

**YOU ARE HEREBY INVITED TO SUBMIT  
 QUOTATIONS APPOINTMENT OF A CONTRACTOR  
 FOR THE REPAIRS AND REFURBISHMENTS OF  
 VRYHEID LANDFILL SITE AT ABAQULUSI LOCAL  
 MUNICIPALITY IN THE KWAZULU NATAL PROVINCE**



<b>DESCRIPTION OF GOODS/ SERVICES</b>	APPOINTMENT OF A CONTRACTOR FOR THE REPAIRS AND REFURBISHMENTS OF VRYHEID LANDFILL SITE AT ABAQULUSI LOCAL MUNICIPALITY IN THE KWAZULU NATAL PROVINCE	
<b>Conditions of Contract</b>	Tenderers should have a CIDB contractor grading of <b>2CE</b> or higher. Contracts will be based on the <b>NEC3</b> Engineering and Construction Contract (Option B: Priced Contract with Bill of Quantities).	
<b>CLOSING DATE &amp; TIME</b>	<b>29 April 2024 @ 11:00</b>	
<b>COMPULSORY REQUIREMENTS</b>		<i>Tick Applicable box</i>
	Acceptance of MISA conditions as well as submission of a quotation.	✓
	National Central Data Base registration Details	✓
	Valid and original or certified copy of BEE Certificate or Approval letter from the IRBA Registered Auditor.	✓
<b>ENQUIRIES</b>	Enquiries must be addressed to: <a href="mailto:anele.ndamase@misa.gov.za">anele.ndamase@misa.gov.za</a>	
<b>QUOTE VALIDITY</b>	60 Days (commencing from the RFQ closing date)	
<b>SUBMISSION:</b>	<a href="mailto:adolph.macuvel@misa.gov.za">adolph.macuvel@misa.gov.za</a> / <a href="mailto:anele.ndamase@misa.gov.za">anele.ndamase@misa.gov.za</a>	
<b>DELIVERY ADDRESS WHERE GOODS/ SERVICES/ WORKS ARE REQUIRED</b>	Abaqulusi Local Municipality Landfill site, KwaZulu Natal	

## 1. INTRODUCTION AND SPECIFICATIONS

### 1.1 Purpose

The purpose of this RFQ is to invite service providers (hereinafter referred to as "Bidders") to submit a response for the items/products/services as detailed under point number 1.3.

### 1.2 Objective

Based on the RFQ's submitted and the outcome of the evaluation process according to the set evaluation criteria, MISA intends to select a preferred Bidder/s with the view of concluding a service level agreement (SLA) where applicable with such successful Bidder. The Bid shall be evaluated in terms of the PPPFA (80/20) evaluation criteria depending on value.

### 1.3 Scope of works/ goods/ services required

1.3.1. MISA Requires Services from a contractor for the repairs and refurbishments of Vryheid Landfill Site at Abaqulusi Local Municipality in the Kwazulu Natal Province.

***The repairs and refurbishments of Vryheid Landfill consist of the following items:***

- Supply and install concrete palisade fence to secure the landfill site.
- Repair existing gate and install new boom gate
- Repairs to the existing drains
- Reinstatement and upgrading of Landfill stormwater controls
- Provision of site as-built survey data and drawing of the existing landfill site including the refurbishments.

### 1.4 Queries

- 1.4.1 For a Bidder to obtain clarity on any matter arising from or referred to in this document, please refer queries, in writing, to the contact details provided below. Under no circumstances may any other employee within MISA be approached for any information. Any such action might result in a disqualification of a response submitted in competition to this RFQ.
- 1.4.2 All enquiries regarding this RFQ must be forwarded only to the person above as per the contact details provided above.
- 1.4.3 Under no circumstances will MISA allow enquiries from Bidders one (1) day prior the closing date of this RFQ and during the subsequent evaluation processes.

