



City of Johannesburg  
Johannesburg Development Agency

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## INVITATION TO BID

**YOU ARE HEREBY INVITED TO BID FOR PROFESSIONAL SERVICE PROVIDERS**

**ADVERT DATE: 25 JANUARY 2024**

**CLOSING DATE: 26 February 2024**

**CLOSING TIME: 12H00**

**BID DESCRIPTION: APPOINTMENT OF COMMUNITY PARTICIPATION CONSULTANT FOR 16<sup>TH</sup> MOYANE STREET IN ORANGE FARM  
BID NUMBER: JDA/MS/CPC001**

*BID DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT*

Offices of the Johannesburg Development Agency, 3 Helen Joseph (former President Street), The Bus Factory, Newtown, JOHANNESBURG, 2000

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

**NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (see definition below)**

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.

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

**Department** Supply Chain Management  
**Contact Person:** Yandisa Dinga [YDinga@jda.org.za](mailto:YDinga@jda.org.za)

**ANY ENQUIRIES REGARDING THE PROJECT MAY BE DIRECTED TO:**

**Department** Development Implementation  
**Contact Person:** Nokulunga Khumalo [Nkhumalo@jda.org.za](mailto:Nkhumalo@jda.org.za)

**PLEASE NOTE: TENDERS MUST BE SUBMITTED ON THE TENDER DOCUMENTATION ISSUED. TENDER DOCUMENTATION MUST NOT BE REPRODUCED OR REARRANGED. ANY ADDITIONAL INFORMATION MUST BE SUBMITTED AS A SEPARATE ATTACHMENT TO THE TENDER DOCUMENT FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED.**

<p><b>THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED)</b></p>
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BID / RFP NUMBER .....

BID / RFP DESCRIPTION .....

NAME OF BIDDER .....

POSTAL ADDRESS .....

STREET ADDRESS .....

TELEPHONE NUMBER      CODE ..... NUMBER .....

CELLPHONE NUMBER .....

FACSIMILE NUMBER      CODE ..... NUMBER .....

VAT REGISTRATION NUMBER .....

TOTAL BID PRICE ..... inclusive Value Added Tax

TOTAL BID PRICE in words .....  
.....  
..... inclusive Value Added Tax

SIGNATURE OF BIDDER .....

CAPACITY UNDER WHICH THIS BID IS SIGNED .....

DATE .....

**THE ABOVE PARTICULARS MUST BE FURNISHED. FAILURE TO DO SO WILL RESULT IN THE BID BEING DISQUALIFIED**

In terms of Protection of Personal Information Act, 213 (Act 4 of 2013), also called the POPI or POPIA, Johannesburg Development Agency undertakes all reasonable measures to protect personal information and to keep it private and confidential.

**To all our stakeholder**

**RE: The channels of reporting fraudulent and Corrupt Activities**

The City of Johannesburg has a **zero-tolerance approach to Fraud, Theft, Corruption, Maladministration, and Collusion** by suppliers with employees. To reinforce this commitment, more channels have been added to report any Fraudulent and Corrupt activities.

Instances of corporate fraud and misconduct remain a constant threat to service delivery. The City of Johannesburg took a resolution to adopt strategic interventions aimed at combating fraud and corruption. The City took a decision to centralized the reporting of fraudulent and corrupt activities through the establishment of an independent fraud hotline which is managed by independent service providers.

All people doing business with the Johannesburg Development Agency are encouraged to report any corrupt or illegal practice.

Employees are encouraged to report fraud, waste or other concerns suggestive of dishonest or illegal activities.

**Anyone can report fraudulent and corrupt activities through one of the following channels:**

- Toll free number.....0800 002 587
- Toll free Fax ..... 0800 007 788
- SMS (charged @ R1.50).....32840
- Email Address:..... anticorruption@tip-offs.com
- Web site:..... www.tip-off.com
- Free post:.....Free post, KZN 138, Umhlanga, 4320



Let's join hands to take up the Fight against Fraud and Corruption in our society.

**APPOINTMENT OF COMMUNITY PARTICIPATION CONSULTANTS**

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**REQUEST FOR PROPOSALS FROM:**

**COMMUNITY PARTICIPATION CONSULTANTS**

Contract Number: JDA/MS/CPC001

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## TABLE OF CONTENTS

<b>REQUEST FOR PROPOSALS FROM:</b>	<b>4</b>
<b>COMMUNITY PARTICIPATION CONSULTANTS</b>	<b>4</b>
<b>CONTRACT NUMBER: JDA/MS/CPC001</b>	<b>4</b>
<b>1. BACKGROUND</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>
1.1. Introduction	<b>Error! Bookmark not defined.</b>
1.2. Purpose of this Request for Proposal	<b>8</b>
<b>2. PROJECT INFORMATION</b>	<b>9</b>
2.1. Scope of Services:	<b>9</b>
2.2. Management of this Assignment	<b>11</b>
<b>3. APPOINTMENT</b>	<b>12</b>
3.1. Notes	<b>12</b>
<b>4. PROPOSAL CONTENT</b>	<b>13</b>
<b>5. ASSESSMENT CRITERIA</b>	<b>14</b>
<b>6. PRICING INSTRUCTIONS</b>	<b>17</b>
<b>7. RISK TOLERANCE FRAMEWORK</b>	<b>20</b>
<b>8. CLOSING DATE TIME AND VENUE FOR SUBMISSIONS</b>	<b>22</b>

## **ANNEXURES**

- A : BUSINESS DECLARATION
- B : DECLARATION OF INTEREST
- C : DECLARATION OF PAST SCM PRACTICES
- D : MBD9 CERTIFICATE OF INDEPENDENT BID DETERMINATION
- E : PARTICULARS OF CONTRACTS AWARDED BY AN ORGAN OF STATE
- F : FORM OF AGREEMENT FOR APPOINTMENT OF CONSULTANTS – NOT  
FOR COMPLETION – for information only
- G : APPENDICES TO CONTRACT
- H : DEMO TAX COMPLIANCE STATUS PIN LETTER
- I : ORGANOGRAM
- J : SCHEDULE OF SIMILAR COMPLETED CONTRACTS
- K : DECLARATION ON STATE OF MUNICIPAL ACCOUNTS

