KWAZULU-NATAL PROVINCE

TRANSPORT

REPUBLIC OF SOUTH AFRICA

CONTRACT NO. ZNB02971/00000/00/HOD/INF/26/T: THE COMPLETION OF THE MHLATUZE RIVER BRIDGE NO. 3837 ON DISTRICT ROAD 2238 AT KM 4.96 IN THE KING CETSHWAYO AND ZULULAND DISTRICT MUNICIPALITIES UNDER EMPANGENI REGION

CIDB GRADE 6CE OR HIGHER

Name of Tenderer: ……

This Tender closes at 11:00 on Wednesday, 30 September 2026 at the offices of the Department of Transport located at 172 Burger Street, Pietermaritzburg, 3201

LATE SUBMISSIONS WILL NOT BE CONSIDERED

Issued by:	**Prepared by:**
The Department of Transport 172 Burger Street PIETERMARITZBURG 3201 Contact Name: Ms A Soshebe Telephone: 033 355 8600	**BJ-FC Consulting Engineers (Pty) Ltd** CBI Building, Ground Floor 635 Peter Mokaba Ridge, Overport DURBAN 4001 Contact Name: Mr JY Douce Telephone: 031 207 5030

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An Integrated Radical Economic Transformation Programme

EXPANDED PUBLIC WORKS PROGRAMME

PROVINCE OF KWAZULU-NATAL
DEPARTMENT OF TRANSPORT

CONTRACT NO. ZNB02971/00000/00/HOD/INF/26/T: THE COMPLETION OF THE MHLATUZE RIVER BRIDGE NO. 3837 ON DISTRICT ROAD 2238 AT KM 4.96 IN THE KING CETSHWAYO AND ZULULAND DISTRICT MUNICIPALITIES UNDER EMPANGENI REGION

Tender section of document: **Pages T1 – T52**
Contract section of document: **Pages C1 – C204**

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T1.2	Tender Data	Pink
Part T2: Returnable documents		
T2.1	List of Returnable Documents	Yellow
T2.2	Returnable Schedules	Yellow
The Contract		
Part C1: Agreements and Contract Data		
C1.1	Form of Offer and Acceptance	Yellow
C1.2	Contract Data	Yellow
C1.3	Performance Guarantee	White
C1.4	Agreement in terms of Section 37(2) of the Occupational Health and Safety Act No. 85 of 1993	White
C1.5	Retention Money Guarantee	White
C1.6	Transfer of Rights	White
Part C2: Pricing Data		
C2.1	Pricing Assumptions	Yellow
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Part C3: Scope of Work		
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Part C4: Site Information		
C4.1	Locality Plan	Green
C4.2	Example of Contract Signboard Details	Green
C4.3	Existing Services Report	Green
C4.4	Conditions on Site: Materials Information	Green
C4.5	Traffic Information	Green

DOCUMENT CHECKLIST

This document checklist is provided to assist the Tenderer.

		ITEMS	CHECKED
1		Returnable Schedules in Section T2.2	☐
2		Correct Tender Offer carried forward to **C1.1 Form of Offer and Acceptance** and the Form of Offer duly completed and signed…….…..…….	☐
3		Bill of Quantities:	
	i)	Completed in **legible INK** only…….....…….…….....…........	☐
	ii)	Corrections crossed out and initialled …….…….....….....	☐
4		Contract specific data provided by the Contractor …….…...…....…..…..	☐

PART T1: TENDER PROCEDURES

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T1.1 TENDER NOTICE AND INVITATION TO TENDER T5
T1.2 TENDER DATA T7

PLEASE NOTE:

Any appeals regarding the award of this Tender should be lodged within 5 working days from the date of the publication of Tender results in the which is published every week on Friday and may be downloaded from the website, e-tenderportal/www.kzntransport.gov.za, (select platforms that is available for publication)

The publication is also published in the following platform www.cidb.org.za/.

The address provided for the lodging of appeals is:

The Chairperson
Tender Appeals Tribunal
Private Bag X9082
Pietermaritzburg
3200

FAX NO.: 033 897 4501

***NOTE:** Part T1 in its entirety must form part of the electronic submission.

T1.1 TENDER NOTICE AND INVITATION TO QUOTE

CONTRACT NO. ZNB02971/00000/00/HOD/INF/26/T: THE COMPLETION OF THE MHLATUZE RIVER BRIDGE NO. 3837 ON DISTRICT ROAD 2238 AT KM 4.96 IN THE KING CETSHWAYO AND ZULULAND DISTRICT MUNICIPALITIES UNDER EMPANGENI REGION

The Province of KwaZulu-Natal, Department of Transport, invites tenders from contractors, who have proven experience in reinforced concrete Road Bridges with bridge of multiple spans of not less than 10.0 m each and total bridge length of not less than 50.0 m, dual-lane/dual-carriageway for the completion of the Mhlatuze River Bridge no. 3837 on District Road 2238 at KM 4.96 under Empangeni Region. This project is located in the Nkandla Local Municipality under the King Cetshwayo District Municipality and Ulundi Local Municipality under Zululand District Municipality. The duration of the project is 8 months.

Only Tenderers that satisfy the eligibility criteria stipulated in clause C.2.1 of the Tender Data are eligible to have their Tenders considered.

Tenderers must have a minimum CIDB contractor grading designation of 6CE or higher.

Only Tenderers who comply with the functionality criteria for experience of key persons, company past performance in Specialised and Complex Road projects, ie Bridges as stated in the Tender Data, are eligible to be considered for further evaluation.

The requirements of the CIDB B.U.I.L.D. Programme with respect to Indirect Targeting for Enterprise Development is set at a minimum contribution of 30% of the project's contract value towards subcontracting. The Contractor shall also be required to provide developmental support to Targeted Enterprises.

Tenderers shall be required to demonstrate that they will have in their employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work for labour-enhanced competencies for management and supervisory personnel.

Preference points are offered to Tenderers who comply with the requirements of PPPFA stipulated in clause C.3.11.1 of the Tender Data.

Tender documents will be available as from 10:00 on **Thursday 27 August 2026.**

Free download of Tender documents will be available on the www.kzntransport.gov.za and www.etender.gov.za website and must be downloaded.

Queries relating to this Tender may be addressed to:

Tendering procedure enquiries:	Technical enquiries:
Ms Nonhlanhla Manukuza Telephone: 033 355 8600 E-mail: Nonhlanhla.Manukuza@Kzntransport.gov.za	Mr. Yanick Douce Telephone: 031 207 5030 E-mail: admin@bjfc.co.za

Deadline for the submission of all technical enquiries is the 23 September 2026 at 16:00.

A compulsory clarification Meeting with representatives of the Employer will take place at the Department of Transport, District Superintendent's Office, 3 Nonqai Road, Eshowe, on **Thursday, 10 September 2026, starting at 10:00 then proceed to site. No latecomers will be admitted.**

Tenderers shall be required to submit both an electronic and hard copy of the Tender document as per the provisions of Clause C.2.13 of the Tender Data.

The closing time for receipt of both the electronic and hard copies of the Tender is **11:00 on Wednesday, 30 September 2026.**

Late Tender and Tender submitted in any other format or form not as detailed in the Tender Data shall not be accepted.

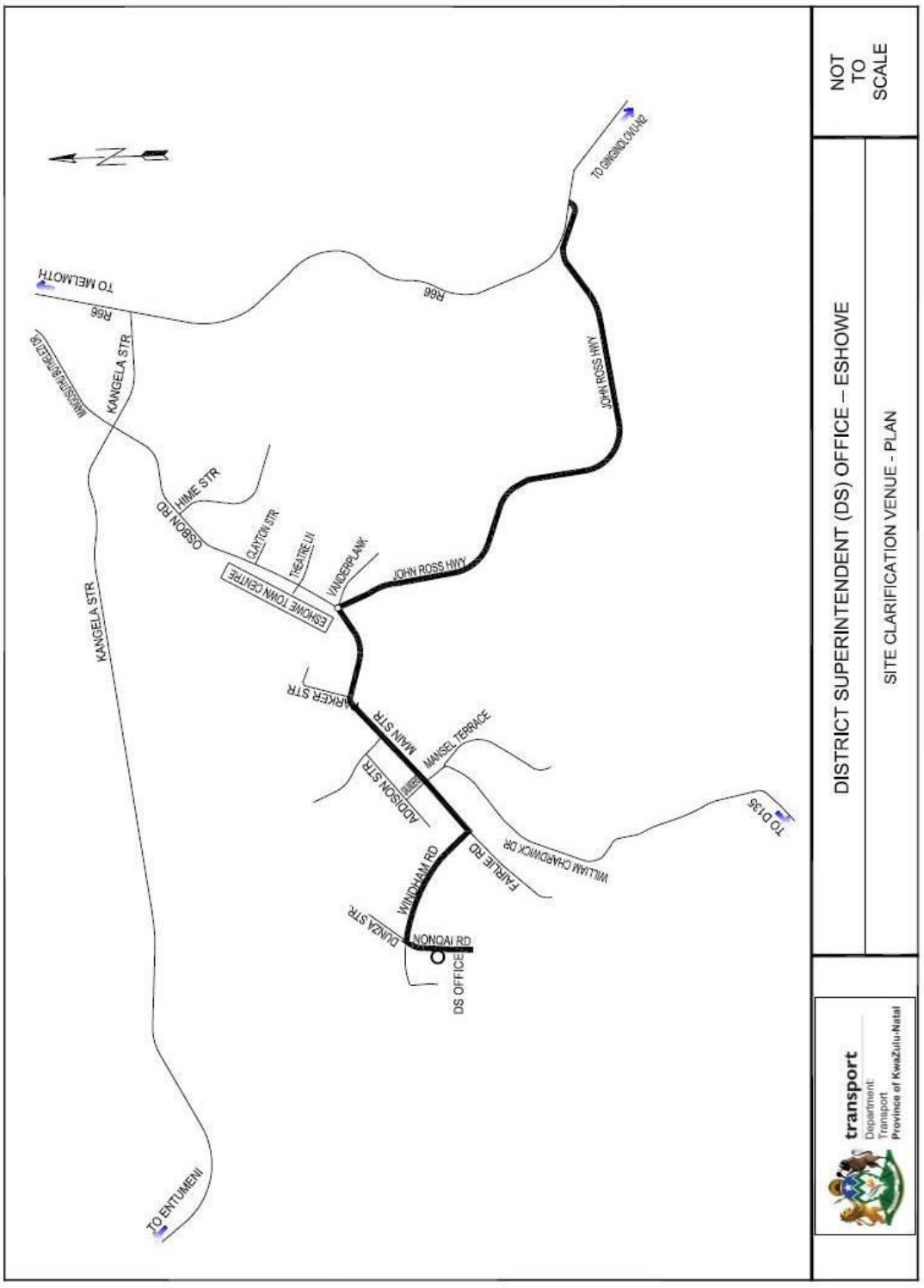
Requirements for sealing, addressing, delivery, opening and assessment of Tender are stated in the Tender Data.