## 1. GENERAL CONDITIONS AND REQUIREMENTS

***ALL QUOTATION CONDITIONS MUST BE STRICTLY ADHERED TO, FAILING WHICH THE PROPOSAL MAY BE REJECTED OR DECLARED NON-RESPONSIVE***

### 2.1 Submit the following documentation

- 2.1.1 Bidders are required to submit Central Database registration documents.

- 2.1.2 MISA reserves the right to; cancel or reject any quote and not to award the tender to the lowest Bidder or award parts of the RFQ to different Bidders, or not to award the RFQ at all.
- 2.1.3 MISA reserves the right in its sole discretion to:
- withdraw, suspend or cancel this RFQ or the RFQ process at any time and without providing reasons;
  - not provide reasons for its rejection or the failure of any Bidder or Proposal;
  - change any of its requirements as set out in this RFQ;
  - change any condition, procedure or rule of the RFQ;
  - amend, vary, or supplement any of the information, terms or requirements contained in this RFQ, any information or requirements delivered pursuant to this RFQ, or the structure of the RFQ process;
  - re-advertise for RFQ responses; and
  - provide further information in respect of, and modify the provisions of, this RFQ at any time prior to the Closing Date by notice to all prospective Bidders.
  - cancel this RFQ without notifying the prospective Bidders.
  - to disqualify any person who is a provider (Bidder) or prospective provider of goods or services, or a recipient or prospective recipient of goods disposed of or be disposed of , who directly or indirectly influence or interfere with the work of any of our officials involved in the procurement process in order , inter alia, to:
    - influence the process and/or outcome of a bid;
    - influence the process and/or outcome of a bid;
    - incite breach of confidentiality and/or the offering of bribes
    - cause over- or under-invoicing;
    - influence the choice of procurement method or technical standards
    - influence any of our officials in any way which may secure an unfair advantage during or at any stage of the procurement process.
- 2.2 Ensure that all relevant documentation are completed in full and submitted
- 2.3 Standard Bidding Documents (SBD's), namely: SDB2, SBD4, BBBEE Certificate, SBD8 and SBD9
- 2.4 BEE requirements – preferably the BBBEE certificate from an accredited institution.
- 2.5 Bidders must ensure that the methodologies complies with latest GRAP defined standards.

The checklist below indicates the BEE documents that must be submitted for RFQs, failure to submit will result in scoring zero for BEE

<b>Turn Over</b>	<b>Classification</b>	<b>Submission Requirement</b>
Below R5 million p.a.	Exempted Micro Enterprise (EME)	BEE Rating Certificate or Letter from Auditors/Accounting Officer to verify that EME and percentage of black ownership.
Between R5 million and R50 million p.a.	Qualifying Small Enterprise (QSE)	BEE Rating Certificate from an Accredited Rating Agency

Above R50 million p.a.	Large Entity (LE)	BEE Rating Certificate from an Accredited Rating Agency
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- All rating certificates issued before 01 February 2010 if still valid will be accepted.
- <http://www.thedti.gov.za/bee/notice32467.pdf> Notice from the Minister of Trade & Industry on the accredited verification agencies
- [http://www.sanas.co.za/directory/bbee\\_default.php](http://www.sanas.co.za/directory/bbee_default.php) List of SANAS Accredited Verification Agencies on behalf of the DTI

***Failure to submit any of the above documents, will lead to automatic disqualification.***

### **3. DEMONSTRATION /PRESENTATION**

- 3.1. MISA reserves the right to invite Bidders who submit a response to this RFQ to give an oral presentation, which may include, but is not limited to, an equipment/service demonstration of their proposal. This is an optional fact finding processes which provides an opportunity for the Bidder to clarify or elaborate on their proposal. MISA shall schedule the time and location of these presentations as and when necessary.

