



**INVITATION TO SUBMIT FORMAL WRITTEN PRICE QUOTATIONS**

<b>RFQ NO.:</b>	<b>RFQ/DCS/2018-19/410</b>
<b>DESCRIPTION OF GOODS / SERVICES:</b>	<b>Zoo – Appointment of PSP for Construction Supervision of Animal Enclosures (Gibbon, Iguana, Sungazer and Bear)</b>

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

<b>NAME OF BIDDER:</b>			
<b>BCMM SUPPLIER DATABASE REGISTRATION NO:</b>			
<b>STREET ADDRESS:</b>			
<b>POSTAL ADDRESS:</b>			
<b>TEL NO:</b>		<b>CEL NO:</b>	
<b>FAX NO:</b>		<b>EMAIL:</b>	
<b>TOTAL QUOTATION AMOUNT:</b>			

<b>Issued by:</b>	<b>Prepared by:</b>
The City Manager c/o The General Manager Supply Chain Management Unit Buffalo City Metropolitan Municipality 80 Phillip Frame Road Chiselhurst, East London	<b>Department of Municipal Services: East London Zoo: Queens Park Buffalo City Metropolitan Municipality</b>

## **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.

<b>RFQ NO.:</b>	<b>RFQ/DCS/2018-19/410</b>
<b>DESCRIPTION OF GOODS / SERVICES</b>	ZOO – APPOINTMENT OF PSP FOR CONSTRUCTION SUPERVISION OF ANIMAL ENCLOSURES (GIBBON, IGUANA, SUNGAZER)
<b>ADVERT DATE:</b>	<b>15 MARCH 2019</b>
<b>CLOSING DATE:</b>	<b>22 MARCH 2019</b>
<b>CLOSING TIME:</b>	<b>12:00PM</b>
<b>COMPULSORY BRIEFING MEETING DATE &amp; TIME:</b> <b>VENUE:</b>	<b>East London Zoo</b> <b>12 h00</b> <b>19 March 2019</b>
<b>RFQ DOCUMENTS ARE OBTAINABLE FROM:</b>	The BCMM Website – <a href="http://www.buffalocitymetro.gov.za/tenders">www.buffalocitymetro.gov.za/tenders</a>  OR:  Request by sending email to <a href="mailto:sibongilesa@buffalocity.gov.za">sibongilesa@buffalocity.gov.za</a> ; <a href="mailto:sitatun@buffalocity.gov.za">sitatun@buffalocity.gov.za</a> ; <a href="mailto:bonganimn@buffalocity.gov.za">bonganimn@buffalocity.gov.za</a>
<b>SUBMISSION OF RFQs:</b>	<u>Informal</u> Tender Box Supply Chain Management Unit, BCMM 80 Phillip Frame Road Chiselhurst, East London
<b>TECHNICAL ENQUIRIES:</b>	Name: Siani Tinley Tel: 082 328 1121 Email: <a href="mailto:siani@elaquarium.co.za">siani@elaquarium.co.za</a>
<b>PROCEDURAL ENQUIRIES:</b>	Bongani Mndi / Siatu Nyikana Tel: (043) 705 9127 / (043) 705 9135 Email: <a href="mailto:bonganimndi@buffalocity.gov.za">bonganimndi@buffalocity.gov.za</a> <a href="mailto:siatuun@buffalocity.gov.za">siatuun@buffalocity.gov.za</a>

**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 FAMILIARISE 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 12:00pm**, 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 Purchase Order. Therefore, no goods must be delivered, or services rendered before an official Purchase Order has been forwarded to the successful bidder. The successful bidder must then deliver or render service upon receiving an official signed Purchase Order from BCMM.**

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 and complete 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.
- (d) 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.
- (e) 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 has not achieved the minimum score for functionality as set out in the evaluation criteria, where functionality is applicable.
- (b) 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.
- (c) 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) **The Tender is not complete in terms of forms that must be complete and supportive documentation requested in submitting the tender is incomplete or was not submitted under relevant sections in the tender.**

- (d) **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. BCMM supplier database**

**25.1 Bidders must be registered on the BCMM Supplier Database; or meet the listing criteria set out in the BCMM Supply Chain Management Policy, in order to be considered responsive to the RFQ.**

25.2 Bidders must be registered within 7 days of being requested to do so, failing which its submission shall be declared to be non-responsive.

25.3 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.

