

EMALAHLENI LOCAL MUNICIPALITY



TENDER DOCUMENT

BID NO.: ELM 45/2023

**APPOINTMENT OF PANEL OF PROFESSIONAL
SERVICES FOR CONSTRUCTION HEALTH SAFETY
AGENT TO FACILITATE AND ACT AS THE
EMPLOYER'S HEALTH AGENT FOR A PERIOD OF
24 MONTHS**

NAME OF BIDDER: _____

PHYSICAL ADDRESS: _____

TELEPHONE NO.: _____

FAX NO.: _____

CONTACT PERSON: _____

ISSUED BY;

THE MUNICIPAL MANAGER

Emalahleni Local Municipality
P O Box 3
Emalahleni
1035.
Tel: (013) 690 6300

PREPARED BY;

PROJECT MANAGEMENT UNIT

Emalahleni Local Municipality
P O Box 3
Emalahleni
1035.
Tel. (013) 690 6300

EMALAHLENI LOCAL MUNICIPALITY

TENDER NO: 45/2023

**APPOINTMENT OF PANEL OF PROFESSIONAL SERVICES FOR
CONSTRUCTION HEALTH SAFETY AGENT TO FACILITATE AND
ACT AS THE EMPLOYER'S HEALTH AGENT FOR A PERIOD OF 24
MONTHS**

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EMALAHLENI LOCAL MUNICIPALITY

TENDER NO: 45/2023

**APPOINTMENT OF PANEL OF PROFESSIONAL SERVICES FOR CONSTRUCTION
HEALTH SAFETY AGENT TO FACILITATE AND ACT AS THE EMPLOYER'S
HEALTH AGENT FOR A PERIOD OF 24 MONTHS**

VOLUME 1: Tendering procedures

T1.1 Tender Notice and Invitation to Tender

T1.2 Tender Data

Tender Notice and Invitation to Tender

TENDER NO.: ELM 45/2023
CLOSING DATE: 04 OCTOBER 2023

APPOINTMENT OF PANEL OF PROFESSIONAL SERVICES FOR CONSTRUCTION HEALTH SAFETY AGENT TO FACILITATE AND ACT AS THE EMPLOYER'S HEALTH AGENT FOR A PERIOD OF 24 MONTHSS

Emalahleni Local Municipality hereby invites Construction Health Safety Agents who are professionally registered to submit tenders to act as Employers Health Agents.

Tender documents with full specifications will be made available and can be obtained from www.emalahleni.gov.za or www.etenders.gov.za.

A non-compulsory virtual clarification meeting with representatives of the Employer will take place on Wednesday, 13 September 2023 starting at 12h00 via Microsoft Teams (Link will be shared on the municipal website: www.emalahleni.gov.za).

The closing time for receipt of tenders is **11:00** on **Wednesday, 04 October 2023**. Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late tenders** will under no circumstances be considered and accepted. The tender box will be emptied just after closing time on the closing date. Thereafter all bids will be opened in public.

Any technical enquiries relating to the tender document may be directed to Mr. ME Sedupane at telephone number 013 690 6298/6300 during working hours or e-mails may be sent to sedupaneme@emalahleni.gov.za . Supply Chain Management Office may also be contacted on (013) 690 6483/6497/6484 or masangonz@emalahleni.gov.za.

Each project proposal must be submitted in a **two-envelop system** comprising of the Technical proposal and Financial proposal which must be sealed and clearly marked.

Fully completed tender documents, clearly marked "**Tender No. ELM 45/2023: APPOINTMENT OF PANEL OF PROFESSIONAL SERVICES FOR CONSTRUCTION HEALTH SAFETY AGENT TO FACILITATE AND ACT AS THE EMPLOYER'S HEALTH AGENT FOR A PERIOD OF 24 MONTHSS**" with "**NAME of TENDERER**" must be placed in a sealed envelope and placed in the **tender box** situated on the **First floor**, Emalahleni Local Municipality, Civic Centre, 29 Mandela Street, eMalahleni 1035 or sent via courier services to the above-mentioned address. Couriered documents should be addressed to the first floor, Supply Chain Management Offices of the aforementioned address and delivered **no later than 11h00 on 04 October 2023**. The envelope must be endorsed with number, title and closing date as indicated above.

Tenders will be evaluated in terms of the Supply Chain Management policy of the Emalahleni Local Municipality. The municipality reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it. The municipality does not bind itself to accepting the lowest tender or award a contract to the bidder scoring the highest number of points.

A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Regulations, 2022 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Emalahleni Local Municipality where **80** points will be allocated in respect of price and **20** points in respect of Specific goals.

