



INVITATION TO SUBMIT FORMAL WRITTEN PRICE QUOTATIONS

RFQ NO.:	RFQ/ARCH/2018-19/496
DESCRIPTION OF GOODS / SERVICES:	FEASIBILITY STUDY FOR TYUTYU: ERF RE/1071 KING WILLIAMS TOWN (KWT).

For publication on the Buffalo City Metropolitan Municipality Website and Supply Chain Management Unit Noticeboard

NAME OF BIDDER:	
BCMM SUPPLIER DATABASE REGISTRATION NO.:	
STREET ADDRESS:	
POSTAL ADDRESS:	
TEL NO.:	CELL PHONE NO.:
EMAIL ADDRESS:	FAX NO.:
TOTAL QUOTATION AMOUNT:	R

Issued by:	Prepared by:
The City Manager c/o The General Manager: Supply Chain Management Unit Buffalo City Metropolitan Municipality 80 Phillip Frame Road Chiselhurst East London	Department of Spatial Planning and Development (City Planning) Buffalo City Metropolitan Municipality 26 Oxford Street East London 5201

INVITATION TO SUBMIT FORMAL WRITTEN PRICE QUOTATIONS

Buffalo City Metropolitan Municipality requests your quotation for the goods and/or services listed hereunder in this RFQ document. Bidders are requested to furnish all information requested and return their quotation submission on the date stipulated in this invitation and the RFQ advertisement. Late and incomplete submissions will invalidate the quotation submitted.

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DESCRIPTION OF GOODS / SERVICES	FEASIBILITY STUDY FOR TYUTYU: ERF RE/1071 KING WILLIAMSTOWN (KWT).
ADVERT DATE:	03 MAY 2019
CLOSING DATE:	14 MAY 2019
CLOSING TIME:	12:00 PM
COMPULSORY BRIEFING MEETING DATE & TIME: VENUE:	N/A
RFQ DOCUMENTS ARE OBTAINABLE FROM:	The BCMM Website – www.buffalocitymetro.gov.za/tenders OR: Request by sending email to cassandrar@buffalocity.gov.za ; sibongilesa@buffalocity.gov.za ; sitatun@buffalocity.gov.za ; bonganimn@buffalocity.gov.za ;
SUBMISSION OF RFQs:	<u>Informal</u> Tender Box Supply Chain Management Unit, BCMM 80 Phillip Frame Road Chiselhurst East London
TECHNICAL ENQUIRIES:	Name: Mr. L. Zwane Tel: 043 705 2266 Email: LungaZ@buffalocity.gov.za or Name: Mr. J. Mudimbu Tel: 043 705 2022 Email: JustineM@buffalocity.gov.za
PROCEDURAL ENQUIRIES:	Cassandra Stoffels / Bongani Mndi Tel: (043) 705 9119 / (043) 705 9127 Email: CassandraR@buffalocity.gov.za BonganiMn@buffalocity.gov.za

NB: NO SUBMISSIONS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)

1.1 GENERAL CONDITIONS OF THE REQUEST FOR QUOTATIONS (RFQ)

BIDDERS ARE REQUIRED TO FAMILIARIZE THEMSELVES WITH THE TENDERING CONDITIONS AND PROCEDURES AS DOCUMENTED BELOW.

1. For the purposes of this RFQ document, the words 'bidder' and 'tenderer', and 'RFQ' and 'tender' shall bear the same meaning.
2. 'BCMM,' where referred to in this document means Buffalo City Metropolitan Municipality'.
3. No quotation will be considered unless submitted on this RFQ document.
4. The whole original RFQ document, as issued by BCMM must be submitted. A quotation will be considered invalid and will not be accepted, if any part of this RFQ document is not submitted.
5. Bidders must submit one RFQ offer only, either as a single tendering entity or as a member of a joint venture.
6. Telephonic, telegraphic, telex, facsimile or emailed RFQ submissions will not be accepted.
7. Any portion of the RFQ document not completed will be interpreted as 'not applicable'. Notwithstanding the afore-going, failure to complete any compulsory portion of the RFQ document will result in the RFQ submission being declared non-responsive.
8. Quotations must be properly received and deposited, on or before the closing date and on or before the closing time of the RFQ, in the **Informal Tender Box** at the BCMM Supply Chain Management Unit ('SCMU') situated at 80 Phillip Frame Road, Chiselhurst, East London. If the quotation submission is too large to fit in the allocated box, please enquire at the reception for assistance.
9. BCMM accepts no responsibility for ensuring that quotations are placed in the correct tender box, and should a quotation be placed in the incorrect tender box, it will be not be accepted.
10. BCMM reserves the right to accept:
 - 10.1 the whole quotation or part of a quotation or any item or part of any item, or to accept more than one quotation (in the event of a number of items being offered), and BCMM is not obliged to accept the lowest or any quotation;
 - 10.2 a quotation which is not substantially or materially different from the RFQ specifications.
11. BCMM shall not consider quotations that are received after the closing date and time, as specified in the RFQ advertisement.
12. BCMM will not be held responsible for any expenses incurred by bidders in preparing and submitting quotations.
13. BCMM may, after the RFQ closing date, request additional information or clarification of submitted quotations, in writing.
14. A quotation may be rejected as non-responsive if the bidder fails to provide any clarification requested by BCMM within the time for submission stated in the written request for such clarification.
15. A bidder may request in writing, after the closing date, that its quotation be withdrawn. Such withdrawal will be permitted or refused at the sole discretion of BCMM after consideration of the reasons for the withdrawal, which shall be fully set out by the bidder in such written request for withdrawal.
16. The RFQ document must be signed by a person duly authorised to do so.
17. Quotations submitted by joint ventures, consortia, partnerships shall be accompanied by a joint venture, consortium, partnership agreement, in which it is defined precisely the conditions under which the joint venture, consortium or partnership will function, its period of duration, the persons authorised to represent

and obligate it, the participation of the several firms of which it is formed, and any other information necessary to permit a full appraisal of its functioning.

18. Once the RFQ is awarded, all purchases will be made through an official BCMM order. Therefore, no goods must be delivered or services rendered before an official order has been forwarded to and accepted by the successful bidder.

19. **Evaluation of RFQs**

19.1 Quotations will be evaluated in accordance with the evaluation criteria set out in the Special Conditions of the Request for Quotations.