CLARIFICATION MEETING VENUE PLAN

Time and date: Thursday, 10 September 2026, 10:00am

LOCALITY DETAILS

The Clarification Meeting will take place at the Department of Transport, District Superintendent Office, 3 Nonqai Road, Eshowe (GPS co-ordinates S 28°54'13.26" and E 31°26'52.21").



T1.2 TENDER DATA

The conditions of Tender are the standard conditions of Tender contained in Annex C of the Construction Industry Development Board Standard for Uniformity in Engineering and Construction Works Contracts, published in Government Gazette No. 42622 dated 8 August 2019.

The standard conditions of Tender make several references to the Tender data for details that apply specifically to this Tender. The Tender data shall have precedence in the interpretation of any ambiguity or inconsistency between the Tender data and the standard conditions of Tender.

Each item of data given below is cross-referenced to the clause in the standard conditions of Tender to which it mainly applies.

Clause Number	Data
C.1.2	The **Tender Documents** consist of the following: (a) This **Project Document**, which contains the following: **PART T1: TENDER PROCEDURES** T1.1 Tender Notice and Invitation to Tender T1.2 Tender Data **PART T2: RETURNABLE DOCUMENTS** T2.1 List of Returnable Documents T2.2 Returnable Schedules **PART C1: AGREEMENTS AND CONTRACT DATA** C1.1 Form of Offer and Acceptance C1.2 Contract Data C1.3 Performance Guarantee C1.4 Agreement in terms of Section 37(2) of the Occupational Health and Safety Act No. 85 of 1993 C1.5 Retention Money Guarantee C1.6 Transfer of Rights **PART C2: PRICING DATA** C2.1 Pricing Assumptions C2.2 Bill of Quantities **PART C3: SCOPE OF WORK** C3.1 Standard Specifications C3.2 Project Specifications C3.3 Particular Specifications **PART C4: SITE INFORMATION** C4.1 Locality Plan C4.2 Example of Contract Signboard Details C4.3 Existing Services Report C4.4 Conditions on Site: Materials Information C4.5 Traffic Information (b) **Drawings** (issued separately by the Employer's Agent). (c) **'General Conditions of Contract for Construction Works, Third Edition (2015)'** issued by the South African Institution of Civil Engineering (abbreviated title 'General Conditions of Contract 2015' – 'GCC 2015'). This document is obtainable separately and Tenderers shall obtain their own copy.

Clause Number	Data
	(d) **'Standard Specifications for Road and Bridge Works for South African Road Authorities (Draft Standard) (October 2020).** This document is obtainable separately and Tenderers shall obtain their own copy. (e) **'Occupational Health and Safety Act No. 85 of 1993'**, **'Occupational Health and Safety Amendment Act No. 181 of 1993'**, and the **'Construction Regulations, 2014'** (Government Notice No. R. 489 published in Government Gazette No. 40883 of 2 June 2017,)'. These documents are obtainable separately and Tenderers shall obtain their own copies. (f) **'Construction Industry Development Board Act No. 38 of 2000'** as amended and the **'Regulations in terms of the Construction Industry Development Board Act No. 38 of 2000'** (Government Notice No. R. 692 published in Government Gazette No. 26427 of 9 June 2004, as amended)**.** In addition, Tenderers are advised, in their own interest, to obtain their own copies of the relevant Acts, Regulations and Standards referred to in this document as they are essential for the Tenderer to become acquainted with the basics of construction management, the implementation of preferential construction procurement policies, and participation of targeted enterprises and labour.
C.1.4	The Employer's Agent is: Name of the firm: BJ-FC Consulting Engineers (Pty) Ltd Contact Name: Mr. JY Douce Telephone: 031 207 5030 Fax: 086 672 8298 Email: admin@bjfc.co.za
C.2.1	Only those Tenderers who satisfy the following criteria are eligible to submit Tender. (a) CIDB registration Only those Tenderers who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum Quoted, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a Grade 6 CE class of construction work, are eligible to have their Tender evaluated. Only contractors whose CIDB status is "Active" at the time of Tender evaluation will be considered for further evaluation. Contractors whose status is "Suspended" or "Expired" will not be considered for evaluation and will be disqualified from the Tendering process. Joint ventures are eligible to submit Tender provided that: (i) every member of the joint venture is registered with the CIDB; (ii) the lead partner has a contractor grading designation in the 6CE class of construction work; not lower than one level below the required grading designation in the class of construction work under consideration and possesses the required recognition status; and (iii) the combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than 6 for a CE class of construction work or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations. (b) Central Supplier Database (CSD) Tenderers, or in the event of a joint venture, each member of the joint venture, must be registered on the Central Supplier Database at the time of evaluation. Tender received from such Tenderers who do not comply with this requirement, will be considered non-responsive. Prospective suppliers should self-register on the CSD website **www.csd.gov.za**.

Clause Number	Data
C.2.7	This will be compulsory briefing meeting. A physical site visit will take place thereafter. The arrangements and venue for the compulsory Clarification Meeting are: Venue: Department of Transport, District Superintendent's Office, 3 Nonqai Road, Eshowe (refer to the Clarification Meeting Venue Plan in Section T1.1). Date: **Thursday 10 September 2026 at 10:00** Contact person: Mr JY Douce Tel: 031 207 5030 Fax: 086 672 8298 Email: admin@bjfc.co.za
C.2.10	All Tenderers that are registered for Value Added Tax (VAT) with the South African Revenue Service (SARS) must include VAT in their Tender offer.
C.2.11	The Tenderer shall not retype the Tender document. **Any Tender submitted using a document that has been retyped shall be considered non-responsive and rejected in terms of Clause C.3.8 of the Conditions of Tender.**
C.2.12	The requirements are as described in clause A2.1.4.2'ALTERNATIVE DESIGNS' of the 'COTO Standard Specifications for Road and Bridge Works for South African Road Authorities (Draft Standard) (October 2020 edition)'.
C.2.13	C.2.13.3 Tender offers shall be submitted as an original only. Under no circumstances whatsoever may the Tender forms be retyped or redrafted. Photocopies of the original Tender documentation may be used, but an original signature must appear on such photocopies. An electronic copy of the Tender offers shall be submitted in conjunction with the hard copy in a non-editable PDF format. The electronic submission shall consist of the following sections only: i. Part T1 – Tender Procedures ii. Part T2 – Returnable Documents iii. Part C1.1- Form of Offer and Acceptance iv. Part C2.2 - Bill of Quantities v. All supporting documentation required as part of the returnable documents. The electronic copy shall be an exact duplication of the hard copy submitted and may not vary in any form. Any variance between the two copies shall result in the Tender being considered non-responsive and rejected in terms of Clause C.3.8 of the Conditions of Tender. C.2.13.5 The Employer's address for delivery of Tender offers and identification details to be shown on each Tender offer package are: **Location of Tender Box:** Outside the Foyer, KZN Department of Transport **Physical Address:** 172 Burger Street, Pietermaritzburg **Identification Details:** Contract No. ZNB02971/00000/00/HOD/INF/26/T Electronic copies of the Tender offers must be submitted in conjunction with the hard copies via a USB Memory Stick. The USB memory stick shall be clearly marked with the **Tender's Name** and **Contract No. ZNB02971/00000/00/HOD/INF/26/T.** The Tenderers shall be required to sign a register to confirm the submission of both the