***Please take note that all costs involved to set up these sessions will be borne by the Bidder***

- 3.2. Bidders who do not submit a National Central Data Base registration on the closing date and time of the (please see par 2.1);
- 3.3. Bidders who submitted incomplete information and documentation according to the requirements of this ;
- 3.4. Bidders who submitted information that is fraudulent, factually untrue or inaccurate, for example memberships that do not exist, BEE credentials, experience, etc.;
- 3.5. Bidders who received information not available to other vendors through fraudulent means; and/or
- 3.6. Bidders who do not comply with any other requirements as stipulated in this document;
- 3.7. Bidders who do not sign the declarations
- 3.8. Bidders who did not submit the duly completed Declaration of Interest SBD 4
- 3.9. Bidders who do not meet any of the mandatory requirements.

### **4. PRICING**

The Bidder must take the following into consideration when pricing:

- Detailed deliverables as per specifications under point 1.3 above.
- Price must be based on a fixed price basis for the duration of the contract. Rates are to include for labour, material, overheads, profit, etc.
- To ensure that all rates include for all costs deemed necessary as no additional costs will be admitted later.
- All rates and extended prices must include Value Added Tax (VAT).
- We may require breakdown of rates on any of the items priced and the Service Provider is to provide same without any additional cost.

## 5. TECHNICAL EVALUATION CRITERIA

### 5.1. STAGE 1 – PRICE AND BEE EVALUATION

The evaluation of the quotation/ proposal shall be based on the 80/20 PPPFA principle and the points for evaluation criteria are as follows:

- The 80/20 system for requirements with a Rand value of up to R1 000 000.00;

Adjudication Criteria	Points Allocation
Price Evaluation	80 points
BEE Evaluation	20 points
<b>TOTAL</b>	<b>100 points</b>

- 5.1.1. An 80/20 price/preference points system will be applied to the evaluation of responsive Proposals, whereby the order(s) will be placed with the vendor(s) scoring the highest total number of adjudication points.

#### 5.1.1.1 Price shall be scored as follows:

$$P_s = 80 \times (1 - (P_t - P_{min}) / P_{min})$$

Where:  $P_s$  is the number of points scored for price;

$P_t$  is the comparative price of the Proposal under consideration;

$P_{min}$  is the comparative price of the lowest responsive Proposal.

#### 5.1.1.2. Preference points shall be scored as follows

A maximum of 20 Proposal evaluation points will be awarded for preference to vendors with responsive Proposals who are eligible for such preference, in accordance with the criteria listed below:

B-BBEE Status Level of Contributor	Number of Points for Preference
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

#### 5.1.1.3 The total number of adjudication points ( $N_T$ ) shall be calculated as follows:

$$N_T = P_s + N_p$$

Where:  $P_s$  is the number of points scored for price

$N_p$  is the total number of BBBEE points obtained

## 6 EVALUATION AND SELECTION

### 6.1 Process after Closing Date

After the Closing Date:

- 6.1.1 MISA may request additional information, clarification or verification in respect of any information contained in or omitted from a Bidder's Proposal, which MISA may do either in writing or at a meeting convened with the Bidder for that purpose;
- 6.1.2 MISA may conduct a due diligence exercise on any Bidder or its Subcontractor, which may include interviewing customer references or other activities to verify a Bidder's submitted or other information and capabilities (including visiting the Bidder's or Subcontractor's premises, sites and facilities to verify certain stated facts or assumptions) and in which regard the Bidder will be obliged to grant MISA with all such access, assistance and/or information as MISA may reasonably request and to respond within the timeframes set by MISA;
- 6.1.3 no amendment may be made to a Proposal, unless specifically permitted or requested by MISA;
- 6.1.4 MISA may shortlist Bidders and may request presentations from short-listed Bidders;
- 6.1.5 MISA will enforce whatever measures it considers necessary to ensure the confidentiality and integrity of the contents of the RFQ responses;
- 6.1.6 MISA will evaluate the RFQ responses with reference to MISA's Evaluation Criteria detailed in paragraph 6.3. MISA reserves the right to employ subject matter experts to assist in performing such evaluations.