## TENDERING PROCEDURES

### Tender Notice and Invitation to Tender

#### APPOINTMENT OF COMMUNITY PARTICIPATION CONSULTANT FOR 16<sup>TH</sup> MOYANE STREET IN ORANGE FARM

**Contract Number: JDA/MS/CPC001**

The JDA is requesting proposals from experienced service providers for APPOINTMENT OF COMMUNITY PARTICIPATION CONSULTANT FOR 16<sup>TH</sup> MOYANE STREET IN ORANGE FARM for a period of 36 months.

Queries relating to procurement matters may be addressed to Yandisa Dinga at tel: (011) 688 7851; fax (011) 688 7899; or e-mail: [YDinga@jda.org.za](mailto:YDinga@jda.org.za)

Technical queries or queries relating to the panel may be addressed to Nokulunga Khumalo, e-mail: [Nkhumalo@jda.org.za](mailto:Nkhumalo@jda.org.za)

Documents may be downloaded from the JDA's website as follows: [www.jda.org.za](http://www.jda.org.za) as well as on [www.etenders.gov.za](http://www.etenders.gov.za) from **25 January 2024**. Tenders must only be submitted on the tender document that is downloaded from the stipulated websites only. The retyping of the tender document is not permitted.

The closing time for receipt of tenders is 12:00pm on **26 February 2024**. Telegraphic, telephonic, telex, facsimile, e-mail, and late tenders will not be accepted.

The physical address for the delivery of tender documents is Johannesburg Development Agency, Ground Floor Reception Area, The Bus Factory, 3 Helen Joseph Street (formerly President Street), Newtown 2000

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

The JDA's selection of qualifying tenders will be at the JDA's sole discretion and will be final. The JDA does not bind itself to accept any particular tender and correspondence will be entered into with successful tenderer.

**“WE ENCOURAGE ALL PEOPLE DOING BUSINESS WITH US TO REPORT ANY CORRUPT OR ILLEGAL PRACTICE, USING THE ANTI-FRAUD HOTLINE NUMBER: 0800 002 587”**

## **1. BACKGROUND**

### **1.1 Introduction**

The City of Johannesburg has undertaken various consultative processes in identifying some of the major key issues affecting marginalised areas within the City of Johannesburg. Orange Farm is amongst others, one of the marginalised Townships within COJ and as result the City has proposed an intervention programme that seeks to address some of the key issues as raised by the Community of Orange Farm. Some of the key issues include the lack of provision of basic infrastructure i.e., Roads, Storm water, water, and sanitation infrastructure as well the provision of electricity and employment opportunities.

Considering the above, the City of Johannesburg has appointed the JDA to assist with the planning, design and implementation of a Public Environment Programme including Road construction. This programme is aimed at improving the public environment and the quality of life for residents of Orange Farm. It further seeks to unlock potential economic opportunities from external investors and Job creation through infrastructure projects to be implemented within the Orange Farm Township.

The Johannesburg Development Agency therefore requests fee proposals in the form of Request of Proposal (RFP) from suitably qualified and experienced community participation consultants (CPC) to render coordination and facilitation services for the implementation of the public environmental upgrade of 16th & Moyane street in Orange farm.

### **1.2 Purpose of this Request for Proposal**

The purpose of this RFP is to seek experienced and suitably qualified Community Participation Consultants with social facilitation expertise. The CPC's role will be to effectively communicate details of the project to stakeholders throughout the lifecycle of the works.

The purpose further is to ensure that stakeholders are consulted, communication with stakeholders is seamless and continuous and that the interested and affected stakeholders support the project after the transparent processes supported by the community in the project implementation.

To achieve this, the CPC must facilitate participation and consultation with key stakeholders, promote a positive climate for the project, and facilitate the flow of information between stakeholders, the Client, and the Project Team. The appointed CPC will be required to work closely with the JDA's development implementation, stakeholder management, bus and minibs taxi industries, Joburg Property Company, Joburg Roads Agency, marketing and communications departments and other departments as required.



## **2. PROJECT INFORMATION**

### **2.1 Scope of Services:**

The following steps are generally required to be performed by experienced Community Participation Consultants in projects, however the request for proposal submitted for each piece of work will specify the necessary requirements for that particular project so that members can respond in terms of pricing to those pieces of work.

The project scope is as follows:

- Production of a comprehensive stakeholder engagement strategy and communication plan for involving a range of stakeholders in the programme during construction.
- Status Quo of stakeholder engagement previously conducted and access historic databases of previous COJ projects related to this project.
- Service providers are expected to look at implementing a context appropriate coproduction methodology.
- Co-production may include:
  - involvement going beyond community meetings
  - workshops to look at specific solutions, that are of purpose to the affected public transport operators
- Key informant interviews and focus group interactions.
- Site visits and participant observations in the public realm are an essential part of the scope.
- Fortnightly progress reports to the Project Steering Committee and Client
- Briefing of the Regional Office (Citizen Relations and Urban Management – CRUM), Ward Councillor and Ward Committee
- Stakeholder identification and compilation of an interested and affected parties' database, and maintenance of the database throughout the project implementation stage
- Conduct (arrange, facilitate and minute) one on one interviews with interested and affected stakeholders if and when required e.g., stakeholders whose access / egress may be impacted by the design of the project.
- Conduct (arrange, facilitate and minute) focus group meetings when required.
- Arrange, facilitate and minute ward public meetings.
- Conduct CLO, local labour (skilled, semi-skilled and unskilled) and SMME registrations for employment opportunities on the project, verify compliance to the requirements and compile databases for issuing to the main contractor.