**26. Tax compliance status**

**26.1 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).**

26.2 **Each party to a consortium, joint venture or partnership must comply with the above.**

**27. 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.

28. **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.

29. **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.

30. **Objections, Complaints, Queries and Disputes / Appeals in terms of Section 62 of the Systems Act**

30.1 **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 complaint or query or dispute against the decision or action.

30.2 **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.

30.3 **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, 10<sup>th</sup> Floor, Trust Centre Building, Cnr of Oxford & North Streets, East London, OR by email, [thandokazin@buffalocity.gov.za](mailto:thandokazin@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
<b>Clause 13 &amp; 21</b>  <b>CLARIFICATION OF RFQ SUBMISSION</b>	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, to afford it an unfair competitive advantage.
<b>Clause 16</b>  <b>AUTHORITY OF SIGNATORY</b>	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.
<b>Clause 18</b>	After the Service provider has been notified of the Award and signs Letter of Award, the bidder will have to wait for an official signed Purchase Order before commencing with the delivery or rendering of services appointed for.
<b>Clause 19</b>  <b>EVALUATION OF RFQs</b>	RFQs will be evaluated in accordance with the evaluation criteria set out on <b>page 8-9</b> of this document.
<b>Clause 23</b>  <b>INSPECTION, TESTS AND ANALYSES</b>	No inspections, tests and analyses shall be required for this RFQ.

## **RFQ EVALUATION CRITERIA**

Functionality points will be awarded to the maximum of 100 points. Bidders scoring less than 70 points will not be considered. Bidders are required to comply with the following eligibility requirements of the tender to advance to be evaluated further on price and BBBEE –

a) All Professional Service Providers (PSP) forming the tendering entity must be registered with the relevant statutory body, in terms of the relevant Acts presiding over that profession and must be eligible to carry out the works that they are responsible for.

Professional Persons with less than 3 years' experience will not be considered. The Bidding Entity shall supply the Name and Surname of Person responsible for Works indicated below; as well as CV and Registration details of Person.

b) Only companies with prior experience in small or big building and security fencing works shall be considered. Experience in animal enclosures and wild life sanctuaries will be given preference. Bidders to submit proof of prior experience in the form of certified copies of previous (1) Award Letters and (2) Completion Certificates for work done. Letters of Award and Completion Certificates for similar work are not to be older than 5 (five) years. Contactable references, as per the letters of award, to be included and be attached to the RFQ.

## **FUNCTIONALITY TABLE (Refer to Schedule D)**

DESCRIPTION OF FUNCTIONALITY	SCORING	SCORE
<b>SCHEDULE D1: PROFESSIONAL INDEMNITY</b>	Requirement	Required
Professional Indemnity is a requirement. If not available, the Bid is considered invalid. Proof of Professional Indemnity to be attached to Schedule E1 The Professional Indemnity should cover at least R1 000 000. (One million Rand only)		
<b>SCHEDULE D2: Competency and Experience</b>		
Professional Persons with less than 3 years' experience will not be considered. The Bidding Entity shall supply the Name and Surname of Person responsible for Works indicated below; as well as CV and Registration details of Responsible Person.		
Architect (Architect to be registered with SACA) – Principal Agent Qualified as <b>B Arch</b> the scoring will be <ul style="list-style-type: none"> <li>• 3 to 5 years' experience</li> <li>• 5 to 10 years' experience</li> <li>• Above 10 years' experience</li> </ul> Qualified as <b>BSc Arch</b> the scoring will be <ul style="list-style-type: none"> <li>• 3 to 5 years' experience</li> <li>• 5 to 10 years' experience</li> <li>• Above 10 years' experience</li> </ul>	2 5 10 10 15 25	25
Quantity Surveyor (Registered with ASAQS) <ul style="list-style-type: none"> <li>• 3 to 5 years' experience</li> <li>• 5 to 10 years' experience</li> <li>• Above 10 years' experience</li> </ul>	10 15 25	25



<b>SCHEDULE D.3 - Prior experience.</b>		
Bidder to attach similar contracts awarded Similar projects refer to Security Fencing. 10 points will be awarded per contract to maximum of 50 points	10 points per contract up to maximum of 50 points	50
<b>Total</b>		<b>100</b>

No quotation shall be considered if the above requirements are not complied with.