### 6.2 MISA's Pre-qualification Criteria

- 6.2.1.1 MISA has defined **minimum pre-qualification** criteria that must be met by the Bidder in order for MISA to accept a RFQ response for evaluation. In this regard a pre-evaluation verification will be carried out by MISA in order to determine whether a Proposal complies with the provisions of paragraphs
- 6.2.1.2 Where there is a failure to comply fully with any of the pre-qualification criteria or MISA is for any reason unable to verify whether the pre-qualification criteria are fully complied with, MISA will have the right to either:
  - 6.2.1.2.1 entirely reject the Proposal in question and not to evaluate it at all;
  - 6.2.1.2.2 give the Bidder an opportunity to supplement the information provided by it under its Proposal so as to achieve full compliance with the pre-qualification criteria within a period prescribed by MISA;
  - 6.2.1.2.3 require the Bidder to provide MISA with such information as MISA may request within a period prescribed by MISA in order to enable MISA to properly verify whether there is full compliance; or
  - 6.2.1.2.4 in any event permit the Proposal to be evaluated.

### 6.3 MISA's Evaluation Criteria



6.3.1 MISA’s evaluation criteria provide for the accumulation of points for a Bidder’s Proposal based on the extent to which it:

6.3.1.1 Provides a technical solution and services that meet MISA’s requirements. In this regard the Bidder is directed to examine the requirements set out in this Business Requirements Specification and in particular to those requirements which are essential to the Bidder’s Proposal being acceptable as a technical solution;

6.3.1.2 Enables MISA to contain its risks, which will include an evaluation of the effect of any mark-up made by a Bidder to the proposed contract and a financial analysis of the Bidder’s audited or reviewed financial statements;

6.3.1.3 Achieves MISA’s Broad Based Black Economic Empowerment ("BBBEE") objectives read with the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000) Regulations and National Treasury guidelines; and

6.3.1.4 Is financially competitive and offers value for money.

MISA’s evaluation of RFQ responses includes functionality as a criterion and hence the evaluation of RFQ responses will be conducted in a two stage process.

6.3.2 In the **first stage ( IF APPLICABLE)**, an assessment of compliance will be performed in terms of the following criteria:

In order to be considered for a contract in terms of this tender, tenderers must comply with the capability requirements stated below.

The description of the capability compliance requirements is shown in the table below.

**Tenderers not complying will be considered as non-responsive.**

Criteria (Key personnel)	Description of requirements	Indicate Yes	Indicate No
Relevant Experience,	Number of contracts of a similar nature completed by key personnel within the past 5 Years. Minimum qualifying requirements: 1 project completed for landfill implementation specifically: <ul style="list-style-type: none"> <li>• Storm water control and drainage system</li> <li>• Landfill construction .</li> </ul> Submit Practical Completion Certificates		
Skills and Capacity	Team composition – one (1) civil engineer with landfill experience. Provide relevant registration certificates (ECSA) and CV of technical personnel. The CV must demonstrate the experience required.		

Number of sheets appended by the tenderer to this Schedule ..... (If nil, enter NIL).

SIGNED ON BEHALF OF TENDERER: .....

In the **second stage** of the evaluation, RFQ responses selected from the first stage will be evaluated in terms of the 80/20 preference points system under section 2 of the Preferential Procurement Policy Framework Act, 2000 (Act No 5 of 2000), read with the Preferential Procurement Policy Framework Regulations and National Treasury guidelines.

Criterion	Points Allocation
BBBEE status	20
Price	80

Points for the BBBEE criterion will be allocated in accordance with the Bidder's BBBEE status level, and those of its subcontractors in proportion to their expected revenue allocations.

Points for the Price criterion will be calculated in accordance with the formula in the Preferential Procurement Regulations. The Price of the Bidder's RFQ response will be calculated over the anticipated term of the Agreement. Any additional costs that will be incurred by MISA in implementing or receiving the solution from the Bidder will be taken into account during evaluation.