The specific goals allocated points in terms of this tender:

A total of 15 preference points shall be allocated on a proportional or pro rata basis for contracting an enterprise owned by historically disadvantaged persons or individuals who meet the following requirements -

- for 100% black person or people owned enterprise 5 points
- for at least 30% woman or women shareholding or owned enterprise 5 points
- For at least 30% youth shareholding or owned enterprise 2.5 points
- for at least 30% people living with disability shareholding or owned enterprise 2.5 points

A total of 5 preference points shall be allocated on a proportional or pro rata basis for implementing of programmes for RDP –

- for enterprise regarded as EME located within the local area of jurisdiction. 5 points

(The Municipality will utilize the CSD report to verify the above-mentioned information)

No awards will be made to a person:

- Who is not registered on the **Central Supplier Database (CSD)**;
- Who is in the service of the state;
- If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; and/or
- Who is an advisor or consultant contracted with the municipality or municipal entity.

Should you not hear from us within 90 days after the closing date, please consider your tender unsuccessful.

**HS MAYISELA
MUNICIPAL MANAGER**

EMALAHLENI LOCAL MUNICIPALITY



REQUEST FOR PROPOSALS

BID NO: 45/2023: APPOINTMENT OF PANEL OF PROFESSIONAL SERVICES FOR CONSTRUCTION HEALTH SAFETY AGENT TO FACILITATE AND ACT AS THE EMPLOYER'S HEALTH AGENT FOR A PERIOD OF 24 MONTHS

1. Bid proposals are hereby invited from suitably qualified and accredited professional service Construction Health Safety Agents to assist the municipality as safety agents.
2. The conditions contained in the General Conditions of Contract (GCC), and other Guidelines and the attached bid forms, as well as any other conditions accompanying this invitation are applicable.
3. The work procedure, the bidder proposes to follow in order to obtain the required result must be clearly outlined and its terms may not conflict with those contained in the General Conditions of Contract.
4. All documents accompanying this invitation must be completed in detail where applicable, be sealed in an envelope and be deposited in the bid box before the closing date and time. The bid box is situated at Civic Centre, First Floor, Mandela Street, Emalahleni.
5. Duly completed and signed original bid documents should be sealed in an envelope marked (refer to paragraph 9.2):

Bid no.: 45/2023

Closing date: 04 OCT 2023

Closing time: 11h00

Name of bidder

Technical / Financial proposal

6. No telegraphic or facsimile bids / proposals will be considered.
7. The Emalahleni Local Municipality reserves the right to accept any bid in whole or in part and does not bind itself to accept the lowest or any bid at all.
8. Bid Requirements

8.1 Only suitably qualified professional service providers will be eligible for evaluation outlined hereunder.

- a. If a sole practitioner, the firm must have a professionally registered person as a principal or
- b. If a partnership/close corporation/company, the firm must have at least 50% of its partners, members or directors registered.

- c. If the company has under its employment a professionally registered person or sub-consultants that has professionally registered personal. Proof thereof must be attached.

- 8.3 Late bids / proposals will not be accepted. Please note that bids are late if they are received at the address given in the invitation after the bid closing date and time, and will be returned unopened.
- 8.4 Bids / proposals will be valid for a period of 90 days after the closing date.
- 8.5 All bid prices must be quoted in South African currency, include VAT.
- 8.6 All relevant documents attached to this bid must be completed and signed in ink by an authorised representative of the business.
- 8.7 Please ensure that you submit and attach the following documents:
 - 8.7.1 Original completed and signed applicable bid documents and preference claim forms in terms of the Preferential Procurement Regulations;
 - 8.7.2 Proof of qualifications of key personnel and appropriate professional registration with relevant Professional Council, Body and Association;
 - 8.7.5 Written confirmation from the relevant municipality that municipal rates and taxes and municipal service charges are not in arrears for the company and the directors.

- 9. Should all the documents stated in paragraph 8.7 above not be attached, your bid / proposal will be declared invalid

10. **EVALUATION CRITERIA TO BE USED**

All responsive bid proposals will be evaluated and adjudicated based on the 80/20 preference point system. For detail criteria, please refer to section E.

The breakdown points are as follows:

<i>Price and Functionality</i>		<i>80</i>
<i>Preference and Specific Goals</i>		<i>20</i>
for 100% black person or people owned enterprise	5 points	
for at least 30% woman or women shareholding or owned enterprise	5 points	
For at least 30% youth shareholding or owned enterprise	2.5 points	
for at least 30% people living with disability shareholding or owned enterprise	2.5 points	
for enterprise regarded as EME located within the local area of jurisdiction.	5 points	

- 11. For technical enquiries, please contact Mr C B C Brentjies at (013) 690 6300 and /or Mr E Sedupane at (013) 690 6298.