19.2 Quotations will be evaluated for price and preference using the 80/20 preference points system as follows –

Price	80
BBBEE	20

19.3 Unless otherwise stated in the Special Conditions, a contract will be concluded with the bidder who complies with the evaluation criteria, and scores the highest total price and BBBEE points.

19.4 Bidders may quote with or without VAT depending upon whether or not they are VAT vendors. In the calculation of price points, VAT shall be removed from the quotation amount of bidders who are registered as VAT vendors, so that financial offers can be evaluated on a comparative basis as a price advantage cannot be afforded to bidders who are not VAT vendors.

20. **Test for Responsiveness**

20.1 **Invalid Submissions**

Quotations shall be invalid if:

- (a) The quotation submission is not sealed when submitted into the tender box.
- (b) The quotation submission is not completed in non-erasable ink.
- (c) The form of offer has not been completed in every respect and signed by the bidder.
- (d) In a two-envelope system, a bidder fails to submit both a technical proposal and a separate, sealed financial offer.
- (e) The bidder has been listed on the National Treasury’s Register for Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004, or has been listed on the National Treasury’s List of Restricted Suppliers and who is therefore prohibited from doing business with the public sector.
- (f) The bidder is prevented from doing business with BCMM in terms of Regulation 38 and 44 of the Supply Chain Management Regulations (MFMA).

20.2 **Non-responsive Submissions**

Quotations will be declared as non-responsive and eliminated from further evaluation in the following circumstances –

- (a) The submission does not comply with the RFQ conditions and procedures.
- (b) The submission has not achieved the minimum score for functionality as set out in the evaluation criteria, where functionality is applicable.
- (c) Where there are material deviations or qualifications to the RFQ which in BCMM’s opinion would –
 - (i) Detrimentially affect the scope, quality or performance of the works, services or supply identified in the scope of works;

- (ii) Significantly change BCMM's or the bidder's risks and responsibilities under the contract, or
 - (iii) Affect the competitive position of the bidder, or other bidders presenting responsive submissions, if it were to be rectified.
- (d) The submission will be declared non-responsive if the bidder fails to adhere to a written request (within the specified period set out in such request) to –
- (i) Comply with the general conditions applicable to RFQs as contained in the BCMM Supply Chain Management Policy;
 - (ii) Complete and/or sign any declarations and/or authorisations;
 - (iii) Submit items 2 - 3 of the list of returnable documents in Part 2 (section 2.1) of this bid document.
 - (iv) Submit its tax compliance status, company registration documents, and ID documents of directors, where BCMM is unable to verify such documents on the Central Supplier Database.
- (e) The bid will be declared non-responsive in the event that the bidder's tax matters, as verified on the government Central Supplier Database, are shown not be in order, and the bidder fails to ensure that its tax matters are in order within such timeframe as may be required by BCMM in writing.

21. Clarification of quotation after submission

The bidder must provide clarification of its submission in response to a request to do so from BCMM during the evaluation process. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of bidders or substance of the submission may be sought, offered, or permitted.

22. Provide other material

The bidder shall provide, on request by BCMM, any other material that has a bearing on the RFQ submission, the tenderer's commercial position (including notarized joint venture agreements), or samples of materials, considered necessary by BCMM for the purpose of a full and fair risk assessment. Should the bidder not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in BCMM's request, BCMM may regard the RFQ submission as non-responsive.

23. Inspections, tests and analysis

The bidder shall, at the request of BCMM, provide access during working hours to its business premises for any inspections, tests and analyses as required for the RFQ.

24. Securities, bonds, policies, etc

If required, the bidder must submit for BCMM's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract.

25. Imbalance in quoted rates

- 25.1 In the event of tendered rates or lump sums being declared by BCMM to be unacceptable to it because they are either excessively low or high or not in balance with other rates or lump sums, the bidder may be required to produce evidence and advance arguments in support of the tendered rates or lump sums objected to.
- 25.2 If after submission of such evidence and any further evidence requested, BCMM is still not satisfied with the tendered rates or lump sums objected to, it may request the bidder to amend these rates and lump sums along the lines indicated by it.
- 25.3 The bidder will then have the option to alter and/or amend the rates and lump sums objected to and such other related amounts as are agreed on by BCMM, but this shall be done without altering the total quotation amount as offered/tendered for.
- 25.4 Should the bidder fail to amend his quotation in a manner acceptable to BCMM, BCMM may reject the quotation.

26. RFQ validity period

- 26.1 All quotations submitted shall remain valid, irrevocable and open for written acceptance by BCMM for a period of 90 (ninety) days from the closing date of the RFQ or for such extended period as may be applicable.
- 26.2 The quotation may not be amended during the aforesaid validity period.
- 26.3 In the event that an appeal in terms of the Municipal Systems Act No. 32 of 2000, is received, the validity period of the RFQ shall be deemed to be extended until the finalisation of the appeal; unless the bidder has requested in writing that its quotation be withdrawn.

27. BCMM supplier database

- 27.1 Bidders must be registered on the BCMM Supplier Database, or meet the listing criteria set out in the BCMM Supply Chain Management Policy (2015), in order to be considered responsive to the RFQ.
- 27.2 Bidders must be registered within 7 days of being requested to do so, failing which its submission shall be declared to be non-responsive.
- 27.3 It is each bidder's responsibility to keep all the information on the BCMM Supplier Database updated. If any information required (e.g. tax clearance certificate, CIDB certificate, etc) is not valid or has expired, all transactions with the vendor may, in the sole discretion of BCMM, be suspended until such time as the correct, verified information is received.

28. Tax compliance status

- 28.1 No award shall be made to a person whose tax matters have not been declared to be in order by the South African Revenue Service (SARS).
- 28.2 Bidders are therefore required to ensure that they are tax compliant with SARS and that their tax certificate is accessible from the Central Supplier Database; or is submitted to BCMM if requested.
- 28.3 Each party to a consortium, joint venture or partnership must comply with the above.

29. Inducements, rewards, gifts and other abuses of the Supply Chain Management System

- 29.1 No provider or potential provider of goods or services, or a recipient or potential recipient of goods disposed of or to be disposed of, may directly or indirectly commit any fraudulent act during the RFQ process or abuse the supply chain management system of BCMM.
- 29.2 Fraud and abuse of the supply chain management system is not permitted and may result in the quotation being rejected, an existing contract being cancelled, blacklisting, and any other remedies available to BCMM as provided for in the Supply Chain Management Regulations.