- Attend and minute the SMME briefing session and interviews with the main contractor, as well as the feedback session on the selection of SMME's for the project.
- Assist with the procurement, training / induction, monitoring, and management of the CLO.
- Assist with the establishment (through the councillor) of a Project Steering Committee (PSC)
- Serve as the secretariat for the project steering committee (PSC) i.e. arrange and minute PSC meetings
- Attend project meetings.
- Ensure the timeous, complete and accurate reporting of labour usage figures (EPWP templates)
- Ensure the timeous, complete and accurate reporting of SMME appointments, company ownership status progress and expenditure by the main contractor
- Submit monthly reports which includes the verified labour usage figures (EPWP templates) and SMME progress and expenditure information
- Assist the contractor by facilitating problems with local stakeholders and challenges concerning labour and SMME's
- Assist with the dissemination of information.
- Submit monthly reports to the Stakeholder Office

No	Stage	Activities	Deliverables
1	Stakeholder engagement	Stakeholder Identification and mapping	<b>Stakeholder mapping and Stakeholder communication plan</b>
		Key stakeholder engagements as detailed in the pricing schedule (both on/off site)	Minutes of all project related meetings and records of all stakeholder engagement
2	CLO, SMME and local labour appointments and training (where required)	Prepare plan for CLO, SMME and local labour appointments for sign off by JDA enterprise development management	CLO, SMME and local labour plan
		Implement agreed upon plan including but the following advertising appointment, collecting CVs and any other requirements in accordance with the COJs practice and policies	Advertisements Collection of CVs Documentation of appointment process

3	Stakeholder Management	Monitor construction feedback with CLO to ward councillors, community members, property owners etc.	Project feedback report progress updates to stakeholders
		Deal with stakeholder issues on site	

## 2.2 Management of this Assignment

Once appointed, each professional will act as the service provider when a need arises for the particular service they have been appointed for. This implies that even when appointed as a professional service provider, it does not guarantee that the said service provider will be awarded any contract by the JDA.

Service providers must supply sufficient information in the respective service applied for. Service providers that wish to be appointed as professional service providers must:

- Demonstrate the professional qualifications of principal(s)/employed staff to be appointed.
- Demonstrate the professional experience of principal(s)/employed staff to be appointed.
- Respond to this request for proposal and ensure that all forms are completed in full, together with all annexures and signed by authorised representatives.
- Ensure that all details, as required in this request for proposal and forms are complete, that the furnished information is correct and that the required returnable documents are attached to the proposal. Incomplete applications will not be considered for appointment as service providers.
- Nominate a single point of contact that will be responsible for all deliverables stemming from the Instruction to Perform Work (IPW) for entire duration of contract.
- It must be noted that the JDA works in all seven (7) regions of the City of Johannesburg. It is expected that the service provider must have personnel that is fluent in most South African languages. At the time of RFQ, the document will specify the regions and ward, at which stage the RFQ document will outline the most preferred language where the project is being implemented, i.e isiZulu, isiXhosa, Setswana, Sesotho, Sepedi, Tshivenda, isiSwati, Xitsonga, isiNdebele, English, Afrikaans and sign language interpretation.

Submissions from service providers will be vetted through a compliance process to determine that all the required information is provided and correct and thereafter evaluated for capacity and capability to render services applied for as and when required.

To note:

- Applicants herein consent to any investigation the JDA deems necessary in validating any particulars presented in this request for proposal.
- The service provider will be removed as professional service providers if the required professional registration is not maintained, or for any other reason that causes the service provider to become ineligible after having been appointed.
- The appointment of each professional service provider will be valid for a period of 3 years.
- RFPs will be sent out to bidders on the panels using a rotational system

When a need arises for the particular service an "Instruction to Perform Work" or "IPW" will be issued to a specific service provider for a specific service or deliverable. Each IPW:

- Will be agreed, finalised and signed by both the JDA and the service provider
- Set out deliverables, timeframes and maximum level of effort (budget) for the service provider will be agreed upon.
- Authorization of the service provider to commence with the provision of the requested service shall be granted.
- Payment will only be made for services rendered according to the IPW.

### **3. APPOINTMENT**

The JDA is requesting proposals from the following professional services.

- Community Participation Consultant

The scope and nature of works anticipated to be undertaken under this appointment includes the services as required for civil, building and structural engineering projects and studies including Urban Development Frameworks, Precinct Plans, Sectoral Plans.

#### **3.1 Notes**

- Multi-year appointments will be dependent on performance and budget availability.
- Applicants are to ensure that they have adequate resources to undertake the work under stringent timeframes.
- The JDA reserves the right to ask tenderers to replace any member/s of the proposed members of the service provider if they do not meet the JDA requirements.
- Successful tenderers will be required to sign the JDA's Standard Form Agreement and appendices which are attached as Annexure J for information purposes.
- The JDA reserves the right to invite any bidder to an interview. The interview will form part of the tender evaluation process.
- Tenderers must note that they will be required, at short notice, as and when necessary to attend (a) presentations at the JDA, COJ, and other local stakeholders; (b) consultations with relevant persons and authorities including site visits. This needs to be taken into consideration in the tenderer's fee proposal.
- Tenderers must also note that revisions to any deliverable may be required following feedback received from relevant stakeholders and / or approving authorities which may necessitate some rework, additional presentations, and meetings. This needs to be taken into consideration in the tenderer's fee proposal.
- The appointment as a profession service provider will be to render the services for a period of three financial years as and when the services are required and will be dependent on satisfactory performance and budget availability.
- Tenderers will be required to take cognisance of the role of the other professionals as described in this proposal call and work coherently with them where required.