The electronic version of the Pricing template completed by the Bidder and submitted with the Bidder's Proposal will be used for the calculation of price. In this regard:

- 6.3.2.1 The Bidder must ensure the accuracy of the pricing figures provided in the template.
- 6.3.2.2 The Bidder's authorised signatory warrants that the electronic copy submitted and the hardcopy contain the same information.
- 6.3.2.3 The Bidder's RFQ response may be regarded as non-responsive if the electronic Pricing template response contains omissions.

MISA, in its sole discretion, may regard the Bidder's RFQ response as non-responsive if one or more of the pricing components of the Pricing response template provided in the RFQ are: not firm; subject to negotiation; subject to variation other than by mechanisms contemplated in the proposed contract; dependant on assumptions not provided by MISA in the RFQ; or not reasonably determinable at the time of evaluation for any other reason.

The points accumulated for BBBEE status criterion will be added to the points accumulated for the Price criterion.

#### 6.4 Process following evaluation

- 6.4.1 Following MISA's evaluation of the RFQ responses in this RFQ, MISA has the right to, inter alia, in its sole discretion:
  - 6.4.1.1 Consider the business case for the award of the RFQ based on the RFQ responses received;
  - 6.4.1.2 Undertake a Bidder clarification or Best and Final Offer (BAFO) process with respect to some or all of the items;
  - 6.4.1.3 Short list one or more Bidders in for award;



- 6.4.1.4 MISA may conduct a due diligence exercise on any Bidder or its Subcontractor, which may include interviewing customer references or other activities to verify a Bidder's submitted or other information and capabilities (including visiting the Bidder's or Subcontractor's premises, sites and facilities to verify certain stated facts or assumptions) and in which regard the Bidder will be obliged to grant MISA with all such access, assistance and/or information as MISA may reasonably request and to respond within the timeframes set by MISA; or
- 6.4.1.5 Take any other action it deems appropriate.
- 6.4.2 MISA reserves the right to revise the points accorded to a Bidder in respect of all or any of the criteria at any time in the event of further information being obtained by MISA (including but not limited to under sub-paragraphs 6.3.1.1 to 6.3.1.4 foregoing), which in MISA opinion justifies such revision. Upon completion of its evaluations, MISA may select one or more preferred Bidders for award as a single supplier or to form a panel of service providers MISA will be under no obligation to select the Bidder with the highest number of points.
- 6.4.3 Upon an award, the successful Bidder will be required to enter into the Agreement with MISA. In this regard:
- 6.4.3.1 MISA may require the Bidder to enter into an interim agreement under which the transition services would commence;
- 6.4.3.2 MISA will enter into negotiations with the Bidder with a view to concluding the Agreement;
- 6.4.3.3 MISA will be entitled to cease negotiating with a Bidder and negotiate with another Bidder if MISA, in its sole discretion, is of the opinion that: the Bidder has made misrepresentations in its RFQ response; the Bidder is attempting to withdraw from positions or commitments made in its Proposal; the Bidder is not negotiating in good faith; or an agreement may not be expeditiously concluded with the Bidder for any other reason.

## **7 General Conditions of Contract**

### **7.1 Acceptance of RFQ conditions**

The Bidder's participation in the RFQ process is deemed to constitute acknowledgement and acceptance by the Bidder of the terms and conditions contained in this RFQ.

### **7.2 Service Conditions.**

#### **7.2.1 Acceptance, Contract Commencement and Purchase Orders**

The vendor's offer will be accepted by the Employer when an official purchase order is issued to the vendor, who then becomes the Contractor in terms of this contract. The date of issue of the purchase order shall be the commencement date of the contract. The vendor undertakes work and incurs expenses prior to the issuing of a purchase order entirely at its own risk. The Employer shall only incur liability for payment in terms of this contract if a valid purchase order has been issued to the vendor.