H. S. MAYISELA
MUNICIPAL MANAGER

A. General Information

Purpose

The Emalahleni Local Municipality is soliciting proposals from Professional Construction Health and safety Agents to act as agents and undertake project management.

Type of contract

The contract will be a fixed fee contract based on the financial proposal submitted and in line with the latest Guideline Scope of Services and Tariff of fees for persons working in terms of the Engineering Profession Act, 2000, Act No. 46.

Submission of proposals

The project proposal must be submitted in two separate envelopes one with the technical proposal and another with the financial proposals clearly marked **Bid- 45/2023: “Appointment of Panel of Construction Health and Safety Agents.”** in the tender box of Emalahleni Local Municipality on or before the closing date of 04 October 2023 at 11:00.

Proposals must be signed by an authorized agent to bind the consultant to its provisions.

Addenda to the Request for Proposals (RFP)

If it becomes necessary to revise any part of the RFP, addenda will be provided to the consultants who attend the compulsory briefing.

Briefing Session/Meeting

Questions will be addressed at the none compulsory briefing session to be held on 13th day, of September 2023 at 12:00

Oral presentation

Short listed service professional providers may be invited to a further interview prior to finalizing the award.

B. Background

It is the ultimate objective of Emalahleni Municipality to create an effective, functional street network within its area of jurisdiction. To attain this objective, streets have to be maintained and developed or extended throughout this financial year to maintain drivable street surface.

C. Scope of Works

Planning / Implementation

- Develop and Compile Contractor's OHSA Baseline Risk Assessments
- Compile and manage the Construction Work Permit if applicable
- Develop and Compile Contractor's Health and Safety Specifications
- Development of appointments and further supportive documentation (OHS File) for the completion of the construction work application
- Assessment and Approval of Contractor's Safety File
- Evaluate principal contractor's health and safety budget
- e. Approve principal contractor's health and safety plans

Construction supervision

- Site Inspections/Visits twice a month
- Prepare SHE Monthly Audit Reports and Progress Site Meetings
- Monitoring and Compliance
- Evaluate and manage changes on project that can affect health and safety onsite

Project close out

- Close-out audit for residual danger and OHS Completion report before de-establishment of site

T1.2 Tender Data

The conditions of tender are the latest edition of SANS 10845-3, *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 *and* as contained in **Annexure C of Standard for Uniformity in Construction Procurement (Board Notice 423 Government Gazette No 42622 of August 2019)**.

Each item of data given below is cross-referenced to the clause in SANS 10845-3 to which it mainly applies.

Clause number	Tender Data
3.1	The employer is the EMALAHLENI LOCAL MUNICIPALITY
3.2	The tender documents issued by the employer comprise the documents listed on the contents page
3.3	The Employers Representative is: Name: Makau Edwin Sedupane Contact: 013 690 6298 E mail sedupaneme@emalahleni.gov.za
3.4	A two-envelope procedure will be followed.
3.5	The language for communications is English
3.6	The competitive negotiation procedure shall be applied.
3.7	Method 2: Two stage procurement procedure shall be applied.
4	Tender's obligations
4.1	Only those Tenderers who satisfy the following eligibility criteria and who provide the required evidence in their tender submissions are eligible to submit tenders and have their tenders evaluated: <input type="checkbox"/> One of Company Directors is registered with SACPCMP as Professional Construction Health and Safety Agent <input type="checkbox"/> Directors or company is not in the Treasury's database of restricted suppliers
4.2	The Employer will not compensate the Tenderers for any costs incurred in the preparation and submission of a tender offer, including the cost of the tender being registered with SACPCMP.
4.3	It is the responsibility of the tenderer to check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.
4.4	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.
4.5	Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are incorporated into the tender documents by reference.

4.6	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.
4.8	Seek clarification <i>Request clarification of the tender documents, if necessary, by notifying the employer at least 5 (Five) working days before the closing time stated in the tender data.</i>
4.10	Tenderers are required to indicate the rates and currencies in RSA Rand.
4.10(a)	If after the commencement of the Contract, the cost or duration of the services is altered as a result of changes in, the amount of the main contractor or contract amount from which fee account/estimate were based, or amounts or additions to, any statute, regulation or by-laws, or the requirements of any authority having jurisdiction over any matter in respect of the Project, then the Contract Price and time for completion shall be adjusted in order to reflect the impact of those changes, provided that, within 90 days of first having become aware of the change, the Service Provider furnished the Employer with detailed justification to the Price or Period of the Performance (or both).
4.11	Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer or to correct errors made by the tenderer and ensure that all signatories to the tender offer initial all such alterations. Do not make erasures using masking fluid.
4.12	No alternative tender offers will be considered
4.13.1	Parts of each tender offer communicated on paper shall be submitted as an original. Submit a) The parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with a translation of any documentation in a language other than the language of communication established in 3.5, and b) The parts communicated electronically by the employer or its agents on paper format with the tender.
4.13.2	Sign the original and all copies of the tender offer where required in terms of the tender data.
4.10	Tenderers are required to indicate the rates and currencies in RSA Rand.

