**INVITATION TO BID**

****

**DESCRIPTION:**. **SERVICE PROVIDER TO UNDERTAKE THE DRAFTING OF A NORMS AND STANDARDS ON SPATIAL EQUITY**

Bid No**. : ZNT 2032/2017 LG**

COMPANY NAME : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Type of Bidder (Tick One Box)**

|  |  |
| --- | --- |
| One-person Business/Sole Trader |  |
| Close corporation |  |
| PTY (Ltd) |  |
| Private Company |  |
| Partnership |  |
| Consortium/Joint Venture |  |
| Co-operative |  |

**Participation Capacity (Tick One Box)**

|  |  |
| --- | --- |
| Prime Contractor |  |
| Supplier/Sub-Contractor |  |

**---------------------------------------------------------------------------------------------------------------------------**

**RETURN OF PROPOSAL**

Proposal must be deposited in the **Bid box situated at Department of Co-operative Governance and Traditional Affairs, Lift Area, 13th floor, North Tower, Natalia Building. 330 Langalibalele Street**, Pietermaritzburg,3201 or received by post to The Senior Manager: Supply Chain Management, Private Bag

X 9078, Pietermaritzburg, 3200 Tel: (033) 395 2131 before **11h00** on ***11 SEPTEMBER 2017***

*A compulsory Site Inspection will take place on* ***24 AUGUST 2017 at 12:00 am at 330 LANGALIBALELE STREET, NATALIA BUILDING, 12th FLOOR BOARDROOM, NORTH TOWER, PIETERMARITZBURG.***

**TABLE OF CONTENTS**

|  |  |  |  |
| --- | --- | --- | --- |
| **SECTION** | | **CONTENTS** | **PAGE** |
|  | **Part A** | Invitation to Bid | 3 |
| **Part B** | Terms and Conditions for Bidding | 4 |
| **Section: A** | Invitation to Bid | 5-6 |
| **Section: B** | Tax Clearance Certificate Requirement | 7 |
| **Section: C** | Special Instructions and Notices to Bidders regarding the completion of Bidding Forms | 8 |
| **Section: D** | Declaration that Information on Provincial Supplier Database is Correct and up to date. | 9 |
| **Section: E** | Declaration of Interest | 10-12 |
| **Section: F** | Preference Points Claim Form in Terms of the  Preferential Procurement Regulations 2011 | 13-16 |
| **Section: G** | Conditions of bid | 17 |
| **Section H** | Price Page | 18 |
| **Section: I** | Authority to Sign a Bid | 19- 22 |
| **Section: J** | Declaration of Bidders Past Supply Chain Management Practices. | 23 |
| **Section: K** | Certificate of Independent Bid Determination | 24- 25 |
| **Section: L** | Special Conditions Of Contract | 26- 31 |
| **Section: M** | Official briefing session/site inspection certificate | 32 |
| **Annexure: A** | Specification | 33- 52 |
| **Appendix 1** | Details for completion | 53 |
| **Appendix 2** | Returnable Documents | 54 |
| **Annexure B** | General Conditions of Contract | 55- 56 |

**PART A**

**INVITATION TO BID**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (***NAME OF DEPARTMENT/ PUBLIC ENTITY***)** | | | | | | | | | | | | | | | | | | | |
| BID NUMBER: | | ZNT 2024/2017 LG | | | CLOSING DATE: | | | 01 AUGUST 2017 | | | | | | CLOSING TIME: | | | | | 11:00 |
| DESCRIPTION | |  | | | | | | | | | | | | | | | | | |
| **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).** | | | | | | | | | | | | | | | | | | | |
| BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)* | | | | | | | | |  | |  | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | |
| **SUPPLIER INFORMATION** | | | | | | | | | | | | | | | | | | | |
| NAME OF BIDDER | | |  | | | | | | | | | | | | | | | | |
| POSTAL ADDRESS | | |  | | | | | | | | | | | | | | | | |
| STREET ADDRESS | | |  | | | | | | | | | | | | | | | | |
| TELEPHONE NUMBER | | | CODE | | | |  | | | | | NUMBER | | | |  | | | |
| CELLPHONE NUMBER | | |  | | | | | | | | | | | | | | | | |
| FACSIMILE NUMBER | | | CODE | | | |  | | | | | NUMBER | | | |  | | | |
| E-MAIL ADDRESS | | |  | | | | | | | | | | | | | | | | |
| VAT REGISTRATION NUMBER | | |  | | | | | | | | | | | | | | | | |
|  | | |  | | | | | | | | | | | | | | | | |
|  | | | TCS PIN: | | | |  | | | **OR** | | | CSD No: | |  | | | | |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE  [TICK APPLICABLE BOX] | | | Yes  No | | | | | | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | | | | | Yes    No | | | | |
| IF YES, WHO WAS THE CERTIFICATE ISSUED BY? | | |  | | | | | | | | | | | | | | | | |
| AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX | | |  | | AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) | | | | | | | | | | | | | | |
|  | | A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS) | | | | | | | | | | | | | | |
|  | | A REGISTERED AUDITOR | | | | | | | | | | | | | | |
| NAME: | | | | | | | | | | | | | | |
| ***[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 BELOW ] | |
| **SIGNATURE OF BIDDER** | | | ……………………………… | | | | | | | | **DATE** | | | | | | |  | |
| **CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)** | | |  | | | | | | | | | | | | | | | | |
| **TOTAL NUMBER OF ITEMS OFFERED** | | |  | | | | | | | | **TOTAL BID PRICE (ALL INCLUSIVE)** | | | | | | |  | |
| **BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:** | | | | | | | | | **TECHNICAL INFORMATION MAY BE DIRECTED TO:** | | | | | | | | | | |
| DEPARTMENT/ PUBLIC ENTITY | | |  | | | | | | CONTACT PERSON | | | | | | | |  | | |
| CONTACT PERSON | | |  | | | | | | TELEPHONE NUMBER | | | | | | | |  | | |
| TELEPHONE NUMBER | | |  | | | | | | FACSIMILE NUMBER | | | | | | | |  | | |
| FACSIMILE NUMBER | | |  | | | | | | E-MAIL ADDRESS | | | | | | | |  | | |
| E-MAIL ADDRESS | | |  | | | | | |  | | | | | | | | | | |

**PART B**

**TERMS AND CONDITIONS FOR BIDDING**

|  |
| --- |
| 1. **BID SUBMISSION:** |
| * 1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.   2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE**   3. **BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: ( BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.**   4. **WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.**   5. 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 LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT. |
| 1. **TAX COMPLIANCE REQUIREMENTS** |
| 1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 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. 3. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) 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](http://www.sars.gov.za). 4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. 5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER. 6. WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. |
| 1. **QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS** |
| * 1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO   2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?  YES  NO   3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO   4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO   **IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.** |

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

**SBD 1**

**STANDARD BID DOCUMENTATION**

**SECTION A**

INVITATION TO BID

|  |
| --- |
| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OFTHE DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| BID NUMBER: | **ZNT 2032/2017 LG** | CLOSING DATE: | **11/09/2017** | CLOSING TIME: | **11:00** |

DESCRIPTION: **SERVICE PROVIDER TO UNDERTAKE THE DRAFTING OF A NORMS AND STANDARDS ON SPATIAL EQUITY**

CONTRACT PERIOD**: 08 MONTHS**

VALIDITY PERIOD: **120 DAYS**

**The successful bidder will be required to fill in and sign a written Contract Form (SBD 13.2)**

|  |  |
| --- | --- |
| **BID DOCUMENTS MAY BE POSTED TO:**  The Head SCM Unit,  Department Co-operative Governance and Traditional Affairs,  Private Bag X9078,  Pietermaritzburg, 3200 | **NOTE: THE POST IS CLEARED FROM THE PIETERMARITZBURG POST OFFICE BEFORE 10:00 ON DUE DATE** |

**OR**

|  |  |
| --- | --- |
| **BID DOCUMENTS DELIVERED BY HAND MUST BE DEPOSITED IN THE BID BOX SITUATED AT:**  Department of Co-operative Governance and Traditional Affairs,  Lift Area, 13th floor, North Tower,  Natalia Building.  330 Langalibalele Street,  Pietermaritzburg | **THE BID BOX IS AVAILABLE ON THE FOLLOWING DAYS AND TIME:**  **MONDAY TO FRIDAY (EXCLUDING PUBLIC HOLIDAYS)**  **08:00 TO 16:00** |

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

# ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

|  |
| --- |
| THE FOLLOWING PARTICULARS MUST BE FURNISHED(FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED) |

NAME OF BIDDER……………………………………………………………………………………………………………

PROVINCIAL SUPPLIER DATABASE REGISTRATION NO: ......................................................................................................................

POSTAL ADDRESS……………………………………………………………………………………………………………

STREET ADDRESS……………………………………………………………………………………………………………

TELEPHONE NUMBER CODE……………NUMBER……………………………………………………………………………

### CELLPHONE NUMBER ……………………………………………………………………………………………………………

FACSIMILE NUMBER CODE…………NUMBER……………………………………………………………………………

E-MAIL ADDRESS……………………………………………………………………………………………………………

VAT REGISTRATION NUMBER……………………………………………………………………………………………………………

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN SUBMITTED? (Section B) YES 🞎 NO 🞎

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (Section F) YES 🞎 NO 🞎

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

[**TICK APPLICABLE BOX**]

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)…….…………….………………. .

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS); OR…………………

A REGISTERED AUDITOR ………………………………...………..

**(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE 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]**

SIGNATURE OF BIDDER …………………………………………………………………………………………………………..

DATE………………………CAPACITYUNDER WHICH THIS BID IS SIGNED …………………………………………

**TOTAL BID PRICE: R**…………………………………………………………………………………………………………………………………..

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

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

**Department**: Co-operative Governance and Traditional Affairs

**Contact Person:** Ms Lindiwe Madlala

**Tel:** 033 395 2174

**Fax:** 086 642 8873/033 342 8830

**Email**: [lindiwe.madlala@kzncogta.gov.za](mailto:lindiwe.madlala@kzncogta.gov.za)

**ANY ENQUIRIES REGARDING SPECIFICATION INFORMATION MAY BE DIRECTED TO:**

**Contact Person:** Ms Amanda Zungu

**Unit: Spatial Planning**

**Tel:** 033 355 6532

**Cel:** 079 091 2508

**Email:** [**amanda.zungu@kzncogta.gov.za**](mailto:amanda.zungu@kzncogta.gov.za)

**SECTION B (SBD 2**

**TAX CLEARANCE CERTIFICATE REQUIREMENTS**

**It is a condition of bid that the taxes of the successful bidder must be in order, or that**

**satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder’s tax obligations.**

1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001

“Application for a Tax Clearance Certificate” and submit it to any SARS branch office nationally. The Tax

Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit

bids.

2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original

and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax

Clearance Certificate will not be acceptable.

4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate

Tax Clearance Certificate.

5 Copies of the TCC 001 “Application for a Tax Clearance Certificate” form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).

6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision,

taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).

Jeyrel:\Mdk416-SBD2 tax clearance

**I HAVE READ, UNDERSTOOD AND COMPLY WITH THE SPECIAL INSTRUCTIONS ABOVE:**

**…………………………………………………………………………… ………………………..**

**SURNAME AND INITIALS OF COMPANY REPRESENTATIVE DATE**

COMPANY OFFICIAL STAMP

**……………………………..**

**SIGNATURE**

**SECTION C** (SBD 3)

**SPECIAL INSTRUCTIONS AND NOTICES TO BIDDERS REGARDING THE**

**COMPLETION OF BIDDING FORMS**

PLEASE NOTE THAT THIS BID IS SUBJECT TO TREASURY REGULATIONS 16A ISSUED

IN TERMS OF THE PUBLIC FINANCE MANAGEMENT ACT, 1991, THE KWAZULU-NATAL

SUPPLY CHAIN MANAGEMENT POLICY FRAMEWORK AND THE GENERAL CONDITIONS

OF CONTRACT.