#### **7.2.2 Duties of the Contractor**

The Contractor is to provide all labour, material, workmanship, machinery, and everything which is or may be necessary in and for the execution and entire completion

of the contract in accordance with the General Conditions of Contract, Project Specification

### **7.2.3 Contractor to Appoint a Competent Representative**

The Contractor shall appoint a competent representative to administer and control the Works on site, and shall inform the Employer of the name of such representative. A contract instruction given to the Contractor's representative shall be deemed to be given to the Contractor.

### **7.3 Validity of information**

MISA has made reasonable efforts to ensure accuracy in compiling this RFQ. However, neither MISA, nor its employees, officers, advisers or agents will be liable to the Bidder or any third party for any inaccuracy or omission in the RFQ or in respect of any additional information MISA may provide to the Bidder as part of the RFQ process.

The Bidder is deemed to have examined this RFQ and any other information supplied by MISA to the Bidder and to have satisfied itself as to the correctness and sufficiency of such before submitting its Proposal.

### **7.4 RFQ not an offer**

This RFQ does not constitute an offer to do business with MISA, but merely serves to facilitate a requirements-based decision process.

Nothing in this RFQ or any other communication made between MISA (including its officers, directors, employees, advisers and representatives) is a representation that MISA will offer, award or enter into a contract.

### **7.5 Preparation Costs**

The Bidder will bear all its costs in preparing, submitting and presenting any response or Proposal to this RFQ and all other costs incurred by it throughout the RFQ process. Furthermore, no statement in this RFQ will be construed as placing MISA, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the Bidders in the preparation of their response or Proposal to this RFQ.

### **7.6 Indemnity**

If a Bidder breaches any condition of this RFQ and, as a result of that breach, MISA incurs costs or damages (including, without limit, the cost of any investigations, procedural impairment, repetition of all or part of the RFQ process and enforcement of intellectual property rights or confidentiality obligations), then the Bidder indemnifies and holds MISA harmless from any and all such costs which MISA may incur and for any damages or losses MISA may suffer.

### **7.7 Responsibility for subcontractors and Bidder's personnel**

A Bidder is responsible for ensuring that its subcontractors, personnel (including officers, directors, employees, advisors and other representatives of a Bidder) and personnel of its subcontractors comply with all terms and conditions of this RFQ and in particular the provisions of paragraph 7.8 below.

### **7.8 Confidentiality**

Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this RFQ or a Bidder's Proposal(s) may be disclosed by any Bidder or other person not officially involved with MISA's examination and evaluation of a Proposal.

No part of the RFQ may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a Proposal. This RFQ and any other documents supplied by MISA remain proprietary to MISA and must be promptly returned to MISA upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived there from.

Throughout this RFQ process and thereafter, Bidders must secure MISA's written approval prior to the release of any information that pertains to (i) the potential work or activities to which this RFQ relates; or (ii) the process which follows this RFQ. Failure to adhere to this requirement may result in disqualification from the RFQ process and civil action.

After the Closing Date, no confidential information relating to the process of evaluating or adjudicating RFQ responses or appointing a Bidder will be disclosed to a Bidder or any other person not officially involved with such process.

## **7.9 Governing Law**

South African law governs this RFQ and the response process of the RFQ. The Bidder agrees to submit to the exclusive jurisdiction of the South African courts in any dispute of any kind that may arise out of or in connection with the subject matter of this , the itself and all processes associated with the .

## RETURNABLE ANNEXURE 1 FORM OF OFFER

BIDDER (also referred to as "Contractor")	
<b>NAME of Company/ Close Corporation/Partnership/ Sole Proprietor</b>	_____ (legal name) trading as _____
<b>Company REGISTRATION NO: (If applicable)</b>	_____
<b>CENTRAL DATABASE REGISTRATION No: (Compulsory)</b>	_____
<b>CENTRAL SUPPLIER DATABASE (CSD) REGISTRATION No: (for HDI/preference points)</b>	_____
<b>PHYSICAL/ STREET ADDRESS (Chosen domicilium citandi et executandi/address where legal notices will be served)</b>	_____
<b>CONTACT DETAILS:</b>	Tel: _____ Fax: _____ _____ Cell: _____ _____ Email: _____
<b>INCOME TAX/VAT REGISTRATION No</b>	_____
<b>DAYS TO COMMENCEMENT OF WORK AND DURATION (From date of receipt of official purchase order)</b>	_____
<b>PERIOD OF COMPLETION</b>	_____

