



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
EDUCATION

BID NO:
LDE/B03/01/2022/23 (LDE/B
12/01/2021/22):

APPOINTMENT OF A PANEL OF CONTRACTORS FOR
INFRASTRUCTURE GENERAL BUILDING WORKS:
ALL PUBLIC SCHOOLS, INSTITUTIONS & OFFICES:
LIMPOPO DEPARTMENT OF EDUCATION
PERIOD: THREE (3) YEARS

Name of Tenderer:

CIDB CRS Number:

CSD Registration number:

CIDB GRADING: 1GB & 2GB

CLOSING DATE AND TIME: 19 JULY 2022 @11H00

VALIDITY PERIOD: 120 DAYS

NB: Tenders should be deposited into the Tender Box situated at:
113 Biccard Street, Polokwane, 0699

TENDER

PART T1: TENDERING PROCEDURES

T1.1: TENDER NOTICE & INVITATION TO TENDER

PART T1: TENDERING PROCEDURES

1.1. T1.1: TENDER NOTICE AND INVITATION TO TENDER

1.1.1 Definitions

- (1) Acceptable Bid - means any bid, which, in all respects, complies with the specifications and conditions of the Request for Bid as set out in this document.
- (2) Bid - means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services or goods
- (3) Bidder - means any enterprise, consortium or person, partnership, company, close corporation, firm or any other form of enterprise or person, legal or natural, which has been invited by the Department of Education to submit a bid in response to this bid invitation.
- (4) Bidder Agent - means any person mandated by a prime Bidder or consortium/joint venture to do business for and on behalf of, or to represent in a business transaction, the prime Bidder and thereby acquire rights for the prime Bidder or consortium/joint venture against Department of Education or an organ of state and incur obligations binding the prime Bidder or consortium/joint venture in favour of the Department.
- (5) CIDB - Construction Industry Development Board (In terms of CIDB Act 38 of 2000).
- (6) Client – means Limpopo Department of Education (LDoE).
- (7) Constitution – means the Constitution of South Africa 1996.
- (8) Client's Representative - means the person(s) assigned by LDoE to manage the contract or portions thereof.
- (9) Comparative Price - means total value for each tender based on assumed quantities against the rates tendered and calculated by LDoE for financial comparison during tender evaluation. It shall not be regarded as the contract value.
- (10) Consortium - means several entities joining forces as an umbrella entity to gain a strategic collaborative advantage by combining their expertise, capital, efforts, skills and knowledge for the purpose of executing this tender.
- (11) Contractor – means the same as “Successful Bidder”.
- (12) Construction – means additions, new construction, replacement etc.
- (13) Department – means the Limpopo Department of Education.
- (14) Disability - means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.
- (15) Employer – is the same as Client and is also used interchangeably with “the Department”.

- (16) Firm Price - means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition or abolition of customs or excise duty and any other duty, levy or tax which, in terms of a law or regulation is binding on the contractor and demonstrably has influence on the price of any supplies or the rendering cost of any service, for the execution of a contract.
- (17) Goods – means any work, equipment, machinery, tools, materials or anything of whatever nature to be rendered to Department of Education's delegate by the successful Bidder in terms of this bid.
- (18) Education Facility – means the Department's Offices (Circuit, District and Head Offices), Educational facilities (Departmental Institutions and Special/Public Schools) including Administration Blocks; Ordinary Classroom Block, Special Classroom Block, Nutrition Centers, Hostels, Office Buildings, Water and Sanitation facilities.
- (19) Installation – means an immovable bore-hole pumps; water tanks, part of a building (plumbing and drainage, tiling, carpentry and joinery, ironmongery, roof coverings, glazing, paintwork, piping; ceilings; rainwater goods; flooring etc.) or part of a civil engineering structure (pipes; manholes; fences; paving; water treatment plant; septic tank etc.) at Education Facility.
- (20) Joint Venture - (Project) means two or more businesses joining together under a contractual agreement to conduct a specific business enterprise with both parties sharing profit and losses.
- (21) Labour- intensive – means a method of construction and maintenance involving a mix of labour and machines without compromising quality.
- (22) Rehabilitation – making good the existing infrastructure, demolishing etc.
- (23) Maintenance - means all work performed on an existing immovable asset to keep the facility in its original operational condition and to ensure its optimal service delivery through its expected life span. Maintenance in the context of this bid document is defined as all work on existing facilities that is undertaken to achieve the following objectives and includes the replacement of equipment to return it to its intended operational function.
- a) To prevent deterioration and failure.
 - b) To restore to correct operation within specified parameters.
 - c) To restore and retain physical condition to a specified standard.
 - d) To recover from structural and services failure.
 - e) Partial equivalent replacement of components of the asset.
 - f) To maintain the continuous supply of building services (energy, water, etc.) from the point of connection to point of use excluding Information Communication Technology.
 - g) To ensure compliance with the all acts, regulations and SABS standards pertinent to the operation and maintenance of the stated equipment and infrastructure of the Department.
- (24) Management - in relation to an enterprise or business, means an activity inclusive of control, and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.
- (25) Person(s) - refers to a natural and/or juristic person(s).