List of Returnable Documents

Form A	Compulsory Enterprise Questionnaire Compulsory
Form B	Record of Addenda to Tender Documents Evaluation
Form C	Authority of signatory. Compulsory
Form D	Certificate of Construction Agent Registration issued by SACPCMP Compulsory
Form E	Registration on National Treasury Central Supplier Database Compulsory
Form F	Municipal rates and taxes Compulsory
Form G	Certificate of Authority of Joint Ventures/ Close corporations/ Partnership/ Company/ Sole proprietor (Certified Copies of the Identity Documents in the Case of sole proprietor) Compulsory

Municipal Bid Documents

MBD 1	Invitation to BID Compulsory
MBD 4	Declaration of Interest Compulsory
MBD 6.1	Preference points claim form in terms of the preferential procurement regulations 2022 Compulsory
MBD 8	Declaration of bidder's past supply chain management practices Compulsory
MBD 9	Certificate of Independent bid determination Compulsory

Other Returnable Documents

C1.1	Contract Data (Part 2) Contract
C1.2	Form of offer and acceptance Compulsory
C2.1	Scope of Work
C2.2	Pricing Schedule

FORM A COMPULSORY ENTERPRISE QUESTIONNAIRE

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.

Section 1: Name of enterprise

Section 2: VAT registration number, if any

Section 3: Particulars of sole proprietors and partners in partnerships

No	Name*	Identity Number*	Personal Income Tax Number*
3.1			
3.2			
3.3			

* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners

Section 4: Particulars of companies and close corporations

4.1	Company Registration number	
4.2	Close corporation number	
4.3	Tax reference number	

Section 5: Record in the service of the state

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

A member of any municipal council		An employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public finance Management Act, 1999 (Act 1 of 1999)	
A member of any provincial legislation		A member of an accounting authority of any national or provincial public entity	
A member of the National Assembly or the National		An employee of Parliament or a provincial legislature	

Council of Province			
A member of the board of directors of any municipal entity		An official of any municipality or municipal entity	
Name of sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months
Section 6: Records of spouses, children and parents in the service of the state			
Indicate by making the relevant boxes with a cross, if any spouses, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:			
A member of any municipal council		An employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management act, 1999 (act 1 of 1999)	
A member of any provincial legislature		A member of an accounting authority of any national or provincial public entity	
A member of the National Assembly or the National Council of Province.		An employee of Parliament or a provincial legislature	
A member of the board of directors of any municipal entity		An official of any municipality or municipal entity	
Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

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

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

Note: insert separate page if necessary

NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE (UNDERSIGNED)
CAPACITY	DATE

FORM B RECORD OF ADDENDA TO TENDER DOCUMENTS

I / we confirm that the following communications received from the Emalahleni Local Municipality before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer: *(Attach additional pages if more space is required)*

	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

I / we confirm that no communications were received from the Steve Tshwete Municipality before the submission of this tender offer, amending the tender documents.

NAME OF REPRESENTATIVE	SIGNATURE	DATE

FORM C: PROOF OF AUTHORITY OF SIGNATORY

In case the Tenderer’s representative is not a director, he must submit and attach proof of authority for signatory

.....
Signature

.....
Date

FORM D: CERTIFICATE OF CONSTRUCTION AGENT REGISTRATION ISSUED BY SACPCMP

Please attach proof.

.....
Position

.....
Name of bidder

FORM E: CURRENT CSD COMPLIANCE CERTIFICATE

The Tenderer must attach to this page a current CSD Compliance Certificate in respect of his/ her company, close corporation, or partnership. In the case of a joint venture between two or more firms, the tenderer shall attach a current CSD Certificate for each of the joint venture partners.

.....
Position

.....
Name of bidder

FORM F: MUNICIPAL RATES AND TAXES

Proof or a certificate certifying that the enterprise has no undisputed commitments to a municipality or other service providers in respect of which payment is overdue by more than 90 days for directors and Company or Lease agreement with supportive documents.