By signing this *Form of Offer*, the vendor offers to render the services described in this quotation document in full compliance with:

- the Specification, the General and Special Conditions of Contract, and at the price reflected in table below (in the case of a once off, fixed price) or as brought forward from Pricing Schedule (Returnable Schedule 2)

Price	
ADD: 15% VAT	
<b>TOTAL QUOTATION PRICE (INCL. VAT)</b>	

SIGNED at .....(place) on the ..... day of .....(month) 20.....

.....  
Signature  
Name (PRINT).....  
(For and on behalf of the Bidder, duly authorised)

## RETURNABLE ANNEXURE 2 PRICE SCHEDULE

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT R
1	SECTION : PRELIMINARY AND GENERAL				
1.1	FIXED-CHARGE ITEMS				
1.1.1	Contractual requirements to cover the Contractor's costs for the provision of sureties, insurances and other requirements as NEC3 conditions of contract.	Sum	1,0		
1.1.2	The Contractor to establish the following facilities on site for for the duration of the Contract (3 months),Provide offices and storage sheds as necessary for the duration of the Contract,Provide ablution and latrine facilities as per conditions of construction,Supply tools and equipment, Provide water supplies, electric power and communications as necessary	Sum	1,0		
1.1.3	Other time related obligations by the Contractor that are relevant to the successful completion of the Contract for 6 months contract duration specify; .....	Sum	1,0		
1.2	TIME-RELATED ITEMS				
1.2.1	Contractual requirements to cover the Contractor's costs for the 3 months duration of the contract for the providing of sureties, insurances and other requirements as stated in the Tender Document	Sum	1,0		
1.2.2	Allow for submission of as-built survey data of the landfill site	PSum	1,0	230 000,00	230 000,00
1.2.3	Allow for submission of as-built drawings of the landfill site (Provision Sum)	PSum	1	50 000,00	R50 000,00
1.2.4	Compliance with OHS Act and Regulations (including the Construction Regulations 2003)	Months	3,0	10 000,00	
<b>Total Carried Forward To Summary</b>					

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT R
2	FENCING				
2.3.1	Supply and install 2.4mm concrete palisade fence with poles	m	150,0		
2.3.2	Supply and install boom gate	No	2,0		
2.4	Fix existing gate	No	1,0		
<b>Total Carried Forward</b>					

ITEM NO	DESCRIPTION	UNIT	QTY	RATE	AMOUNT R
3	DRAIN				
3.1	Excavation in all material for open drain: from 0 m up to 1,5 m	m <sup>3</sup>	200,0		
3.2	Clearing and shaping existing open drains	m <sup>3</sup>	200,0		
3.3	Repairs and Service of Weight Bridge	no	1,0		
<b>Total Carried Forward To Summary</b>					

SUMMARY OF SECTIONS					AMOUNT R
DESCRIPTION					
PRELIMINARY AND GENERAL					
FENCING					
DRAIN					
Sub-total					
Add 15% VAT					
<b>Total Carried to the Form of Offer</b>					

### Pricing Instructions:

- 2.1 The quotation will be declared invalid if a fully completed Price Schedule is not submitted with the quotation.