(26) Days of employment created - means a number of people who worked on a project multiplied by the number of days each person worked.

(27) Prime Bidder – means any person (natural or juristic) who forwards an acceptable proposal in response to this Request for Bid (RFB) with the intention of being the main contractor should the proposal be awarded to him/her.

(28) PSP - means a Professional Service Provider registered with a legislated registration body. This term shall be used within the context of defining a registered professional included, but not limited to the following categories:-

- (a) Engineering Consultant (disciplines as defined by the ECSA)
- (b) Quantity Surveying Practitioner or Cost Consultant (SACQSP)
- (c) Architecture (SACAP)
- (d) Geohydrologists (Pr Scientia)
- (e) Environmental Sciences (SACNASP or CBEAPSA)
- (f) AIA – Approved Inspection Authorities (per OHS Act 85 of 1993)
- (g) Occupational Health & Safety Management Consultant (per OHS Act 85 of 1993)
- (h) ICT – Information & Communication Technology specialists (per Independent
- (i) Communications Authority of SA per the ICASA Act 13 of 2000)

(29) Task Order – means an official document issued to the contractor by the Department for a specified scope of work at a fixed value.

(30) Rand Value - means the value of a rate in South African Rand, which is calculated at the time of proposal invitations and includes all applicable taxes and excise duties

(31) SABS – means the South African Bureau of Standards.

(32) SANAS – means the public entity the South African National Accreditation System that was formed in terms of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act No. 19 of 2006 in accordance which formal recognition is given for laboratories, certification bodies, inspection bodies, proficiency testing scheme providers and good laboratory practice test facilities.

(33) SANS – means a South African National Standard issued by the SABS.

(34) SMME – Small, Medium and Micro Enterprises: bears the same meaning assigned to this expression in the National Small Business Act, 1996 (Act No. 102 of 1996).

(35) Sub-contracting – is another person appointed by the successful bidder to support it in executing part of a project in terms of the contract.

(36) Successful Bidder - means the organization or person to whom the tender was awarded and has accepted the appointment to execute the work as detailed in the bid. This term shall be used interchangeably with the term Contractor.

(37) Supervisor - means a representative appointed by the Department to inspect and/or supervise the scope, implementation and approval of the works issued by the Department to the successful bidder.

(38) SACPCMP – means the South African Council for Project and Construction Management Profession.

(39) SACAPQS – means the South African Council for the Architectural Profession Quantity Surveyor

(40) SACQSP – means the South African Council for the Quantity Surveying Profession

(41) Works – means the Installation and the Maintenance that the Contractor is doing at it in response to an instruction (Task Order or Works Instruction) issued by the Department.

(42) Works Instruction – means a written instruction issued to the contractor by the Department against a Task Order to perform specified tasks.