- All milestone products in addition to the final document and all associated map work, models and statistical work will become the property of the Johannesburg Development Agent and City of Joburg.
- Regarding any conflict of interest, the JDA abides by National Treasury SCM regulations<sup>1</sup>:
  - Consultants are required to provide professional, objective and impartial advice at all times and hold the client's interests paramount, without any consideration for future work and strictly avoid conflicts with other assignments or their own corporate interests. Consultants should not be hired for any assignment that would be in conflict with their prior or current obligations to other clients, or that may place them in a position of not being able to carry out the assignment in the best interest of the State. Without limitation on the generality of this rule, consultants should not be hired under the following circumstances:
  - A firm, which has been engaged by the accounting officer/authority to provide goods or works for a project and any of its affiliates, should be disqualified from providing consulting services for the same project. Similarly, a firm hired to provide consulting services for the preparation or implementation of a project and any of its affiliates, should be disqualified from subsequently providing goods or works or services related to the initial assignment (other than a continuation of the firm's earlier consulting services as described below) for the same project, unless the various firms (consultants, contractors, or suppliers) are performing the contractor's obligations under a turnkey or design-and-build contract;
  - Consultants or any of their affiliates should not be hired for any assignment which, by its nature, may be in conflict with another assignment of the consultants. As an example, consultants hired to prepare an engineering design for an infrastructure project should not be engaged to prepare an independent environmental assessment for the same project, and consultants assisting a client in the privatization of public assets should not purchase, nor advise purchasers of such assets.
- The JDA reserves the right not to make an appointment for one or any of the categories of services.
- Unsuccessful bidders will have the opportunity to query the award within 14 working days of the publication of the successful bidder on the JDA website.

#### **4. PROPOSAL CONTENT**

The bidder's submission must provide the JDA with sufficient information to enable the Employer to make a sound and fair evaluation of the proposal. It must clearly indicate the experience, capability and capacity of the bidding entity to undertake the project/s.

The following minimum documentation and information must be provided.

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<sup>1</sup> <http://www.treasury.gov.za/divisions/ocpo/sc/Guidelines/SCM%20Jan900-Guidelines.pdf>

- 4.1 On appointment a certified copy of the bidder's Professional Indemnity Insurance certificate indicating the maximum value of a claim in an insurance period, the applicable excess and the expiry date.
- 4.2 A latest copy of the bidding entity's municipal rates account in the name of the bidding entity or alternatively in the names of the directors / partners of the bidding entity.
- 4.3 A statement from an independent auditor / accountant regarding the tenderer's financial standing to undertake this project AND audited financial statements for the past three years.
- 4.4 Details of Director's/Partner's/Members and Shareholders.
- 4.5 A schedule of completed contracts of a similar nature. Details to be provided in the schedule must include:
  - Description of the project
  - Name of Employer/Client and representative with contact details
  - Cost of the works
  - Fee for services
  - Date of completion
- 4.6 A schedule of current contracts of a similar nature with details as enumerated.
- 4.7 A schedule of contracts awarded by an organ of state during the past five (5) years with details.
- 4.8 A detailed project organogram identifying the entity's management structure and all staff resources to be employed on the project/s and the percentage time allocation of the staff to the project/s. The curricula vitae of the proposed personnel are to accompany the organogram and are to include certificates of professional qualifications.
- 4.9 Company registration documents.
- 4.10 The forms A to K annexed, must be scrutinized and completed in full.
- 4.11 Tenderers are to submit 2 copies of their proposal/s (1 original plus 1 electronic copy)

#### **Notes in respect of Consortiums and Joint Ventures**

- Each party to a Consortium and Joint Venture is to submit the requisite document and/or information requested in items above.
- An Agreement or Heads of Terms recording the arrangement between the parties to the Consortium/Joint Venture is to be submitted with the proposal.
- The lead consultant must be identified in the proposal.

### **5. ASSESSMENT CRITERIA**

**Submissions will be evaluated on the following criteria:**

- **Compliance**
- **Technical**
- **Price and BBBEE**
- **Risk tolerance**

**5.1 Compliance Bidder's will be disqualified for the following cases:**

- 
- ☐ If any of its directors are listed on the JDA register of defaulters.
  - ☐ In the case of a bidder who during the last five years has been terminated on previous contracts with the JDA.
  - ☐ Who did not complete, in full, the tender offer page (ie. priced, all registration numbers provided and signed).
  - ☐ Who did NOT indicate which category is being bid for.
  - ☐ Who's tender document has been completed in pencil;
  - ☐ Who's tender document has been faxed;
  - ☐ Who's tender document has been received after the closing time;
  - ☐ Who's tender document has not been deposited in the tender box at the time of closing;
  - ☐ Who did not comply with any other requirement as set out in the tender specifications.
  - ☐ Who is in the employment of the state.

## 5.2 Technical

The technical assessment is based on the criteria set out below namely:

- (i) key returnable documents,
- (ii) capability of the proposed key team members (ie. experience, qualifications, and professional registration and
- (iii) the experience of the company, and references

Points will only be allocated for key returnable documents submitted.

### APPOINTMENT OF COMMUNITY PARTICIPATION CONSULTANT FOR ORANGE FARM 16TH MOYANE STREET IN ORANGE FARM

A. Key Returnable Documents	Points
Valid BBBEE status level certificate	No
Company registration documents	No
CTS letter from SARS	No
Current municipal rates account / affidavit	No
2 Years audited financial statements	No
Certified copies of identity documents	No
Annexure A completed in full and signed	No
Annexure B completed in full and signed	No
Annexure C completed in full and signed	No
Annexure D completed in full and signed	No
Annexure E completed in full and signed	No
Annexure F completed in full and signed	No

*Note that duplication of resources/personnel on the designations indicated in the criteria will result in zero points being awarded for one criteria.*

Tenderers will have to submit compliant documents and score a minimum of **171 points (95%) out of possible 180 points** in the technical evaluation in order to be considered further in the evaluation process

