING MATERIAL FOR A PERIOD OF THREE (3) YEARS ON AN “AS AND WHEN NEEDED BASIS” TO FREE STATE PROVINCIAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

The GCC General Conditions of Contract 2014 Agreement makes several references to the Contract Data for specific data, which together with these conditions collectively describe the risks, liabilities and obligations of the contracting parties and the procedures for the administration of the Contract. The Contract Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the GCC 2014. The contract will all also be subjected to relevant CIDB regulations where applicable.

**SPECIAL CONDITIONS**

1. The appointed Service Provider/(s) contractor will be expected to utilize AA tariffs to claim for transport.
2. The appointed Service Provider/(s) will be expected to deliver the material within seven (7) upon the receipt of an official order on normal circumstances.
3. However, during emergencies the Service Provider will be expected to deliver the requested material within 24 hours and the task order may only be despatched after the emergency has been dealt with.
4. The department together with the contractors will develop baseline prices during the first year of the contract which will be utilised for the remainder of the contract for all the items that will be procured for that contract.
5. All material must be SABS approved.

TENDER NUMBER: DPWFS (T) 008/2023

DESCRIPTION: SUPPLY AND DELIVERY OF BUILDING MATERIAL



## **PART C3: SCOPE OF WORKS**

### **C3.1 – Description of Works**



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FREE STATE PROVINCIAL GOVERNMENT

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

**TENDER NO:** DPWFS (T) 008/2023

**DESCRIPTION:** APPOINTMENT OF SUITABLY QUALIFIED SERVICE PROVIDERS IN THE PANEL OF SUPPLY AND DELIVERY OF BUILDING MATERIAL FOR A PERIOD OF THREE (3) YEARS ON AN “AS AND WHEN NEEDED BASIS” TO FREE STATE PROVINCIAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

**C3 Scope of Work**

The materials will be used for new projects, scheduled and routine maintenance, repairs, minor and major renovations of government properties in the Province. Service providers will deliver the material to five Districts in the Province. Materials will be procured and delivered to inventory stores in different districts and material will be delivered to specific sites in the Province as and when required.

**3.1. Employer’s objectives**

The employer’s objective is to invite Service Providers/ Firms/ Suppliers for the Supply and delivery of building material (as and when needed) for the Department of Public Works and Infrastructure, for a period of three (3) years for the following regions:

- 3.1.1. Xhariep District
- 3.1.2. Motheo District
- 3.1.3. Thabo Mofutsanyane District
- 3.1.4. Lejweleputswa District
- 3.1.5. Fezile Dabi District

**3.2. Building material will be classified in the following categories:**

- 1.2.1. General Building Works
- 1.2.2. Electrical Material
- 1.2.3. Mechanical Material

TENDER NUMBER: DPWFS (T) 008/2023

DESCRIPTION: SUPPLY AND DELIVERY OF BUILDING MATERIAL



## **GENERAL CONDITIONS OF CONTRACT (GCC)**

**and**

## **SERVICE LEVEL AGREEMENT (SLA)**