1.1.2. Legislative Framework

Legislative requirements are amongst others, but not limited to the following South African legislation and relevant regulations:

- (1) BBBEE Act (No. 53 of 2003): Broad Based Black Economic Empowerment Act
- (2) Constitution of the Republic of South Africa, 1996
- (3) DORA: Division of Revenue Act, promulgated annually following the presentation and acceptance of the national budget by parliament.
- (4) Fencing Act 31 of 1963
- (5) GIAMA (Act 19 of 2007): Government Immovable Asset Management Act.
- (6) IUSS – Infrastructure Unit Support Systems (gazette guidelines and standards)
- (7) Municipal bylaws
- (8) National Heritage Resources (No. 25 of 1999)
- (9) National Water Act No. 36 of 1998
- (10) NBRBS Act (103 of 1977): National Building Regulations and Buildings Standards Act
- (11) NEMA (107 of 1998): National Environmental Management Act

1.1.3. Details of Tender Notice and Invitation to tender

- (a) LDoE, invites potential bidders to bid for the for the appointment of suitably qualified contractors to enter into framework contracts over a three year term without a commitment to a quantum of work for infrastructure general building work in Departmental Schools, Institutions and Offices.
- (b) This document contains all terms and conditions of this bid and bidders must not come up with their own terms and conditions.
- (c) Enquiries regarding the above-mentioned bid should be directed as follows:-
- (ii) Bidding process: Mr Simon Moela
Tel: 015 290 7988 Cell: 071 480 4878
Email: moelask@edu.limpopo.gov.za
- (ii) Technical Enquiries: Ms Mashudu Rambau
Tel: 015 290 7603 Cell: 082 881 1882
Email: rambaumm@edu.limpopo.gov.za
- (d) The Department hereby undertakes to establish a Panel of pre-approved Contractors to undertake the above-mentioned services on a need basis within Departmental Offices and Educational Facilities as defined above in equitable manner for the benefit of all targeted Contractors.
- (e) The Department comprises of Head Office in Polokwane with Districts, Circuits and Schools situated in the following Provincial Districts:-

No	District Municipality	Education District
(a)	Capricorn	Capricorn North
		Capricorn South
(b)	Waterberg	Mogalakwena
		Waterberg
(c)	Sekhukhune	Sekhukhune South
		Sekhukhune East
(d)	Mopani	Mopani East
		Mopani West
(e)	Vhembe	Vhembe East
		Vhembe West

- (f) The Department will enter into framework contracts with all successful tenderers and invite quotations from pre-approved contractors on a need basis during the term of the contract (i.e 36 Months).

T1.2: TENDER DATA

**BID NO: LDE/B03/01/2022/23
(LDE/B12/01/2021/22):**

**APPOINTMENT OF A PANEL OF CONTRACTORS FOR
INFRASTRUCTURE GENERAL BUILDING WORKS:
ALL DEPARTMENTAL INSTITUTIONS & OFFICES:
LIMPOPO DEPARTMENT OF EDUCATION:
PERIOD: THREE (3) YEARS**

CIDB GRADING: 1GB & 2GB

T1.2: TENDER DATA

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

SANS 10845-3 makes several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the provisions of SANS 10845-3.

The conditions of tender are the Standard Conditions of Tender as contained in **Annex F of the CIDB Standard for Uniformity in Construction Procurement (January 2009)** as published in **Government Gazette No 31828, Board Notice 12 of 2009 of 30 January 2009** (See www.cidb.org.za).

The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender. Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.