COMMUNITY PARTICIPATION CONSULTANT EXPERIENCE & QUALIFICATIONS		Points
<b>Lead / Senior Community Participation Consultant</b>  CV's must show projects, values, roles played and period. If any information is not contained in the CV then zero points will be awarded.	10 Years' or greater as a lead Community Participation Consultant on projects and should also demonstrate skills in facilitations, negotiations, <b>conflict resolution</b> , management of stakeholder relations, report writing, presentations in meetings, communication (lingual versatility) and computer skills.	<b>80</b>
<b>Lead / Senior Community Participation Consultant</b>  NQF level 6 and above in a related field Humanities or Psychology or Social Sciences or Development Studies or Marketing and Communications or Environmental Studies.	Proof of qualification must be provided to obtain the points. 'Certificates of Attendance to Courses related to skills mention herein to be included in the submission.	<b>20</b>
<b>Assistant / Junior Community Participation Consultant</b>  CV's must show projects, values, roles played and period. The community participation consultant should also demonstrate skills in report writing, communication and computer skills. If any information is not contained in the CV then zero points will be awarded	5 Years' or Community Participation Consultant on complex projects	<b>20</b>
<b>Assistant / Junior Community Participation Consultant</b>  NQF level 4 (Matric) and above	Proof of qualification must be provided to obtain the points	<b>10</b>
<b>TOTAL</b>		<b>130</b>
COMMUNITY PARTICIPATION CONSULTANT PROJECTS & REFERENCES		
<b>Completed Projects with References</b>  Community Participation Consultant providing community participation services on projects  Points will only be allocated for having rendered the required Community Participation services on completed projects  Reference letters must be on a client letterhead or a document stamped and signed by the client and must include the name / description of the project and it must confirm the services rendered on the above,	5 projects	50
	4 projects	40
	3 projects	30
	2 projects	20
	1 project	10



the value of the works <b>up to R 50 million</b> , the date completed and a comment of the level of satisfaction with the service. The letter should also have an email address of the Client Representative. The JDA will be conducting a reference check via email, to ascertain veracity of the submitted letters.  If any of the required information is not contained in the reference then zero points will be awarded		
	<b>TOTAL</b>	<b>50</b>

## 6. PRICING INSTRUCTIONS

It is important to note the following:

- The table to follow must be completed and submitted together with the Offer Page. A price must be submitted for each item listed in the table.
- Failing to price as required will result in the tender being disqualified.
- For every tangible deliverable, two hard copies and one electronic copy must be issued, the cost of which must be included in the offer price.
- Please also be reminded as per the original tender for the appointment of CPC service providers that:

4.1.1.4. Standard disbursements such as typing, drawings, reproduction, copying, and binding of documents, telephonic/electronic and facsimile communications, and courier should be accrued by a service provider. Additional disbursements must have the prior written agreement of the JDA, unless specifically contained in an agreed IPW / RFP

4.1.1.5. No disbursement costs (such as local travel and accommodation) should be accrued by a service provider without prior written agreement of the JDA, unless specifically contained in by an agreed IPW / RFP

have the prior written agreement of the JDA, unless specifically contained in an agreed IPW / RFP

4.1.1.5. No disbursement costs (such as local travel and accommodation) should be accrued by a service provider without prior written agreement of the JDA, unless specifically contained in by an agreed IPW / RFP

- Please note that Pricing should take note of the resources, as per the original submission to be on the JDA Co-production. Therefore, two resources, preferably those indicated in the bidder's original submission or with the same qualifications and experience should be provided for the duration of the project. One Senior CPC and one Junior CPC. Please complete the organogram below.
- Bidders are to use the Department of Public Service and Administration: Guide on Hourly Fee Rates for Consultants – 1 July 2020. The salary band applicable for Senior Community Participation Consultant (Specialist Consultant) should be 13/14 and for Junior Community Participation Consultant (Administrative/Secretariat Staff) should be 6 to 8.

## Pricing Table

COMMUNITY PARTICIPATION SERVICES: Orange Farm					
No.	Description	Unit of Measurement	Unit Price Rand	Quantity	Total Price (Rand)
<b>1</b>	<b>Briefing of the Regional Office – CRUM to advise of project</b>				
	Arrange, attendance and record briefings	No.	R	1	R
<b>2</b>	<b>Briefing of the Ward Councillor and / or Ward Committee</b>				
	Arrange, attendance and record briefings	No.	R	1	R
<b>3</b>	<b>Stakeholder identification and compilation of an interested and affected parties (IAP) database</b>				
	Provide a lump sum price to complete the database	No	R	1	R
<b>4</b>	<b>Maintenance of the IAP database</b>				
	Maintain / update the database quarterly x 2 quarters	No.	R	1	R
<b>5</b>	<b>One on one sessions with interested and affected stakeholders</b>				
	Arrange, facilitate and minute sessions	No.	R	2	R
<b>6</b>	<b>Ward public meetings</b>				
	Arrange, facilitate and minute ward public meetings	No	R	3	R
	(Allow for 3 ward public meetings – 1 to introduce the projects at the different phases and to advise of employment opportunities and 2 to introduce the main contractors and CLO's at the different projects) in different wards as identified.				