1. Unless inconsistent with or expressly indicated otherwise by the context, the singular shall include the plural and visa versa and with words importing the masculine gender shall include the feminine and the neuter.

2. Under no circumstances whatsoever may the bid forms be retyped or redrafted.

Photocopies of the original bid documentation may be used, but an original signature must appear on such photocopies.

3. The bidder is advised to check the number of pages and to satisfy himself that none are missing or duplicated.

4. Bids submitted must be complete in all respects.

5. Bids shall be lodged at the address indicated not later than the closing time specified for their receipt, and in accordance with the directives in the bid documents.

6. Each bid shall be addressed in accordance with the directives in the bid documents and shall be lodged in a separate sealed envelope, with the name and address of the bidder, the bid number and closing date indicated on the envelope. The envelope shall not contain documents relating to any bid other than that shown on the envelope. If this provision is not complied with, such bids may be rejected as being invalid.

7. All bids received in sealed envelopes with the relevant bid numbers on the envelopes are kept unopened in safe custody until the closing time of the bids. Where, however, a bid is received open, it shall be sealed. If it is received without a bid number on the envelope, it shall be opened, the bid number ascertained, the envelope sealed and the bid number written on the envelope.

8. A specific box is provided for the receipt of bids, and no bid found in any other box or elsewhere subsequent to the closing date and time of bid will be considered.

9. No bid sent through the post will be considered if it is received after the closing date and time stipulated in the bid documentation, and proof of posting will not be accepted as proof of delivery.

10. No bid submitted by telefax, telegraphic or other electronic means will be considered.

11. Bidding documents must not be included in packages containing samples. Such bids may be rejected as being invalid.

12. Any alteration made by the bidder must be initialed.

13. Use of correcting fluid is prohibited

14. Bids will be opened in public as soon as practicable after the closing time of bid.

15. Where practical, prices are made public at the time of opening bids.

16. If it is desired to make more than one offer against any individual item, such offers should be given on a photocopy of the page in question. Clear indication thereof must be stated on the schedules attached.

**SECTION D**

**REGISTRATION ON THE CENTRAL SUPPLIERS DATABASE**

1. In terms of the KwaZulu-Natal Supply Chain Management Policy Framework, all suppliers of goods and services to the Province of KwaZulu-Natal are required to register on the Central Suppliers Database.
2. If you wish to apply for registration, forms may be downloaded from the website, [**http://www.kzntreasury.gov.za**,](http://kzntreasury.kzntl.gov.za,) (click on “Document Library” and then choose “Forms”) or obtained by phoning the toll free number **0800 201 049**. This number is also available for general enquiries relating to Provincial supply chain management issues.
3. If a business is registered on the Database and it is found subsequently that false or incorrect information has been supplied, then the Department may, without prejudice to any other legal rights or remedies it may have;

3.1 de-register the supplier from the Database,

3.2 cancel a bid or a contract awarded to such supplier, and the supplier would become liable for any damages if a less favourable bid is accepted or less favourable arrangements are made.

1. **The same principles as set out in paragraph 3 above are applicable should the supplier fail to request updating of its information on the Suppliers Database, relating to changed particulars or circumstances.**

**DECLARATION THAT INFORMATION ON CENTRAL SUPPLIER DATABASE IS**

**CORRECT AND UP TO DATE**

(To be completed by bidder)

THIS IS TO CERTIFY THAT I (name of bidder/authorized representative)

………………………………………………………………………………………………………………………..

WHO REPRESENTS (state name of bidder)…………………………………………………………………….

AM AWARE OF THE CONTENTS OF THE KWAZULU-NATAL SUPPLIER DATABASE WITH RESPECT TO THE BIDDER’S DETAILS AND REGISTRATION INFORMATION, AND THAT THE SAID INFORMATION IS CORRECT AND UP TO DATE AS ON THE DATE OF

SUBMITTING THIS BID.

AND I AM AWARE THAT INCORRECT OR OUTDATED INFORMATION MAY BE A CAUSE

FOR DISQUALIFICATION OF THIS BID FROM THE BIDDING PROCESS, AND/OR

POSSIBLE CANCELLATION OF THE CONTRACT THAT MAY BE AWARDED ON THE BASIS OF THIS BID.

**KZN CENTRAL TREASURY DATABASE NO**…………………………………………………….

.......................................................................

**SIGNATURE OF BIDDER OR AUTHORISED REPRESENTATIVE**

**DATE** :....................................................

**SECTION E (SBD 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 an advertised competitive bid, a limited bid, a proposal or written price quotation). 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 positionin 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: ………………………………………………………………………………..

* 1. Identity Number:………………………………………………………………………………………………………......................
  2. Position occupied in the Company (director, trustee, shareholder², member): ………………………………………………..
  3. Registration number of company, enterprise, close corporation, partnership agreement or trust: …………………………
  4. Tax Reference Number: ……………………………………………………………………………………………………………..
  5. 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, 1991 (Act No. 1 of 1991);

(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 **YES 🞎 NO 🞎**

presently employed by the state?

* + 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: ……………………………………………………………………………………

* + 1. If you are presently employed by the state, did you obtain **YES 🞎 NO 🞎**

the appropriate authority to undertake remunerative

work outside employment in the public sector?

* + - 1. If yes, did you attach 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.

* + - 1. If no, furnish reasons for non-submission of such proof:

…………………………………………………………………….

…………………………………………………………………….

…………………………………………………………………….

* 1. Did you or your spouse, or any of the company’s directors / **YES 🞎 NO 🞎**

trustees / shareholders / members or their spouses conduct

business with the state in the previous twelve months?

* + 1. If so, furnish particulars:

…………………………………………………………………..

…………………………………………………………………..

…………………………………………………………………...

* 1. Do you, or any person connected with the bidder, have **YES 🞎 NO 🞎**

any relationship (family, friend, other) with a person

employed by thestate and who may be involved with

the evaluation and or adjudication of this bid?

2.9.1 If so, furnish particulars.

……………………………………………………………...

…………………………………………………………..….

………………………………………………………………

2.10 Are you, or any person connected with the bidder, **YES 🞎 NO 🞎**

aware of any relationship (family, friend, other) between

any other bidder and any person employed by the state

who may be involved with the evaluation and or adjudication

of this bid?

2.10.1 If so, furnish particulars**.**

………………………………………………………………

………………………………………………………………

………………………………………………………………

2.11 Do you or any of the directors / trustees / shareholders / members **YES 🞎 NO 🞎**

of the company have any interest in any other related companies

whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

…………………………………………………………………………….

…………………………………………………………………………….

…………………………………………………………………………….

# Full details of directors / trustees / members / shareholders.

|  |  |  |  |
| --- | --- | --- | --- |
| **Full Name** | **Identity Number** | **Personal Income Tax Reference Number** | **State Employee Number / Persal Number** |
|  |  |  |  |
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# 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 SHOULD THIS DECLARATION PROVE TO BE FALSE.

………………………………….. ..……………………………………………

Signature Date

…………………………………. ………………………………………………

Position Name of bidder

## SECTION F

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

1. **GENERAL CONDITIONS**
   1. The following preference point systems are applicable to all bids:

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

a) The value of this bid is estimated to not exceed R50 000 000.00 (all applicable taxes included) and therefore the (80/20) preference point system shall be applicable; or

* 1. Points for this bid shall be awarded for:

1. Price; and
2. B-BBEE Status Level of Contributor.
   1. The maximum points for this bid are allocated as follows:

|  |  |
| --- | --- |
|  | **POINTS** |
| **PRICE** | **80** |
| **B-BBEE STATUS LEVEL OF CONTRIBUTOR** | **20** |
| **Total points for Price and B-BBEE must not exceed** | **100** |

* 1. Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
  2. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

1. **DEFINITIONS**
2. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
3. “**B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
4. **“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 goods or services, through price quotations, advertised competitive bidding processes or proposals;
5. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
6. **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
7. **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
8. **“prices”** includes all applicable taxes less all unconditional discounts;
9. **“proof of B-BBEE status level of contributor”** means:
10. B-BBEE Status level certificate issued by an authorized body or person;
11. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
12. Any other requirement prescribed in terms of the B-BBEE Act;
13. **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
14. **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
15. **POINTS AWARDED FOR PRICE**
    1. **THE 80/20 PREFERENCE POINT SYSTEMS**

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

**80/20**

****

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

1. **POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**
   1. In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

|  |  |
| --- | --- |
| **B-BBEE Status Level of Contributor** | **Number of points**  **(80/20 system)** |
| 1 | 20 |
| 2 | 18 |
| 3 | 14 |
| 4 | 12 |
| 5 | 8 |
| 6 | 6 |
| 7 | 4 |
| 8 | 2 |
| Non-compliant contributor | 0 |

1. **BID DECLARATION**
   1. Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:
2. **B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1** 
   1. B-BBEE Status Level of Contributor: . = ………(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

1. **SUB-CONTRACTING**
   1. Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

* + 1. If yes, indicate:

1. What percentage of the contract will be subcontracted............…………….…………%
2. The name of the sub-contractor…………………………………………………………..
3. The B-BBEE status level of the sub-contractor......................................……………..
4. Whether the sub-contractor is an EME or QSE

***(Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

1. Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

|  |  |  |
| --- | --- | --- |
| **Designated Group: An EME or QSE which is at last 51% owned by:** | **EME**  **√** | **QSE**  **√** |
| Black people |  |  |
| Black people who are youth |  |  |
| Black people who are women |  |  |
| Black people with disabilities |  |  |
| Black people living in rural or underdeveloped areas or townships |  |  |
| Cooperative owned by black people |  |  |
| Black people who are military veterans |  |  |
| **OR** | | |
| Any EME |  |  |
| Any QSE |  |  |

1. **DECLARATION WITH REGARD TO COMPANY/FIRM**
   1. Name of company/firm:…………………………………………………………………………….
   2. VAT registration number:……………………………………….…………………………………
   3. Company registration number:…………….……………………….…………………………….
   4. TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium

One person business/sole propriety

Close corporation

Company

(Pty) Limited

[Tick applicable box]

* 1. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………….

* 1. COMPANY CLASSIFICATION

Manufacturer

Supplier

Professional service provider

Other service providers, e.g. transporter, etc.

[*Tick applicable box*]

* 1. Total number of years the company/firm has been in business:……………………………
  2. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
4. If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
   1. disqualify the person from the bidding process;
   2. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
   3. 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;
   4. recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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
   5. forward the matter for criminal prosecution.

……………………………………….

SIGNATURE(S) OF BIDDERS(S)

DATE: …………………………………..

ADDRESS …………………………………..

…………………………………..

…………………………………..

WITNESSES

1. ……………………………………..
2. …………………………………….

OWNERS/SHAREHOLDERS/PARTNERS/SOLE PROPRPRIETORS/TRUSTEES / BENEFIFICARIES.

***(This information is required for statistical purposes only)***

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **FULL NAME** | **ID NUMBER** | **CAPACITY : MEMBER/PARTNER/**  **PROPRIETOR/SHARE-HOLDER/TRUSTEE/**  **BENEFICIARY** | **%**  **OWNERSHIP/**  **PARTNERSHIP/TRUST/**  **CO-OPERATIVE** | **MALE/**  **FEMALE** | **HANDI-**  **CAPPED**  **YES/NO** | **AFRICAN (A) / COLOURED (C) /**  **INDIAN (I)**  **WHITE (W)** | **YOUTH**  **YES/NO** | **% OF TIME DEVOTED TO THE FIRM** |
|  |  |  |  |  |  |  |  |  |
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**SECTION G**

**CONDITIONS OF BID**

1. I/We hereby bid to supply all or any of the supplies and/or to render all or any of the services described in the attached documents to the KwaZulu-Natal Provincial Administration (hereinafter called the “Province”) on the terms and conditions and be in accordance with the specifications stipulated in the bid documents (and which shall be taken as part of and be incorporated into this bid) at the prices and on the terms regarding time for delivery and/or execution inserted therein.