.....
Position

.....
Name of bidder

FORM G: MUNICIPAL RATES AND TAXES

Certificate of Authority of Joint Ventures/ Close corporations/ Partnership/ Company/ Sole proprietor (Certified Copies of the Identity Documents in the Case of sole proprietor)

.....
Position

.....
Name of bidder

INVITATION TO BID

MBD 1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	TENDER NO.: ELM 45/2023	CLOSING DATE:	04 OCTOBER 2023	CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF PANEL OF PROFESSIONAL SERVICES FOR CONSTRUCTION HEALTH SAFETY AGENT TO FACILITATE AND ACT AS THE EMPLOYER'S HEALTH AGENT FOR A PERIOD OF 24 MONTHS				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
EMALAHLENI LOCAL MUNICIPALITY					
CIVIC CENTRE					
29 MANDELA STREET					
eMALAHLENI					
1035					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS	<input type="checkbox"/>		<input type="checkbox"/>		
VAT REGISTRATION NUMBER	<input type="checkbox"/>		<input type="checkbox"/>		
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	Yes <input type="checkbox"/> No <input type="checkbox"/>		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		Yes <input type="checkbox"/> No <input type="checkbox"/>
[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]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	Yes No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		Yes No [IF YES, ANSWER PART B:3]
SIGNATURE OF BIDDER		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	SCM		CONTACT PERSON	M.E SEDUPANE	
CONTACT PERSON	MS ZINHLE MOROKU		TELEPHONE NUMBER	(013) 690 6300	
TELEPHONE NUMBER	(013) 690 6497		FACSIMILE NUMBER	(013) 690 6207	
FACSIMILE NUMBER	(013) 690 6207		E-MAIL ADDRESS	sedupaneme@emalahleni.gov.za	
E-MAIL ADDRESS	masangonz@emalahleni.gov.za				

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:										
<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. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p>										
2. TAX COMPLIANCE REQUIREMENTS										
<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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>										
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS										
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p>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 ABOVE.</p>	3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
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3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO									

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

DATE:

.....

MBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder²):

.....

2.4 Company Registration Number :

2.5 Tax Reference Number :

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹"State" means –

(a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(b) any municipality or municipal entity;

(c) provincial legislature;

(d) national Assembly or the national Council of provinces; or

(e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

.....

Name of state institution at which you or the person connected to the bidder is employed:

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

.....

.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....

.....

.....

YES / NO

.....

.....

.....

YES/NO

.....

.....

.....

YES/NO

.....

[illegible]

4 DECLARATION

I THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3
ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME

IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF

CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

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

- a) The applicable preference point system for this tender is the **80/20** preference point system.

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
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

- 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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)} \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest 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 tenderers: The tenderer must indicate how they claim points for each preference point system.

Item no.	The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system)	Number of points claimed (80/20 system) (To be completed by the tenderer)
A total of 15 preference points shall be allocated on a proportional or pro rata basis for contracting an enterprise owned by historically disadvantaged persons or individuals who meet the following requirements -			
1.	for 100% black person or people owned enterprise	5 points	
2.	for at least 30% woman or women shareholding or owned enterprise	5 points	
3.	For at least 30% youth shareholding or owned enterprise	2.5 points	
4.	for at least 30% people living with disability shareholding or owned enterprise	2.5 points	
A total of 5 preference points shall be allocated on a proportional or pro rata basis for implementing of programmes for RDP -			
7.	for enterprise regarded as EME located within the local area of jurisdiction.	5 points	
The Municipality will utilize the CSD report for the above-mentioned information.			

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 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.

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:
DATE:
ADDRESS:
.....
.....
.....

MBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was Applied).	Yes	No
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? To access this Register enter the National Treasury's website, www.treasury.gov.za , click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.	Yes	No
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply With the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. Disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. Cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and

- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

MBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not

be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

MBD 9

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

EMALAHLENI LOCAL MUNICIPALITY

TENDER NO: 45/2023

BID NO: 45/2023: APPOINTMENT OF PANEL OF PROFESSIONAL SERVICES FOR CONSTRUCTION HEALTH SAFETY AGENT TO FACILITATE AND ACT AS THE EMPLOYER'S HEALTH AGENT FOR A PERIOD OF 24 MONTHS

VOLUME 3: The Contract

VOLUME	CONTENTS		
	Number	Heading	Colour
Volume 3	The Contract		
	Part C 1	Agreement and Contract Data	
	C 1.1	Contract Data	White
	Part C 2	Scope of Work	
	C 2.1	Scope of Work	White
	C 2.2	Project Specifications	White
	C 2.3	Health and Safety Specifications	White
	C 2.4	Labour Intensive Specifications	White
	Part C 3	Site Information	
	C 3.1	Site Information	White