30. Declarations and authorisation

Bidders are required to complete all statutory declarations and authorisations in the schedules attached to this RFQ document, failing which the submission may be declared non-responsive.

31. Samples

If the specifications require a bidder to provide samples, these shall be provided strictly in accordance with the instructions set out in the special conditions of the RFQ below.

32. Alternative offers

Alternative offers may be considered, provided that a quote submission free of qualifications and strictly in accordance with the RFQ document is also submitted. BCMM shall not be bound to consider alternative submissions.

33. Alterations to tender document

Bidders may not make any alterations or additions to the RFQ document, except to comply with instructions issued by BCMM, or as are necessary to correct errors made by the bidder. All signatories to the RFQ submission shall initial all such alterations. Erasures and the use of masking fluid are prohibited.

34. Objections, Complaints, Queries and Disputes / Appeals in terms of Section 62 of the Systems Act**34.1 Objections, complaints, queries and disputes**

Persons aggrieved by decisions or actions taken by BCMM in the implementation of the supply chain management system or any matter arising from a contract awarded in terms of the supply chain management system may, within 14 days of the decision or action, lodge a written objection or compliant or query or dispute against the decision or action.

34.2 Section 62 Appeals

- (a) In terms of section 62 of the Systems Act, a person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority, may appeal against that decision by giving written notice of the appeal and reasons to the Accounting Officer within 21 days of the date of notification of the decision.
- (b) An appeal shall contain the following:
- (i) The reasons and/or grounds for the appeal;
 - (ii) The manner in which the appellant's rights have been affected;
 - (iii) The remedy sought by the appellant.

34.3 Lodging of appeals, objections, complaints, queries and disputes relating to this tender

Appeals, objections, complaints, requests for information, queries and disputes must be submitted in writing to the Office of the Municipal Manager, 10th Floor, Trust Centre Building, Cnr of Oxford & North Streets, East London, OR by email, zukiswafa@buffalocity.gov.za.

1.2 SPECIAL CONDITIONS OF THE REQUEST FOR QUOTATIONS (RFQ)

The special conditions qualify or are in addition to the general conditions in section 1.1 above. In the event of any ambiguity or inconsistency between the general conditions and the special conditions, the latter shall have precedence.

These special conditions, the general conditions, and the returnable schedules are only required for evaluation purposes and shall not form part of any contract arising from the invitation to tender.

General Conditions Clause No.	Additions or Variations to General Conditions
Clause 13 & 21 CLARIFICATION OF RFQ SUBMISSION	Where a bidder is requested to provide additional information or clarification of its submission, this shall not be an opportunity for the bidder to bolster its submission in any way, so as to afford it an unfair competitive advantage.
Clause 16 AUTHORITY OF SIGNATORY	The bidding entity must submit a letter of authority on its letterhead authorising the signatory to this RFQ to sign all documents in connection with the RFQ, and any contract which may arise therefrom, on behalf of the bidding entity. The letter of authority must be attached to Schedule A.
Clause 19 EVALUATION OF RFQs	RFQs will be evaluated in accordance with the evaluation criteria set out on page 09-10 of this document.
Clause 20.1 (d)	The two-envelope system does not apply to this RFQ.

Clause 23 INSPECTION, TESTS AND ANALYSES	No inspections, tests and analyses shall be required for this RFQ.
Clause 31 SAMPLES	No samples shall be required for this RFQ.
Clause 32 ALTERNATIVE OFFERS	No alternative offers will be considered.

RQF EVALUATION CRITERIA

Each tender submission will be first evaluated on the basis of its functionality as specified in below.

Functionality Points Scoring

The Points Scoring for Functionality is reflected in the tables below. General responsiveness in terms of experience, expertise and methodology will be combined to make 100 %. Bidders who score below 70 % overall will be declared non-responsive and will not qualify to proceed to the next assessment stage.

Schedule “D” Contracts of a Similar Nature will be used to complete the Functionality Scoring in the tables below. **Failure to complete Schedule “D” and the information required will result in disqualification of the tenderer.**

It is the Bidders’ responsibility to ensure that all documentation submitted is unambiguous and concise as well as in accordance with the aforementioned. BCMM accepts no liability for unsuccessful bids due to the lack of proper and sufficient supporting documentation.

TABLE 1: Points Allocated to the Qualifications Category

PLANNING QUALIFICATIONS OF SERVICE PROVIDER	POINTS
Town Planning Qualifications: The Town Planner on the team <u>must</u> be registered with SACPLAN as a Professional Planner and the Town Planner <u>must also</u> be the Project Manager. Proof of Registration must be provided and a CV <i>(2 points for every year of registration as a Professional Planner up to a maximum of 10 points)</i>	10
TOTAL	10

TABLE 2: Points Allocated to the Expertise and Technical Category

EXPERIENCE	POINTS
<p>Town Planning Expertise: Similar Feasibility Studies undertaken by Bidder (Minimum of 2 projects).</p> <p>The Information provided must be listed in the Schedule “D”: Tenderer’s Past Experience on Contracts of a Similar Nature, on page 16.</p> <p>Letter of appointment must be attached as proof</p> <p>(10 points per similar project completed to a max of 20 points)</p>	20
TOTAL	20

TABLE 3: Points Allocated to Technical Capacity

TECHNICAL CAPACITY	POINTS
<p>The composition of the Bidder’s Team must have the following Expertise/technical capacity and and resources to undertake the project:</p> <ul style="list-style-type: none"> ▪ <i>Professional Civil Engineer registered with ECSA = 2</i> ▪ <i>Professional Traffic Engineer registered with ECSA = 2</i> ▪ <i>Professional Environmental Scientist registered with the South African Council for Natural Scientific Professions (SACNASP) = 2</i> ▪ <i>GIS Practitioner registered with PLATO as a Geomatics Professional = 2</i> ▪ <i>Professional Geologist registered with South African Council of Natural Scientific Professions (SACNASP) = 2</i> <p>Proof of Registration must be provided</p>	10
TOTAL	10

TABLE 3: Points Allocated to the Methodology Category

METHODOLOGY	POINTS
<p>Understanding and interpretation of the full Scope of Work to include a comprehensive narrative of the proposed methodology and proposed products/outputs and proposed content of the products/ outputs that will be delivered for each phase</p> <p><i>(Good = 12 to 15 points; Average = 6 to 11 points; Poor = 1 to 5 points) Zero points if no information is provided</i></p>	15

GANTT CHART	
Detailed Gantt Chart MUST be provided showing all the detail of all the relevant components such as activities, costs, and phasing of the project and whether the timeframes will be met and are within guidance <i>(Good = 15 to 20 points; Average = 8 to 14 points; Poor = 1 to 7 points) Zero points if no information is provided</i>	20
TOTAL	35
GRAND TOTAL	75

NOTE:

Bidders who score below **70 %** overall in terms of the above points allocation will be declared non-responsive and will not qualify to proceed to the next assessment stage.