### 1.3 RETURNABLE DOCUMENTS

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

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 or certified copy of BBBEE certificate or affidavit; if points are claimed (a copy of a certified certificate will not be accepted)	
1.1	An affidavit confirming annual total revenue and level of black ownership, if bidder is an Exempted Micro Enterprise (EME) or Qualifying Small Enterprise (QSE)	
1.2	Original or certified copy of BBBEE certificate, if bidder is a Trust, Joint Venture or Consortium that is a legal entity	
1.3	Original or certified copy of consolidated BBBEE scorecard, if bidder is a Trust, Joint Venture or Consortium that is an unincorporated entity	
2.	Certified copy of Joint Venture or Consortium Agreement; if bidder is a Joint Venture or Consortium	
3.	Original Municipal debt clearance certificate / bidders' business premises lease agreement.	
4.	ID copies of directors	
5.	Print-out of Tax Clearance Certificate or PIN Number	

**If the bidding entity is a joint venture, consortium, or partnership, each partner must supply the above information.**

**NOTE:**

**Bidders' Tax Compliance Status before award of Formal Written Quotation will be verified on Central Supplier Database. Therefore, bidders are required to ensure that they are registered on the database (CSD) upon 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	
	MBD 2	Tax Clearance Certificate <u>or</u> PIN Number
	MBD 4	Declaration of Interest
	MBD 6.1	Preference points Claim Form in terms of the Preferential Procurement Regulations 2011
	MBD 8	Declaration of Bidder's Past Supply Chain Management Practises
	MBD 9	Certificate of Independent Bid Determination
Schedule D	Functional Assessment Documents and Scoring Criteria	
	D.1	Professional Indemnity
	D.2	Key Personnel (CV's to be attached to this schedule) Attach CV's of only the Key Persons as indicated in Schedule 2.  CV's required of the personnel that is responsible for the Works. The Person shall be responsible for the Works and shall be the contact person for BCMM. CV's and information of other personnel shall not be considered in evaluation process.
	D.3	Prior Experience :Declaration of similar projects completed
	D.4	Certificate of Attendance of Site Inspection Meeting

**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.**

**BIDDER'S SIGNATURE:** .....

**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 2**

**A. TAX CLEARANCE CERTIFICATE**

An original valid Tax Clearance Certificate from the South African Revenue Service (SARS) shall be attached to this Schedule or proof that the tenderer has made arrangements with SARS to meet his or her outstanding tax obligations.

Each party to a Consortium/Joint Venture shall submit a separate Tax Clearance Certificate, or proof that he or she has made the necessary arrangements with SARS.

**SIGNED ON BEHALF OF TENDERER:** .....

**TAX CLEARANCE REQUIREMENTS**

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder’s tax obligations.

1. In order to meet this requirement bidders are required to complete in full the attached form TCC 001 “Application for a Tax Clearance Certificate” and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved; each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC 001 “Application for a Tax Clearance Certificate” form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
6. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).

## SCHEDULE C – MUNICIPAL BIDDING DOCUMENTS

**MBD 4**

### DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
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, shareholder<sup>2</sup>):  
.....

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.....  
.....

<sup>1</sup> 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.

<sup>2</sup> 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.

<b>Full Name</b>	<b>Identity Number</b>	<b>State Employee Number</b>

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidder**

**SCHEDULE C – MUNICIPAL BIDDING DOCUMENTS**

**MBD 6.1**

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

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

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

**1. GENERAL CONDITIONS**

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the **.....** preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

	<b>POINTS</b>
<b>PRICE</b>	
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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 regarding preferences, in any manner required by the purchaser.

## 2. DEFINITIONS

- (a) “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) “**B-BBEE status level of contributor**” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) “**EME**” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) “**functionality**” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) “**prices**” includes all applicable taxes less all unconditional discounts;
- (h) “**proof of B-BBEE status level of contributor**” means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) “**QSE**” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 3. POINTS AWARDED FOR PRICE

### 3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right) & \mathbf{or} & P_s = 90 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right)
 \end{array}$$

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{min}$  = Price of lowest acceptable bid

**4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

**5. BID DECLARATION**

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

**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)

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

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

*(Tick applicable box)*

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

7.1.1 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 or QSE

*(Tick applicable box)*

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

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in

terms of Preferential Procurement Regulations,2017:

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

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**8.6 COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

**8.7 MUNICIPAL INFORMATION**

**Municipality where business is situated:** .....

**Registered Account Number:** .....

**Stand Number:**.....

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

8.9 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 contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- 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 6.1, 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 contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (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) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

WITNESSES  1. ....  2. ....
---

.....  SIGNATURE(S) OF BIDDERS(S)  DATE: .....
--

**SCHEDULE C – MUNICIPAL BIDDING DOCUMENTS**

**MBD 8**

**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><b>The Database of Restricted Suppliers now resides on the National Treasury’s website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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><b>The Register for Tender Defaulters can be accessed on the National Treasury’s website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
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**



## SCHEDULE C – MUNICIPAL BIDDING DOCUMENTS

MBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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. takes all reasonable steps to prevent such abuse;
  - b. rejects 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. cancels 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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 consortium<sup>3</sup> will not be construed as collusive bidding.
7. 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.