Clause No.	Description				
F.1.1	The employer is the Limpopo Department of Education.				
F.1.2	Tender Documents For this contract, the single volume approach is adopted. The tender document issued by the employer comprises of: <u>Part T1: Tendering Procedures</u> T1.1 - Tender Notice and Invitation to Tender T1.2 - Tender Data <u>Part T2: Returnable Schedules/Documents</u> T2.1 - List of returnable documents T2.2 - Returnable schedules <u>Part C1: Agreement and Contract Data:</u> Appointed Bidders will sign a standard contract form and complete other applicable Forms on a need basis (as and when necessary). <u>Part C2: Pricing Data</u> C.2.1.Pricing Instructions: C.2.2. Bills of Quantities: The above-mentioned information will be provided for the following infrastructure general building works as follows:- <table border="1"> <thead> <tr> <th>Category</th><th>Services required</th></tr> </thead> <tbody> <tr> <td>General Building Works</td><td> New General Building Works, Alterations, Repairs, Renovations, Rehabilitations, Completion (i.e Brickwork, plasterwork, painting, roofing and trusses, rainwater goods, flooring, glazing, ironmongery, carpentry, paving, fences, walkways, etc.), Supply and Delivery of building materials. NB: Specific details to be issued together with a Request For Quotations (RFQ) on a need basis. </td></tr> </tbody> </table> <u>Part C3: Scope of Work</u> The above-mentioned information will be issued per project on a need basis. <u>Part C4: Site Information</u> The above-mentioned information will be issued per project on a need basis.	Category	Services required	General Building Works	New General Building Works, Alterations, Repairs, Renovations, Rehabilitations, Completion (i.e Brickwork, plasterwork, painting, roofing and trusses, rainwater goods, flooring, glazing, ironmongery, carpentry, paving, fences, walkways, etc.), Supply and Delivery of building materials. NB: Specific details to be issued together with a Request For Quotations (RFQ) on a need basis.
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F.1.4	Communication and Employer's Representative The Employer's agent for the purpose of this tender is deemed to be the authorized and designated representative of the Employer.
	The employer's agent is: Name: Mr. Isaac Malatji Physical address: Cnr 113 Biccard & 24 Excelsior Street, Polokwane, 0699 Telephone: :015 290 7600/7702 E-mail: malatjini@edu.limpopo.gov.za
F.2.1	Eligibility Only those Bidders who are registered with the CIDB in a contractor grading designation for this bid including Joint Ventures/Consortium. It is an absolute requirement that Taxes of the successful bidder must be in order at the time of award of the tender and during the term of the contract. In case of a Joint Venture/Consortium, Tax matters of each party must be in order. Tenders submitted jointly by two or more parties as Joint Venture/Consortium shall be accompanied by a duly certified copy of the document establishing the Joint Venture/Consortium, registered and authenticated by an official authorized to witness sworn statements. The document shall clearly state the reason for the amalgamation, its period of validity and the person/s authorized to represent it, how their assets will be legally obligated, and functions of each party in the Joint Venture/Consortium (responsibility of each party).
F.2.2	Cost of tendering Unless otherwise stated in the tender data, the employer will not compensate the tenderer/ bidder 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.
F.2.3	Check documents Bidders should check the bid documents for completeness and notify the employer of any discrepancy or omission.
F.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.
F.2.8	Seek clarification Tenderers may request clarification of the tender documents by notifying the employer at least five (5) working days before the closing time and date stated in the tender data.
F.2.11	Alterations to documents In case of alterations, all signatories to the bid document shall initial all such alterations. Erasures and the use of correction fluid are prohibited.
F2.13.5	Submitting a tender offer The employer's address for delivery of tender documents and identification details to be shown on each tender offer package are:- Location of the Tender Box: Physical Address: 113 Biccard Street (Corner Biccard and Excelsior Streets), Polokwane, 0699 Identification Details: The tenderer/bidder must clearly indicate the contents on the front of the envelope with the Tender Number and Name of Bidder/Tenderer and Closing Date.