1.3 RETURNABLE DOCUMENTS

In addition to the requirements stipulated in this tender, tenderers are required to submit the documentation listed below.

Failure on the part of a bidder to submit with their quotation any one of the documents listed below (save for item 1), or to complete any of the returnable schedules included in the RFQ document, may result in the submission being classified as non-responsive and eliminated from further consideration. Failure to submit a BBBEE certificate will result in no points being allocated to the bidder for BBBEE.

ITEM NO.	RETURNABLE DOCUMENT	AVAILABLE (TICK ✓)
1.	Original Valid SARS Tax Clearance Certificate	
2.	Original or certified copy of BBBEE certificate or sworn affidavit; if points are claimed (a copy of a certified certificate will not be accepted).	
2.1	A sworn affidavit confirming annual total revenue and level of black ownership, if bidder is an Exempted Micro Enterprise (EME) or Qualifying Small Enterprise (QSE)	
2.2	Original or certified copy of BBBEE certificate, if bidder is a Trust, Joint Venture or Consortium that is a legal entity	
2.3	Original or certified copy of consolidated BBBEE scorecard, if bidder is a Trust, Joint Venture or Consortium that is an unincorporated entity	

3.	Certified copy of Joint Venture or Consortium Agreement; if bidder is a Joint Venture or Consortium	
4.	Original Municipal debt clearance certificate / bidders' business premises lease agreement.	

In the event that the bidding entity is a joint venture, consortium, or partnership, each partner must supply the above information.

NOTE:

Bidders' Tax Compliance Status, Company Registration Documentation, and Identity Documentation (directors) will be verified by BCMM on the government Central Supplier Database. Therefore, bidders are required to ensure that they are registered on the database on submission of this RFQ.

1.4 RETURNABLE SCHEDULES

All returnable schedules below must be completed by the bidding entity, save for those schedules which are not applicable to it in which case the bidder must indicate which schedules are not applicable. Should the bidder fail to complete all applicable and compulsory schedules, its quotation submission shall be deemed to be non-responsive in accordance with clause 20.2 (d) (ii) of the general conditions.

The schedules required to be completed are as listed below –

Schedule A	Letter of Authority for Signatory
Schedule B	Confirmation of Registration of Bidder on Central Supplier Database (CSD)
Schedule C	Municipal Bidding Documents

SCHEDULE A – LETTER OF AUTHORITY FOR SIGNATORY

Indicate the status of the bidder by ticking the appropriate box hereunder with an x.

COMPANY	CLOSE CORPORATION	PARTNERSHIP	JOINT VENTURE	SOLE PROPRIETORSHIP

NOTE:

BIDDERS MUST ATTACH A LETTER OF AUTHORITY TO THIS PAGE, AUTHORIZING THE SIGNATORY TO THIS RFQ TO SIGN ALL DOCUMENTS IN CONNECTION WITH THE RFQ AND ANY CONTRACT WHICH MAY ARISE THEREFROM, ON BEHALF OF THE BIDDING ENTITY.

SCHEDULE B – CONFIRMATION OF REGISTRATION OF BIDDER ON CENTRAL SUPPLIER DATABASE (CSD)

NAME OF BIDDER	REGISTERED ON CSD? (YES/NO)	CSD SUPPLIER NUMBER

Bidders are required to register as suppliers on the government Web-based Central Supplier Database (CSD) prior to submission of this RFQ, and provide their CSD supplier number in the table above. If not registered on submission of this RFQ, bidders will be required to register on the CSD within such timeframe as stipulated by BCMM.

It is the responsibility of a bidder to ensure that this requirement is complied with. In the case of Joint Ventures and Consortia, this requirement will apply to each party to the Joint Venture or Consortium.

BIDDER’S SIGNATURE:

SCHEDULE C – MUNICIPAL BIDDING DOCUMENTS

MBD 4

DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state¹.
- 2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

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

3.4 Company Registration Number:

3.5 Tax Reference Number:

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars.....
.....

¹ MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

3.9 Have you been in the service of the state for the past twelve months? **YES / NO**

3.9.1 If yes, furnish particulars.....
.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If yes, furnish particulars
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?..... **YES / NO**

3.11.1 If yes, furnish particulars.....
.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?..... **YES / NO**

3.12.1 If yes, furnish particulars.....
.....

3.13 Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?..... **YES / NO**

3.13.1 If yes, furnish particulars.....
.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars.....
.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

SCHEDULE “D”:TENDERER’S PAST EXPERIENCE ON CONTRACTS OF A SIMILAR NATURE

DECLARATION OF SIMILAR PROJECTS COMPLETED

*Service Providers are to **ONLY** list 2 similar completed projects (type and size related to a Feasibility Study) that have previously been executed. **The information provided below will be used to calculate the functionality on RFQ EVALUATION CRITERIA** (Pages 8-10)*

Name of Project	Name of Employer and Contact Details	Monetary Value of Project	Date of Appointment	End date of Appointment

.....

DATE

.....

SIGNATURE OF BIDDER

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to not exceed R1 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.4 The maximum points for this bid are allocated as follows:

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

1.5 Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

- (a) **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (d) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

- (e) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) as amended by Act No 46 of 2013;
- (f) **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- (g) **“consortium or joint venture”** 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;
- (h) **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- (i) **“EME”** means an Exempted Micro Enterprise as defines by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (j) **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- (k) **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- (l) **“non-firm prices”** means all prices other than “firm” prices;
- (m) **“person”** includes a juristic person;
- (n) **“QSE”** means a Qualifying Small Enterprise as defines by Codes of Good Practice issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (o) **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- (p) **“sub-contract”** means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- (q) **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- (r) **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- (s) **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

or

Where

- P_s = Points scored for comparative price of bid under consideration
- P_t = Comparative price of bid under consideration
- P_{min} = Comparative price of lowest acceptable bid

5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 A bidder who qualifies as an EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.
- 5.3 A Bidder other than EME or QSE must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability

to execute the sub-contract.