Clause Number	Data
	electronic copy via a USB memory stick and a hard copy of the Tender document. Unsuccessful Tenderers are at liberty to collect their USB memory sticks upon the Department's completion of the Tender evaluation processes. C.2.13.6 A two-envelope system will NOT be followed.
C.2.15	The closing time for submission of Tender offers in both electronic and hard copy is: **11:00 on Wednesday, 30 September 2026** Late Tender and Tender submitted in any other format or form not as detailed in the Tender Data shall not be accepted.
C.2.16	The Tender offer validity period is twenty-four (24) weeks, calculated from the date of Tender closure.
C.2.18	The Tenderer must submit to the Employer the names of all management and supervisory staff that will be employed to supervise the labour-enhanced portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirement (refer to Returnable Schedule H).
C.2.19	Access shall be provided for inspections and testing by personnel acting on behalf of the Employer.
C.2.23	The certificates as required in the Returnable Schedules and Forms must be provided with the Tender for each party to a consortium / joint venture.
C.3.4	The time and location for opening of the Tender submissions are: Time: **11:00** Date: **Wednesday, 30 September 2026** Location / Venue: Acquisition Section, 'B' Block Boardroom,172 Burger Street, Pietermaritzburg, 3201
C.3.5	A two-envelope system will NOT be followed.
C3.8 C.3.8.1 C.3.8.2	**Test for responsiveness** Determine, after opening and before detailed evaluation, whether each Tender offer properly received: a) complies with the requirements of these Conditions of Tender, b) has been properly and fully completed and signed, and c) is responsive to the other requirements of the Tender documents. A responsive Tender is one that conforms to all the terms, conditions, and specifications of the Tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer*'s* opinion, would: a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work, b) significantly change the Employer*'s* or the Tenderer's risks and responsibilities under the contract, or c) affect the competitive position of other Tenderers presenting responsive Tender, if it were to be rectified. Reject a non-responsive Tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.
C3.9	**Arithmetical errors, omissions and discrepancies**

<table>
<tr><th>Clause Number</th><th>Data</th></tr>
<tr><td>C.3.9.1</td><td>Check responsive Tender for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.</td></tr>
<tr><td>C.3.9.2</td><td>Check the highest ranked Tender or Tenderer with the highest number of Tender evaluation points after the evaluation of Tender offers in accordance with C.3.11 for:
a) the gross misplacement of the decimal point in any unit rate;
b) omissions made in completing the pricing schedule or bills of quantities; or
c) arithmetic errors in:
(i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
(ii) the summation of the prices.</td></tr>
<tr><td>C.3.9.3</td><td>Notify the Tenderer of all errors or omissions that are identified in the Tender offer and either confirm the Tender offer as Quoted or accept the corrected total of prices.</td></tr>
<tr><td>C.3.9.4</td><td>Where the Tenderer elects to confirm the Tender offer as Quoted, correct the errors as follows:
a) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.

b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the Tenderer's addition of prices, the total of the prices shall govern and the Tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the Quoted total of the prices.</td></tr>
<tr><td>C.3.10</td><td>Obtain clarification from a Tenderer on any matter that could give rise to ambiguity in a contract arising from the Tender offer.</td></tr>
<tr><td>C.3.11.1</td><td>The evaluation of Tender offers will be based on administrative compliance, functionality, price and preference in accordance with the Preferential Procurement Regulations, 2022, the KwaZulu-Natal Department of Transport (KZNDOT) Interim Preferential Procurement Policy – January 2023, as amended and the CIDB Inform Practice Note #5, Version 3 - September 2020, or as amended.

(a) Functionality (Returnable Schedule O – Technical Proposal

The scope of work for this contract is classified in the following table.

<table>
<tr><th>Please mark appropriate:</th><th>YES / NO</th></tr>
<tr><td>Simple/straightforward/routine work - where the tasks or activities are of a straightforward nature in terms of which inputs are relatively well known and outputs can be readily defined.</td><td>NO</td></tr>
<tr><td>Complex work - characterised by requirements for higher levels of skills, greater resources or not well-defined inputs and outputs.</td><td>YES</td></tr>
<tr><td>Specialist work - requiring considerable innovation, creativity, and expertise or skill (or both) or work that has a high downstream impact.</td><td>YES</td></tr>
</table>

The functionality criteria and weighting for each of the sub-criteria on which the Technical Proposal submitted with Returnable Schedule O will be evaluated, is indicated in the following table.</td></tr>
<tr><td></td><td>
<table>
<tr><td colspan="2">This table is applicable to Complex / Specialist Road projects, ie Bridges</td></tr>
<tr><th>Functionality Criteria</th><th>Weighting</th></tr>
</table>
</td></tr>
</table>

Clause Number	Data	
	Key Personnel: Detailed Curriculum Vitae and Qualifications Projects Implementation Experience Construction Experience	**Contracts Manager (Maximum points = 25):** Must be professionally registered with ECSA and / or SACPCMP (Pr Eng / Pr Tech Eng / Pr Techni / Pr CPM or Pr CM only) Years of Road Bridges experience - calculated post qualification: 10 years and above = 25 9 years = 20 8 years = 15 7 years = 10 6 years = 5 0-5 years = 0
		Construction Manager (Senior Site Agent) (Maximum points = 20): LIC NQF 5 "Manage Labour-Intensive Construction Processes" or equivalent Quality Council for Trades and Occupations (QCTO) qualifications at NQF level 5 or 7(SAQA Qualification ID 15162, as amended). Years of Road Bridges experience: 13 years and above = 20 11-12 years = 16 9-10 years = 12 7-8 years = 8 6-7 years = 4 0-5 years = 0
		Foreman / Supervisor (Maximum points = 15): LIC NQF level 4 “National Certificate: Supervision of Civil Engineering Construction Processes”; (SAQA Qualification ID 23682, as amended) Years of Road Bridges experience: 10 years and above = 15 9 years = 12 8 years = 9 7 years = 6 6 years = 3 0-5 years = 0 Score = **25 + 20 + 15 = 60 points**

Clause Number	Data	
	Tenderers (Key Personnel & Company) must have proven experience in reinforced concrete Road Bridges with bridge of multiple spans of not less than 10.0 m each and total bridge length of not less than 50.0 m, dual-lane/dual-carriageway. **Previous Projects** *The evaluation will consider the nature of the reference projects, scope of services provided, and Employer completion certificate.* (Final Approval Certificates/ Completion Certificates to be provided with contact details of references. **(Final Approval Certificates/ Completion Certificates for projects completed older than 10 years and not signed by the Employer will not be considered as proof of experience)**	List number of completed Road Bridges projects **CONSTRUCTION EXPERIENCE** **(Maximum points = 40):** Final Approval Certificates/ Completion Certificates for 5 projects and above = 40 Final Approval Certificates/ Completion Certificates for 4 projects and above = 30 Final Approval Certificates/ Completion Certificates for 3 projects = 20 Final Approval Certificates/ Completion Certificates for 2 projects = 10 Final Approval Certificates/ Completion Certificates for 1 project = 5 Final Approval Certificates/ Completion Certificates for 0 projects = 0
	TOTAL	Maximum score = 100 points Maximum score = sum of all individual scores
	NB: Tenderers scoring 65% and above of the functionality score will qualify for further evaluation. Note: All personnel to be in employ of the Tendering enterprise. Tendering with multiple enterprises will not be allowed. The Department will disregard all experience of duplicated personnel. The Department reserve the right to assess the functionality ongoing to ensure compliance. The Department must be apprised immediately if there is any change to the personnel identified in the Tender document. Failure to comply with this requirement shall lead to contract termination. Any replacement must have equal or higher experience. Specific goals points must be claimed using Returnable Schedule D - SDB 6.1 in accordance with the Tenderer's Company and Intellectual Property Commission (CIPC) company registration documents, Central Supplier Database report, B-BBEE status level of contributor or Sworn affidavit as per construction sector code and proof of participation on job creation that is provided as returnable schedule K. The Acceptable Proof for the Allocation of Specific Goals Points, as detailed in Section Q - Acceptable Proof & Right to Award, must be attached to Returnable Schedule D - SBD6.1. For proof of disability, an official letter from a doctor certified by the Department of Health Occupational Doctor confirming the disability is required to be attached. The Tenderer's B-BBEE Status Level Verification Certificate must comply with the requirements of Returnable Schedule E and be submitted as an attachment to the returnable schedule. The Employer may perform a risk analysis on the preferred Tenderer as per the provisions of Section 3.6 of the CIDB Inform Practice Note #5 Version 3 - September 2020 or as amended. **Total Score for Price and Preference** The points scored for a Tenderer in respect of Price will be added to the points scored in respect of Preference. Only the Tender with the highest number of points may be selected, except in those instances permissible by legislation, practice notes or relevant policies.	