2. I/we agree that:

(a) the offer herein shall remain binding upon me and open for acceptance by the Province during the validity period indicated and calculated from the closing time of the bid;

(b) this bid and its acceptance shall be subject to Treasury Regulations 16A issued in terms of the Public Finance Management Act, 1991, the KwaZulu-Natal Supply Chain Management Policy Framework, the Provincial Treasury issued Practice Notes, and the KwaZulu-Natal General Conditions of Contract, with which I/we am fully acquainted;

(c) if I/we withdraw my bid within the period for which I/we have agreed that the bid shall remain open for acceptance, or fail to fulfil the contract when called upon to do so, the Province may, without prejudice to its other rights, agree to the withdrawal of my bid or cancel the contract that may have been entered into between me and the Province. I/we will then pay to the Province any additional expenses incurred by the Province having either to accept any less favourable bid or, if fresh bids have to be invited, the additional expenditure incurred by the invitation of fresh bids and by the subsequent acceptance of any less favourable bid. The Province shall have the right to recover such additional expenditure by set-off against monies which may be due to me under this or any other bid or contract or against any guarantee or deposit that may have been furnished by me or on my behalf for the due fulfilment of this or any other bid or contract and pending the ascertainment of the amount of such additional expenditure to retain such monies, guarantee or deposit as security for any loss the Province may sustain by reason of my default;

(d) if my bid is accepted, the acceptance may be communicated to me by registered post, and that the South African Post Office Limited shall be treated as delivery agent to me;

(e) the law of the Republic of South Africa shall govern the contract created by the acceptance of my bid and I choose *domicilium citandi et executandi* in the Republic at (full physical address)

...............................................................................................................................................

...............................................................................................................................................

3. I/we furthermore confirm that I/we have satisfied myself as to the correctness and validity of my bid: that the price(s), rate(s) and preference bid cover all of the work/item(s) and my obligations under a resulting contract, and I accept that any mistakes regarding the price(s) and calculations will be at my risk.

4. I/we hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement, as the Principal(s) liable for the due fulfilment of this contract.

5. I/we agree that any action arising from this contract may in all respects be instituted against me and I/we hereby undertake to satisfy fully any sentence or judgement which may be pronounced against me as a result of such action.

1. I/we confirm that I/we have declared all and any interest that I or any persons related to my business has with regard to this bid or any related bids by completion of the Declaration of Interest Section

**SECTION H**

**PRICING PAGE – FIRM PRICES**

**(SERVICES)**

N.B.: This form must be completed in detail, signed by the Bidder and bear the signature of a witness. Failure to comply with these requirements may result in the bid being disregarded.

**CLOSING DATE AND TIME: 11/09/2017 @ 11:00 VALIDITY** PERIOD: **120 DAYS**

|  |  |
| --- | --- |
| BID NO: **ZNT 2032/2017 LG PERIOD : 08 MONTHS** | |
| Item description**:**  **SERVICE PROVIDER TO UNDERTAKE THE DRAFTING OF A NORMS AND STANDARDS ON SPATIAL EQUITY** | NAME AND ADDRESS OF BIDDER(FIRM)  ......................................................................…  ......................................................................…  ......................................................................…  TEL:...................................................................  FAX:................................................................… |
| DOES OFFER COMPLY WITH THE SPECIFICATION?  *If not, furnish details of deviation in space provided for “Remarks”* | YES / NO  *(Delete which is not applicable)* |
| TOTAL BID PRICE \*\* (ALL APPLICABLE TAXES INCLUDED) | ***R*** |
| **BID PRICE IN WORDS** \*\* (ALL APPLICABLE TAXES INCLUDED) |  |
|  |
| REMARKS (If any): | .................................................………………….  (Signature of Bidder)  DATE: ………………………………………….  ..................................................................………  (Signature of Witness)  DATE:.....................................................……….. | |

**NOTE:** **ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED**

**\*\*all applicable taxes” includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.**

**SECTION I (SBD 7)**

**AUTHORITY TO SIGN A BID**

**A. COMPANIES**

If a Bidder is a company, a certified copy of the resolution by the board of directors, personally signed by the chairperson of the board, authorizing the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company must be submitted with this bid, that is before the closing time and date of the bid

**AUTHORITY BY BOARD OF DIRECTORS**

By resolution passed by the Board of Directors on …......................................... 20............,Mr/Mrs …………………………………………………………………………………………………whose signature appears below) has been duly authorized to sign all documents in connection with this bid on behalf of (Name of Company).....................................................................................................

**IN HIS/HER CAPACITY AS:** ………......................................................................................................

**SIGNED ON BEHALF OF COMPANY:** ………………………………………………………………………

(PRINT NAME)

**SIGNATURE OF SIGNATORY:** ................................................... **DATE:** ...................................

**WITNESSES:** 1 ..................................................

2 ..................................................

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

**B. SOLE PROPRIETOR (ONE - PERSON BUSINESS)**

I, the undersigned.............................................................................. hereby confirm that I am the sole

owner of the business trading as ............................................................................................................

**SIGNATURE**……………………………………………………

**DATE**……………………………

**C. PARTNERSHIP**

The following particulars in respect of every partner must be furnished and signed by every partner:

**Full name of partner Residential address Signature**

........................................... ........................................... ...........................................

........................................... ............................................ ...........................................

........................................... ........................................... ...........................................

........................................... ........................................... ...........................................

We, the undersigned partners in the business trading as....................................................

hereby authorize ...................................................................... to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid and /or contract on behalf of (company name) …………………………………….

..................................... .......................................... .......................................

**SIGNATURE SIGNATURE SIGNATURE**

........................................... ........................................... ........................................

**DATE DATE DATE**

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

**D. CLOSE CORPORATION**

In the case of a close corporation submitting a bid, a certified copy of the Founding Statement of such corporation shall be included with the bid, together with the resolution by its members authorizing a member or other official of the corporation to sign the documents on their behalf.

By resolution of members at a meeting on ................................. 20........... at……………………

........................................ Mr/Ms.............................., whose signature appears below, has been authorized to sign all documents in connection with this bid on behalf of (Name of Close Corporation) ……………………………………………………………..................................

**SIGNED ON BEHALF OF CLOSE CORPORATION:** ……………………………

(PRINT NAME)

**IN HIS/HER CAPACITY AS**......................................... **DATE:** ..........................................

**SIGNATURE OF SIGNATORY:** .........................................................

**WITNESSES: 1**................................................. **WITENSS: 2**...............................................

**E. CO-OPERATIVE**

A certified copy of the Constitution of the co-operative must be included with the bid, together with the resolution by its members authoring a member or other official of the co-operative to sign the bid documents on their behalf.

By resolution of members at a meeting on ...............................…… 20............ at …….…......................

Mr/Ms..................................................................................., whose signature appears below, has been authorized to sign all documents in connection with this bid on behalf of (Name of cooperative)

…………………..................................................................……………………………………………………

**SIGNED ON BEHALF OF CO-OPERATIVE**:........................................................................................

(PRINT NAME)

**IN HIS/HER CAPACITY AS:** ................................................................…**DATE:**......................………..

**SIGNATURE OF AUTHORISED REPRESENTATIVE/SIGNATORY:** ......................................................

**WITNESSES: 1** ..................................................... **WITNESS:- 2** ......................................

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

**F. CONSORTIUM**

If a bidder is a consortium, a certified copy of the resolution/agreement passed/reached signed by the duly authorized representatives of concerned enterprises, authorizing the representatives who sign this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the consortium must be submitted with this bid, before the closing time and date of the bid.

**AUTHORITY TO SIGN 0N BEHALF OF THE CONSORTIUM**

By resolution/agreement passed/reached by the consortium on ………………..…… 20 ……………

Mr/Mrs……………………………………………….…(whose signature appear below) have been duly authorised to sign all documents in connection with this bid on behalf of:

(Name of Consortium)………………………………………………………………………………………………..

**SIGNED ON BEHALF OF CLOSE CORPORATION:** …………………………………………………………….

(PRINT NAME)

**IN HIS/HER CAPACITY AS** ...................................................... **DATE**: ......................................................

**SIGNATURE OF SIGNATORY**: .........................................................

**WITNESSES: 1** ............................................ **WITNESS: - 2** ...........................................

**G. JOINT VENTURE**

If a bidder is a joint venture, a certified copy of the resolution/agreement passed/reached signed by the duly authorized representatives of the enterprises, authorizing the representatives who sign this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the joint venture must be submitted with this bid, before the closing time and date of the bid.

**AUTHORITY TO SIGN ON BEHALF OF THE JOINT VENTURE**

By resolution/agreement passed/reached by the joint venture partners on……………20……………………….

Mr/Mrs……………………………………………….,Mr/Mrs………………………………………………………….

Mr/Mrs……………………………………………and Mr/Mrs…………………………………………………………

(whose signatures appear below) have been duly authorized to sign all documents in connection with this bid on behalf of:(Name of Joint Venture)…………………………………………………………………………..

**IN HIS/HER CAPACITY AS:** ………………………………………………………………………………………..

**SIGNED ON BEHALF OF (COMPANY NAME):** …………………………………………………………………..

(PRINT NAME)

**SIGNATURE:**………………………………………………..... **DATE:** ……………………………………………….

**IN HIS/HER CAPACITY AS**:……………………………………………………………………………………………

**SIGNED ON BEHALF OF (COMPANY NAME):** …………………………………………………………………….

(PRINT NAME)

**SIGNATURE :**…………………………………………… **DATE**: …………………………………………………….

**IN HIS/HER CAPACITY AS**:…………………………………………………………………………………………….

**SIGNED ON BEHALF OF (COMPANY NAME):** ……………………………………………………………………..

(PRINT NAME)

**SIGNATURE :**………………………………………………. **DATE:** ………………………………………………..

IN HIS/HER CAPACITY AS:…………………………………………………………………………………………..

**SIGNED ON BEHALF OF (COMPANY NAME):** ……………………………………………………………………

(PRINT NAME)

**SIGNATURE :**………………………………………………. **DATE:** …………………………………………………

IN HIS/HER CAPACITY AS:……………………………………………………………………………………………

**SECTION J (SBD 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-
4. Abused the institution’s supply chain management system; committed fraud or any other improper conduct in relation to such system; or failed to perform on any previous contract.
5. 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 of Restricted Suppliers 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 Accounting Officer/Authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied).  **The Database of Restricted Suppliers now resides on the National Treasury’s website (**[www.treasury.gov.za](http://www.treasury.gov.za)**)and can be accessed by clicking on its link at the bottom of the home pg** | 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)?  **The Register for Tender Defaulters can be accessed on the National Treasury’s website (**[**www.treasury.gov.za**](http://www.treasury.gov.za)**) by clicking on its link at the bottom of the home page.** | 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 | | No |
| 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 | | No |
| 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**

**SECTION K (SBD 9)**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1991, 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.

1. This SBD 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.
2. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 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.**

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 of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_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

1. 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.
2. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
3. prices;
4. 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.

1. 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.
2. 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.

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 1991 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**

**³ 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.**

**SECTION L**

**SPECIAL CONDITIONS OF CONTRACT**

**SECTION 1: DEFINITION OF TERMS**

* 1. **SERVICE**

The consultancy services to be rendered by professional service providers must be

rendered in terms of this contract.

* 1. **CONTRACTOR**

The person or persons, partnership, close corporation, firm or company, whose bid for this service was accepted.