5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1

7.1 B-BBEE Status Level of Contribution: _____ = (maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or a sworn affidavit.

8. SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? (*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

8.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME. (*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

9.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[Tick applicable box]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

9.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[Tick applicable box]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:.....

9.8 Total number of years the company/firm has been in business:.....

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p>
--

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)
CERTIFY THAT THE INFORMATION FURNISHED ON THIS
DECLARATION FORM IS TRUE AND CORRECT.**

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:
(Name of Bidder)

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

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

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

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

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

2.1 AGREEMENT & CONTRACT DATA

2.1.1 FORM OF OFFER AND ACCEPTANCE

PART 1 (OFFER TO BE COMPLETED BY THE BIDDER)

1. Buffalo City Metropolitan Municipality has solicited offers to enter into a contract for the procurement of:

FEASIBILITY STUDY FOR TYUTYU: ERF RE/1071 KING WILLIAMS TOWN (KWT).
2. I, the Bidder, hereby undertake to supply and deliver all or any of the goods and/or works; OR render the services described in the attached bidding documents to BCMM in accordance with the requirements and specifications stipulated in RFQ number **RFQ/ARCH/2018-19/496** at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of RFQ.
3. The following documents shall be deemed to form and be read and construed as part of this Agreement:
 - (i) The Scope of Work;
 - (ii) This RFQ document, viz
 - Scope of Services;
 - The Pricing Data;
 - This Form of Offer & Acceptance;
 - (iii) Bidder's RFQ submission;
 - (iv) The Special Conditions of Contract;
 - (v) The General Conditions of Contract; and
 - (vi) Any Service Level Agreement that may be concluded by the appointed bidder and BCMM.
4. I confirm that I have satisfied myself as to the correctness and validity of my quote; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the RFQ document; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
5. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
6. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
7. I confirm that I am duly authorized to sign this contract.

The **TOTAL QUOTATION AMOUNT** inclusive of value-added tax (where applicable) is

..... Rand

(in words); R (in figures)

This offer may be accepted by the authorised BCMM representative signing the acceptance part of this form of offer and acceptance, and returning one copy of this document to the bidder before the end of the period of validity stated in the tender conditions, whereupon the bidder becomes the party named as the appointed service provider in terms of the conditions of contract identified in the contract data.

NAME (PRINT)
CAPACITY
SIGNATURE
NAME OF FIRM
DATE

WITNESSES: 1 2 DATE:

FAILURE BY THE BIDDER TO COMPLETE AND SIGN THIS FORM AND/OR TO ENTER ITS TOTAL QUOTATION AMOUNT ON THIS FORM OF OFFER, SHALL DISQUALIFY ITS SUBMISSION.

PART 2 (ACCEPTANCE TO BE COMPLETED BY BCMM)

By signing this part of this form of offer and acceptance, BCMM accepts the bidder’s offer. In consideration thereof, BCMM shall pay the appointed service provider the amount due in accordance with PART 1 of this offer and acceptance. Acceptance of the bidder’s offer shall form an agreement between BCMM and the bidder upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

1. I..... in my capacity as **AGM: SUPPLY CHAIN MANAGEMENT** accept your bid under reference number **RFQ/ARCH/2018-19/496** dated **14 MAY 2019** for the supply or the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SUPPLY/ SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)
FEASIBILITY STUDY FOR TYUTYU: ERF RE/1071 KING WILLIAMS TOWN (KWT).				

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

SCHEDULE OF DEVIATIONS OR QUALIFICATIONS

The bidder should record any **proposed** deviations or qualifications he may wish to make to the RFQ in this Schedule. Alternatively, a bidder may list such deviations or qualifications in a covering letter attached to his submission and reference such letter in this Schedule. Should any matter in such letter, which constitutes a deviation as aforesaid, be the subject of agreements reached during the process of offer and acceptance, the outcome of such agreement shall be recorded here.

The bidder's attention is drawn to paragraph 20.2(c) of the General Conditions of the RFQ, regarding the handling of material deviations and qualifications.

Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the RFQ document, and which it is agreed by the parties becomes an obligation of the contract, shall also be recorded here.

Any change or addition to the RFQ document arising from the above agreements and recorded here, shall also be incorporated into the final draft of the contract.

If no deviations or qualifications are desired, the schedule hereunder to be marked NIL, and signed by the bidder.

1. Subject _____

Details _____

2. Subject _____

Details _____

3. Subject _____

Details _____

4. Subject _____

Details _____

5. Subject _____

Details _____

6. Subject _____

Details _____

By the duly authorized representatives signing this schedule of deviations, BCMM and the bidder agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the RFQ document.

For the tenderer:

Signature(s)

Name(s)

Capacity

.....
(Name and address of organization)

Name and signature
of witness

Date

2.1.2 CONTRACT DATA

GENERAL CONDITIONS OF CONTRACT

The contract will be administered in terms of the **General Conditions of Contract 2010** as issued by National Treasury.

A copy of the General Conditions of Contract may be obtained from the National Treasury website – www.treasury.gov.za

2.2 PRICING DATA

2.2.1 PRICING INSTRUCTIONS

- (i) Bidders' price offer shall be valid for 90 days from the closing date of this RFQ.
- (ii) The rates and prices submitted by the bidder must be entered into the pricing schedule below.
- (iii) No deviations from the pricing schedule will be permitted, except where indicated separately in the schedule of deviations.
- (iv) The quotation amount must be inclusive of VAT, where the bidder is a registered VAT vendor.
- (v) Bidders must provide rates that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract.
- (vi) Bidders are required to pay attention to clause 25 of the general conditions (imbalance in quoted rates).
- (vii) Should there be a discrepancy between the total quotation amount in the pricing schedule, and that in the form of offer; the price in the form of offer will take precedence. Where there is a discrepancy between the amount in figures and the amount in words, the amount in words will govern.
- (viii) The pricing sheet is to be signed and stamped by the prospective company.