EMALAHLENI LOCAL MUNICIPALITY

TENDER NO: 45/2023

APPOINTMENT OF PANEL OF PROFESSIONAL SERVICES FOR
CONSTRUCTION HEALTH SAFETY AGENT TO FACILITATE AND ACT AS
THE EMPLOYER'S HEALTH AGENT FOR A PERIOD OF 24 MONTHSS

VOLUME 3: The Contract

Part C1 **Agreement and Contract Data**

C 1.1 Contract Data

C 1.2 Form of offer and acceptance

EMALAHLENI LOCAL MUNICIPALITY

TENDER NO:45/2023

**APPOINTMENT OF PANEL OF PROFESSIONAL SERVICES FOR
CONSTRUCTION HEALTH SAFETY AGENT TO FACILITATE AND ACT AS
THE EMPLOYER'S HEALTH AGENT FOR A PERIOD OF 24 MONTHSS**

C 1.1 CONTRACT DATA

The General Conditions of Contract are the *Standard Professional Services Contract (July 2009)* published by the Construction Industry Development Board and this document is not bounded in this tender and is available free of charge form the CIDB website www.cidb.co.za

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

PART 1: DATA PROVIDED BY THE EMPLOYER

CLAUSE	DATA				
3.4	<div>The Employer is Emalahleni Local Municipality;<table><tr><th>Physical Address;</th><th>Postal Address;</th></tr><tr><td>Corner Mandela and Arras EMALAHLENI 1035 Tel: 011 690 6911</td><td>P.O. Box 3 EMALAHLENI 1035</td></tr></table></div>	Physical Address;	Postal Address;	Corner Mandela and Arras EMALAHLENI 1035 Tel: 011 690 6911	P.O. Box 3 EMALAHLENI 1035
Physical Address;	Postal Address;				
Corner Mandela and Arras EMALAHLENI 1035 Tel: 011 690 6911	P.O. Box 3 EMALAHLENI 1035				

CLAUSE	DATA								
4.3.2.	<p>The authorized and designated representative of the Employer is:</p> <p>Name: Mr S Mayisela</p> <p>The address for receipt of communications is:</p> <table border="1"> <tr> <th>Physical Address;</th><th>Postal Address;</th></tr> <tr> <td> Corner Mandela and Arras EMALAHLENI 1035 Tel: 011 690 6911 </td><td> P.O. Box 3 EMALAHLENI 1035 </td></tr> </table> <p>The Nominee is;</p> <p>Name: Mr M Sedupane</p> <p>The address for receipt of communications is:</p> <table border="1"> <tr> <th>Physical Address;</th><th>Postal Address;</th></tr> <tr> <td> Corner Mandela and Arras EMALAHLENI 1035 Tel: 011 690 6911 </td><td> P.O. Box 3 EMALAHLENI 1035 </td></tr> </table>	Physical Address;	Postal Address;	Corner Mandela and Arras EMALAHLENI 1035 Tel: 011 690 6911	P.O. Box 3 EMALAHLENI 1035	Physical Address;	Postal Address;	Corner Mandela and Arras EMALAHLENI 1035 Tel: 011 690 6911	P.O. Box 3 EMALAHLENI 1035
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Physical Address;	Postal Address;								
Corner Mandela and Arras EMALAHLENI 1035 Tel: 011 690 6911	P.O. Box 3 EMALAHLENI 1035								
1	The Project is the CREATION OF PANEL OF PROFESSIONAL SERVICE PROVIDERS								
1									
3.5	The location for the performance of this assignment or project is the area of jurisdiction of Emalahleni Local Municipality and locations to be advised by the Municipal Manager or His Nominee								
3.6	The Service Provider may not release public or media statements or publish material related to the Services or Project under any circumstances.								
3.9.2.	The time-based fees used to determine changes to the Contract Price are negotiable between the employer and the Professional Service Provider.								