* 1. **AGREEMENT**

This comprises the agreement signed by parties, the conditions of bid, the bid and the specifications.

* 1. **AGREEMENT PERIOD**

The period during which the service is to be rendered and originally determined in the agreement, or as amended, extended or renewed in accordance with stipulations of the agreement.

* 1. **PARTIES**

The parties to this contract are The Head of Co-operative Governance and Traditional Affairs in the KwaZulu-Natal Provincial Administration and Contractor.

**1.8 DEPARTMENT**

KwaZulu-Natal department of Co-operative Governance and Traditional Affairs.

**1.9 CURTAILMENT OF SERVICE**

The Department reserves the right to withdraw from the service any part/s of the contract as a whole, with one month’s written notification to the contractor. In a case such as this, the contract sum will be adjusted *pro rata* from the date of withdrawal.

**SECTION 2: IMPORTANT INFORMATION TO NOTE**

2.1 This bid is invited and will be awarded and administered in terms of the following:-

* 1. KwaZulu-Natal Supply Chain Management Policy Framework,
  2. Section 217 of the Constitution,
  3. The PFMA and its Regulations in general,
  4. The Preferential Procurement Policy Framework Act,
  5. National Treasury guidelines, and
  6. Provincial Treasury’s Supply Chain Management Practice Notes and guidelines
  7. **REQUIRED COMPULSORY INFORMATION**

**2.2.1 The bidder shall ensure that all the required information is furnished; viz:-**

* + 1. Declaration that information on Provincial Supplier Database is correct and up to date (SECTION D)
    2. Declaration of interest (SECTION E)
    3. Tax Clearance Certificate Requirements (SECTION B),
    4. Compulsory Briefing Session (SECTION M )
    5. Authority to sign a bid (SECTION I),
    6. Conditions of Bid (SECTION G)
    7. The original Tax Clearance Certificate(s) (and not a copy thereof) must be submitted together with the bid document.
    8. Each party to a Consortium/Group of sub-contractors must obtain separate Tax Clearance Certificate(s) and also be registered on the Suppliers Database.
    9. Should a supplier have submitted an original Tax Clearance Certificate within the last twelve (12) months to the Department, it will not be necessary to resubmit it, however, same must be indicated in the bid document.
    10. A valid certified copy of B-BBEE Status Level Verification Certificate/ Letter from an auditor confirming EME status must be submitted with the proposal.

**NOTE: Failure to submit the required information may invalidate the entire proposal.**

**SECTION 3: SPECIAL CONDITIONS OF CONTRACT**

**3.1 ACCEPTANCE OF BID**

3.1.1 This bid has been invited, and will be adjudicated in terms of the KwaZulu-Natal Supply Chain Management Policy Framework and the KwaZulu-Natal Provincial Treasury’s Practice Notes. Co-operative Governance and Traditional Affairs’ Bid Adjudication Committee is under no obligation to accept the lowest or any bid.

3.1.2 The financial standing of bidders and their ability to manufacture or to supply goods or render services may be examined before their bids are considered for acceptance.

**3.2 APPEALS**

3.2.1 Entities aggrieved by a decision of a departmental Bid Adjudication Committee or a delegate of an accounting officer, may appeal to the Bid Appeals Tribunal in the prescribed manner by the Supply Chain Management Policy Framework

**3.3 AMENDMENT OF CONTRACT**

3.3.1 Any amendment to or renunciation of the provisions of the contract shall at all times be done in writing and shall be signed by both parties subject to the Legal Services screening the amendment before it is signed.

**3.4 CHANGE OF ADDRESS**

3.4.1 Bidders must advise the Department should their address (*domicilium citandi et executandi*) details change from the time of bidding to the expiry of the contract.

**3.5 COMMUNICATION**

3.5.1 All correspondence with regard to this bid must be addressed or hand delivered to the:

The Head SCM Unit,

Department Co-operative Governance and Traditional Affairs,

Private Bag X9078,

Pietermaritzburg

3200

ENQUIRIES: **Ms Lindiwe Madlala** **TEL.: 033-395 2174**

**3.6** **COMPLETENESS OF BID**

3.6.1 Bids will only be considered if correctly completed and accompanied by all relevant certificates and other necessary applicable information.

**3.7 COMPLETION OF SPECIFICATION**

3.7.1 Where specifications are designed in such a way that responses would be required from bidders, these forms must be completed and submitted as part of the bid document.

**3.8** **CONDITIONS OF BID**

3.8.1 The successful Contractor must be in a position to assume duty on the date stipulated in the letter of acceptance.

3.8.2 No bid received by telegram, telex, or facsimile will be considered.

3.8.3 It shall be noted that the Department is under no obligation to accept the lowest or any bid.

3.8.4 The offer shall be made strictly according to the specification. No alternative offers will be considered.

3.8.5 Bidders must provide the following particulars about themselves as part of the bid:

3.8.5.1 Where they have their Headquarters

3.8.5.2 Where they have their Regional Office.

3.8.5.3 Name, address and telephone number of bankers together with their bank account number.

3.8.5.4 The names, identity numbers and street addresses of all partners in cases where persons, a partnership, or a firm consists of a partnership.

**3.9** In cases where a person or persons, a partnership, close corporation, firm or company enters business for the very first time, the following particulars shall be provided:

3.9.1 By whom, or with whose assistance, was the business plan drafted?

3.9.2 By whom, or with whose assistance, were the bid prices calculated?

3.9.3 Whose advice is relied on?

3.9.4 Who will provide financial support?

**3.10** A list of references must accompany this bid. Particulars shall be submitted regarding similar agreements completed successfully or of projects which the bidder is engaged in.

**3.11 CONFIDENTIALITY**

The contractor’s staff that comes into contact with the Department’s confidential information and documents may be required to sign confidentiality agreements so as to protect the Department’s information.

**3.12 CONTRACT PERIOD**

3.12. 1 The contract period shall remain in force for a period of 08 months from date of signing of official contracts.

3.12.2 The Department of Co-operative Governance and Traditional Affairs reserves the right to terminate the contract with any contractor should the contractor fail to fulfil his/her contractual obligations in terms of the contract.

**3.13 DETAILS OF CURRENT CONTRACTS HELD BY THE BIDDER**

3.13.1The bidder must furnish the following details of all current contracts:

(i) Date of commencement of contract/s;

(ii) Expiry date/s;

(iii) Value per contract; and

(iv) Contract details. That is, with whom held, phone number and address/s of the company.

**3.14 EQUAL BIDS**

3.14.1 In the event that two or more bids have equal total points, the successful bid will be the one scoring the highest number of preference points for specified goals. Should two or more bids be equal in all respects, the Adjudication shall be decided by the drawing of lots.

**3.15 EXECUTION CAPACITY**

3.15.1 The bidder will be required to provide an efficient and effective service. Therefore, the bidder is required to submit proof that he/she has the required capacity to execute the contract tendered for successfully. The bidder must supply references or state his/her experience as a company to undertake the contract. References of past experience of owners/employees of new entities must accompany the bid document.

**3.16 EXTENSION OF CONTRACT**

3.16.1 An extension of contract may be considered. It is the normal policy that contracts are not extended. However, circumstances may arise whereby a contract cannot be renewed in time. If this is found to be the case, the right is reserved to approach existing contractor(s) to extend the contract for such period agreed to.

**3.17 GENERAL EVALUATION** **CRITERIA**

The Bid Evaluation Committee will assess offers and adhere to the following basic guidelines when evaluating.

* 1. Whether all the required information called for in the bid document has been submitted by the bidder.
  2. Has the bidder supplied references or stated his/her experience as a Company to undertake the contract. References of past experience must accompany the bid document.
  3. The financial standing of the bidder and ability to render a service may be examined before an award of bid take place.
  4. Preferences will be taken into consideration by the Department in terms of the B-BBEE Scorecard.
  5. Documented reports received from an institution/s pertaining to past bad performance by a company who is tendering, may be taken into consideration.
  6. Did the bidder attend the site inspection?
  7. Will the bidder be in a position to successfully execute the contract?
  8. The 80/20 Point System will apply in the evaluation of this bid.

**3.18 IRREGULARITIES**

2.18.1 Companies are encouraged to advise the Department timeously of any possible irregularities which might come to their notice in connection with this or other contracts.

**3.19 JOINT VENTURES**

3.19.1 In terms of the Supply Chain Management Policy Framework, a consortium or joint venture may, based on the percentage of the contract value managed or executed by respective members.

3.19.2 Should this bid be submitted by a joint venture, a certified copy of the joint venture agreement **must** accompany the bid document before the closing date and time of bid. The joint venture agreement must clearly specify the percentage of the contract to be undertaken by each company participating therein.

3.19.3 A trust, consortium or joint-venture must obtain and submit **a consolidated B-BBEE**

**Status Level Verification Certificate**. The non-submission of a consolidated B-BBEE Certificate by a company will result in preference points not being allocated to such company. Failure to submit the joint venture Agreement will result in preference points not being allocated to all companies participating in the joint venture.

**3.20 LATE BIDS**

3.20.1 Bids are late if they are received at the address indicated in the bid documents after the closing date and time.

3.20.2 A late bid shall not be considered and, where practicable, shall be returned unopened to the Bidder, accompanied by an explanation.

**3.21 NOTIFICATION OF ADJUDICATION OF BIDDER & ADVERTISING OF RESULTS**

3.21.1 Notification of the Adjudication of bid shall be in writing by a duly authorized official of Co-operative Governance and Tradition Affairs’ Supply Chain Management unit.

**3.22 *PRO RATA* DECREASE OF COMPENSATION**

3.22.1 Should the services not be rendered to the satisfaction of the Department and unsatisfactory items/ aspects/ events have already, in writing, been brought to the attention of the Contractor, the Department reserves the right in terms of paragraph **3.27** hereunder, to retain payment to the Contractor for as long as the unsatisfactory service continues.

**3.23 CENTRAL SUPPLIERS DATABASE**

2.23.1 A bidder submitting an offer must be registered on the Central Suppliers Database. A bidder who has submitted an offer and is not registered on the Central Suppliers Database will not be considered.

3.23.2 Each party to a Joint Venture/Consortium must be registered on the Central Suppliers Database at the time of submitting the bid.

**3.24 SUBMISSIONS AND COMPLETION OF SBD 6.1**

3.24.1 Bidders are to complete SBD 6.1 document where applicable. Failure by the bidder to submit a valid B-BBEE status level verification certificate will result in the bidder not being considered for preference points allocation. If the information required is not applicable to the business, clearly insert the symbols “N/A” in the appropriate space. If the space provided is left blank, it will be regarded as information that is still outstanding and the SBD 6.1 will not be processed further.

**3.25 TERMINATION OF SERVICES**

3.25.1 Should the Contractor fail to meet the conditions of this contract, or continue rendering unsatisfactory service, the Employer reserves the right to terminate the contract, after written notification has been served on the Contractor, with retention of the right to recover from the Contractor any losses which the Employer may suffer/ incur as a result of the failure, without prejudicing any other rights it may have.

**3.26 TAX CLEARANCE CERTIFICATE**

3.26.1 The original Tax Clearance Certificate must be submitted with the bid before the closing date and time of the bid. Failure to submit a valid Tax Clearance Certificate will invalidate your bid unless a valid, as at the closing date of this bid, original Tax Clearance Certificate is already in the possession of the Departments Supply Chain Management Unit. In this regard, a clear reference must be provided e.g. bid number.

3.26.2 Each party to a Joint Venture/Consortium must submit an original valid Tax Clearance Certificate together with the bid before the closing date and time of bid.