Clause Number	Data
C.3.13	(e) The legal requirements for acceptance of the Tender offer are: (i) **Tender Defaulters Register** - the Tenderer or any of its principals is not listed on the register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector. (ii) **Abuse of the SCM System** - the Tenderer has not abused the Employer's Supply Chain Management System and has not been given a written notice to the effect that he has failed to perform on any previous contract. (iii) **Declaration** - the Tenderer has indicated and declared whether a spouse, child or parent of the Tenderer is in the service of the State. (iv) **Fraud and Corruption** - the Employer is satisfied that the Tenderer or any of his principals have not influenced the Tender offer and acceptance by the following criteria: • having offered, promised or given a bribe or other gift or remuneration to any person in connection with the obtaining of this Contract; • having acted in a fraudulent or corrupt manner in obtaining this Contract; • having approached an officer or employee of the Employer or the Employer's Agent with the object of influencing the award of a Contract in the Tenderer's favour; • having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from Tendering for this Contract or as to the amount of the Tender to be submitted by either party; or • having disclosed to any other person, firm or company other than the Employer, the exact or approximate amount of his proposed Tender. The Employer may, in addition to using any other legal remedies, repudiate the Tender offer and acceptance and declare the Contract invalid should it have been concluded already.
C.3.17	The number of paper copies of the signed contract to be provided by the Employer is **one (1)**.

PART T2: RETURNABLE DOCUMENTS

T2.1 LIST OF RETURNABLE DOCUMENTS

The following schedules and forms are contained in this document and are to be properly completed as required:

(a) Returnable Schedules in T2.2.

(b) C1.1 Form of Offer and Acceptance, C1.1.1: Offer, on page C3.

(c) Contract Specific Data Provided by the Contractor in C1.2.3.

(d) Pricing Data in C2.2: Bill of Quantities.

NOTE: The Tenderer is required to complete each schedule and form listed above to the best of his ability as the evaluation of Tender and the eventual contract will be based on the information provided by the Tenderer. Failure of a Tenderer to complete the schedules and forms to the satisfaction of the Employer will lead to rejection on the grounds that the Tender is non-responsive.

***NOTE:** Part T2 in its entirety must form part of the electronic submission.

T2.2 RETURNABLE SCHEDULES

A	CERTIFICATE OF ATTENDANCE AT CLARIFICATION MEETING	T17
B	RECORD OF ADDENDA TO TENDER DOCUMENTS	T18
C	COMPULSORY ENTERPRISE QUESTIONNAIRE	T19
D	STANDARD TENDERING DOCUMENTS	T20
	SBD 1: INVITATION TO TENDER	T20
	SBD 4: TENDERER'S DISCLOSURE	T22
	SBD 5: THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME ……	T24
	SBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022	T26
E	B-BBEE VERIFICATION CERTIFICATE	T33
F	CERTIFICATE OF AUTHORITY FOR SIGNATORY	T34
G	CONSTRUCTION EXPERIENCE	T36
H	KEY PERSONNEL	T37
I	CONSTRUCTION EQUIPMENT	T40
J	PROPOSED SUBCONTRACTORS	T41
K	PARTICIPATION IN JOB CREATION USING LOCAL LABOUR	T42
L	TENDERERS HEALTH AND SAFETY DECLARATION	T44
M	DEVIATIONS AND QUALIFICATIONS	T46
N	SCHEDULE OF ALTERNATIVE TENDER	T47
O	TECHNICAL PROPOSAL	T48
P	NOTICES TO TENDERERS REGARDING THE COMPLETION OF FORMS	T50
Q	ACCEPTABLE PROOF & RIGHT TO AWARD	T51

NOTE: The Tenderer is required to complete each schedule and form listed above to the best of his ability as the evaluation of Tender and the eventual contract will be based on the information provided by the Tenderer. Failure of a Tenderer to complete the schedules and forms to the satisfaction of the Employer will lead to rejection on the grounds that the Tender is non-responsive.

***NOTE:** Part T2 in its entirety must form part of the electronic submission.

A. CERTIFICATE OF ATTENDANCE AT CLARIFICATION MEETING

This is to certify that *(Tenderer)* .....

of (*address)* .....

.....

was represented by the person(s) named below at the compulsory clarification meeting held for all Tenderers at the **at the Department of Transport, District Superintendent Office, 3 Nonqai Rd, Eshowe (refer to the Clarification Meeting Venue Plan in Section T1.1), on Thursday, 10 September 2026 starting at 10:00. We will then proceed to site thereafter, documents will be signed and stamped on site.**

I / We acknowledge that the purpose of the meeting was to acquaint myself / ourselves with the site of the works and / or matters incidental to doing the work specified in the Tender documents in order for me / us to take account of everything necessary when compiling our rates and prices included in the Tender.

Particulars of person attending the meeting:

Name: .....……..... Signature: .....….....

Capacity: .....

Attendance of the above person at the meeting is confirmed by the Employer's Agent, namely:

Name: .....……...…….....…... Signature: .....

Capacity: .....……... Date and Time: .....…….....

Departmental Stamp

<u>Any Tender submitted that does not bear the signature of the Employer's Agent on this page shall be considered non-responsive in terms of Clause C.3.8 of the Conditions of Tender and shall be rejected.</u>

B. RECORD OF ADDENDA TO TENDER DOCUMENTS

The undersigned confirm that the following communications received from the Employer or his representative before the date of submission of this Tender offer, amending the Tender documents, have been considered in this Tender offer. ***(Addenda can only be issued following approval from the Employer. The Employer's representative is not allowed to issue addenda to Tenderers without prior approval in terms of the SCM Delegations).***

ADDENDUM NO.	DATE	TITLE OR DETAILS

Signed		Date	
Name		Position	
Tenderer			

<u>Failure to complete, sign and date this form or failure to acknowledge receipt and effect changes of each Addendum issued shall result in the Tender being considered non-responsive and rejected in terms of Clause C.3.8 of the Conditions of Tender.</u>

C. COMPULSORY ENTERPRISE QUESTIONNAIRE

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

Section 1: Name of enterprise:

Section 2: VAT registration number, if any:

Section 3: CIDB registration number, if any:

Section 4: CSD number:

Section 5: Particulars of sole proprietors and partners in partnerships:

Name*	**Identity number***	**Personal income tax number***

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

Section 6: Particulars of companies and close corporations

Company registration number:

Close corporation number:

Tax reference number:

Section 7: SBD4 issued by National Treasury must be completed for each Tender and be attached as a Tender requirement.

Section 8: SBD 6 issued by National Treasury must be completed for each Tender and be attached as a Tender requirement.

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

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

Signed		**Date**	
Name		**Position**	
Enterprise name			

Failure to complete, sign and date this form shall result in the Tender being considered non-responsive and rejected in terms of Clause C.3.8 of the Conditions of Tender.

D. STANDARD TENDERING DOCUMENTS

SECTION A **SBD1**

INVITATION TO TENDER

YOU ARE HEREBY INVITED TO TENDER FOR REQUIREMENTS OF THE KWAZULU-NATAL DEPARTMENT OF TRANSPORT				
TENDER NUMBER:	**ZNB02971/00000/00/HOD/INF/26/T**	**CLOSING DATE: 30 SEPTEMBER 2026**	**CLOSING TIME:**	**11:00**
DESCRIPTION	**THE COMPLETION OF THE MHLATUZE RIVER BRIDGE NO. 3837 ON DISTRICT ROAD 2238 AT KM 4.96 IN THE KING CETSHWAYO AND ZULULAND DISTRICT MUNICIPALITIES UNDER EMPANGENI REGION**			

TENDER RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE TENDER BOX SITUATED AT *(STREET ADDRESS)*	
Main Entrance Foyer 172 Burger Street Pietermaritzburg 3201	***Monday to Friday: 08:00 until 16:00*** Under no circumstances must suppliers submit their Tender offers/ responses to the official whose name appears on the enquiries.

TENDERING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		**TECHNICAL ENQUIRIES MAY BE DIRECTED TO:**	
CONTACT PERSON	**Londiwe.Zuma**	CONTACT PERSON	**Yanick Douce**
TELEPHONE NUMBER	**033 355 8600**	TELEPHONE NUMBER	**031 207 5030**
FACSIMILE NUMBER	**033 342 6595**	FACSIMILE NUMBER	**n/a**
E-MAIL ADDRESS	**Londiwe.Zuma@Kzntransport.gov.za**	E-MAIL ADDRESS	**admin@bjfc.co.za**

SUPPLIER INFORMATION						
NAME OF TENDERER						
POSTAL ADDRESS						
STREET ADDRESS						
TELEPHONE NUMBER	CODE		NUMBER			
CELLPHONE NUMBER						
FACSIMILE NUMBER	CODE		NUMBER			
E-MAIL ADDRESS						
VAT REGISTRATION NUMBER						
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		**OR**	CENTRAL SUPPLIER DATABASE NO:	MAAA	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] ☐ Yes ☐ No	

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

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 THE QUESTIONNAIRE BELOW]

QUESTIONNAIRE TO TENDERING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES	☐ NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES	☐ NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES	☐ NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES	☐ NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES	☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

PART B
TERMS AND CONDITIONS FOR TENDERING

1. TENDER SUBMISSION:

1.1. TENDERS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE TENDERS WILL NOT BE ACCEPTED FOR CONSIDERATION.

1.2. **ALL TENDERS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE TENDER DOCUMENT.**

1.3. THIS TENDER IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

1.4. IF THE TENDER WAS INVITED THROUGH A CLOSE TENDER PROCESS; WHERE SUPPLIERS WERE SOURCED FROM CSD USING THE COMMODITY PROCESS; SUPPLIERS WHO WERE NOT INVITED WILL NOT BE CONSIDERED.

