



INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR PROFESSIONAL SERVICES

ADVERT DATE: 05 NOVEMBER 2020

BREIFING MEETING: Due to the Covid-19 Pandemic, a tender briefing session cannot take place. Bidders are to submit written queries to cmahlaule@jda.org.za or rshirinda@jda.org.za. Questions and answers will be uploaded on the JDA website. The last day for receipt of queries is 16 November 2020.

CLOSING DATE: 19 NOVEMBER 2020

CLOSING TIME: 12H00

BID DESCRIPTION: REQUEST FOR PROPOSALS FROM BIDDERS WITH EXPERTISE IN CONTRACT MANAGEMENT SYSTEMS AND DISPUTE RESOLUTION MECHANISM

BID NUMBER: JDA/LEGAL-CM/006/2020/21

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

Offices of the Johannesburg Development Agency, 3 Helen Joseph Street (Formerly 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)

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

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

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Procurement
Contact Person: Ms C Mahlaule
Tel: 011 688 7851 Fax: 011 688 7899 E-mail: cmahlaule@jda.org.za

ANY REQUIRIES REGARDING THE PROJECT MAY BE DIRECTED TO:

Department: Company Secretary and Legal
Contact Person: Mr R Shirinda
Tel: 011 688 7891 Fax: 011 688 7899 E-mail: rshirinda@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.

OFFER

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

NAME OF BIDDER

BID NUMBER

POSTAL ADDRESS

STREET ADDRESS

CONTACT PERSON

TELEPHONE NUMBER CODE NUMBER

CELLPHONE NUMBER

FACSIMILE NUMBER CODE NUMBER

E-MAIL ADDRESS

COMPANY REGISTRATION NUMBER

NATIONAL CENTRAL SUPPLIER DATABASE NUMBER MAAA.....

VAT REGISTRATION NUMBER

TAX VERIFICATION PIN NUMBER

TOTAL BID PRICE excluding Value Added Tax

TOTAL BID PRICE in words

.....

.....

..... excluding Value Added Tax

SIGNATURE OF BIDDER

CAPACITY UNDER WHICH THIS BID IS SIGNED

DATE

SUPPLIERS DATABASE REGISTRATION

National Treasury launched the National Central Supplier Database (NCSD) with effect from 1 September 2015.

This will enable prospective suppliers to register their companies on the following website www.csd.gov.za

Transitional Period (1 September 2015 to 30 June 2016)

1. During the transitional period suppliers are requested to register on the website where all their essential information such as Tax Clearance Certificates, VAT, Company Registration Numbers and CIPC business status will be verified.
2. When conducting business with the JDA, you will be requested to provide us with the following:
 - Supplier Number and;
 - Supplier Registration Security Code so we can print your real time information;
 - Banking details with bank Stamp and;
 - Certified BBBEE Certificate.

Once a supplier has registered on NCSD, it will no longer be a requirement to provide the JDA with an Original Tax Clearance Certificate or any other registration documents.

After Transitional Period 1 July 2016

Effective 1 July 2016, the JDA will only award business to suppliers who are registered on NCSD and suppliers will no longer be required to provide information as stipulated above.

For more information on registration, please:

Ms. Kgadi Mphela on 011 688 7813

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 combatting 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 bidders.

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 Fax0800 007 788
- SMS (charged @ R1.50).....32840
- Email Address:.....anticorruption@tip-offs.com
- Web site:.....www.tip-off.com
- Free post:.....Free post, KNZ 138, Umhlanga, 4320



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

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CLOSING DATE: 19 NOVEMBER 2020

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BID DESCRIPTION: REQUEST FOR PROPOSALS FROM BIDDERS WITH EXPERTISE IN CONTRACT MANAGEMENT SYSTEMS AND DISPUTE RESOLUTION MECHANISM

BID NUMBER: JDA/LEGAL-CM/006/2020/21

NOVEMBER 2020

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ANNEXURES

- A : Business Declaration
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- D : Particulars of Contracts Awarded by an Organ of State
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- F : Declaration on State of Municipal Accounts
- G : Schedule of Completed Contracts

COPY OF ADVERT

TENDERING PROCEDURES

Tender Notice and Invitation to Tender

REQUEST FOR PROPOSALS FROM BIDDERS WITH EXPERTISE IN CONTRACT MANAGEMENT SYSTEMS AND DISPUTE RESOLUTION MECHANISM

The JDA is requesting proposals from experienced companies and joint ventures to assist with the development and implementation of a Contract Management System and Dispute Resolution Mechanism.

Queries relating to procurement matters may be addressed to Claudia Mahlaule at tel: (011) 688 7851; fax (011) 688 7899; or e-mail: CMahlaule@jda.org.za

Technical queries or queries relating to the project may be addressed to Ms Rodney Shirinda at (011) 688 7815; fax: (011) 688 7899; or e-mail: rshirinda@jda.org.za

Due to the Covid-19 Pandemic, a tender briefing session cannot take place. Bidders are to submit written queries to cmahlaule@jda.org.za or rshirinda@jda.org.za. Questions and answers will be uploaded on the JDA website. The last day for receipt of queries is 16 November 2020.

Documents may be downloaded from the JDA website: www.jda.org.za and e-Tender portal: www.etenders.gov.za on **05 November 2020**. 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 19 November 2020. 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. INTRODUCTION & BACKGROUND INFORMATION

The JDA was established at a critical moment in Johannesburg's history as part of the iGoli 2002 re-engineering process. Since then, its role has evolved significantly. The JDA is guided by the overarching framework of the National Development Plan, the Gauteng 2055 vision, the COJ's 2040 and CoJ's SDF. In particular, the agency is led by the 2040 strategy's ideals of resilience, liveability and sustainability – driven by the conviction that a resilient city is flexible and strong enough to solve complex and unanticipated problems.