**3.27 UNSATISFACTORY PERFORMANCE**

3.27.1 Unsatisfactory performance occurs when performance is not in accordance with the contract conditions.

(i) Before any action is taken, the Department shall warn the contractor by registered/certified mail that action will be taken in accordance with the contract conditions unless the contractor complies with the contract conditions and delivers satisfactory supplies or services within a specified reasonable time (7 days minimum). If the contractor does not perform satisfactorily despite the warning the Department will:

(a) take action in terms of its delegated powers

(b) make a recommendation for cancellation of the contract concerned.

**3.28** **VALIDITY PERIOD AND EXTENSION THEREOF**

3.28.1 The validity (binding) period for the bid must be **120** days from close of bid. However, circumstances may arise whereby this Department may request the bidders to extend the validity (binding) period. Should this occur, the Department will request bidders to extend the validity (binding) period under the same terms and conditions as originally tendered for by bidders. This request will be done before the expiry of the original validity (binding) period.

**3.29** **VAT**

2.29.1 Bid prices must be inclusive of VAT.

2.29.2 A tax invoice shall be in the currency of the Republic of South Africa and shall contain the following particulars:

(a) The name, address and registration number of the supplier;

(b) the name and address of the recipient;

(c) an individual serialized number and the date upon which the tax invoice is issued;

(d) a description of the goods or services supplied;

(e) the quantity or volume of the goods or services supplied;

(f) either :–

(i) the value of the supply, the amount of tax charged and the consideration for the supply; **or**

(ii) where the amount of tax charged is calculated by applying the tax fraction to the consideration, the consideration for the supply and either the amount of the tax charged, or a statement that it includes a charge in respect of the tax and the rate at which the tax was charged.

**3.30 REGISTERED ADDRESS**

The Department provides the following:

Street address as it’s *domicillium citandi et executandi* in respect of any lawsuit which might result from or bears relevance to this contract, as well as for purposes of notice to :

The Head SCM Unit, KwaZulu-Natal Co-operative Governance and Traditional Affairs

|  |  |
| --- | --- |
| ,  14th floor, South Tower, Natalia Building.  330 Langalibalele Street  PIETERMARITZBURG  3200 | Private Bag X9078,  PIETERMARITZBURG  3200 |

**SECTION M**

**OFFICIAL BRIEFING SESSION/SITE INSPECTION CERTIFICATE**

Site/building/institution involved: ***330 LANGALIBALELE STREET, NATALIA BUILDING, 12th FLOOR BOARDROOM, NORTH TOWER, PIETERMARITZBURG***

Bid No: **ZNT 2032/2017 LG**

Service:  **SERVICE PROVIDER TO UNDERTAKE THE DRAFTING OF A NORMS AND STANDARDS ON SPATIAL EQUITY**

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

THIS IS TO CERTIFY THAT (NAME): .......................................................................................

ON BEHALF OF: .......................................................................................................................

ATTENDED THE BRIEFING SESSION ON: ***21 August 2017 at 12:00 am at 330 LANGALIBALELE STREET, NATALIA BUILDING, 12th FLOOR BOARDROOM, NORTH TOWER, PIETERMARITZBURG***

AND IS THEREFORE FAMILIAR WITH THE CIRCUMSTANCES AND THE SCOPE OF THE SERVICE TO BE RENDERED.

.......................................................................................................................

**SIGNATURE OF BIDDER OR AUTHORISED REPRESENTATIVE**

(PRINT NAME)

**DATE:** ....................................................

.......................................................................................................................

**SIGNATURE OF DEPARTMENTAL REPRESENTATIVE**

(PRINT NAME)

.......................................................................................................................

**DEPARTMENTAL STAMP:**

(COMPULSORY)

**DATE:** ........................................

**ZNT2032/2017LG**

**APPOINTMENT OF SERVICE PROVIDER TO UNDERTAKE THE DRAFTING OF A NORMS AND STANDARDS ON SPATIAL EQUITY**

**1. OVERALL OBJECTIVE**

* 1. The KwaZulu-Natal Department of Co-operative Governance and Traditional Affairs (CoGTA) intends to appoint service providers to assist the COGTA with the preparation of Spatial Equity Norms and Standards for the province.

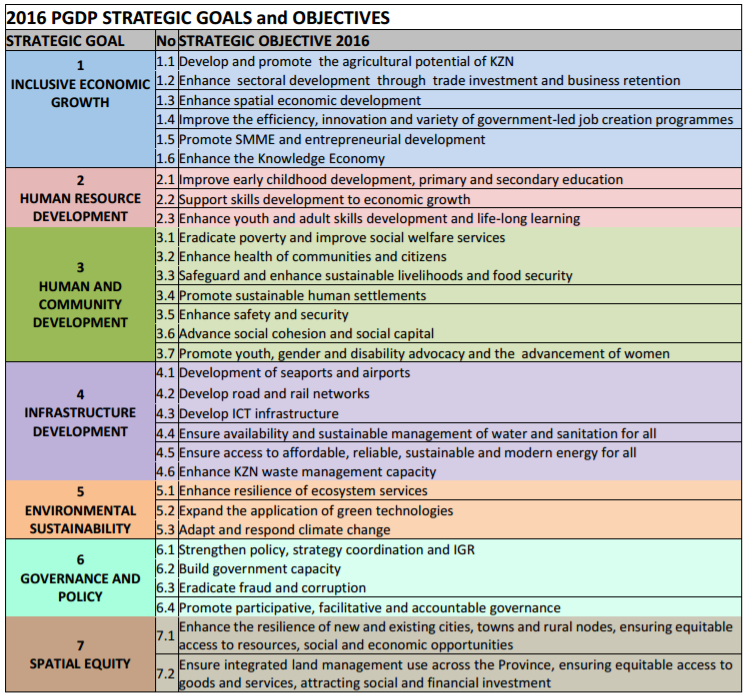
1. **baCKGROUND**
   1. The KwaZulu-Natal Provincial Executive Council tasked the KwaZulu-Natal Provincial Planning Commission (PPC) in February 2011 to prepare a long term vision and Provincial Growth and Development Strategy (PGDS). The Provincial Growth and Development Strategy (PGDS) 2011 was adopted by Executive Council on 31 August 2011. In adopting the PGDS, the Executive Council resolved to review the PGDS every 5 years. With the first 5 years of the PGDS 2011 concluded, the PPC undertook a review of the PGDS in 2016. The 2016 review of the PGDS was informed by the following documents and processes:

* Progress made with the implementation of the 2011 PGDS as reflected in Provincial Executive Council Cluster Reports to Makgotla;
* The 2015 KwaZulu-Natal Citizen Satisfaction Survey;
* The Stats SA 2016 Community Survey;
* The KZN Situational Overview;
* Reports on Social Cohesion and Migration; and
* Broad Based Consultation with and Comments from Development Partners.

The Revised 2016 KwaZulu-Natal Provincial Growth and Development Strategy (KZN PGDS) was approved by the KZN Executive Council on 2 November 2016.

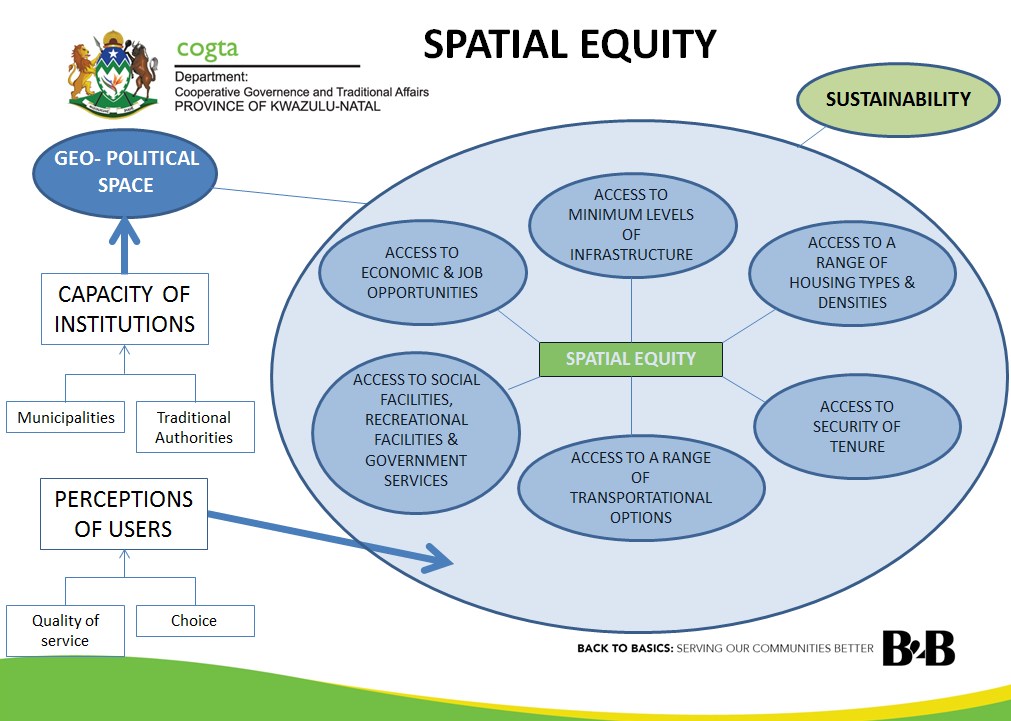
To realise the Vision for KZN as set out in the plan, a strategic framework consisting of 7 strategic goals was developed with Goal 7 dealing with Spatial Equity. This is summarised in the table below.

**TABLE 1**: PGDS Strategic Goals and Objectives



* 1. The envisaged outcome for Strategic Goal 7 is not directly aligned to any specific National Outcome, but rather implicit in all of them. The outcome focuses on the promotion of spatial concentration, the coordination of development interventions, the integration of spatial planning and effective land use management.
  2. During the 2016/17 financial year, COGTA: Spatial Planning Engaged with municipalities regarding the plans within their Suite of Plans/ Package of Plans and the level to which plans developed actively promoted Spatial Equity. From these engagements it was found that there is currently no uniform definition or understanding by municipalities of what Spatial Planning is. COGTA: Spatial Planning, together with the MILE Institute and the eThekwini Metro ran a very successful two- day learning exchange on this matter where the issues of spatial transformation and spatial equity were discussed. The diagram below summarises some of the thoughts that resulted from the engagements with municipalities.

**FIGURE 1**: Towards a Definition of Spatial Equity



1. **THE OBJECTIVES OF THE NORMS AND STANDARDS ON SPATIAL EQUITY PROJECT**
   1. Although more than 20 years has passed since the transition to democracy, it is glaringly noticeable that the legacy of Apartheid persists and that very few of our current plans have got to the bottom of the problem and suggested meaningful strategies to reverse our current trajectory as a province and country.
   2. The objective of this project is to develop norms and standards that can guide all levels of government in their planning of spaces so as to enhance resilience of new and existing cities, towns and rural nodes, ensuring equitable access to resources, and social and economic opportunities.
   3. The norms and standards on Spatial Equity must:

* Review the literature and current thinking on Spatial Equity, and identify lessons learned;
* Reflect the national and provincial policies, policy priorities and programmes on Spatial Equity;
* Examine how current provincial and national frameworks promote Spatial Equity and what practical interventions are needed to ensure their implementation;
* Promote social inclusion, spatial equity, desirable settlement patterns, rural revitalisation, urban regeneration and sustainable development;
* Identify norms and standards for access to physical and social services in relation to Spatial Equity, though all categories of settlement;
* Identify mechanisms to be developed to support, monitor and strengthen the capacity of municipalities to adopt and implement the effective system of Spatial Equity norms and standards.
  1. Key questions to be explored through the preparation of norms and standards on Spatial Equity include:
* Why are South African Cities and cities in the province of KwaZulu- Natal not responding to the need for spatial transformation?
* Why are our spatial plans not leading to tangible spatial transformation and spatial equity?
* How can we use political influence within the municipality to create more equitable spaces?
* Do our planners have the required skills to direct spatial equity and spatial transformation?
* What are the costs of continual fragmentation of spaces?
* Why has development on well-located parcels of land often not resulted in improved livelihoods for the poor?
* How do we facilitate better access to land?
* How do we facilitate more meaningful densification?
* Do we need to bring people to the places of employment or should places of employment be brought closer to the people?
* Are our Spatial Planning mechanisms flexible and realistic enough to deliver spatial equity and transformation?
* How do we improve alignment between the three spheres of government and their respective planning processes to ensure spatial equity?