CLAUSE	DATA
3.11	The Service Provider shall, at his own expense, indemnify, protect and defend the Employer, its agents and employees, from and against all actions, claims, losses and damage arising from any negligent act or omission by the Service Provider in the performance of the Services, including any violation of legal provisions, or rights of others, in respect of patents, trademarks and other forms of intellectual property such as copyrights.
3.12	The penalty payable is to be determined in the Service level agreement per calendar day.
3.15.1	The project programme shall be submitted when required by the employer.
3.15.2.	The Service Provider shall update the programme at intervals not exceeding 4 weeks after the appointment to a specific project.
4.3.1(d)	The Employer is not required to assist in the obtaining of approvals, licenses and permits from the state, regional and municipal authorities having jurisdiction over the Project.
5.4.1	The Service Provider is required to provide professional indemnity cover equivalent to the value of the project.
5.5	<p>The Service Provider is required to obtain the Employer's prior approval in writing before taking any of the following actions:</p> <p>(a) The issuing of Variation Orders.</p> <p>(b) Rulings, in terms of Clause 48(5) on claims submitted by the Contractor, with the exception of claims relating to Clause 42.3.2 (Abnormal weather conditions)</p> <p>(c) Rulings, in terms of Clause 57 (Disagreements) and Clause 58 (Disputes).</p> <p>The clauses in (b) and (c) above refer to clauses in the General Conditions of Contract for Construction Works, First Edition (2004) as amended, which conditions of contract shall govern the Contract between the Employer</p>

CLAUSE	DATA
	and the Contractor.
7.2	The Service Provider is required to provide personnel in accordance with the provisions of clause 7.2 by completing Form B: Proposed Personnel Schedule found in Volume 2 of this document.
8.1	The Service Provider is to commence the performance of the Services within one day of the date of an appointment to a specific project
8.2.1	<p>(a) This contract will be concluded when 36 months expire after the date of notification to the service provider by the employer into the panel of consultants.</p> <p>(b) For a specific project the Contract is concluded when the certificate of final approval for construction works is issued and approved by the employer</p>
8.4.3 (c)	The period of suspension under clause 8.5 is not to exceed 2 months.
9.1	<p><i>“Emalahleni Local Municipality retains all and/or any rights to any patents or copyright or intellectual rights to all and any documents in whatever format, inventions, designs, discoveries, improvements as made, discovered or conceived by the Consultants/Contractors in respect of this contract, whether wholly or partly, in connection with, or incidental, to this contract and which may relate to, or be in connection with, or be useful to the business carried out by the Emalahleni Local Municipality. Such patents or copyrights are not limited to any particular area or country and the Emalahleni Local Municipality reserves the right to alter, modify, adapt or change any designs, processes or methods or any such patents or copyrights. All such documents in whatever format, inventions, designs, discoveries, improvements as made, discovered or conceived by the Consultants/Contractors shall be handed over to the Emalahleni Local Municipality on completion of the project. The Consultant/Contractors may not include any company logo or other company details on or in any documents prepared for and on behalf of the Emalahleni Local Municipality”</i></p>
11.1.	A service provider may only sub-consult minor works upon the approval of the employer.

Part 2: Data provided by the Service Provider (Tenderer)

Clause	Data
1.	<p>The Name of Service Provider is:</p> <p>.....</p> <p>Physical Address:</p> <p>.....</p> <p>Postal Address:</p> <p>.....</p> <p>Tel:</p> <p>Fax:</p>
1.	<p>The Period of Performance is</p>
5.3.	<p>The authorized and designed representative of the Service Provider is:</p> <p>Name:</p> <p>The address for receipt of communications is;</p> <p>Physical Address:</p> <p>.....</p> <p>.....</p> <p>Postal Address:</p> <p>.....</p> <p>.....</p> <p>Tel:</p>

	Fax:	
7.1.2	The Key Persons and their functions in relation to this assignment are;	
	No	Name and Surname
	1	
	2	
	3	
	4	
	5	
	6	
	7	

C1.2: FORM OF OFFER AND ACCEPTANCE

1. OFFER

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the procurement of:

REQUEST FOR THE PROVISION OF CLOSE PROTECTION SERVICES FOR THE PERIOD OF TWENTY-FOUR (24) MONTHS ON AN AS AND WHEN REQUIRED

The tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the tender schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the Contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the Conditions of Contract identified in the Contract Data.

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

.....

Rand (in words);

.....R (in figures)

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the tender data, whereupon the tenderer becomes the party named as the contractor in terms of the conditions of contract identified in the contract data.

Signature(s)

Name(s)

Capacity

for the **Tenderer**
(Name and address of organization)

Name and signature
of witness

Date

.....

.....

2. FORM OF ACCEPTANCE

By signing this part of this form of offer and acceptance, the employer identified below accepts the tenderer's offer. In consideration thereof, the employer shall pay the contractor the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the tenderer's offer shall form an agreement between the employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract are contained in

Part C1 : Agreements and conditions of tender (which includes this agreement)

Part C2 : Pricing data

Part C3 : Scope of work Part C4 : Site Information

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

Deviations from and amendments to the documents listed in the tender data and any addenda thereto, as listed in the tender schedules as well as any changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule.