2.2.2 PRICING SCHEDULE

PHASE	DESCRIPTION	OUTPUT	LUMP SUM AMOUNT
1	Project Initiation and finalisation of Terms of Reference	Inception Report.	
2	Formulation of a Development Perspective	Development Perspective Report.	
3	Formulation of Draft Concept Plan and circulation to affected government departments i.e. SANRAL, Telkom, Eskom etc	A Concept Plan & Draft Plan circulated.	
4	Formulation of Draft Feasibility Report & Concept Plan for Submission to Council for approval	Draft Feasibility Report and Concept Plan to Council for approval	
5	Council Decision	Final Draft Feasibility Report and Concept Plan: X25 copies of Final Feasibility Report; X10 A0 colour copies of Final Feasibility Concept Plan X1 CD containing electronic copy of Final Feasibility Report and Concept Plan, GIS files in ArcGIS format, AllyCAD (.dxf;. dwg;. drg or .dr4)	
	Sub Total (Excluding VAT)		

	Disbursements (Estimated 10% for <i>(reports, plans, travel, etc.)</i>)		
	Sub Total		
	VAT at 15 %		
	TOTAL (Including VAT)		

Name of Tenderer

Date Signature

Company Stamp:



2.3 SCOPE OF WORK

2.3.1 Scope of Supply or Services

The project involves the preparation of a detailed **Feasibility Study for Tyutyu: Erf RE/1071 King Williams Town (KWT)**, located in BCMM. The area is also called as Zizeni.

2.3.2 **Location of Project and Affected Properties:**

Tyutyu is located on Erf RE/1071 King Williams Town within Ward 43 of the Buffalo City Metropolitan Municipality (BCMM). This informal settlement is situated in King Williams Town (32° 50' 59.90"South, 27° 26' 55.86"East). Tyutyu is located approximately 8km from the King Williams Town CBD (see Locality Plan attached as **Annexure "A"**). The affected property is depicted on the table below:

The land is owned by Buffalo City Metropolitan Municipality and measures approximately 35 ha in extent. The site is currently zoned as Multiple Zoning.

ERF	TITLE DEED	AREA (HA)	ZONING	REGISTERED OWNER
RE/1071 King Williams Town (KWT).	T4364/2007	35 Ha	Multiple Zone	BUFFALO CITY MUNICIPALITY

2.3.3 **Project Background**

The study area is Tyutyu, an informal settlement located in Bhisho, within ward 43 and falls within the Buffalo City Metropolitan Municipality jurisdiction. Tyutyu is an established township consisting of Formal houses. The area towards the East and South of the formal Tyutyu township is the area of interest. Tyutyu is made up of a mixture of shack and formal houses and is set up in a rural manner.

The settlement forms part of the National Upgrading Support Program (NUSP) round 1, which was approved by BCMM Council in 2015. The purpose of NUSP is to provide basic services incrementally as government has realised that providing sustainable Human Settlements to all inhabitants is a very long exhaustive process which leads to civil unrest and service delivery protests. National government decided to implement NUSP with the hope of providing the much-needed services to communities while they wait for formal housing with all associated uses.

2.3.4 Problem Statement

The following represents the key issue that has been identified:

- To determine the extent of housing development that the identified parcel of land (Erf RE/1071 KWT) can contain.
- Identify alternative land parcels which can be developed to cater for any access beneficiaries/ residents.

2.3.5 Project Objectives

Buffalo City Metropolitan Municipality identified the need to appoint a service provider to assist in the preparation of the required Feasibility Studies for the Tyutyu to achieve the following objectives:

- to explore the technical feasibility for the land for township establishment, based on the principles of integrated human settlement concept.
- to formulate a Concept Development Framework Plan that identifies future land usage.
- Formulate recommendations on how best the land can be developed and identify any alternative land within close proximity that can be developed to cater for any excess beneficiaries / inhabitants.

2.3.7 Feasibility Study

The Feasibility Study must ensure successful implementation of the project and that the ultimate development / construction of houses can be accommodated on the proposed land parcels.

If the Feasibility Study concludes that the land is unsuitable or only partially suitable for development, it will have implications for Township Establishment.

It is anticipated that the service providers required for the project must provide the following types of professional services:

- Town Planning: to undertake Project Management and Concept Development Framework Plan including GIS specialist function for map preparation and database.
- Engineering - Engineering Services, Geotechnical Report, Groundwater Study, Flood Line Assessment, *etc.*
- Environmental Management: to undertake Environmental Impact Assessment (EIA)
- Property Valuation: Privately owned land to be valued (only if the subject properties are found to be suitable and/or adequate to accommodate the planned development proposals)
- Surveyor - to scrutinise Title Deeds regarding any restrictive conditions, servitudes *etc.*

To ensure the expedition of the project implementation it is proposed that some activities run concurrently. It is therefore recommended that the professional appointed for the Development Concept Plan also act as the overall Project Manager.

2.3.8 The Scope of Work

In achieving the successful completion of the **FEASIBILITY STUDY FOR TYUTYU: ERF RE/1071 KING WILLIAMS TOWN (KWT)**., the following activities / tasks are included in the project programme:

1. Market assessment - to identify demand for a mixed-use development that will potentially retain some of the industrial land but will include housing for the full range of income groups and housing typologies and densities as well as appropriate business sites
2. Site assessment - to determine suitability of the site to cater for above identified demand as well as the technical feasibility of developing a mixed use type of development
3. Environmental Assessment - Formulation of an Environmental scoping report
4. Traffic and Transport assessment - to determine needs based on the concept
5. Geo-technical Assessment - The formulation of a Geo-Technical Report (Desktop) for the residential component.
6. Prepare a base plan showing contour of (1m intervals)
7. Scrutinise Title Deeds regarding any restrictive conditions, servitudes *etc.*
8. Engineering Services Assessment to include:
 - Availability of bulk municipal water services required to develop the proposed area, with the required capacity to support the proposed development.
 - Availability of bulk municipal sewer supply and with the required capacity to support the proposed development. The identification of various suitable types of sanitation options for the development of the area.
 - Availability of electricity with the required capacity to support the proposed development.
 - Access (Traffic survey excluded) to the project area.
9. Engagement with relevant stakeholders;
10. Concept layout with a residential yield calculation of any land identified to demonstrate the feasibility of any proposals;
11. A clear land use plan showing existing land uses;
12. Implementation and phasing programme with related budget estimates;
13. Draft Concept/Layout Plan - the preparation of a draft Concept/Layout Plan for the area in support of the above-mentioned Feasibility Studies.