<sup>3</sup> 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.

**MBD 9**

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

**SCHEDULE D – FUNCTIONAL CRITERIA**

**SCHEDULE E.1 : PROFESSIONAL INDEMNITY INSURANCE**

The tenderer shall state below details of the professional indemnity insurance held by the tenderer. Where the tenderer is a joint venture, each party to the joint venture must submit details of their professional indemnity insurance. Proof of insurance or confirmation from a reputable Insurance Broker that the tenderer is eligible for the prescribed professional indemnity insurance cover should he/she be awarded the contract, must be appended to this schedule. **Given the Scope of Works Professional Indemnity of not less than R1 000 000 (One Million Rand) is required.**

<b>PROFESSIONAL INDEMNITY INSURANCE</b>		
<b>NAME OF INSURED</b>	<b>NAME OF INSURER</b>	<b>LIMIT OF INDEMNITY IRO EACH CLAIM</b>

**SIGNED ON BEHALF OF TENDERER:**

.....

**SCHEDULE D.2 : KEY PERSONNEL**

The tenderer is referred to clause F.2.1.1.4 of the Tender Data and shall insert in the spaces provided below details of the key personnel required to be in the employment of the tenderer or a specialist consultant/firm. The Curriculum Vitae of each individual must be appended to this schedule.

<b>DECLARATION OF BIDDER'S QUALIFICATIONS AND PROFESSIONAL REGISTRATIONS</b>						
<b><i>PSP's are to provide the following information for each of the professional persons responsible to undertake the required disciplines as called for in this document.</i></b>						
<b>Professional discipline required:</b>	<b>Name of qualified person</b>	<b>Certificate obtained</b>	<b>NQF level</b>	<b>Name of statutory professional body</b>	<b>Professional registered title</b>	<b>Registration Number</b>
Example: <i>Architect</i>	Example: <i>A.N. Other</i>	EXAMPLE: <i>B. ARCH (minimum)</i>	Example: <i>NQF 7</i>	Example: <i>SACAP</i>	Example: <i>Professional Architect</i>	Example: Pr. Arch 1234
<b><i>Architect (Principal Agent)</i></b>						
<b><i>Quantity Surveyor</i></b>						

**SIGNED ON BEHALF OF TENDERER:** .....

**SCHEDULE D.3 : DECLARATION OF SIMILAR PROJECTS COMPLETED**

*Service Providers are to list any similar projects that have been executed in the last five years. Must have the letters of Award and Completion Certificates or Final Certificate attached to this page*

Name and Nature of Project	Name of Employer and Details	Monetary Value of Project	Date of Appointment	Est. end date of Appointment

Should there be insufficient space provided above, the Bidder must attach the remainder of the information to this document.  
 Note: Where Joint Ventures/ Consortia are undertaken, the information as requested above is to be provided by each partner firm

.....  
 SIGNED ON BEHALF OF TENDERER

**SCHEDULE D – FUNCTIONAL CRITERIA**

**SCHEDULE D.5: Certificate of Attendance of Site Inspection Meeting**

This is to certify that I,

.....

Representative of

(respondent) .....

of (address).....

.....

.....

Telephone number (.....).....

Fax number (.....).....

In the company of (*Employer's Representative*) .....

Visited and examined the site on (*date*) .....

Having previously studied the Tender Documents, I carefully examined the site. I have made myself familiar with all local conditions likely to influence the work.

I further CERTIFY that I am satisfied with the description of the work and the explanations given by the said Employer's Representative and that I understand perfectly the work to be done, as specified and implied, in the execution of this Contract.

TENDERER'S REPRESENTATIVE

.....  
(*Signature*)

Name (*Print*) .....

Company (*Print*) .....

EMPLOYER'S REPRESENTATIVE

.....  
(*Signature*)

Name (*Print*) .....