1.5. USE OF OMISSION IN THE DOCUMENT IS PROHIBITED, ALL CORRECTIONS MUST BE INITIALLED BY TENDERR AND USE OF CORRECTION FLUID IS PROHIBITED.

1.6. FAILING TO COMPLY WITH THE ABOVE REQUIREMENTS WILL RESULT IN THE TENDER BEING NON-RESPONSIVE.

1.7. **THE SUCCESSFUL TENDERER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT**

2. TAX COMPLIANCE REQUIREMENTS

2.1 TENDERERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2 TENDERERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.

2.4 TENDERERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE TENDER.

2.5 IN TENDERS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

2.6 WHERE NO TCS IS AVAILABLE BUT THE TENDERER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

2.7 NO TENDERS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

3. COMPLIANCE AND RETURNABLES: THE FOLLOWING RETURNABLE DOCUMENTS MUST BE RETURNED WITH THE TENDER DOCUMENT

3.1 SCM APPENDIX 1 INVITATION TO TENDER (SBD1 PART A)

3.2 SCM APPENDIX 2 – TERMS AND CONDITIONS FOR TENDERING (SBD1 PART B)

3.3 SCM APPENDIX 3 – OFFICIAL BRIEFING SESSION/SITE INSPECTION CERTIFICATE

3.4 SBD 4 - DECLARATION OF INTEREST FORM

3.5 SBD 6.1 - PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022;

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE TENDER INVALID.

SIGNATURE OF TENDERER: ……

CAPACITY UNDER WHICH THIS TENDER IS SIGNED: ……
(Proof of authority must be submitted e.g. company resolution)

DATE: ……...

SBD 4
TENDERER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Tenderer's declaration

2.1 Is the Tenderer, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest1 in the enterprise,
employed by the state? **YES/NO**

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

Full Name	**Identity Number**	**Name of State institution**

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

2.2.1 If so, furnish particulars:
……
……

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

2.3.1 If so, furnish particulars:
……
……

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

3 DECLARATION

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

3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying Tender will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The Tenderer has arrived at the accompanying Tender independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium2 will not be construed as collusive Tendering.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the Tender, Tendering with the intention not to win the Tender and conditions or delivery particulars of the products or services to which this Tender invitation relates.

3.4 The terms of the accompanying Tender have not been, and will not be, disclosed by the Tenderer, directly or indirectly, to any competitor, prior to the date and time of the official Tender opening or of the awarding of the contract.

3.5 There have been no consultations, communications, agreements or arrangements made by the Tenderer with any official of the procuring institution in relation to this procurement process prior to and during the Tendering process except to provide clarification on the Tender submitted where so required by the institution; and the Tenderer was not involved in the drafting of the specifications or terms of reference for this Tender.

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

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE TENDER OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

…… ……
Signature Date

…… ……
Position Name of Tenderer

Every question must be answered individually on this form, whether a relationship is present or not: Failure to do so and any non-disclosure on this Declaration will invalidate your Tender/Tender

[2] Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

SBD 5

This document must be signed and submitted together with your Tender.

THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME

INTRODUCTION

The National Industrial Participation (NIP) Programme, which is applicable to all government procurement contracts that have an imported content, became effective on the 1 September 1996. The NIP policy and guidelines were fully endorsed by Cabinet on 30 April 1997. In terms of the Cabinet decision, all state and parastatal purchases / lease contracts (for goods, works and services) entered into after this date, are subject to the NIP requirements. NIP is obligatory and therefore must be complied with. The Industrial Participation Secretariat (IPS) of the Department of Trade and Industry (DTI) is charged with the responsibility of administering the programme.

1 PILLARS OF THE PROGRAMME

1.1 The NIP obligation is benchmarked on the imported content of the contract. Any contract having an imported content equal to or exceeding US$ 10 million or other currency equivalent to US$ 10 million will have a NIP obligation. This threshold of US$ 10 million can be reached as follows:

(a) Any single contract with imported content exceeding US$10 million.

or

(b) Multiple contracts for the same goods, works or services each with imported content exceeding US$3 million awarded to one seller over a 2-year period which in total exceeds US$10 million.

or

(c) A contract with a renewable option clause, where should the option be exercised the total value of the imported content will exceed US$10 million.

or

(d) Multiple suppliers of the same goods work or services under the same contract, where the value of the imported content of each allocation is equal to or exceeds US$ 3 million worth of goods, works or services to the same government institution, which in total over a two (2) year period exceeds US$10 million.

1.2 The NIP obligation applicable to suppliers in respect of sub-paragraphs 1.1 (a) to 1.1 (c) above will amount to 30 % of the imported content whilst suppliers in respect of paragraph 1.1 (d) shall incur 30 % of the total NIP obligation on a *pro-rata* basis.

1.3 To satisfy the NIP obligation, the DTI would negotiate and conclude agreements such as investments, joint ventures, sub-contracting, licensee production, export promotion, sourcing arrangements and research and development (R&D) with partners or suppliers.

1.4 A period of seven years has been identified as the time frame within which to discharge the obligation.

2 REQUIREMENTS OF THE DEPARTMENT OF TRADE AND INDUSTRY

2.1 In order to ensure effective implementation of the programme, successful Tenderers (contractors) are required to, immediately after the award of a contract that is in excess of **R10 million** (ten million Rands), submit details of such a contract to the DTI for reporting purposes.

2.2 The purpose for reporting details of contracts in excess of the amount of R10 million (ten million Rands) is to cater for multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as provided for in paragraphs 1.1.(b) to 1.1. (d) above.

3 TENDER SUBMISSION AND CONTRACT REPORTING REQUIREMENTS OF TENDERERS AND SUCCESSFUL TENDERERS (CONTRACTORS)

3.1 Tenderers are required to sign and submit this Standard Tendering Document (SBD 5) together with the Tender on the closing date and time.

3.2 In order to accommodate multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as indicated in sub-paragraphs 1.1 (b) to 1.1 (d) above and to enable the DTI in determining the NIP obligation, successful Tenderers (contractors) are required, immediately after being officially notified about any successful Tender with a value in excess of R10 million (ten million Rands), to contact and furnish the DTI with the following information:

- Tender / contract number.
- Description of the goods works or services.
- Date on which the contract was accepted.
- Name, address and contact details of the government institution.
- Value of the contract.
- Imported content of the contract, if possible.

3.3 The information required in paragraph 3.2 above must be sent to the Department of Trade and Industry, Private Bag X 84, Pretoria, 0001 for the attention of Mr Elias Malapane within five (5) working days after award of the contract. Mr Malapane may be contacted on telephone (012) 394 1401, facsimile (012) 394 2401 or e-mail at Elias@thedti.gov.za for further details about the programme.

4 PROCESS TO SATISFY THE NIP OBLIGATION

4.1 Once the successful Tenderer (contractor) has made contact with and furnished the DTI with the information required, the following steps will be followed:

a. the contractor and the DTI will determine the NIP obligation;
b. the contractor and the DTI will sign the NIP obligation agreement;
c. the contractor will submit a performance guarantee to the DTI;
d. the contractor will submit a business concept for consideration and approval by the DTI;
e. upon approval of the business concept by the DTI, the contractor will submit detailed business plans outlining the business concepts;
f. the contractor will implement the business plans; and
g. the contractor will submit bi-annual progress reports on approved plans to the DTI.

4.2 The NIP obligation agreement is between the DTI and the successful Tenderer (contractor) and, therefore, does not involve the purchasing institution.

Tender number …….. Closing date: ……

Name of Tenderer……

Postal address ……

……

Signature…….. Name (in print)……..

Date……..

SBD 6.1

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

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

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

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1. GENERAL CONDITIONS

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

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

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

a) The applicable preference point system for this Tender is the 80/20 preference point system.

b) The 80/20 preference point system will be applicable in this Tender. The lowest/ highest acceptable Tender will be used to determine the accurate system once Tender are received.

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

(a) Price; and

(b) Specific Goals.

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

The maximum points for this Tender are allocated as follows:

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

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

1.6 The organ of state reserves the right to require of a Tenderer, either before a Tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

(a) "Tender" means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price Tenders, competitive Tendering process or any other method envisaged in legislation;

(b) **"price"** means an amount of money Quoted for goods or services, and includes all applicable taxes less all unconditional discounts;

(c) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of Tender invitation, and includes all applicable taxes;

(d) **"Tender for income-generating contracts"** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(e) **"the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

Ps = Points scored for price of Tender under consideration

Pt = Price of Tender under consideration

Pmin = Price of lowest acceptable Tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the Tender. For the purposes of this Tender the Tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this Tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the Tender documents, stipulate in the case of—

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

(b) any other invitation for Tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable Tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the Tender and points claimed are indicated per the table below.

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1. **A Tenderer who is at least 51% owned by**	**Max points = 12 points**	
a) Black people	6 points	
b) Black people who are youth	2 points	
c) Black people who are women	2 points	
d) Black people with disabilities	2 points	
2. Promotion of Tenderer's located in a Specific Area	**Max points = 4 points**	
For CIDB grade 1-3 work: Operating business address located within the Local municipality	4 points	
For CIDB grade 4 -6 work: Operating business address located within the District municipality	4 points	
For CIDB grade 7 and above work: Operating business address located within the Province	4 points	
3. The creation of new jobs or the intensification of labour absorption	**Max points = 4 points**	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm…….