It is important to note that all existing documentations in the format of Basic Assessment Reports, Scoping Reports or Feasibility Studies etc which are available for this property, are to be studied and whatever information is available must be utilized in order to avoid possible

duplication. Before any of these documentations are used, permission must be sourced from the relevant property owner to utilize the relevant information.

The following activities are also included:

- Liaising with all relevant National and Provincial Departments to obtain their comments and approval.
- Liaising with Ward Councillors and Ward Committees and submission of written approval of these parties
- Attend monthly meetings and submit monthly progress reports to Buffalo City Metropolitan Municipality
- Public Participation and obtaining support from community structures.
- Liaising with all Municipal Service Departments.

2.3.9 GUIDING DOCUMENTS/LEGISLATIONS

- The Spatial Development Framework Review (2013)
- King Williams Town/Bhisho Local Spatial Development Framework (LSDF), 2013
- Buffalo City Zoning Scheme Regulations of 2007
- Spatial Planning and Land Use Management (Act 16 of 2013)
- The Amathole District Land Reform & Settlement Plan, 2001
- BCMM Rural Settlement Development Plan, 2013

2.3.10 PROJECT PHASING

This section outlines the anticipated activities that the project will consist of per phase:

Phase 1: Project Initiation and finalisation of terms of reference

The project will be initiated through the appointment of Service Providers, agreement and finalisation of the terms of reference and Inception Report, the establishment of the technical project committee.

Phase 2: Development Perspective

All opportunities, constraints and problems relating to the study area will have to be identified including any policy gaps.

Phase 3: Formulation of a Concept plan and a layout

A concept plan will be created, linked to goals and objectives for development within the study area. The concept will be based on principles and guidelines for development within the study area, based on the outcomes to be achieved.

Phase 4: Formulation of Draft Report and Submission to Council for Approval

Phase 5: Final Draft Feasibility Report and Concept Plan: X25 copies of Final Feasibility Report; X10 A0 colour copies of Final Feasibility Concept Plan X1 CD containing electronic copy of Final Feasibility Report and Concept Plan, GIS files in ArcGIS format, AllyCAD (dxf;. dwg; drg or dr4)

2.3.11 ORGANISATION OF WORK

2.3.11.1 Organisational structure and management of the project

The contact person regarding the daily activities and implementation of the project will be the Manager: Settlement Planning who will report via the Programme Manager: City & Regional Planning, to the BCMM Administration and the Portfolio Councillor for Spatial Planning & Development.

2.3.11.2 Technical Task Team

A **Technical Task Team** will manage the technical aspects of the project. The task team will discuss the findings, proposals and recommendations and meet on a monthly basis or as often

as required and determined by the Technical Task Team. It is proposed that representation on the Technical Task Team will be as follows:

- City & Regional Planning Division
- Property Management Department
- Transport Planning Operations Department
- Finance Department.
- Economic Development and Agencies
- Infrastructure Services
- Human Settlement Directorate
- Geomatics Division
- Integrated Environmental Management Programme
- Consultant Team
- Any other representative, as determined by the needs of the Technical Task Team.

2.3.11.3 Consultant Team Composition

The composition of the Bidder's Team must have the following expertise, technical capacity and resources to undertake the project:

- *Professional Civil Engineer registered with ECSA*
- *Professional Traffic Engineer registered with ECSA*
- *Professional Environmental Scientist registered with the South African Council for Natural Scientific Professions (SACNASP)*
- *GIS Practitioner registered with PLATO as a Geomatics Professional*
- *Professional Geologist registered with South African Council of Natural Scientific Professions (SACNASP)*

2.3.12 Project Activities

The following activities need to be undertaken by the service provider:

- Conduct site visits;
- Consult with the various departments regarding their respective plans and activities in the Study area;
- Investigation into the existing planning proposals, current projects and planning initiatives in the area;
- Consult with relevant regulatory authorities;
- Preparation of base maps;
- Prepare draft concept layout plans;
- Prepare and submit a report to Council.

2.3.13 Project time frames

It is anticipated that the duration of this project will be **± 6 months**. The Project Programme must also include a Gantt Chart with clear timeframes and budgets. It is also important to note that those activities / tasks, which can run parallel, must be done simultaneously, in order for the project to be completed in the shortest possible time.

2.3.14 Reporting

The consultant will be required to prepare the following general reports:

- An Inception Report must be submitted to the Manager: Settlement Planning after three weeks from the date of the letter of appointment. This first report shall include a detailed work plan and a refined budget utilisation.
- Monthly written summary reports to the Manager: Settlement Planning on progress made, plans for the next phase, constraints and challenges in relation to the project. The reports shall be structured so that the progress and achievements within the project are clearly detailed. Pertinent observations and recommendations should be dealt with in the same manner.
- The Consultant shall on request be prepared to make verbal presentations and participate in workshops related to his/her service contract with BCMM.
- Feasibility report including the draft concept layout plans.

Other related matters include inter alia:

- Special reports on topical issues as might be required from time to time.
- The Consultant shall on request be prepared to make verbal presentations.
- All outputs must be forwarded to the Project Manager in advance of meetings.

2.3.15 Services to be provided by BCMM

BCMM will provide the consultant with:

- Access to all relevant personnel for interviews and assist in arranging meetings with departments, etc.;
- Access to Supporting documents and the BCMM Rural Settlement Development Plan, 2013;
- King Williams Town/Bhisho Local Spatial Development Framework (LSDF), 2013
- BCMM Spatial Development Framework, BCMM Urban Edge Report,
- Informal Settlements Upgrading Policy and Strategy, 2014
- Reviews and comments on consultant's reports;
- Monitoring and evaluation of the study and the design of the implementation programme for the project.

2.3.16 Requirements from Service Provider

This Bid Specification calls for a suitably qualified and experienced Service Provider(s) to act as the project manager and to undertake the preparation of the **TYUTYU FEASIBILITY STUDY: ERF RE/1071 KING WILLIAMS TOWN (KWT)**.

The Bidder is required to submit a proposal outlining the proposed **methodology, activities, phasing, time frames, composition of the Service Provider team, budget and the anticipated outputs** for undertaking the project as outlined in this Terms of Reference.