## 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:

**Zoo – Appointment of PSP for Construction Supervision of Animal Enclosures (Gibbon, Iguana, Sungazer and Bear)**

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/DCS/2018-19/410** 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 carried over from Bill of Quantities, and 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 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 ..... accept your bid under reference number ..... dated ..... 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)

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 of 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

### STANDARD PROFESSIONAL SERVICES CONTRACT

Unless otherwise stated in this document, the 'Standard Professional Services Contract' (July 2009 : Edition 3 of CIDB document 1014) will apply.

### SPECIAL CONDITIONS OF CONTRACT

The Special Conditions of Contract must be cross-referenced with the 'Standard Professional Services Contract', as it contains specific data, which collectively describes the risks, liabilities and obligations of the contracting parties and the procedures for BCMM's administration of the awarded contract.

The Special Conditions of Contract shall have precedence in the interpretation of any ambiguity between it and the General Conditions of Contract.

The following variations and additions to the General Conditions of Contract (National Treasury), shall apply to this contract –

- (i) All work shall be carried out in compliance with the specifications of the Occupational Health and Safety Act: Act 85 of 1993 as amended, as well as the appointed bidder's Detailed work plan including the safety measures to be included whilst on site., which will be checked and monitored by Zoo Management.
- (ii) The appointed bidder shall provide all labour, necessary tools, transport, materials and processes required to complete the work.
- (iii) Buffalo City Municipality reserves the right to terminate the project at any stage and a pro-rata payment will be made for work completed by the appointed contractor.

## **2.2 PRICING DATA**

### **2.2.1 PRICING INSTRUCTIONS**

- (i) The rates and prices submitted by the bidder must be entered in the pricing schedule provided
- (ii) The Contract Amount shall be carried over to the Form of Offer on page 33 of the Bid
- (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

### Bill of Quantities

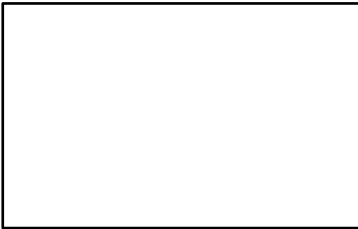
No	Item Description	Unit	Quant	Rate	Total
<b>1</b>	<b>Contract:</b> <b>BCMM/DCOMMS/ZOO/15/2018/15</b>				
<b>1</b>	Stage 5 (25% of Prof Fee): Contract Administration + Construction Management for Construction of Animal Enclosures (Gibbon + Iguana + Sungazer).	%	25		
	<p>Contract <b>BCMM/DCOMMS/ZOO/15/2018/15</b> is a normal re-measurable contract under GCC 2015 to the estimated value of R1 242 944.16 inclusive of VAT. Stage 5 of professional fee represents 25% of the professional fee. The rate required is the rate for Stage 5 @ 25% based on promulgated rates for Professional Fees for a contract amounting to R1 242 944.16. The final fee shall be based on Final Contract Amount pro-rata to fee tendered.</p> <p>The PSP rate shall be the promulgated rate less discount offered @ 25% of the fee</p>				
<b>2</b>	<b>Upgrading of Bear Enclosure</b>				
<b>2.1</b>	Needs Analysis and Analysis of Various Upgrade alternatives	hr	20		
	<p>This phase represents the status quo layout and use of Bear enclosure. If drawings are not available of existing structure the Arch shall draft a layout drawing and elevations. Based on the Master Plan for the Zoo that is available alternative usages for the Bear Enclosure shall be proposed. The existing use should be upgraded to include a water moat for the bear around the periphery of enclosure. Water to be circulated and filtered. The day time enclosure should be upgraded to make provision for usage that is typical to bear environment.</p> <p>The night room should be upgraded to include a more user-friendly area, lighting to be addressed, energy levels of night room to be addressed and be able to monitor, audio visual CCTV camera and sound system to be installed to monitor bear. Layout of night room to simulate conditions typical to a bear environment. Flow of animal and access for staff to be addressed.</p> <p>The public viewing platforms and lookout points to be addressed to modernise the experience. Info displaying area to be addressed. Access to Bear enclosure to be addressed, modernised and upgraded for vehicle access.</p>				
<b>2.2</b>	Development and Design of at least 2 Alternative Solutions (1) Upgraded facility, and	Hr	32		