4.4. Company registration number: ……...

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

(a) disqualify the person from the Tender process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the Tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution, if deemed necessary.

……
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME: ……

DATE: ……

ADDRESS: ……

……

……

……

B-BBEE EXEMPTED AFFIDAVIT FOR EXEMPTED MICRO ENTERPRISES

I, the undersigned,

Full name & Surname	
Identity number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf:

Enterprise Name			
Trading Name (If Applicable):			
Registration Number			
Enterprise Physical Address:			
Type of Entity (CC, (Pty) Ltd, Sole Prop etc.):			
Nature of Business:	**BEP** (Built Environment Professional)	Contractor	Supplier
Definition of "Black People"	As per the Broad-Based Black Economic Empowerment Act 53 of 2003 as Amended by Act No 46 of 2013 "Black People" is a generic term which means Africans, Coloureds and Indians – (a) who are citizens of the Republic of South Africa by birth or descent; or (b) who became citizens of the Republic of South Africa by naturalisationi- I. before 27 April 1994; or II. on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;"		
Definition of "Black Designated Groups"	"Black Designated Groups means: (a) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution; (b) Black people who are youth as defined in the National Youth Commission Act of 1996; (c) Black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act; (d) Black people living in rural and under developed areas; (e) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;"		

Construction Sector Affidavit

3. I hereby declare under Oath that:

- The Enterprise is _____% Black Owned as per Amended Code Series 100 of the amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as amended by Act No 46 of 2013,
- The Enterprise is _____% Black Female Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- The Enterprise is _____% Black Designated Group Owned as per Amended Code Series 100 of the Amended Codes of Good Practice issued under section 9 (1) of B-BBEE Act No 53 of 2003 as Amended by Act No 46 of 2013,
- Black Designated Group Owned % Breakdown as per the definition stated above:
    - Black Youth % = _____%
    - Black Disabled % =_____%
    - Black Unemployed % =_____%
    - Black People living in Rural areas % = _____%
    - Black Military Veterans % =_____%

BEP	R1.8 million	
Contractor	R3.0 million	
Supplier	R3.0 million	

If the turnover exceeds the applicable amount in the table above then this affidavit is no longer applicable and an EME certificate must be obtained from a rating agency accredited by SANAS or when applicable a B-BBEE Verification Professional Regulator appointed by the Minister of Trade and Industry.

- Based on the Financial Statements/Management Accounts and other information available on the latest financial year-end of ___/___/_____, (dd/mm/yyyy) the annual Total Revenue was R3,000,000.00 (3 Million Rands) or less
- Please Confirm on the below table the B-BBEE Level Contributor, **by ticking the applicable box.**

100% Black Owned	**Level One** (135% B-BBEE procurement recognition level)	
At least 51% Black Owned	**Level Two** (125% B-BBEE procurement recognition level)	
At least 30% Black Owned	**Level Four** (100% B-BBEE procurement recognition level)	
Less than 30% Black Owned	**Level Five** (80% B-BBEE procurement recognition level)	

4. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the Owners of the Enterprise, which I represent in this matter.

5. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: _____

Date: _____/_____/_____

Stamp

_____
Signature of Commissioner of Oaths

FAILURE TO FULLY COMPLETE DATE AND SIGN THIS FORM WILL RESULT TO NON-AWARD OF POINTS

E. B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE

Notes to Tenderer:

1. The Tenderer shall submit proof of B-BBEE Status Level of Contributor by submitting a copy of a valid B-BBEE Verification Certificate issued in accordance with the Amended Construction Sector Code published in Notice 931 of 2017 of Government Gazette No. 41287 of 1 December 2017.

2. The certificate shall:

   (i) have been issued by a verification agency accredited by the South African National Accreditation System (SANAS); or
   (ii) in the case of an Exempted Micro Enterprise (EME) with a total annual revenue of R3 million and less, be in the form of a sworn affidavit, in respect of their ownership and annual turnover, for the year ending not earlier than 12 (twelve) months prior to the Tender closing date; and
   (iii) have a date of issue not earlier than 12 (twelve) months prior to the Tender closing date.

3. A consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level Verification Certificate. In addition, the consolidated B-BBEE Status Level Verification Certificate for unincorporated joint ventures shall only be applicable to this project (Tender No. to be indicated on the certificate).

4. An enterprise will qualify as an Exempted Micro Enterprise (EME) if it has a total annual revenue of R3 million or less, and is deemed to have the following B-BBEE Status in accordance with their black ownership levels:

   (i) if less than 30% Black Owned then **"Level Five Contributor"**;
   (ii) if at least 30% Black Owned but less than 51% Black Owned then **"Level Four Contributor"**;
   (iii) if at least 51% Black Owned but less than 100% Black Owned, then **"Level Two Contributor"**; and
   (iv) if 100% Black Owned then **"Level One Contributor"**.

5. Tenderers are advised that any misrepresentation in the affidavits is a criminal offence.

F. CERTIFICATE OF AUTHORITY FOR SIGNATORY

The Tenderer must indicate the enterprise status by ticking the appropriate box hereunder.

(I) SOLE PROPRIETOR	(II) CLOSE CORPORATION	(III) PARTNERSHIP	(IV) COMPANY	(V) JOINT VENTURE / CONSORTIUM	
				Incorporated	
				Unincorporated	

Note:
The following document must be attached to this form according to the status of the enterprise, in the form of a resolution authorising the signatory to sign all documents and any contract resulting therefrom on behalf of the enterprise, and **such resolution shall include a specimen signature of the signatory.**

Cooperative:	'Resolution of the Members'
Close Corporation:	'Resolution of the Members'
Company:	'Resolution of the Board' signed by the chairperson
Joint Venture / Consortium:	'Resolution/agreement passed/reached' signed by the authorised representatives of the enterprises

MEMBERS RESOLUTION

CONTRACT NO. ZNB02971/00000/00/HOD/INF/26/T……

……..……..……

……..……..……

Close Corporation / Company / Partnership / Trust /Sole proprietor or sole trader Name: _____ Registration Number:_____ RESOLUTION OF THE DIRECTORS OF THE COMPANY etc RESOLVED that _____, in his/her capacity as _____, is authorised to make applications on behalf of the Close Corporation / Company / Partnership / Trust /Sole proprietor or sole trader for: any documentation relating to the business (which is not necessarily a change of ownership). The nominated person will also have access to webpage for the business.

Signature(s) for Close Corporation / Company / Partnership / Trust/ Sole proprietor or sole trader.
(sole member still must sign this resolution)

Signature of members:

	Name	Signature	Date
1.	_____	_____	_____.
2.	_____	_____	_____.
3.	_____	_____	_____.
4.	_____	_____	_____.
5.	_____	_____	_____.
6.	_____	_____	_____.

Specimen signature of the signatory: _____.

Failure to complete, sign and date the relevant certificate(s) set out hereafter or failure to provide the certificate(s) in the form of a resolution as described above shall result in the Tender being considered non-responsive and rejected in terms of Clause C.3.8 of the Conditions of Tender.

G. CONSTRUCTION EXPERIENCE

The following is a statement of work of similar nature recently successfully executed by myself / ourselves:

EMPLOYER: CONTACT PERSON AND TELEPHONE NUMBER	EMPLOYER'S AGENT: CONTACT PERSON AND TELEPHONE NUMBER	NATURE OF WORK	VALUE OF WORK (inclusive of VAT)	DATE COMPLETED OR EXPECTED TO BE COMPLETED

H. KEY PERSONNEL

H1. KEY PERSONNEL - MANAGEMENT

The Tenderer must insert in the spaces provided below a list of the key personnel to be employed in the management of the construction of the Works, together with a resume of their experience with particular reference to the construction of similar Works.

The Tenderer shall attach the curriculum vitae of the listed key management personnel to the page included below for this purpose.

DESIGNATION	NAME	PROJECT TYPE	VALUE OF WORK	YEAR COMPLETED
CONTRACTS MANAGER				
CONSTRUCTION MANAGER				
FOREMAN/ SUPERVISOR				

Attach additional pages if more space is required

SIGNATURE: .....…….. DATE: …..

(Of person authorised to sign on behalf of the Tenderer)

H2. KEY PERSONNEL – LABOUR ENHANCED ACTIVITIES

Contractors shall employ in labour-enhanced works only those supervisory and management staff that have completed the required Skills Programme in terms of Appendix C of the "Guidelines for the implementation of labour-enhanced infrastructure projects under the Expanded Public Works Programme (EPWP) Third Edition 2015":

- Foremen / Supervisors at NQF level 4 "National Certificate: Supervision of Civil Engineering Construction Processes"; (SAQA Qualification ID 23682, as amended, with 12 Credits)

- Site Agent / Construction Manager at NQF level 5 "Manage Labour-Intensive Construction Processes" or equivalent Quality Council for Trades and Occupations (QCTO) qualifications at NQF level 5 or 7. (SAQA Qualification ID 15162, as amended, with 8 Credits)

The details shown on the certification submitted as proof of qualification must clearly detail the SAQA Qualification ID and Credits.

Tenderers' attention is drawn to the required minimum supervisor to worker ratio for this project stated in clause E2.3 of Part E of the Particular Specifications.