- 2.2 If the word "*Item*" appears in the Quantity column or if the Quantity column is blocked or crossed out, a lump sum rate is required which covers all aspects of the work set out in the Description column for that item.
- 2.3 By signing the *Form of Offer*, a bidder warrants that the relevant quotation:
- 2.3.1 is correct and valid
  - 2.3.2 that the price(s) and rate(s) quoted cover all the work/-item(s) specified in the quotation document;
  - 2.3.3 that the price(s) and rate(s) cover all the bidder's obligations under a resulting contract including all disbursements; and
  - 2.3.4 that any mistakes regarding price(s) and calculations will be at the bidder's risk.
- 2.4 Vat-registered companies must price exclusive of VAT and show VAT payable separately on the *Form of Offer*.
- 2.5 The quotation price as per the *Form of Offer* will take precedence in the event of any discrepancy between the *Form of Offer* and the *Price Schedule*. However, if the bidder has made a mathematical and/or calculation error in the Price Schedule, MISA reserves the right, in its sole discretion, to correct the error. The corrected total will be carried forward to the *Form of Offer*.

**SPECIFICATIONS****1. Background**

MISA's objective is to appoint a contractor, for the services of construction or installation of repairs, replacement and refurbishment fencing and landfill stormwater control measures of Vryheid landfill site at abaqulusi local municipality in the kwazulu natal province. The refurbishments of the infrastructure on site will ensure that the landfill meet the Minimum Requirements for operation and that there will be no adverse long-term effects on the surrounding areas, the water regime or the population. The development upgrade of the landfill infrastructure will be conducted in accordance with the Minimum Requirements for Waste Management Licence issued in terms of the National Environmental Management: Waste Act 59 of 2008.

**Overview of the Works**

The scope of work involves the following;

- Supply and install concrete palisade fence to secure the landfill site.
- Repair existing gate and install new boom gate
- Repairs to the existing drains
- Reinstatement and upgrading of Landfill stormwater controls
- Provision of site as-built survey data and drawing of the existing landfill site including the refurbishments

**Location of the Works**

The project is located in Vryheid in KwaZulu Natal province of South Africa. The site is situated at the Vryheid Landfill Site which is accessed through Jan Moolman Street and into Kommando Street. The site coordinates are Latitude 27°45'29.28"S and Longitude 30°48'45.49"E



**16. DECLARATION AND COMPLIANCE FORMS**

**16.1. SBD 4 - 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 Institution	State

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**

<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.

2.3.1 If so, furnish particulars:

.....  
.....

**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 formulae 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.

**SBD 6.1**

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

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

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

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**1. GENERAL CONDITIONS**

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

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

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

- a) The applicable preference point system for this bid is the 80/20 preference point system.
- b) Either the 80/20 preference point system will be applicable in this bid. The lowest/highest acceptable bid will be used to determine the accurate system once bids are received.

1.3 Points for this bid (even in the case of a bid 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 bid are allocated as follows:

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



1.5 Failure on the part of a bidder to submit proof or documentation required in terms of this bid to claim points for specific goals with the bid, 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 bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

(a) “**bid**” 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 bidding process or any other method envisaged in legislation;

(b) “**price**” means an amount of money bid 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) “**bid 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: **80/20**

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

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

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

### 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: **80/20**

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

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{max}$  = Price of highest acceptable bid

### 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 bid. For the purposes of this bid the bidder 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 bid:

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 bid documents, stipulate in the case of—

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

(b) any other invitation for bid, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable bid 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 bid and points claimed are indicated per the table below. Note to bidders: The bidder must indicate how they claim points for each preference point system.)**

The specific goals allocated points in terms of this bid		Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the bidder)
B-BBEE STATUS LEVEL	1	20	
	2	18	
	3	14	
	4	12	
	5	8	
	6	6	
	7	4	
	8	2	
Non-compliant contributor		0	

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- 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 bid, 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 bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

ADDENDUM NO.	DATE	TITLE OR DETAILS

- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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.

**RECORD OF AMENDMENTS TO BID DOCUMENTS**

I / We confirm that the following communications amending the bid documents that I / we received from Municipal Infrastructure Support Agent or their representative before the closing date for submission of bids have been taken into account in this bid.

SIGNATURE: .....

DATE: .....

(of person authorized to sign on behalf of the Bidder)

..... <b>SIGNATURE(S) OF BIDDER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	..... ..... ..... .....