1. **DETAILED SCOPE OF WORK** 
   1. **STANDARDS AND METHODS TO BE APPLIED**

The work involves intensive, yet focused stakeholder consultation with reference to the following settlement areas:

1. Deep Rural Settlements
2. Rural Settlements
3. Small- holdings
4. Peri- urban Areas
5. Townships (R293 and others)
6. Outer Suburbs
7. Inner Suburbs
8. Central Business District

The project also involves a thorough review of the relevant literature, policy and legislation, in order to fully understand all facets of Spatial Equity so that realistic norms and standards, that are aligned with the Constitution and the PGDS/ P can be identified.

* 1. **TECHNICAL STANDARDS**

The project is to be undertaken in accordance with the proposed consultation and research method that is detailed below. The proposed methods and any innovation or additional changes thereto must be clearly stated in the Project Proposal submitted. The Draft Inception Report must be finalised in accordance with the Department’s comments and requirements and be included in the Final Inception Report.

1. **DELIVERABLES**

The following three project phases with associated deliverables are to be undertaken:

* 1. **PHASE 1: FINAL INCEPTION REPORT**

This will include:

1. An interpretation of the method of analysis as agreed with the Committee;
2. An agreed to list of National and Provincial Legislation, Policy and core research documents that will be considered in the Norms and Standards to be developed.
3. An agreed to list of National and International best- case examples that will be reviewed and considered in the Norms and Standards to be developed.
4. A clear work programme showing the tasks, deliverables, staff and budget allocated to each task.
5. An agreed to outline of the format, content and structure of the Final Report.
   1. **PHASE 2: A PROVINCIAL NORMS AND STANDARDS ON SPATIAL EQUITY CONCEPTUAL FRAMEWORK AND LITERATURE REVIEW**

This will include:

1. A thorough analysis of the National and Provincial Legislation, Policy and core research documents that will be considered in the development.
2. A thorough analysis of the international, national and provincial research and best- case examples.
3. An appropriate conceptual framework that will guide the development of the provincial norms and standards on Spatial Equity.
4. This phase must identify key trends on government’s attempts to address Spatial Equity.
5. This phase must conclude with the identification of various scenarios addressing Spatial Equity, trade- offs required, as well as risks associated with the choices available in the identified scenarios.
   1. **PHASE 3: STAKEHOLDER PARTICIPATION AND CONSOLIDATED STAKEHOLDER PARTICIPATION FINDINGS REPORT BY 29 SEPTEMBER 2017**

This will include:

1. A detailed stakeholder participation plan focussing on the identified Settlement typologies (municipalities) in Section 4.1 above.
2. A detailed description of stakeholder participation processes and findings.
3. An analysis of the stakeholder findings.
4. The amendment to the Conceptual Framework developed in Phase 2 based on the input from the stakeholder participation process.
5. The development of conclusions and recommendations and a draft Consultative Paper on the norms and standards of Spatial Equity.
6. A Consolidated Report that includes an executive summary which summarises the core findings and recommendations of the phase.
   1. **PHASE 4: DRAFT CONSULTATIVE PAPER AND DRAFT PROVINCIAL NORMS AND STANDARDS ON SPATIAL EQUITY**

This will include:

1. Refinement on the draft consultative paper with clear recommendations.
2. Development of draft provincial norms and standards on Spatial Equity and the context of their application.
3. Development of provincial norms and standards on Spatial Equity that provide a sound regulatory tool in the public interest.
   1. **PHASE 5: THE CLOSE- OUT REPORT**

This report will provide a thorough reflection on:

1. The extent to which the objectives of the project have been achieved.
2. The challenges experienced and how they were/ were not resolved.
3. Recommendations and possible improvements to the process.
   1. **ACTIVITIES AND JOB DESCRIPTION**

The service provider is responsible for all matters relating to the submission of the deliverables, including:

1. The collection of the relevant literature, policy reports and documentation required for deliverables.
2. All matters pertaining to the review and submission of the reports to the steering committee during each phase of the project.
3. Any presentations required to Work Group 18 and the Governance and Administration (G&A) cluster.
4. Sound project management with project secretarial support.
5. **RELEVANT SKILLS AND EXPERIENCE**
   1. The Project leader must hold a ***tertiary qualification in planning*** which is recognised for registration in the category of Professional Planner by the South African Council for Planners (SACPLAN) in terms of the Planning Profession Act 2002 ***and must be registered*** with SACPLAN as a Professional Planner. A Copy of valid registration certificate is to be attached to the proposal and proof of payment of SACPLAN fees for 2016/2017/ letter of good standing from SACPLAN.
   2. Skills and abilities required in the team to execute the project include the following:
      1. Town and Regional/ Development Planning;
      2. Planning Policy formulation;
      3. Spatial Equity norms and standards;
      4. Sound Participatory Planning experience;
      5. Sound local knowledge and research experience;
      6. Thorough understanding of National Development Plan (NDP), the Integrated Urban Development Framework (IUDF), the Provincial Growth and Development Strategy and Plan (PGDS/P), the Integrated Development Plan (IDP), The Spatial Development Framework (SDF), the suite of plans/ package of plans, and strategic planning process;
      7. Proven SDF, Precinct/Framework Plan compilation experience;
      8. Sound GIS proficiency;
      9. Project Management;
      10. Facilitation and translation skills, and secretarial services;
      11. Research, analytical, writing and communication skills;
      12. Ability to think strategically;
      13. Legal drafting; and
      14. Use of Development Communication Media and innovative approaches to land management in local contexts.
   3. It is recommended that the service provider ensures that a small, effective, team be established with relevant skills to execute the project to a high standard. A list detailing team members’ names, qualifications and experience must be submitted for detailed consideration by the steering committee. The proposal should clearly indicate what role each team member will play in the project and how the deliverables will be achieved within the tight time limits demanded by this project. The service provider will be held accountable for the names and the associated responsibilities allocated to team members listed in the tender document should such services not be provided during the course of the project.
   4. It must also be noted that:

1. The team leader, all ream members and the team secretary will be attending all project meetings to be held with the Department Project Manager and staff members.
2. The team leader and team members shall stay the same for the duration of the project and cannot be changed without written request and approval from the Department.
3. The service provider must supply all resources required at their own account to complete the task including catering at meetings, transportation and secretarial services.
   1. **INSTITUTIONAL ARRANGEMENTS**

The service provider is accountable to the Acting Director: Spatial Planning or her nominee, the Departmental Project manager.

* 1. **ROLES AND RESPONSIBILITIES**

1. The service provider is responsible for the successful analysis, drafting, completion and submission of all reports as stipulated within this terms of reference;
2. The service provider must ensure that all reports are guided by relevant policies, guidelines and legal compliance considerations and conceptual framework;
3. All reports are to be compiled for readability, sound visual design and empirical verification based on the required documentation.
   1. **MONITORING, REPORTING REQUIREMENTS AND PREFORMANCE MANAGEMENT**
4. The proposal must contain a project management plan that includes a list of key stages, responsibilities, risk log and other elements as may be suggested by the service provider; and
5. The service provider must submit a written progress reports on the project progress every month for the duration of the project.
6. **A SUMMARY OF THE SCOPE OF WORK**

7.1 The project shall follow the following phases:

|  |  |  |  |
| --- | --- | --- | --- |
| **Table No 1: Project Phases and Budget Allocation** | **Budget %** | **Completion deadline** | **Milestone** |
| **Phase One : Project initiation** | 5% | 0.5 Months | **Inception Report No.1** |
| **Phase Two: A**  **Conceptual Framework and Literature Review on Spatial Equity Norms and Standards** | 20% | 2 Months | * A thorough analysis of the National and Provincial Legislation, Policy and core research documents; * A thorough analysis of the provincial, national and international research on Spatial Equity norms and standards development; and * An appropriate Conceptual Framework that will guide the development of the Spatial Equity Norms and Standards development process. * **Report No. 2** |
| **Phase Three: Stakeholder Participation and Consolidated Stakeholder Participation Findings Report by 29 September 2017** | 30% | 2 Months | * A detailed stakeholder participation plan focusing on the identified settlement typologies (municipalities). * A detailed description of stakeholder participation process and findings; * An analysis of the stakeholder findings; * The amendment of the Conceptual Framework developed in phase two based on the input from the stakeholder participation process; * Development of conclusions and recommendations and the a draft consultative paper on norms and standards on Spatial Equity * **A Consolidated Report No 3 that includes an executive summary which summarises the core findings and recommendations of the phase.** |
| **Phase Four: Draft consultative paper and draft** norms and standards **: Report by 20 November 2017** | 35% | 2 Months | * Refinement on the draft consultative paper with clear recommendations; * Development of draft norms and standards and the context of their application; and * Development of Norms and Standards Spatial Equity that provide for sound regulatory tools in the public interest. |
| **Phase Five : The Close Out Report, by 15 December 2017** | 10% | 1 Month | * The extent to which the objectives of the project have been achieved; * The challenges experienced and how they were / were not resolved; * Recommendations and possible improvements to the process. |

* 1. The scope of work for each phase shall pay strict attention to the objectives of the project as detailed above.

1. **STANDARDS AND METHODS TO BE APPLIED**
   1. All maps and overlays generated in this project will be produced by the Service Provider and their information captured in ArcView GIS capable file format, for use in the GIS environments of the Municipality, the district and the Department. An appropriate “standard scales” (e.g. 1: 1250/ 2500/ 5000/ 7500/ 10000 etc) is to be used.
   2. All metadata, MXD files and data layers used as well as shapefiles that are created by the Service Providers to produce the maps are to be provided to the Department and municipality on conclusion of the project (handover).
   3. The mapping (informant maps/plans) and text need to be done in a logical progression (systematic step by step process) showing the build-up of arguments and information that is easily followed and culminates in a sound conclusion.
   4. All mapping notation will align with the standards already established in the Scheme Guidelines (COGTA 2011) and in accordance with the collaborative processes undertaken throughout the project.
   5. Technical details of the datasets must be specified in the inception report.
   6. All contact sessions and resolutions with interested and affected parties (public, Departments, organisations, parastatals) need to be recorded (who, what, when, why and how) and these minutes and recommendations need to be included in a participation and consultation report for each of the critical milestones (interim report, Draft reports and final reports).
   7. Critical milestone products (interim, draft and finals reports) are to be submitted a week before the scheduled meeting for discussion and formal comments to be provided after the scheduled meeting at an agreed upon deadline date.
   8. Submissions and the reports (Inception Report, Interim Report, Draft Scheme Report, Final Scheme Report and Close-out report) should be in the form of both hard and electronic versions. Text is to be in Ms Word and PDF format. Maps are to be in PDF and Shapefile format. The maps (informants and Scheme maps) are to be in digital format and hard copy format and are to be in both A4 and A3 size while the Scheme maps should be AO. However if the data is such that AO size plans are necessary for presentation purposes then the Service Provider must accommodate for this.
   9. Mapping should be submitted in Arc View GIS capable file format (shape-files, layer files, mxd files) for use in a GIS environment. All mapping notation should align with the standards already established in the Scheme Guidelines (CoGTA 2011) and in accordance with the collaborative processes undertaken throughout the project. The Service Provider should ensure that all GIS data and meta-data is fully compatible with that of the Provincial CoGTA GIS Unit and the District GIS Unit.
   10. The document and communication media should be prepared well in advance of the stakeholder engagement process and should be to the satisfaction of the Project Steering Committee. Innovation and the use of isiZulu where appropriate will be encouraged during stakeholder engagements.
2. **REFERENCE MATERIAL**

The following reference material, amongst other documents, is to be used in undertaking this project:

* The National Development Plan.
* The Integrated Urban Development Framework (2016).
* 2035 Provincial Growth and Development Strategy (2016).
* The Provincial Growth and Development Plan (2016/17).
* The KZN Spatial Development Framework.
* The KZN Poverty Eradication Master Plan.
* The KZN Infrastructure Master Plan.
* The KZN Provincial Economic Development Strategy.
* The CSIR Guidelines for Human Settlement Planning and Design (CSIR Red Book Guidelines).