	(2) End Use Facility as per Master Plan if still applicable	hr	16		
	Outcome for this phase is sketch layout sketches of proposed facilities with possible upgrades for discussion which should include the two alternative solutions Allow for discussion of proposals, review of proposals and then to amend it to desired outcome.				
2.3	Conceptual design of x2 alternatives (1) Upgraded Facility (2) End Use Facility (3) Possible collaborations with other Organisations	Hr Hr	20 16		
	This will entail: (1) Conceptual Layout Drawings and Elevations (2) Detail Sections that require clarity (3) Specifications (4) Material Usage (5) Possible Phases and Implementation Schedule (6) Type of Contract to enter into given possible collaborations with other institutions (7) Cost Estimate of Phases (8) Budget Requirements				
2.4	Cost Estimates for various Phases and Elements. (1) Upgraded Facility (2) End Use Facility	Hr Hr	16 8		
<b>SUB-TOTAL</b>					
<b>Add Contingencies (Works must be approved in writing by BCMM representative before commencement)</b>				<b>5%</b>	
<b>VAT (15%)</b>					
<b>TOTAL TENDER PRICE (to be carried over to form of offer page)</b>					

Name of Tenderer .....

Date ..... Signature .....



Company Stamp:

## 2.3 SCOPE OF WORK

### 2.3.1 Scope of Supply or Services

It is the intention of the Buffalo City Metropolitan Municipality to enter into a formal contract with a Professional Service Provider (PSP) that will carry out the consultancy services described hereunder. This Terms of Reference and the PSP's submission will form the basis of the Agreement.

In main the Works comprises of the following:

1. PSP services for Contract Administration and Supervision of the following Animals Enclosures under Contract: BCMM/DCOMMS/ZOO/15/2018/19
  - Gibbon Night Room
  - Iguana Enclosure
  - Sungazer Enclosure
2. Conceptual Design for upgrading of Bear Enclosure

### 2.3.2 Contract Value of Contract: BCMM/DCOMMS/Zoo/15/2018/19

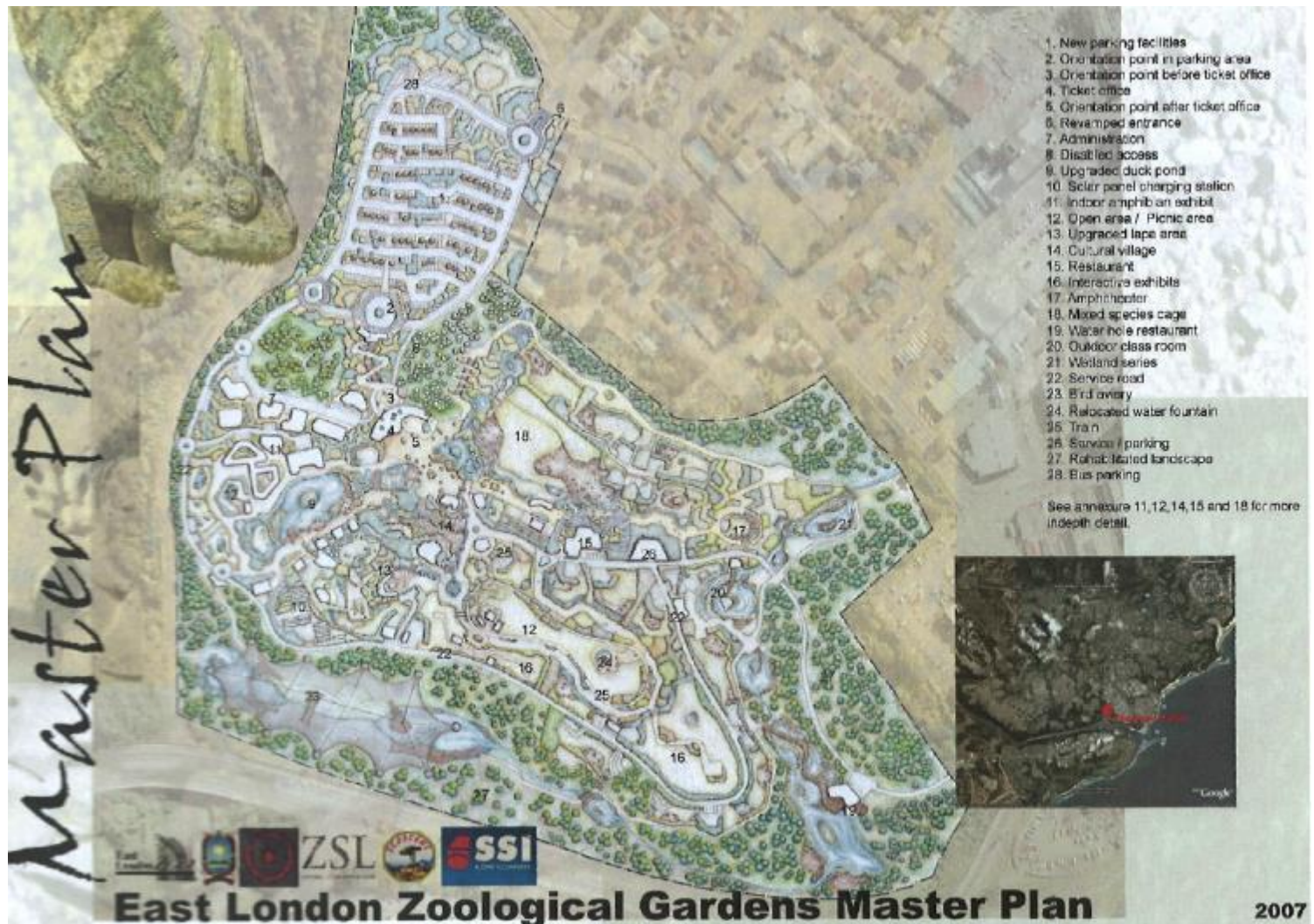
The contract value of the tender awarded for above mentioned contract amounted to R 1 242 944.16 inclusive of VAT