The Tenderer must insert in the spaces provided below the relevant details of the personnel to be employed in the construction of the Works possessing the required qualifications in the supervision or management of LIC projects. A copy of the relevant qualification certificate for each such person shall be attached to the next page below.

DESIGNATION	NAME	NAME OF TRAINING INSTITUTION	QUALIFICATION OBTAINED IN THE SUPERVISION OR MANAGEMENT OF LIC PROJECTS	YEAR QUALIFICATION OBTAINED

Attach additional pages if more space is required

SIGNATURE: .....…….. DATE: ….....

(Of person authorised to sign on behalf of the Tenderer)

Failure to list the names, designations, relevant qualification certificates and CV's of the key personnel for Labour Enhanced Activities will result in Tender being evaluated as non-responsive

CURRICULUM VITAE OF KEY PERSONNEL - MANAGEMENT

Refer to H1.

Curriculum Vitae of key management personnel to be attached to this page.

and

QUALIFICATIONS OF KEY PERSONNEL – LABOUR ENHANCED ACTIVITIES

Refer to H2.

Relevant qualification certificates to be attached to this page for each person possessing the required qualifications in the supervision or management of LIC projects.

I. CONSTRUCTION EQUIPMENT

The following are lists of major construction equipment that I / we presently own or will acquire for this contract if my / our Tender is accepted.

(a) Details of major construction equipment owned by me / us:

DESCRIPTION ***(type, size and capacity)***	**QUANTITY**	**YEAR OF MANUFACTURE**

Attach additional pages if more space is required

(b) Details of major construction equipment that will be acquired:

DESCRIPTION ***(type, size and capacity)***	**QUANTITY**	**HOW ACQUIRED**	
		HIRE / BUY	**SOURCE**

Attach additional pages if more space is required

SIGNATURE: .....……..... DATE: .....

(Of person authorised to sign on behalf of the Tenderer)

J. PROPOSED SUBCONTRACTORS

I/We hereby notify you that it is my/our intention to employ the following subcontractors for work under this contract. If I/we am/are awarded a contract I/we agree that this notification does not change the requirement for me/us to submit the names of proposed subcontractors in accordance with the requirements of the contract for such appointments.

Acceptance of this Tender shall not be construed as approval of any or all of the listed subcontractors. Should any or all of the subcontractors not be approved subsequent to the acceptance of the Tender, it shall in no way invalidate this Tender, and the Quoted unit rates for the various items of work shall remain final and binding, even in the event of a subcontractor not listed below being approved by the Employer.

NAME OF SUBCONTRACTOR	CSD NUMBER	DESIGNATED GROUP AND OWNERSHIP %	B-BBEE LEVEL	NATURE OF WORK	PERCENTAGE TO BE SUBCONTRACTED

Attach additional pages if more space is required.

NB: The subcontractors listed above will not contribute to the achievements of the objectives specified in Section C3.3 Part F of this Tender document.

SIGNATURE: .....…….. DATE: ….....

(Of person authorised to sign on behalf of the Tenderer)

K. PARTICIPATION IN JOB CREATION USING LOCAL LABOUR

The Tenderer shall be required to participate in job creation (employment of local labour) by executing various portions of the Works using local labour (unskilled or semi-skilled), recruited from the local community, who are South African Citizens or foreigners in possession of a work visa issued by the Department of Home Affairs (only one such foreigner may be employed on any project). Proof of citizenship or work visa may be audited during the contract period.

The creation of one job shall mean the employment, for any period of time, of one such unskilled or semi-skilled labourer from the local community.

The Tenderer shall note the requirements for Job Creation Reporting for EPWP as set out in Part E: Expanded Public Works Programme (EPWP) of the project specifications.

The number of jobs to be created using such local labour is inclusive of the local labour employed to execute various portions of the Works by both the main Contractor and any subcontractors, including the small development subcontractors in terms of Part F: Small Contractor Development of the project specifications.

The number of jobs to be created using such local labour shall include for a minimum percentage allocation to the following individual targeted groups:

- 60% Women;
- 55% Youth; and
- 2% Disabled.

The minimum required content of such local labour for this project shall be calculated as follows:

Minimum required content of such local labour (%)

$$= \frac{\text{(100 x amount spent on wages for such local labour (excluding VAT))}}{\text{(Subtotal 1* (excluding contingencies, contract price adjustment and VAT))}}$$

**Subtotal 1 is obtained from the Tender Summary under C2.2 Bill of Quantities*

The minimum required content of such local labour for this project shall be 10 %.

For purposes of completing the table on the next page containing the Tenderer's declaration with respect to participation in job creation using local labour, the value of Subtotal 1* (excluding contingencies, contract price adjustment and VAT) which is obtained from the Tender Summary under C2.2 Bill of Quantities, shall be used.

TENDERER'S DECLARATION WITH RESPECT TO PARTICIPATION IN JOB CREATION USING LOCAL LABOUR:

The Tenderer shall complete the table below reflecting the anticipated local labour force to be employed on this contract, including such local labour employed by subcontractors.

I/We hereby Tender to participate in job creation through the employment of local labour by creating the following number of jobs using unskilled or semi-skilled labourers, recruited from the local community, who are South African Citizens or foreigners in possession of a work visa issued by the Department of Home Affairs (only one such foreigner may be employed on any project), including for a minimum allocation of 60% Women, 55% Youth and 2% Disabled:

Local labour comprising unskilled or semi-skilled labourers recruited from the local community	**Anticipated number of jobs to be created**	**Total number of days anticipated**	**Wage rate per person-day (excluding VAT) (Rand)**	**Total wage cost (excluding VAT) (Rand)**
Contractor's local labour content				
Subcontractors' local labour content				
Total anticipated wage cost of local labour content (excluding VAT)				R
Subtotal 1* (excluding contingencies, contract price adjustment and VAT)				R
Hence anticipated local labour content expressed as a percentage of Subtotal 1* (excluding contingencies, contract price adjustment and VAT)) ***Note:*** ***Should this percentage not equal or not exceed the specified minimum percentage, the Tender will be considered non-responsive in terms of Clause C.3.8 of the Conditions of Tender and such a Tender shall be rejected.***				%
Specified minimum local labour content				10%

A penalty shall be applied to any shortfall in the local labour content achieved when measured against the specified minimum local labour content, as set out in Part E: Expanded Public Works Programme (EPWP) of the project specifications. The penalty shall not apply to shortfalls in the allocations to the individual target groups (i.e., Women/Youth/Disabled), only to shortfalls in the total local labour content achieved.

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the Tenderer, confirms that he/she understands the conditions for such participation and confirms that the Tender satisfies the conditions for participation in job creation through the employment of local labour.

Name: .....

Duly authorized to sign on behalf of: .....

SIGNATURE: ..... DATE: .....

(Of person authorised to sign on behalf of the Tenderer)

Failure to complete, sign and date this form shall result in the Tender being considered non-responsive and rejected in terms of Clause C.3.8 of the Conditions of Tender.

L. TENDERERS HEALTH AND SAFETY DECLARATION

In terms of Regulation 5(1)(h) of the OHSA 1993 Construction Regulations 2014 (referred to as 'the Regulations' hereafter), a Contractor may only be appointed to perform construction work if the Employer is satisfied that the Contractor has the necessary competencies and resources to carry out the work safely in accordance with the Occupational Health and Safety Act No 85 of 1993, as amended and the OHSA 1993 Construction Regulations 2014.

To that effect a person duly authorised by the Tenderer must complete and sign the declaration hereafter in detail.

Declaration by Tenderer

1. I, the undersigned, hereby declare and confirm that I am fully conversant with the Occupational Health and Safety Act No. 85 of 1993 (as amended by the Occupational Health and Safety Amendment Act No. 181 of 1993), and the OHSA 1993 Construction Regulations 2014.

2. I hereby declare that my company has the competence and the necessary resources to safely carry out the construction work under this contract in compliance with the Construction Regulations and the Employer's Health and Safety Specification.

3. I propose to achieve compliance with the Regulations by one of the following:

   (a) From my own competent resources as detailed in 4(a) hereafter: ..... ***Yes / No**

   (b) From my own resources or still to be appointed, and trained until competency is achieved, as detailed in 4(b) hereafter: ..... ***Yes / No**

   (c) From outside sources by appointment of competent specialist subcontractors as detailed in 4(c) hereafter: ..... ***Yes / No**

   (***** = *delete whatever is not applicable*)

4. Details of resources I propose:

   Note: *Competent resources shall include safety personnel such as the construction manager, construction health and safety officer and construction supervisor as defined in Regulation 8, and competent persons as defined in the OHSA 1993 Construction Regulations 2014, as applicable to this contract.*

   (a) Details of the competent and qualified key persons from my company's own resources, who will form part of the contract team:

NAME OF COMPETENT PERSONS	POSITION TO BE FILLED BY COMPETENT PERSONS

(b) Details of training of persons from my company's own resources (or to be hired) who still have to be trained to achieve the necessary competency:

(i) By whom will training be provided? .....

(ii) When will training be undertaken? .....

(iii) List the positions to be filled by persons to be trained or hired: .....

(c) Details of competent resources to be appointed as subcontractors if competent persons cannot be supplied from own company:

Name of proposed subcontractor: .....