F2.13	Submitting a Tender Offer Each tenderer/bidder is required to return the complete set of documents as listed in the Tender Data with all the required information supplied and completed in all respects. In a case of a Company submitting a tender, include a copy of a resolution by its board of Directors authorizing a Director or other official of the company to sign the documents on behalf of the company. In the case of a Closed Corporation submitting a tender, include a copy of a resolution by its members authorizing a member or other official of the corporation to sign the documents on each member's behalf. In the case of Partnership/Joint Venture submitting a tender, all partners shall the documents unless one partner or a group of partners has been authorized to sign on behalf of each partner, in which case proof of such authorization shall be included in the Tender.
F2.16.1	The Tender Offer validity The Tender Offer validity period is 180 days calculated from the tender closure date. If the tender validity expires on a Saturday, Sunday or Public Holiday, the Tender shall remain valid and open for acceptance until the closure of business on the following working day. The validity period may be extended in writing by the Employer.
F2.23	Certificates Include in the tender submission or provide the employer with any certificates as stated in the Tender Data.
F.3.5	Language for communications The language for communications is English.
F.3.7.1	Determine whether there has been any effort by a tenderer/bidder to influence the processing of tender/bid offers and instantly disqualify a tenderer/bidder (and his/her tender offer) if it is established that he/she engaged in corrupt or fraudulent practices. A tender/bidder that does not comply with the requirements in the tender documents and instructions in the official tender advertisement and contained herein will be rejected as being invalid.
F.3.11	Evaluation of Tenders Evaluate each responsive tender/bidder using the tender evaluation methods and associated evaluation criteria and weighting that are specified in the tender data as follows:- 3.11.1 Mandatory Requirements 3.11.2 Functionality The procedure for the evaluation of tender offers is Mandatory Requirements followed by Functionality Evaluation. The tender/bid offer shall be evaluated for the purpose of inclusion in the Panel of Contractors for the specified CIDB Grading Categories from which quotations will be sourced and evaluated using a prescribed Preference Point System in terms of the Preferential Procurement Regulations, 2017 for the value equal or exceeding R30 000.00.

F.3.11.1	Mandatory Requirements The following are mandatory requirements for the above-mentioned tender/bid:-											
	(a) Tenderers need not make any price offer in response to this tender/bid as it is intended to establish a Panel of contractors from whom quotations will be invited as and when necessary during the term of the contract (i.e. 36 Months). (b) Bidders shall ensure that there are no missing or duplicated pages since the Department shall not accept liability in regard to claims by bidders that pages are missing or duplicated. (c) The entire bid document must be completed in black ink and signed by an authorized signatory. (d) Bidders must be registered on Centralized Supplier Database and furnish their CSD No:- <table border="1" data-bbox="418 707 1434 784"><tr><td>MAAA</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> (e) Only tenderers with a CIDB grading indicated on the title page are allowed to bid. (f) Attachments (i) Copy of a Certificate of registration with CIDB (including Grading Category). (ii) Originally certified copy of a valid letter of good standing issued by the Department of Labour's Compensation Fund in terms of the Compensation for Occupational Injuries and Diseases Act (COIDA), Act No. of 1993. (iii) Originally certified copy/copies of Identity Document/s of the Director/s, Member/s and Shareholder/s of the Company. (iv) In a case of a sole proprietor submitting a tender, include a copy of a document or an Affidavit that confirms ownership of the business entity and an official of the entity authorized to sign the documents on behalf of the business entity. (v) In a case of a Company submitting a tender, include copies of a company registration document with the Companies and Intellectual Property Commission Registration (CIPC) and a resolution by its board of Directors authorizing a Director or other official of the company to sign the documents on behalf of the company. (vi) In the case of a Closed Corporation submitting a tender, include copies of company registration document with the CIPC and a resolution by its members authorizing a member or other official of the corporation to sign the documents on each member's behalf. (vii) In the case of Partnership/Joint Venture submitting a tender, all partners shall include all individual registration documents with the CIPC and a letter signed by both parties authorizing one person or a number of persons to sign on behalf of each partner or the Partnership/Joint Venture.	MAAA										
MAAA												