REQUEST FOR PROPOSALS: APPOINTMENT OF COMMUNITY PARTICIPATION CONSULTANT FOR 16<sup>TH</sup> MOYANE STREET IN ORANGE FARM

<b>7</b>	<b>SMME selection process: Attend and minute the following -</b>	<b>No</b>			
	SMME briefing session, SMME interviews with the main contractor, Feedback session on the selection of SMMEs for the project.		<b>R</b>	<b>3</b>	<b>R</b>
	Allow 5 days from 8am to 5pm in total for the entire process. Provide a lump sum total price for the entire process				
<b>8</b>	<b>Induction, monitoring and managing the CLO</b>	<b>No.</b>			
	Induct the CLO, Monitor the performance of the CLO and manage the CLO in terms of their reporting quality and deadlines, use of the labour database, feedback at public meetings etc. for 15 months.		<b>R</b>	<b>15</b>	<b>R</b>
<b>9</b>	<b>Project Steering Committee (PSC)</b>	<b>No</b>			
	<b>Arrange, attend, facilitate and record PSC meetings x12 meetings for the site. Include issue and conflict management and resolution, if so required.</b>		<b>R</b>	<b>12</b>	<b>R</b>
<b>10</b>	<b>Project Team Meetings and Site Progress Meetings</b>				
	Attend two site progress meeting per site every second week x30 meetings	<b>No.</b>	<b>R</b>	<b>30</b>	<b>R</b>
<b>11</b>	<b>Issue Management</b>	<b>No</b>			
	Assist the contractor by resolving problems with local stakeholders and challenges concerning labour and SMME's during construction x 15 Months (Provide a price per month)		<b>R</b>	<b>15</b>	<b>R</b>
<b>TOTAL FEE exclusive of VAT</b>					<b>R</b>
<b>VAT @ 15%</b>					<b>R</b>
<b>TOTAL FEE inclusive of VAT</b>					<b>R</b>

Service Providers must ensure that the final TOTAL FEE is correctly carried to the "offer" page inclusive of VAT. The value recorded on the offer page will be regarded as the quoted amount.

## 7. PRICE AND EMPOWERMENT

The Preference Point System will be applied as follows:

- 80 points are assigned to price
- Up to 20 points are assigned to BBBEE status per the table under item 6

The total preference points for a tender are calculated with the formula

$$PP = P_s + P_{bee} \text{ Where}$$

**PP** is the total number of preference points scored by the tenderer.

**P<sub>s</sub>** is the points scored for the comparative price of the tenderer, and

**P<sub>bee</sub>** is the number of points awarded to the tenderer based on his certified B-BBEE status level.

Formula for scoring tender price.

The following formula will be used to calculate the points for price.

$$P_s = X [1 - \frac{(P_t - P_{min})}{P_{min}}]$$

Where

**P<sub>s</sub>** = Points scored for comparative price of tender under consideration

**P<sub>t</sub>** = Comparative price of tender under consideration

**P<sub>min</sub>** = Comparative price of lowest acceptable tender

**X = Points** assigned to price

Preference points shall be based on the Specific Goal as per below:

Table B1: Awards UP TO R50 mil (VAT Inclusive)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Evidence
Race – people who are Black, Coloured or Indian (ownership)*  More than 51% black ownership	5		<ul style="list-style-type: none"> <li>• B-BBEE certificate or QSE/EME Affidavit;</li> <li>• Company Registration Certification</li> <li>• Certified Identification Documentation.</li> </ul>

			• CSD report
Gender are women (ownership)*  More than 50% women ownership	5		• Company Registration Certification  • Certified Identification Documentation  • CSD report
SMME  (EME or QSE)	5		• BBBEE Certificate / Affidavit  • CSD registration
Locality within City of Johannesburg	5		Municipal Account
<b>Total Points</b>	<b>20</b>		<b>Failure to attach evidence will lead to scoring zero points</b>

## 8. RISK TOLERANCE FRAMEWORK

The JDA has adopted a Risk Tolerance Framework (RTF) which enjoins the JDA to consider its risk exposure to contractors / service providers in terms of the number of contracts awarded to a single contractor / service provider in a particular year.

In terms of the Risk Tolerance Framework, the JDA determine the risk exposure as excessive in instances where the value of the contracts for individual **Professional Service providers e.g. Project manager, Engineers, Quantity Surveyor and Consultants**) is either:

1. The greater of **R8 million** or four contracts/ projects in the current financial year or
2. The greater of **R12 million** or six contracts/projects over two financial years (current year and previous financial year).

And

For **multi-disciplinary professional teams** in instances where the value of the contracts awarded is (e.g. more than one discipline being provided by the same bidder) is either:

1. The greater of **R12 million** or six contracts/ projects in the current financial year or
2. The greater of **R20 million** or nine contracts/projects over two financial years (current year and previous financial year)

A risk analysis shall be undertaken on the bidder with the highest number of points obtained, to determine whether the tenderer does not exceed the JDA's risk framework criteria as stated above, in other words whether it falls within the ambit of the Risk Tolerance Framework as acceptable.

JDA reserves the right to award a contract to a bidder who has exceeded the threshold as stated above.

Bidders may be required to attend interviews should there be a need for clarity.

**Over and above the number of projects and values, bidders will be further evaluated on commercial risks which will include but not limited to the following: Financial capability to undertake the project such as capital required to implement the project in line with CIDB s, poor performance on previous projects, available resources for the project, unduly high or unduly low tendered rates, significant arithmetical errors and omissions in the tender offer.**

The above may impact the outcome of the evaluation

JDA reserves the right to award a contract to a bidder who has exceeded the threshold as stated above.

Shortlisted bidders may be requested to attend interviews should there be a need for clarity

Bidders are to note that JDA does not bind itself to accept the lowest priced bid

**Tender validity is 120 days**

## **9. CLOSING DATE TIME AND VENUE FOR SUBMISSIONS**

The completed tender document shall be placed in a sealed envelope.

The words / Ref:

**APPOINTMENT OF COMMUNITY PARTICIPATION CONSULTANT FOR 16TH MOYANE STREET IN ORANGE FARM : JDA/MS/CPC001 - must be written / typed clearly on the envelope.**

The envelope must be deposited in the tender box at the **Johannesburg Development Agency, Ground Floor, The Bus Factory, 3 Helen Joseph Street, Newtown** only between the hours of 08H00 and 17H00, but at 12H00 on the day of closure.