Qualifications or details of competency of the subcontractor: .....

.....

.....

5. I hereby undertake, if my Tender is accepted, to provide, before commencement of the works under the contract, a suitable, sufficiently documented and coherent site-specific Health and Safety Plan in accordance with Regulation 7(1)(a) of the Construction Regulations, which plan shall be subject to approval by the Employer.

6. I confirm that copies of my company's approved Health and Safety Plan, the Employer's Health and Safety Specification as well as the OHSA 1993 Construction Regulations 2014 will be provided on site and will at all times be available for inspection by the Contractor's personnel, the Employer's personnel, the Employer's Agent, Construction Health and Safety Agent, visitors, and officials and inspectors of the Department of Labour.

7. I hereby confirm that adequate provision has been made in my Quoted rates and prices in the schedule of quantities to cover the cost of all resources, actions, training and all health and safety measures envisaged in the OHSA 1993 Construction Regulations 2014, and that I will be liable for any penalties that may be applied in terms of the said Regulations (Regulation 33) as a result of contravening or failing to comply with the provisions of the Act and the Regulations.

8. I agree that my failure to complete and execute this declaration to the satisfaction of the Employer will mean that I am unable to comply with the requirements of the OHSA 1993 Construction Regulations 2014 and accept that my Tender will be prejudiced and may be rejected at the discretion of the Employer.

SIGNATURE: ..... DATE: .....….....

(Of person authorised to sign on behalf of the Tenderer)

M. DEVIATIONS AND QUALIFICATIONS

Should the Tenderer wish to make any deviation from or any qualification to the Special Conditions of Contract, Specifications, Bill of Quantities, or Drawings, or should he wish to qualify the Tender in any way, he shall indicate the proposals clearly hereunder or alternatively on photocopies of the original Tender documentation which shall be attached to this page.

Please note: The extent of deviations from the Tender documents issued by the Employer prior to the Tender closing date is limited to those permissible in terms of the Conditions of Tender. Please also refer to Returnable Schedule N.

SECTION	PAGE	DEVIATION OR QUALIFICATION, INCLUDING REFERENCE CLAUSE OR ITEM NUMBER

Attach additional pages if more space is required

SIGNATURE: .....…….. DATE: ….....

(Of person authorised to sign on behalf of the Tenderer)

N. SCHEDULE OF ALTERNATIVE TENDER

The attention of Tenderers is specifically drawn to clause C.2.12 Alternative Tender offers of Annex C Standard Conditions of Tender and to clause C.2.12 of section T1.2 TENDER DATA in this project document.

An alternative Tender offer or design shall be considered only if the main Tender offer has also been submitted in accordance with the requirements of clauses C.2.12.1 and C.2.12.2 of Annex C and such main Tender offer is the winning Tender as stated in clause C.2.12.3 of Annex C.

The requirements for alternative offers are as described in **clause A2.1.4.2'ALTERNATIVE DESIGNS' of the 'COTO Standard Specifications for Road and Bridge Works for South African Road Authorities (Draft Standard) (October 2020 edition)'.**

Such alternative offers shall be described, measured and priced in sufficient detail to enable the Employer to evaluate the alternative. The Tenderer shall set out the proposal clearly hereunder or alternatively on photocopies of the original Tender documentation which shall be attached to this page.

SECTION	PAGE	ALTERNATIVE OFFER, INCLUDING REFERENCE CLAUSE OR ITEM NUMBER

SIGNATURE: ..... DATE: ...…….....

(Of person authorised to sign on behalf of the Tenderer)

O. TECHNICAL PROPOSAL

The Tenderer is required to submit a technical proposal which covers the following criteria.

O1. Experience of key personnel

The experience of assigned staff member in relation to the scope of work will be evaluated from three different points of view:

1) General experience (total duration of professional activity), level of education and training and positions held of each discipline specific team leader.
2) The education, training, skills and experience of the Assigned Staff in the specific sector, field, subject, etc which is directly linked to the scope of work.
3) The key staff members' / experts' knowledge of issues which the Tenderer considers pertinent to the project e.g. local conditions, affected communities, legislation, techniques etc.

A CV of the Contract Manager, Construction Manager and foreman should be attached to this schedule:

Each CV should be structured under the following headings:

1 Personal particulars
- name
- date and place of birth
- place (s) of tertiary education and dates associated therewith
- professional awards

2 Qualifications (degrees, diplomas, grades of membership of professional societies and professional registrations)
3 Skills
4 Name of current employer and position in enterprise
5 Overview of post graduate / diploma experience (year, organization and position)
6 Outline of recent assignments / experience that has a bearing on the scope of work

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The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed ..... Date .....

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

O2. Tenderer's Road Bridges Experience

List number of completed Road Bridges projects.

The evaluation will consider the nature of the reference projects, scope of services provided, and Employer completion certificate.

Final Approval Certificates/ Completion Certificates not older than 15 years per project to be provided with contact details of references.

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed: ---------- Date: ----------

Name: ---------- Position: ----------

P. NOTICES TO TENDERERS REGARDING THE COMPLETION OF FORMS

PLEASE NOTE THAT THIS TENDER IS SUBJECT TO TREASURY REGULATIONS 16A ISSUED IN TERMS OF THE PUBLIC FINANCE MANAGEMENT ACT, 1999, 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 vice versa and with words importing the masculine gender shall include the feminine and the neuter.
2. Under no circumstances whatsoever may the Tender forms be retyped or redrafted. Photocopies of the original Tender documentation may be used, but an original signature must appear on such photocopies.
3. The Tenderer is advised to check the number of pages and to satisfy himself that none are missing or duplicated.
4. Tender submitted must be complete in all respects.
5. Tender 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 Tender documents.
6. Each Tender shall be addressed in accordance with the directives in the Tender documents and shall be lodged in a separate sealed envelope, with the name and address of the Tenderer, the Tender number and closing date indicated on the envelope. The envelope shall not contain documents relating to any Tender other than that shown on the envelope. If this provision is not complied with, such Tender may be rejected as being invalid.
7. All Tender received in sealed envelopes with the relevant Tender numbers on the envelopes are kept unopened in safe custody until the closing time of the Tender. Where, however, a Tender is received open, it shall be sealed. If it is received without a Tender number on the envelope, it shall be opened, the Tender number ascertained, the envelope sealed, and the Tender number written on the envelope.
8. A specific box is provided for the receipt of Tender, and no Tender found in any other box or elsewhere after the closing date and time of Tender will be considered.
9. No Tender sent through the post will be considered if it is received after the closing date and time stipulated in the Tender documentation, and proof of posting will not be accepted as proof of delivery.
10. No Tender submitted by telefax, telegraphic or other electronic means will be considered.
11. Tender documents must not be included in packages containing samples. Such Tender may be rejected as being invalid.
12. Any alteration made by the Tenderer must be initialled. If not initialled the Tenderer may be disqualified.
13. Use of correcting fluid is prohibited
14. Tender documents will be opened in public as soon as practicable after the closing time of Tender.
15. Where practical, prices are made public at the time of opening Tender documents.

Q. ACCEPTABLE PROOF, RIGHTS TO AWARD & PRICE NEGOTIATION

a) Acceptable Proof for the allocation of Specific Goals Points

The specific goals allocated points in terms of this tender	Acceptable Proof for Allocation of Points
1. **A Tenderer which is at least 51% owned by**	CIPC company registration documents, CSD report and BBB-EE Certificate or Sworn affidavit and a Letter from a Doctor certified by the Department of Health Occupational Doctor confirming the disability.
a) black people	
b) black people who are youth	
c) black people who are women	
d) black people with disabilities	
2. Promotion of Tenderer's located in a Specific Area	CIPC company registration documents and Municipal Bill or Lease Agreement or Permission to Occupy land.
For CIDB grade 1-3 work: Operating business address located within the Local municipality	
For CIDB grade 4 -6 work: Operating business address located within the District municipality	
For CIDB grade 7 and above work: Operating business address located within the Province	
3. The creation of new jobs or the intensification of labour absorption	Proof of participation on job creation as per the returnable schedule K must be at least 2 % above the Specified minimum local labour content

b) Rights to Award

- KwaZulu-Natal Department of Transport reserves the right to call for presentations from shortlisted suppliers or ***Reserves the Right to accept Tender In Whole or In Part."***
- Not to make any award in this Tender or accept any tender submitted,
- Request further technical information from any tenderer after the closing date,
- Verify information and documentation of the tenderer(s),
- Not to accept any of the tender proposals submitted,
- To withdraw or amend any of the tender conditions by notice in writing to all tenderer prior to closing of the Tender and post award, and
- If an incorrect award has been made to remedy the matter in any lawful manner it may deem fit.

c) Price Negotiation at Tender stage.

KwaZulu-Natal Department of Transport reserves the right to negotiate with the shortlisted Tenderer prior and/or post award.

The terms and conditions for negotiations will be communicated to the shortlisted Tenderers prior to invitation to negotiations.

The negotiation terms and conditions may include presentations and/or site visits. This phase is meant to ensure the conditions of Tender and projects will be implementable.

KwaZulu-Natal Department of Transport supports the spirit of economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the KwaZulu-Natal Department of Transport does not support any form of fronting.