	(h) All Returnable Documents including the following Standard Bid Documents (SBD) should be completed in full:- (i) SBD 1: Invitation to bid (ii) SBD 4: Declaration of interest (i) The successful Tenderer will be required to fill in and sign a written Contract Form (SBD 7) and/or Service Level Agreement. (j) Tenderers must select a district of their choice in which they bid to be included in the District Panel of Contractors for such a District. Tenderers are allowed to select only one District since each tenderer may only be included in not more than One (1) District Panel. Should a tenderer fail to select a District of choice or select more than one District, the Department will consider the preference address from the CSD Registration and/or Address given in the SBD 1 to determine an appropriate District. Hereunder follows a list from which Tenderers should select not more than one District for participation:- <table><tr><th>No.</th><th>District</th><th>Indicate Yes for a selected District (Please select only one District)</th></tr><tr><td>1)</td><td>Capricorn District</td><td></td></tr><tr><td>2)</td><td>Waterberg District</td><td></td></tr><tr><td>3)</td><td>Sekhukhune District</td><td></td></tr><tr><td>4)</td><td>Mopani District</td><td></td></tr><tr><td>5)</td><td>Vhembe</td><td></td></tr></table>	No.	District	Indicate Yes for a selected District (Please select only one District)	1)	Capricorn District		2)	Waterberg District		3)	Sekhukhune District		4)	Mopani District		5)	Vhembe	
No.	District	Indicate Yes for a selected District (Please select only one District)																	
1)	Capricorn District																		
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F.3.11.2	Functionality Evaluation Criteria																		
(a) Only tender offers that comply with the mandatory requirements listed above will qualify to be evaluated further on Functionality. (b) A tenderer that fails to meet the above-mentioned requirements will not be considered further for evaluation on Functionality. (c) The tenderer that fails to score 60 Points in respect of functionality will be deemed non-responsive and will not be considered for inclusion in the Panel of Contractors. (d) Only tenderer/s that score minimum of 60 points will be included in the Database of Contractors. (e) LDoE reserves the right to verify any information submitted to corroborate functionality points during evaluation stage.																			

(f) The functionality Evaluation Criteria is as follows:-

No	Criteria	Evidence	Sub-Criteria	Points
1)	Track record of number and value of General Building Projects executed as per CIDB categories.	Attachment of the following:- (a) An Appointment letter/ Purchase Order & Completion Certificates indicating project/s and the value of the General Building Projects executed in the past Five (5) years as at the closing date of the tender. (b) Reference letter for each project with Contactable reference letters signed by relevant authorised person conforming the tenderer's performance.	Number of Project/s executed	25
			Five (5)/more Projects	25
			Four (4) Projects	20
			Three (3) Projects	15
			Two (2) Projects	10
			One (1) Project	5
			No track record/project/s executed	0
			Value of Project/s executed as indicated above	25
			Equal or above R100 000.00	25
			Equal/above R50 000.00 but below R100 000.00	20
			Equal/above R30 000.00 but below R50 000.00	15
			Equal/above R20 000.00 but below R30 000.00	10
			Equal/above R10 000.00 but below R20 000.00	5
			No track record/project/s executed	0
2)	Qualifications of Project Manager/s/ Contract Manager/s and Site Manager/s working for the tenderer	Attachment of a Curriculum Vitae (CV), Originally Certified Copies of appointment letter, Qualifications and Identity Documents (Only documents certified not more than three [3] as at the closing date of the tender.). NB: A copy of a certified copy will not be accepted.	Project/Contract Manager's Qualification registration with relevant body (ECSA, SACAP, SACPCMP or SACQSP)	15
			Professionally Registered Qualification	15
			Candidate Registered Qualification	10
			Unregistered Certificate, Diploma, Degree or BTech	5
			No qualification/s	0
			Site Manager's Qualification registration with relevant body (ECSA, SACAP, SACPCMP and SACQSP)	15
			Professionally Registered Qualification	15
			Candidate Registered	10
			Unregistered Certificate, Diploma, Degree or BTech in the Built environment	5
			No qualification/s	0
3)	Locality within Limpopo Province & District. NB: The physical address given in the SBD 1 will be used and it should be consistent or the same as the preferred address in the Central Supplier Database Report)	Attachment of any copy of the following documents: (a) A Title deed, Letter from a Traditional Authority or Municipal Statement which must not be older than three (3) months; or (b) A Formal Lease Agreement together with Lessor's Municipal Account or Letter from a Traditional Authority.	Within the District Municipality in Limpopo	10
			Outside the District Municipality but within Limpopo	10
			Outside Limpopo Province	0
TOTAL POINTS				100

F.3.11.3 Reservation of Rights

3.11.3.1 By responding to this Bid, the Bidder authorizes the Department or its delegate(s) to carry out any investigation deemed necessary to verify the correctness of the statements and documents submitted and that such documents reasonably reflect the ability of the Bidder to provide the goods and services required by the Department. Should such investigation discover that the Bidder has misrepresented any statements or documents, the bid will be disqualified.