**This tender will close on the 26 February 2024 @ 12H00**

**NO LATE / TELEPHONIC / FAXED / POSTAL TENDERS WILL BE ACCEPTED OR CONSIDERED.**

The Johannesburg Development Agency's selection of qualifying tenders shall be in the Johannesburg Development Agency's sole discretion and shall be final. The Johannesburg Development Agency does not bind itself to accept any particular Tender and no correspondence will be entered into.

Queries can be addressed in writing to:

<b>Department</b>	Development Implementation
<b>Contact Person:</b>	Nokulunga Khumalo <a href="mailto:Nkhumalo@jda.org.za">Nkhumalo@jda.org.za</a>

---

**Form A: Business Declaration**

Tender/RFP Number : .....

Tender/RFP Description : .....

Name of Company : .....

Postal Address : .....

Physical Address : .....

Telephone : .....

Fax : .....

Contact Person : .....

Cell Phone Number : .....

E-Mail Address : .....

Company/enterprise Income

Tax Reference Number \*\* : .....

(Insert personal income tax number if a one person business and personal income tax numbers of all partners if a partnership)

VAT Registration Number : .....

Company Registration Number: .....

1. Type of Firm

- ☐ Partnership
- ☐ One person business/sole trader
- ☐ Close corporation
- ☐ Public company
- ☐ Private company

(Tick One Box)

2. Principal Business Activities

.....  
.....

3. Total number of years firm has been in business: .....

4. Detail all trade associations/professional bodies in which you have membership.

.....  
 .....

5. Did the firm exist under a previous name?

☐ Yes

☐ No

(Tick one box)

If yes, what was its previous name?.....

6. How many permanent staff members are employed by the firm:

Full Time: .....

Part Time: .....

7. What is the enterprise's latest annual turnover (excl. VAT): R.....

8. List the personnel or firms who provide the following services:

SERVICE	NAME	CONTACT PERSON	TELEPHONE
ACCOUNTING			
LEGAL			
AUDITING			
BANKING			
INSURANCE			

9. List all contracts which your company is engaged in and have not yet completed:

CONTRACT DESCRIPTION	LOCATION	COMPANY/ EMPLOYER	CONTRACT AMOUNT	EXPECTED COMPLETION ( MONTH & YEAR)

SIGNATURE : .....



NAME IN FULL : .....  
CAPACITY : .....  
DULY AUTHORIZED TO SIGN ON BEHALF OF: .....  
DATE : .....

**BANK DETAILS**

I/We hereby request and authorize you to pay any amounts which may accrue to me/us to the credit of my/our account with the mentioned bank.

I/We understand that the credit transfers hereby authorized will be processed by computer through a system known as the “ACB Electronic Fund Transfer Service” and

I/We also understand that no additional advice of payment will be provided by my/our bank, but details of each payment will be printed on my/our bank statement or any accompanying voucher.

This authority may be cancelled by me/us giving 30 days notice in writing.

BANK: .....  
BRANCH: .....  
BRANCH CODE: .....  
ACCOUNT NUMBER: .....  
ACCOUNT HOLDER: .....  
TYPE OF ACCOUNT: .....

**PLEASE INCLUDE ORIGINAL SIGNED AND STAMPED LETTER FROM THE BANK  
CONFIRMING THE COMPANY’S BANKING DETAILS, PHOTOSTAT COPIES AND  
LETTERS BEARING ELECTRONIC SIGNATURES WILL NOT BE ACCEPTABLE.**

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the company, affirms that the information furnished in response to this request for proposal is true and correct:

SIGNATURE : .....  
NAME IN FULL : .....  
CAPACITY : .....  
DULY AUTHORIZED TO SIGN ON BEHALF OF: .....  
DATE : .....

---

**FORM B : DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state\*.
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: .....
  - 3.2 Identity Number: .....
  - 3.3 Position occupied in the company (director, trustees, shareholder\*\*)  
.....
  - 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**  
  
If yes, furnish particulars  
  
.....  
  
.....
  - 3.9 Have you been in the service of the state for the past twelve months? **YES / NO**  
  
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**  
  
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**

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**

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**

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 businesses whether or not they are bidding for this contract? **YES / NO**

If yes, furnish particulars

.....

.....

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

FULL NAME	IDENTITY NUMBER	STATE EMPLOYEE NUMBER

FULL NAME	IDENTITY NUMBER	STATE EMPLOYEE NUMBER

## 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

.....  
Position

.....  
Name of Bidder

.....  
Date

- \* 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.

- \*\* "Stakeholder" 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.

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

REQUEST FOR PROPOSALS: APPOINTMENT OF COMMUNITY PARTICIPATION CONSULTANT FOR 16<sup>TH</sup> MOYANE STREET IN ORANGE FARM

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 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**

**FORM D: 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:

JOHANNESBURG DEVELOPMENT AGENCY

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
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. 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.
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





No 3 President Street  
The Bus Factory  
Newtown  
Johannesburg, 2000

PO Box 61877  
Marshalltown  
2107

Tel +27(0) 11 688 7851 (O)  
Fax +27(0) 11 688 7899/63  
E-mail: [info@jda.org.za](mailto:info@jda.org.za)

**FORM E: Particulars of all Contracts awarded by an Organ of State during the last 5 years (in the event of insufficient space, attach additional information in supplementary document)**

[illegible]

EMPLOYER	COMMUNITY PARTICIPATION CONSULTANT	NATURE OF WORK	VALUE OF WORK	YEAR OF COMPLETION

.....  
**SIGNATURE**

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

.....  
**DATE**

**Organ of State means-**

- a) a national or provincial department;
- b) a municipality;
- c) a constitutional institution defined in the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- d) Parliament;
- e) a provincial legislature;
- f) any other institution or category of institutions included in the definition of “organ of state” in section 239 of the Constitution and recognised by the [Minister](#) by notice in the *Government Gazette* as an institution or category of institutions to which [this Act](#) applies



## MBD 6.1

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

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

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

#### 1. GENERAL CONDITIONS

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

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

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

*(delete whichever is not applicable for this tender).*

a) The applicable preference point system for this tender is the **90/10** preference point system.

b) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/highest acceptable tender will be used to determine the accurate system once tenders are received.