To ensure the expedition of the project implementation it is proposed that some activities run concurrently. It is therefore recommended that the professional appointed for the **TYUTYU FEASIBILITY STUDY: ERF RE/1071 KING WILLIAMS TOWN (KWT)**, also act as the overall Project Manager.

2.3.17 GIS Standards and Specifications

Service Providers are to supply all GIS data and mapping as per the standards described in **Annexure B**

ANNEXURE “A”

LOCALITY PLAN



ANNEXURE “B”**BCMM GIS DATA SPECIFICATIONS****1.0 Format of spatial data submitted to BCMM**

All spatial data gathered, produced or acquired by BCMM, or for BCMM by any third party, should conform to formats and standards prescribed by the GIS Unit. All spatial data should comply with the following conditions:

- Software requirements would be a minimum of ArcGis 9.1;
- Spatial data should be saved in ESRI supported spatial formats Geo-databases with attribute fields in attribute tables discussed with City Planning prior to populating it.
- Data should have fully defined coordinate reference systems readable by ESRI software (prj file for shapefiles, for example). If this is not possible, the coordinate reference system should be fully defined in the metadata supplied with the data.
- The spatial reference system to be used should preferably be “un-projected” i.e. a geographic coordinate system based on the Hartebeesthoek 94 datum. If this is not possible, data should be projected to the “Buffalo City Projection”. This is a Transverse Mercator projection with the central meridian being 27 degrees east and based on the Hartebeesthoek 94 datum. Exact details in ESRI format:
 - Projection: Transverse_Mercator
 - False_Easting: 0.000000
 - False_Northing: 0.000000
 - Central_Meridian: 27.000000
 - Scale_Factor: 1.000000
 - Latitude_Of_Origin: 0.000000
 - Linear Unit: Meter (1.000000)
 - Geographic Coordinate System: GCS_Hartebeesthoek_1994
 - Angular Unit: Degree (0.017453292519943299)
 - Prime Meridian: Greenwich (0.000000000000000000)
 - Datum: D_Hartebeesthoek_1994
 - Spheroid: WGS_1984
 - Semimajor Axis: 6378137.000000000000000000

- The use of CAD file formats as a data sharing/ transferring format is discouraged, especially since most CAD packages now have the ability to create ESRI shapefiles, which is the preferred format.
- Consistency and continuity in terms of symbology and labelling are regarded as important since BCMM is striving towards a standardized system of symbolizing and labelling. This is critical for overlaying and comparative analyses purposes.
- For the purpose of this SDF Review one continuous layer for geocoding is required, eg. as lines, points and polygons.

All spatial data should be accompanied with relevant metadata as detailed below.

2.0 Metadata

In order to comply with the Spatial Data Infrastructure Act (Act 54 of 2003), all spatial data for which BCMM is deemed to be the custodian, must have metadata. Capturing/publishing of metadata must also be included in the manual on functions as described in section 14 of the Promotion of Access to Information Act. 2000 (Act No. 2 of 2000).

All spatial data in the Corporate GIS will therefore describe the following metadata elements:

- The date when the data was captured or created
- The time period that this data is relevant to (in case the data is historical or depicts a temporary state)
- Who should be credited with the creation of the data (this could be the author, source, copyright holder, creator or custodian)
- The applicability or purpose i.e. what this data can or should be used for
- The accuracy - spatial accuracy/resolution or largest scale that the data should be used at
- The contact details of the author/custodian
- The distribution rights, for example: details of the copyright owner (if any), specifics of any license agreement relating to the data, indication if the data can be freely distributed.

3.0 Data disclaimers

The service provider (on behalf of BCMM) will include a spatial data disclaimer, along with metadata as prescribed by the Spatial Data Infrastructure Act, whenever sharing spatial data with any other entity or person. The data will be accompanied by a standard letter obtained

from the GIS Unit describing the data, copyrights, permissions and a disclaimer. The disclaimer will read as follows:

1) *The data extraction was done on ...(current date)... and the data is current as at the date of extraction or sourcing.*

2) *The data and information supplied remains the sole property of Buffalo City Municipality and any unauthorized alteration; modification; propaganda; and/or use for gain or otherwise is strictly prohibited.*

4.0 Database design

A draft database design should be submitted in Microsoft Word or Microsoft Visio or as a file geodatabase created with ESRI software. In this draft database design, the relevant service provider should:

- list the field names,
- list the field types,
- identify/specify domains(use the domains in the look-up table),
- list domain codes to be utilized (use land use codes available from City Planning),
- identify subtypes,
- list subtype codes to be utilized,
- list default values,
- define field lengths,
- include the full field name in the field alias, if a fieldname is abbreviated
- not use spaces in field names (use underscores instead).

The data naming conventions should also adhere to the requirements of BCMM as outlined below:

Database Naming Conventions	Department
am	Amenities
arch	Architecture
bil	Billing
cem	Cemetery
cp	City & Regional Planning
ms	Municipal Services

dm	Disaster Management
ecbcp	Eastern Cape Biodiversity Conservation Plan – 2007
elec	Electricity
emf	Environmental Management Framework
env	Environmental
fin	Finance
fs	Fire Services
gv	General Valuations
hlth	Health Services
hs	Human Settlements
ict	Information and Communication Technology
idp	Integrated Development Planning
kms	Knowledge Management
la	Property Management Department
led	Local Economic Development
geo	Geomatics
mb	Municipal Biodiversity
pmu	Project Management Implementation
pp	Public Participation
pp	Public Participation
rds	Roads Department
rts	Rates
sanbi	South African National Biodiversity Institute
sc	Scientific Services
stw	Storm Water
surv	Survey
te	Traffic Engineering
tp	Transport Planning

trf	Traffic and Law Enforcement
vw	IEWS (Spatial Views prefix)
wa	Water
ww	Waste Water

5.0 Project sign off process

In line with the provisions described above, it should be noted that any project with a spatial component should follow a prescribed process to ensure that quality spatial data is produced and delivered to BCMM.

Spatial data quality assurance is a stipulation in standard BCMM procurement policy/contractual conditions. Any spatial data produced/used/delivered during any project with a spatial component must comply with the policy requirements laid out in the BCMM GIS Operational Policy.

Payments (final or phased) for a contract/project will be withheld until quality assurance has been performed and the quality of the spatial data found to be adequate. These requirements should be met before a project is finally "signed off" and deemed complete.

-END-