In accordance with ECSA distribution of payment milestones for the various stages the Professional Fee applicable for Stage 5 amounts to 25% of the Professional Fee applicable. Stage 6 – Close Out is not applicable.

	MILESTONE	PORTION OF FEE
1	Inception	5%
2	Concept and Viability <i>(Preliminary/ Concept Design)</i>	15%
3	Design Development <i>(Detail Design)</i>	20%
4.1	Documentation and Procurement <i>(Work up to tender readiness)</i>	20%
4.2	Documentation and Procurement <i>(Work up to contract signing)</i>	10%
5	Construction <i>(Contract Administration and Inspection)</i>	25%
6	Close Out	5%

### 2.3.3 Conceptual Design for upgrading of Bear Enclosure

The location of the Bear Enclosure in the East London Zoo is indicated in the diagram below under Item 17 (Amphitheatre – End Use of Bear Enclosure)



The Master Plan was done by SSI in 2007. This is 12 years ago. Only one thing is certain about planning and that is that it will change. It is most likely that the master plan would have changed. It is unfortunate that the Master Plan has never been updated. Master Plans should be updated at least every 10 years.

The Zoo is in the lime light for all the wrong reasons. It is therefore essential that necessary upgrading and refurbishment should be done without delay. The immediate requirement for the Bear Enclosure is to upgrade the facility to resemble more the natural environment of the bear. Bearing that in mind the bear is extremely old. In the Wild the bear would have died long time ago. Given the age of the bear movement is impeded and this should be borne in mind.

The appointed PSP shall have to work closely with Siani Tinley (Manager for Nature Reserves) and Alison Roux managing the Zoo.

The photos below are typical of the existing bear enclosure



Photo above left indicates loose rock formation with under dig that was unsafe. The rock formation was removed, the hollow dug by bear filled with soilcrete and compacted, rocks placed and grouted – Photo above right.

In broad terms the following aspects to the bear enclosure should be addressed.

- Moat of water around periphery for bear to play in and to cool off on hot days.

- Intention is to use part of the moat area as inclined pathway ending in a pond area where the water is circulated to mimic flow in a river stream
- The fish pond filtration and pump station to be refurbished.
- Wandering or green area to be refurbished – more landscaping.
- Night Room entrance to be upgraded
- Night room itself to be upgraded, layout, floor covering, lighting, energy flow (Heating / Cooling), Audio Visual CCTV cameras of night room to monitor bear, access for staff without interfering with bear movement, feeding method and areas.
- Public Viewing platforms more diversified and at different level.
- Access to the Bear Enclosure to be more user-friendly and accessible for heavier equipment and vehicles

Indicated in Sketch below is the proposed end use facility of the Bear Enclosure – Item 17: Amphitheatre



Refer to Bill of Quantities and Sketches captured above which specifies size, dimensions, quality and building specifications

**A COMPULSORY SITE INSPECTION REQUIRED**

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