1. **PROJECT DURATION AND BUDGET** 
   1. It is expected that the project be completed in 18 months effective from the date of appointment. Target dates budget percentages are set out below.

|  |  |  |
| --- | --- | --- |
| **Phases and Deliverables** | **Budget % (Cumulative)** | **Time in months** |
| Phase One : Project initiation | 5% | 0.5 Months |
| Phase Two: A Conceptual Framework and Literature Review on Spatial Equity Norms and Standards | 20% | 2 Months |
| Phase Three: Stakeholder Participation and Consolidated Stakeholder Participation Findings Report by 29 September 2017 | 30% | 2 Months |
| Phase Four: Draft consultative paper and draft norms and standards : Report by 20 November 2017 | 35% | 2 Months |
| Phase Five : The Close Out Report, by 15 December 2017 | 10% | 1 Month |
| Total | 100% | 7 Months |

1

10.2 The budget should be in keeping with the phases of the project. ***All costs such as travel accommodation, workshop catering and disbursements****,* shall be incorporated within the ***single project budget estimates for each phase***. All expenditure relating to the project shall be assumed to be subsumed within each phase. Only the total amount relating to each phase shall appear on the respective invoices.

1. **PROJECT MANAGEMENT TEAM**

11.1 The Project Management Team will consist of COGTA: Spatial Planning officials and the consulting team and will meet on a regular basis ahead of Project Steering Committee meetings.

**12. PROJECT STEERING COMMITTEE**

12.1 The project will be managed *via* a Project Steering Committee which will be appointed by the Department. The Steering Committee will comprise members of Work Group 18 and participating municipal representatives. The responsibilities relating to the management of the project are as set out below:

|  |  |  |
| --- | --- | --- |
| **Department** | **Project Steering Committee** | **Service Provider** |
| 1.Appointment of Service Provider,.  2.Contractual and financial control.  3.Effect payments of invoices, based upon the recommendations of the Steering Committee. | 1.Undertake technical management of the project through to conclusion.  2.Formulate recommendations on whether or not the terms of reference, for each phase, have been met and whether or not payment should be effected.  3.The *quorum* for such meetings comprises the Department plus two other representative members | 1.Organisation of all meetings & workshops and inviting membership to same.  2.Copying of all documents as may be necessary and circulation thereof, prior to, and/or after, meetings and/or workshops.  3.Compilation of agendas in consultation with the Department’s representative, accurate minute-taking at meetings, and their resolutions/ agreements and the supply, within one week thereof, of the draft records of all such meetings to the Steering Committee members.  4.Communication of meeting/ workshop amended record to Steering Committee members within 14 days of the Steering Committee meeting.  5.Fulfilment of the Terms of Reference. |

* 1. The project will be managed in accordance with the Inception Report, to be compiled by the Service Provider. The inception report will contain a Gantt chart which shall specify milestones and associated reports/ products in terms of which, and upon satisfactory performance of which, payment is to be made. The final amount shall be released after the Project Management Team/ Project Steering Committee are satisfied that the Terms of Reference have been met.
  2. The Steering Committee is expected to meet a maximum of 10 times during the course of the project. These meetings will be held within the municipal area or such other venue as may be determined in close proximity thereto.
  3. Monthly Progress Reports and Financial Reports are to be submitted as part of monitoring and evaluation of the project to the Project Steering Committee.
  4. The function of the Project Steering Committee is to vet the products and if satisfied recommend payment. Progress and financial reports including spending/costs are to be submitted monthly by the Service provider.

**13. Institutional Arrangements**

13.1 The service provider is accountable to the Acting Director: Spatial Planning or her nominee, the Departmental Project manager.

13.2 The Service Provider will institute a steering committee in consultation with the Department to assist in the management of the project.

**14.** **INFORMATION GATHERING, Povincial and National Guidelines**

14.1 The successful Service Provider will liaise closely with the department’s DIS/ GIS unit in sourcing project-required information.

14.2 The successful Service Provider is expected to make contact with all the relevant GIS, Planning and required officials and units within the local and other spheres of government and parastatals to obtain relevant information that is required for the project.

14.3 The current National and Provincial Planning Documents need to be obtained from the relevant Departments by the Service Provider and localised, where appropriate.

13.4 The Service Provider will be supplied with a letter from COGTA confirming appointment for it to use when requesting information. However, the responsibility for specifying and collecting the information necessary for the successful execution of the project remains entirely with the Service Provider.

**15. SERVICE PROVIDER: RESPONSIBILITIES IN TERMS OF ACTIVITIES, REPORTING AND COSTS**

15.1At least one project management meeting is to be held every month.

15.2 Once a month the Service Provider will submit a progress report to the Department which includes an activity plan (this plan must detail the anticipated programme and expenditure for the next month).

15.3 Payment is based on a product basis as per the Project Programme. Other costs which might arise must be built into the quoted price for items as set out in the Project Programme. Claims in respect of disbursements, data, acquisition, or recoverable and travelling costs must form part of that particular deliverable.

15.4 The service provider will be responsible for all matters relating to the deliverables, including; acquisition and processing of data, meetings and workshops, all matters pertaining to the production and submission of the reports, project management and secretarial support.

15.5 All secretarial services such as arranging meetings, setting of agenda’s and minute taking shall be the responsibility of the Service Provider.

15.6 The Service Provider is to ensure all reports are clear and accessible and all data and datasets are compatible with the format used by the Department of Co-operative Governance and Traditional Affairs.

15.7 No material or information derived from the provision of the services under the contract may be used for any other purposes except for those of the Department except where duly authorized to do so in writing by the Department.

15.8 The successful Service Provider agrees to keep all records and information of, or related to the project confidential and not discloses such records or information to any third party without the prior written consent of the Department.

15.9 The Department will not reimburse the successful tenderer for claims for costs associated with travel and related matters.

15.10 All team members that will be directly involved in the project will be expected to attend all meetings as scheduled. The selected team members shall stay the same for the duration of the project and cannot be changed without prior discussions with and approval from the Department.

Relevant team members that are directly involved in the particular project phase are be expected to attend progress report meetings. The selected team members shall stay the same for the duration of the project and cannot be changed without prior discussions with and approval from the Project Steering Committee.

**16. MANDATORY Capacity building and skills transfer**

Skills development is an integral part of the project. The process should ensure that skills development and skills transfer occurs within the project and is to be achieved with COGTA planning staff. Proposals should indicate how skills development and transfer will be achieved, monitored and evaluated within each phase of the project. Skills transfer is not to seen as that which might occur during stakeholder meetings and feedback sessions within the project. Genuine, hands-on planning work within the project is an essential aspect of this aspect of the ToR. Service providers who omit this section of the proposal will automatically be disqualified from consideration.

**17. TERMS AND CONDITIONS OF THE PROPOSAL**

**17.1 General**

17.1.1 Awarding of the proposal will be subject to the Service Provider’s express acceptance of the CoGTA Supply Chain Management general contract conditions.

17.1.2 The Service Provider will sign a Memorandum of Agreement with CoGTA upon appointment.

17.1.3. Staffing requirements will be confirmed during project initiation and shall remain unchanged for the duration of the project, unless prior written consent has been granted by the Project Steering Committee.

17.1.4 All secretarial services such as arranging meetings, setting of agenda’s and minute taking shall be the responsibility of the Service Provider.

17.1.5 No material or information derived from the provision of the services under the contract may be used for any other purposes except for those of that the Municipality except where duly authorized to do so in writing by the Municipality.

17.1.6 The successful Service Provider agrees to keep all records and information of, or related to the project confidential and not discloses such records or information to any third party without the prior written consent of the Municipality.

17.1.7 COGTA reserves the right to terminate the contract in the event that there is clear evidence of non-performance and non-compliance with the contract.

17.1.8 Theshort-listed service providers may be required to do a presentation in person and at their own cost should it be deemed necessary to do so.

**18. REMUNERATION**

18.1 The Department shall remunerate the Service Provider in respect of its services in accordance with the following conditions:

* + 1. The Service Provider agrees hereto that responsibility of payment for services rendered to the Department shall vest in the Service Provider, who shall submit a tax invoice to the Department for work completed and invoiced in accordance with the items set out in Appendix 1.
    2. The Department shall pay to the Service Provider the amount of such invoice within 30 (thirty days) of receipt of an agreed invoice. All supporting documents must be attached to all invoices submitted.
    3. In the event of the Department not being satisfied with the performance of the Service Provider, the Department shall give written notice to this effect to the Service Provider providing sufficient detail and a reasonable time frame to enable the Service Provider to rectify such performance.
    4. In the event of the entire amount or a portion of the invoice being disputed by the Department, only that portion in dispute shall be withheld form payment, until the dispute is resolved. The undisputed portion shall be paid to the Service Provider within the stipulated time frames.
    5. The Service Provider shall immediately give notice of any circumstances preventing it from completing its obligations in terms of the contract.

1. **FEES AND DISBURSEMENTS**

19.1 Claims for recoverable costs will not be reimbursed.

19.2 The Department will not reimburse the successful tenderer for claims for costs associated with travel and related matters.

19.3 Because the basis of payment is on a phase based product system, as set out in Appendix 1, allcosts that may arise must be built into the proposal price *per* phase and be set out as *per* Appendix 1. All claims in respect of disbursements, incidental expenditure, workshop and travelling costs will not be reimbursed.

1. **CONTRACT CONDITIONS**
   1. Memorandum of Agreement:

The successful Service Provider will be required to enter into a contract with the Department of Co-operative Governance and Traditional Affairs, in the form of a Memorandum of Agreement (MoA). A pro forma MOA is attached as Appendix 2, and the details specific to the project will be finalised in the MOA on appointment.

20.2 Budget:

The Department has a limited budget for this project. Service Providers are invited to submit proposals in accordance with Supply Chain criteria. The charge out rates and budget for the project must be set down by the Pricing Schedule attached as Appendix 1.

**21. JOINT VENTURE/CONSORTIUM**

21.1 Tenderers who submit quotations as a Joint Venture or Consortium must include the following documentation as part of the Proposal Documentation:

* + 1. An agreement entered into between all parties confirming the joint venture or consortium;
    2. Proof of mandate of signatories to the agreement above;
    3. Details of the percentage interest and participation held by members of the joint venture or consortium;
    4. A mandate to the principal tenderer leading the joint venture or consortium;
    5. A complete proposal document, which includes the ZNT 30 form and a valid original Tax Clearance Certificate in respect of each party in the joint venture or consortium.
    6. Failure to submit any of the above-mentioned documentation will lead to a disqualification of the quotation.