3.11.3.2 The Department further reserves the right to:-

- (1) Request further information from any bidder after the closing date of the bid;
- (2) Visit the Physical Address provided by the service provider to verify any information provided in the bid document and inspect facilities to assess bidders' capacity;
- (3) Communicate only with the shortlisted bidders as and when necessary;
- (4) Verify information and documentation of respective bidder from the South African Revenue Services (**SARS**), Companies & Intellectual Property Commission (**CIPC**) or any other relevant entity and to visit the premises of the bidder at any time without notice. Any information received which does not correspond with the one provided in the bid document will render the bid null and void;
- (5) Appoint a third party to evaluate the service provider's compliance with any aspect of this bid; and
- (6) Cancel the contract, if it is satisfied that any person (being an employee, partner, director or shareholder of the bidder or a person acting on behalf of or with the knowledge of the bidder), firm or company (The expression "person, firm or company" shall include an authorised employee or agent of such a person, firm or company): -
 - (a) is executing a contract with government unsatisfactorily;
 - (b) has offered, promised or given a bribe or other gift or remuneration to any officer or employee in the Public Service in connection with obtaining or executing a contract;
 - (c) has acted in a fraudulent manner or in bad faith or in any other unsatisfactory manner in obtaining a contract with any government department, provincial administration, public body, company or person, or that he has managed his affairs in such a way that he has in consequence thereof been found guilty of a criminal offence;
 - (d) has approached an officer or employee in the Public Service before or after bids have been called for, to influence the award of the contract in his favor;
 - (e) has withdrawn or amended his bid after the time set for the receipt and opening of bids;
 - (f) when advised that his bid has been conditionally accepted, has given notice of his inability to execute or sign the contract or to furnish any security required;
 - (g) Is practicing fronting whereby:-
 - (i) Black partners are given shares without any payment.
 - (ii) The 'front' company uses the non-black surrogate company's infrastructure and resources to execute the contract.
 - (iii) The black partner makes no meaningful contribution to the day to day running of the business.
 - (h) has entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from bidding for this contract, or as to the amount of the bid to be submitted by either party; and
 - (i) has disclosed to any other person, firm or company the exact or approximate amount of his proposed bid except where disclosure, in confidence, was necessary to obtain insurance premium quotations for the preparation of the bid; the LDoE may, in addition to any other legal recourse which it may have, cancel the contract between the LDoE and such person, firm or company and/or resolve that no bid from such a person, firm or company will be favorably considered for a specific period.

3.11.5. ACCEPTANCE OF THE TENDER TERMS AND CONDITIONS BY THE TENDERER

By signing above, the tenderer hereby accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on him/her under this bid follows:-

NAME OF THE AUTHORISED SIGNATORY	POSITION OF THE AUTHORISED SIGNATORY	SIGNATURE	DATE

PART T2: RETURNABLE DOCUMENTS

NB: The whole tender document must be returned together with additional Certificates and any documentation as required/outlined in this tender document.

PART T2: MANDATORY STANDARD BID DOCUMENTS RETURNABLE DOCUMENTS

The following is a list of mandatory Standard Bid Documents (SBD) to be completed in full and returned:-

- (1) SBD 1: Invitation to bid
- (2) SBD 4: Declaration of interest

NB: Failure to complete the above-mentioned documents may invalidate the tender.

PART A

SBD 1

SUPPLIER INFORMATION				
NAME OF BIDDER				
POSTAL ADDRESS				
PHYSICAL 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
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] ☐ Yes ☐ No

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

1. ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	2. ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?
☐ YES ☐ NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?
☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?
☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?
☐ YES ☐ NO

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:-

PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 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.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 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.
- 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."

NB: FAILURE TO PROVIDE / OR COMPLY WITH 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 interest¹ 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

¹ 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.

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:

.....

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 consortium² 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

² 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.

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