The tenderer shall, within two weeks after receiving a completed copy of this agreement including the schedule of deviation (if any), contact the employer's agent (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data. Failure to fulfil any of the obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer (now contractor), within five (5) working days of the date of such receipt, notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signature(s)

Name(s)

Capacity

for the Employer

(Name and address of organization)

Name and signature of witness Date
.....

EMALAHLENI LOCAL MUNICIPALITY

TENDER NO:45/2023

BID NO: 45/2023: APPOINTMENT OF PANEL OF PROFESSIONAL SERVICES FOR CONSTRUCTION HEALTH SAFETY AGENT TO FACILITATE AND ACT AS THE EMPLOYER'S HEALTH AGENT FOR A PERIOD OF 24 MONTHS

2.PART C 2 SCOPE OF WORK

C 2.1. Scope of Work

C 2.2. Pricing schedule

EMALAHLENI LOCAL MUNICIPALITY

TENDER NO: 45/2023

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2.C 2.1 SCOPE OF WORK

C 2.1.1 Employer's Objective

The objective of the employer is to create a panel professional service provider to render professional services on an as and when required basis covering all built environment aspects in order to improve service delivery by providing expected municipal services to meet its Constitutional Mandate.

C 2.1.2 Overview of the Works

SCOPE OF SERVICES FOR THE CONSTRUCTION HEALTH AND SAFETY AGENT

Construction Health and Safety Agent (Pr. CHSA) means any competent person who acts as a representative for a client in managing health and safety on a construction project for the client and who has satisfied the registration criteria of the SACPCMP to perform the required functions.

The Construction Health and Safety Agent (Pr. CHSA) shall demonstrate detailed knowledge of health and safety requirements at all levels, with the capability to design, compile, implement, and manage the health and safety requirements for a construction project from Initiation and Briefing to Project Close-out.

Construction Health and Safety Agent shall perform but not limited to the following Services:

- ☐ Record of Construction Health and Safety Agent competency and resource;
- ☐ Schedule of required surveys, tests, analyses, site and other investigations;
- ☐ Preliminary construction project risk profile;
- ☐ Record of construction project health and safety risk communication
- ☐ Agreed construction project health and safety policy for the project;
- ☐ Draft construction project baseline risk assessment and design risk management process
- ☐ Draft construction project health and safety specification;
- ☐ Preliminary cost estimates/budgets for construction project health and safety;
- ☐ Schedule of precautions necessary for construction project health, safety and hygiene control;
- ☐ Approved early works health and safety plans;
- ☐ Final construction project tender health and safety specifications;
- ☐ Records of construction project health and safety procurement process;

- ☐ Construction project health and safety tender evaluation and records and construction project health and safety contract documentation;
- ☐ Permits to commence construction work;
- ☐ Record of meetings, including all construction health and safety matters to be actioned
- ☐ Record of construction project health and safety audit reports;
- ☐ Record of construction project health and safety work stoppage reports;
- ☐ Record of incident and accident investigations and corrective actions;
- ☐ Interim health and safety file;
- ☐ Record of audits during the defects liability period;
- ☐ Consolidated construction project health and safety close-out report
- ☐ Seek the co - operation of and co – operate with anyone else involved in a construction project at an adjoining site so far as necessary to enable them to perform their duties under the Construction Regulations.
- ☐ To stop any contractor from executing any construction work that is not in accordance with the relevant design's health and safety aspects.
- ☐ Inspect the structure on behalf of the Client/Owner once every six (6) months for the first two (2) years on completion of the structure and then yearly thereafter, to ensure the structure remains safe for continued use and records are kept of such in the structures health and safety file

C 2.1.3 Location of the Works

The Appointed Professional Service Provider for Construction Health Safety Agent will carry all assignments within the area of Jurisdiction of Emalahleni Local Municipality and in areas to be determined by the Municipal Manager.

C2.2 Pricing Schedule

The following is a guideline of the pricing data but not limited to which should be in envelope number 2

Planning / Implementation

- Develop and Compile Contractor's OSHA Baseline Risk Assessments
- Compile and manage the Construction Work Permit if applicable
- Develop and Compile Contractor's Health and Safety Specifications
- Development of appointments and further supportive documentation (OHS File) for the completion of the construction work application
- Assessment and Approval of Contractor's Safety File
- Evaluate principal contractor's health and safety budget
- Approve principal contractor's health and safety plans

Construction supervision

- Site Inspections/Visits twice a month
- Prepare SHE Monthly Audit Reports and Progress Site Meetings
- Monitoring and Compliance
- Evaluate and manage changes on project that can affect health and safety onsite

Project close out

- Close-out audit for residual danger and OHS Completion report before de-establishment of site