1. **EVALUATION PROCESS**

In consideration of the relevant skills and expertise of the project team, the evaluation process will consist of the following phases:

Step 1: Eligibility Criteria

Step 2: Functional Criteria

Step 3: Evaluation BEE

* 1. **Eligibility Criteria**:

Below is a summary of Mandatory requirements, based on the skills and expertise required for the execution of the project:

22.1. Project Leader- Qualified Professional Planner registered with SACPLAN;

22.2. Project Manager/Facilitator.

The following table (Schedule 1) consisting of the list of people containing names, qualifications and roles of team members who will be directly involved in the project must be completed and submitted:

**SCHEDULE 1: ELIGIBILITY CRITERIA**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **TABLE 1**  **ELIGIBILITY ASSESSMENT** | | | | | |
| **ELIGIBILITY CRITERIA** | | | **METHOD OF VERIFICATION** | **YES** | **NO** |
| **Team member name and role** | | **Qualification** |
| 1 | Project Leader  The overall manager of the project.  Facilitate and coordinate specialist teams and managers. Ensures integration and alignment of project outcomes. | Professional Planner Registered with SACPLAN Masters Degree (Town and Regional Planner)  NQF Level 9 | Copy of registration as a Professional Planner |  |  |
| 2 | Project Manager/ Facilitator  Project manager the individual specialists/ teams and report outcomes and progress to the project manager. | Team member with Project management/ public facilitation qualification  Bachelors Degree/ B.Tech (Town and Regional Planning)  NQF Level 7. | Copy of highest qualification in project management and public facilitation |  |  |
| 3 | Specialist applicable to the project.  Undertake specialist studies/ research/ inputs/ analysis relating to their respective areas of expertise in support of the overall project. | Team member with qualification in either: Economics/ Agricultural studies/ Design etc. related to the project outcomes  Bachelors Degree/ B.Tech (relevant field)  NQF Level 7. | Copy of highest qualification |  |  |

22.2 **PROPOSAL EVALUATION**

The proposal will be evaluated on the 80/20 preference point system, with 80 points based on price and functionality and 20 points in respect of targeted procurement, as follows:

|  |  |
| --- | --- |
| **Evaluation Element** | **No. of Points** |
| Pricing | 80 |
| Targeted procurement | 20 |
| Total | 100 |

* 1. **FUNCTIONALITY**

22.3.1. Service providers will be evaluated against the functionality criteria in Schedule

22.3.2. Service providers must achieve a score of 60% or higher in order to proceed to the next phase in the evaluation process.

22.3.3 Proof of client reference list is required as part of the portfolio of evidence for each team member as part of the submission.

The criteria for scoring of technical requirements are as set out below:

**SCHEDULE 2:**

**EVALUATION CRITERIA**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **TABLE 2**  **FUNCTIONALITY ASSESSMENT** | | | | |
| **CRITERIA** | **WEIGHT** | **EXPERIENCE** | **SCALE** | **RATING** |
| **PROJECT LEADER** | | | | |
| Project management experience. | 10 | Complete  Table 3  Schedule 3 | 0-3 years =1  4-7 years = 5  >8years =10 |  |
| Town planning experience specifically related to Land Use Scheme development | 10 | Complete  Table 3  Schedule 3 | 0-3 years = 1  4-7 years = 5  >8years =10 |  |
| Capacity and skills-building experience | 5 | Complete  Table 3  Schedule 3 | 0-3 years = 1  4-7 years = 3  >8years =5 |  |
| **TEAM: EXCLUDING PROJECT LEADER** | | | | |
| Experience in the development of Norms and Standards or related projects or plans focusing on spatial transformation and spatial restructuring. | 10 | Complete  Table 4  Schedule 4 | 0-3 years = 1  4-7 years = 5  >8years = 10 |  |
| Public Participation, Facilitation, and translation skills- including the use of development communication Media for communication with various audience. Proof of clients and qualifications required. | 10 | Complete  Table 4  Schedule 4 | 0-3 years =1  4-7 years = 5  >8years =10 |  |
| Development of an element of a Suite of Plans/ Package of Plans experience. This includes: City/ Municipal Development Strategy (CDS/ MDS), Local Area Plans (LAPs), Precinct Plans, Corridor Plans, Regional Plans, Urban Design Plans, Nodal Plans, Traditional Settlement Master Plans (TSMPs) and Isigodi Plans.  Proof of clients and qualifications required. | 10 | Complete  Table 4  Schedule 4 | 0-3 years =1  4-7 years = 5  >8years =10 |  |
| Land legal expertise.  Proof of clients and qualifications required. | 10 | Complete  Table 4  Schedule 4 | 0-3 years =1  4-7 years = 5  >8years =10 |  |
| GIS experience. Proof of clients and qualifications required. | 10 | Complete  Table 4  Schedule 4 | 0-3 years =1  4-7 years = 5  >8years =10 |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **TEAM: INCLUDING PROJECT LEADER (PROJECTS IN TABLE 3 OF SCHEDULE 3 MAY BE REPEATED)** | | | | |
| Strategic planning, integrated spatial planning processes and planning policy experience. Proof of clients and qualifications required. | 5 | Complete  Table 5  Schedule 5 | 1-3 years = 1  4-7 years = 3  >8 years =5 |  |
| Experience in provincial level planning including involvement in the formulation of the Provincial SDF, Provincial Growth and Development Strategy (PGDS), Provincial Growth and Development Plan (PGDP) and Provincial Spatial Economic Development Strategy (PSEDS), Provincial Corridor Plans, Provincially commissioned projects/ research and Regional Plans.  Proof of clients and qualifications required. | 10 | Complete  Table 5  Schedule 5 | 1-3 years =1  4-7 years = 5  >8 years =10 |  |
| Research experience relating to provincially commissioned projects with specific focus on spatial integration, spatial equity, spatial transformation, and urban densification.  Proof of clients and qualifications required. | 10 | Complete  Table 5  Schedule 5 | 1-3 years =1  4-7 years = 5  >8 years = 10 |  |

**23. PRESENTATION**

Interested service providers will be required to make a presentation to the evaluation panel to be held on (date to be determined and communicated by Supply Chain Management/Bid Evaluations Committee BEC).

**24. ENQUIRIES**

24.1 All enquiries regarding proposal submission procedures and administrative matters must be directed to:

Ms Lindiwe Madlala

033-395 2174

[lindiwe.madlala@kzncogta.gov.za](mailto:lindiwe.madlala@kzncogta.gov.za)

24.2 All enquiries relating to the scope of work must be addressed to:

Ms Amanda Zungu

Department of Co-Operative Governance and Traditional Affairs

271 Church Street

Pietermaritzburg

(033) 355 6532

[amanda.zungu@kzncogta.gov.za](mailto:amanda.zungu@kzncogta.gov.za)

Further enquiries on the Scope of the work to be done at the briefing session to be held on ***24 AUGUST 2017 at 12:00 am at 330 LANGALIBALELE STREET, NATALIA BUILDING, 12th FLOOR BOARDROOM, NORTH TOWER, PIETERMARITZBURG***.

**25. PRICING OF PROPOSALS**

25.1 The Department reserves the right to contact those who have submitted proposals in order to:

25.1.1 Obtain clarity where information is incomplete or where a lack of clarity exists about technical aspects of the quotation;

25.1.2 Obtain confirmation of prices in cases where it is obvious that a written, typed or transcription error, or an error in the unit price has been made.

25.2 The pricing schedule to be in accordance with Appendix 1 below:

**PRICING SCHEDULE**

|  |  |  |  |
| --- | --- | --- | --- |
| **Phases and Deliverables** | **Budget % (Cumulative)** | **Time in months** | **Total value inclusive of VAT** |
| **Phase One : Project initiation** | 5% | 0.5 Months |  |
| **Phase Two: A**  **Conceptual Framework and Literature Review on Spatial Equity Norms and Standards** | 20% | 2 Months |  |
| **Phase Three: Stakeholder Participation and Consolidated Stakeholder Participation Findings Report by 29 September 2017** | 30% | 2 Months |  |
| **Phase Four: Draft consultative paper and draft** norms and standards **: Report by 20 November 2017** | 35% | 2 Months |  |
| **Phase Five : The Close Out Report, by 15 December 2017** | 10% | 1 Month |  |
| **TOTAL** | 100% | 8 Months |  |

**APPENDIX 1**

**DETAILS FOR COMPLETION OF AN ENVELOPE FOR A BID/QUOTATION**

Section 1 paragraph 6 of this bid/quotation document indicates the requirements for addressing of an envelope when a bid/quotation is submitted to the Department. Kindly ensure the envelope is addressed correctly because if it is not properly addressed the bid/quotation may be rejected as being invalid and returned to the respective bidder. The correct manner in which it is to be addressed is detailed below:

**EXAMPLE FORMAT**

|  |
| --- |
| **FRONT SIDE OF ENVELOPE**  **Name and address of bidder:** XYZ Consultants,  PO Box 1234,  Durban  4000  **Bid/Quotation Number:** ZNT 2031/2017 LG  Description:  **SERVICE PROVIDER TO UNDERTAKE THE DRAFTING OF A NORMS AND STANDARDS ON SPATIAL EQUITY**  **Closing date:** 11 SEPTEMBER 2017  **Closing time:**  11:00 |

|  |
| --- |
| **REVERSE SIDE OF ENVELOPE**  **Department’s details and address:**  The Head: Supply Chain Management  Department of Co-operative Governance and Traditional Affairs  13th Floor, North Tower  Natalia Building  330 Langalibalele Street  Pietermaritzburg  3201 |

**APPENDIX 2**

**RETURNABLE DOCUMENTS**

**BIDDERS ARE REQUIRED TO ATTACH THE FOLLOWING DOCUMENT TOGETHER WITH THEIR PROPOSAL ON THE CLOSIND DATE OF THE BID:**

|  |
| --- |
| CERTIFIED COPY OF B-BBEE STATUS VERIFICATION CERTIFICATE |
| PIN STATUS FROM SARS VALID FOR A MINIMUM OF 12 MONTHS |
| COMPANY PROFILE |
| PROOF OF REGISTRATION WITH CENTRAL SUPPLIER DATABASE (CSD) |
| MRN NUMBER FROM CSD |

**ANNEXURE “B”**

**GENERAL CONDITIONS OF CONTRACT[[1]](#footnote-1)**

**THE NATIONAL TREASURY**

**Republic of South Africa**

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**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**GOVERNMENT PROCUREMENT:**

**GENERAL CONDITIONS OF CONTRACT**

**July 2010**

**NOTES**

The purpose of this document is to:

(i) Draw special attention to certain general conditions applicable to government bids, contracts and orders; and

(ii)To ensure that clients be familiar with regard to the rights and obligations of all parties involved in doing business with government.

In this document words in the singular also mean in the plural and vice versa and words in the masculine also mean in the feminine and neuter.

1. The General Conditions of Contract will form part of all bid documents and may not be amended.

2. Special Conditions of Contract (SCC) relevant to a specific bid, should be compiled separately for every bid (if

(applicable) and will supplement the General Conditions of Contract. Whenever there is a conflict, the provisions in the SCC shall prevail.

**GENERAL CONDITIONS OF CONTRACT**

**TABLE OF CLAUSES**

1. Definitions

2. Application

3. General

4. Standards

5. Use of contract documents and information; inspection

6. Patent rights

7. Performance security

8. Inspections, tests and analysis

9. Packing

10. Delivery and documents

11. Insurance

12. Transportation

13. Incidental services

14. Spare parts

15. Warranty

16. Payment

17. Prices

18. Contract amendments

19. Assignment

20. Subcontracts

21. Delays in the supplier’s performance

22. Penalties

23. Termination for default

24. Dumping and countervailing duties

25. Force Majeure

26. Termination for insolvency

27. Settlement of disputes

28. Limitation of liability

29. Governing language

30. Applicable law

31. Notices

32. Taxes and duties

33. National Industrial Participation Programme (NIPP)

34. Prohibition of restrictive practices

1. A copy of the complete document set containing the General Conditions of Contract is available on [www.kzncogta.gov.za/bids](http://www.kzncogta.gov.za/bids) [↑](#footnote-ref-1)