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

- (a) Price; and
- (b) Specific Goals.

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

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

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

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or

at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

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

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

80/20	or	90/10
$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$	or	$Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$

Where

Ps = Points scored for price of tender under consideration  
 Pt = Price of tender under consideration  
 Pmin = Price of lowest acceptable tender

### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

#### 3.2.1. POINTS AWARDED FOR PRICE

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

80/20	or	90/10
$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$	or	$Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$

Where

- Ps = Points scored for price of tender under consideration  
Pt = Price of tender under consideration  
Pmax = Price of highest acceptable tender

#### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

**(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.**

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Business owned by 51% or more - <b>Black People</b>	N/A	5	N/A	
Business owned by 51% or more — <b>Women</b>	N/A	5	N/A	
SMMEs – <b>QSE or EME</b>	N/A	5	N/A	
Locality within City of Johannesburg	N/A	5	N/A	

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution, if deemed necessary.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:**

.....  
**DATE:**

.....  
**ADDRESS:**

.....

## **Form B17: CONSENT AND ACKNOWLEDGMENTS IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 2013 (POPI)**

This section sets out how personal information will be collected, used and protected by Johannesburg Development Agency hereinafter referred to as “JDA”, as required by the Protection of Personal Information Act. The use of the words “the individual” for the purposes of this document shall be a reference to any individual (bidder) communicating with JDA and/or concluding any agreement, registration or application, with the inclusion of each of those individuals referred to or included in terms of such agreement, registration or application.

### **1. What is personal information?**

The personal information that JDA requires relate to names and surnames, birth dates, identity numbers, passport numbers, demographic information, education information, occupation information, health information, addresses, memberships, personal and work email and contact details.

### **2. What is the purpose of the collection, use and disclosure (the processing) of personal information?**

JDA is legally obligated to collect, use and disclose personal information for the purposes of:

- reporting initiatives to the City of Johannesburg Municipality;
  - reporting to National Treasury all contracts awarded;
  - obtaining information related to Tax Compliance information from SARS;
  - verifying information on the National Treasury database of defaulters;
  - evaluating and processing applications for registration on the database;
  - compiling statistics and other reports;
  - providing personalised communications;
  - complying with the law; and/or
  - for a purpose that is ancillary to the above and as may be directed by our POPI manual/Policy.
- Personal information will not be processed for a purpose other than what is identified (the purpose) above without obtaining consent beforehand.

### **3. How will JDA process personal information?**

JDA will only collect personal information for the purpose as stated above and for such specific purpose. Information will be collected in the following manner:

- directly from the individual;
- from service providers who provided with services or goods to JDA;
- from JDA’s own records relating to previous supply of services or goods; and/or
- from a relevant public or equivalent entity.

### **4. To whom will personal information be disclosed?**

The personal information may be disclosed to other relevant public or other entities on whose behalf we act as intermediaries, other third parties referred to above in relation to the purpose or who are sources of personal information, service providers such as professional bodies who operate across the borders of this country (transborder flow of information) where personal information must be sent in order to provide the information and/or services and/or benefits requested or applied for. In the event of another party/ies acquiring all of or a portion of JDA's mandate or functions, personal information will be disclosed to that party but they will equally be obliged as we are, to protect personal information in terms of this policy and the law.

## **5. Consent and Permission to process personal information:**

I hereby agree with the policy and provide authorisation to JDA to process the personal information provided for the purpose stated:

- I understand that withholding of or failure to disclose personal information will result in JDA being unable to perform its functions and/or any services or benefits I may require from JDA.
- Where I shared personal information of individuals other than myself with JDA, I hereby provide consent on their behalf to the collection, use and disclosure of their personal information in terms of this personal information policy and I warrant that I am authorised to give this consent on their behalf.
- To this end, I indemnify and hold JDA not responsible in respect of any claims by any other person on whose behalf I have consented, against JDA should they claim that I was not so authorised.
- I understand that in terms of POPIA and other laws of the country, there are instances where my express consent is not necessary in order to permit the processing of personal information, which may be related to police investigations, litigation or when personal information is publicly available.
- I will not hold JDA responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.

## **6. Rights regarding the processing of personal information:**

- The individual may withdraw consent to the processing of personal information at any time, and should they wish to do so, must provide JDA with reasonable notice to this effect. Please note that withdrawal of consent is still subject to the terms and conditions of any contract that is in place. Should the withdrawal of consent result in the interference of legal obligations, then such withdrawal will only be effective if JDA agrees to same in writing. JDA specifically draws to the attention that the withdrawal of consent may result in it being unable to provide the requested information and/or services and/or financial or other benefits.
- In order to withdraw consent, please contact the JDA Information Officer/SCM
- A copy of the full JDA policy is available.
- Individuals are encouraged to ensure that where personal information has changed in any respect to notify JDA so that our records may be updated. JDA will largely rely on the individual to ensure that personal information is correct and accurate.

The individual has the right to access their personal information that JDA may have in its possession and are entitled to request the identity of which third parties have received and/or processed



personal information for the purpose. Please note however, that any request in this regard may be declined if:

- the information comes under legal privilege in the course of litigation,
- the disclosure of personal information in the form that it is processed may result in the disclosure of confidential or proprietary information,
- giving access may cause a third party to refuse to provide similar information to JDA,
- the information was collected in furtherance of an investigation or legal dispute, instituted or being contemplated,
- the information as it is disclosed may result in the disclosure of another person's information,
- the information contains an opinion about another person and that person has not consented, and/or
- the disclosure is prohibited by law.

**7. Queries relating to breach of personal information:**

- Please submit queries relating to the breach of personal information to the JDA's information officer and SCM in writing as soon as the breach is discovered.

Bidder Signature:	Date:
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