In order for the JDA to progressively meet its service delivery obligations and deliver world class infrastructure projects, it requires a structured contract management system that provides a reasoned and conclusive approach. The contract management system of all organs of state must be in accordance with legislative framework governing infrastructure development and management in South Africa.

Currently the JDA concludes a myriad of construction and engineering contracts that are recognized by the applicable legislative framework. This makes it impossible for the JDA to undertake a standardization of its construction and engineering contracts. Subsequently, in the event of disputes arising in each of the contracts, a fragmented approach is adopted in relation to the management and/or defending of such disputes. In particular, the JDA faces the following challenges:

- Tenders are not issued with a single standard form of contract endorsed by the CIDB Standard for Uniformity of Construction Procurement
- The JDA cannot apply a standard contract management system to the different contracts implemented; and
- The JDA does not have a set recorded dispute management and resolution procedure

2. PROPOSAL OBJECTIVE

The objective is for the JDA to have:

-
- A standard contract form of contracts for professionals and contractors
- A dispute management and resolution procedure
- Standard contract management system

3. SCOPE OF WORK

The project must be completed and implemented in a **4 months period** from the date of appointment and the scope is detailed below but not limited to the following:

- Provide advice to JDA on the legal framework that regulates its infrastructure projects;
- Conduct a thorough assessment and report on the procurement regime employed by JDA as against the applicable legal framework;
- Identify all gaps in relation to the procurement processes of the JDA in relation to targeted procurement initiatives
- Provide advice on the suitable form of contract that is in line with the risk provide and appetite of the JDA
- Draft the adopted forms of contract approved by the JDA in order to include standard as well as additional clauses applicable to the JDA
- Propose an effective uniform contract management system
- Develop a tool or a system in order to assist project managers in monitoring and managing the contracts to ensure meeting the service delivery objectives and targets
- Advice the JDA on strategy in the management of possible disputes and communications with contractor and professional resource teams
- Provide guidance to the JDA on general and effective legal strategies in respect of contractual disputes

4. PROFESSIONAL FEES

4.1 Pricing Table

Detailed below is information upon which fees must be based for contract management system and dispute resolution mechanism. The pricing schedule, included as part of this document, must be completed and submitted together with your proposal.

Item	Description	
1	Status Quo	
1.1.	Review current SCM policy against the legal framework and identify gaps in relation to the procurement processes	R
1.2	Review current form of contracts for professionals and contractors and service level agreements	R
2	Development and implement Contract Management Policy/Framework and Standard form of Contracts	
2.1	Interview of different targeted stakeholder groups e.g CFO, SCM Manager, CAE, Company Secretary, Development Facilitation and Executive Manager Development Implementation	R
2.2	Review and draft contract management policy and framework	R
2.3	Review and draft special conditions (clauses) of contracts for the various applicable types of contracts to the JDA	R
2.4	Presentations of draft and final document to different Governance structures (EXCO and Development and Investment Sub Committee of the board)	R
2.5	Final Contract Management Policy and Framework	R
2.6	Final form of contracts for professionals, contractors and service level agreements	R
2.7	Workshop final document to the JDA Staff	R
	Total excluding VAT	R

BIDDERS ARE TO REPLICATE THE TABLE ABOVE AND SUBMIT AS PART OF THEIR DETAILED FEE PROPOSALS (WHICH PROPOSAL MUST SHOW PRICING AS REQUESTED FOR EACH OF THE ITEMS AND THE TOTAL FEE MUST BE CARRIED TO THE 'OFFER' PAGE. FAILURE TO PRICE AS REQUIRED WILL RESULT IN THE TENDER BEING DISQUALIFIED FOR NON-COMPLIANCE.

5. TIMEFRAMESLINES AND INDICATIVE PROGRAMME

5.1. INDICATIVE PROGRAM

The project must be completed and Implemented within a period of 4 months from the date of appointment.
 Bidders must provide a programme with timelines on how they will implement the project within the 4 months period.

6. PROPOSAL CONTENT

6 Notes

- 6.1 Tenderers must ensure that the final **TOTAL FEE** is correctly carried to the “offer” page. The value recorded on the offer page will be regarded as the tendered amount to render services for the complete project period. Failing to price as required per item 4 above will result in the tender being disqualified.
- 6.2 Fees **must** include standard disbursements such as typing, drawings, reproduction, copying, binding of documents, telephonic / electronic and facsimile communications, courier, local travel and accommodation, etc.
- 6.3 Successful tenderers will be remunerated in accordance with JDA’s Standard Form Agreement, which will be provided on point of award.

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 **relevant** previous experience, capability, and capacity of the bidding entity to undertake the project. The proposal should **use the same item numbers as below.**

The following minimum documentation must be provided:

6.4 THE “OFFER” PAGE MUST BE COMPLETED IN FULL AND SIGNED. Any bidder who fails to do so will be disqualified.

6.8 Tenderers are required to submit a detailed fee proposal based on the requirements set out in item 4 above and to ensure that the final TOTAL FEE IS CORRECTLY TRANSFERRED TO THE “OFFER” PAGE. Any bidder who fails to do so will be disqualified.

6.5 A valid BBEE status level verification certificate substantiating the bidding entities BBEE rating. Only certificates issued by verification agencies accredited by the South African Accreditation System (SANAS), or by registered auditors approved by the Independent Regulatory Board of Auditors (IRBA) will be accepted. **FAILURE TO SUBMIT A BBEE STATUS LEVEL CERTIFICATE WILL RESULT IN THE BIDDER SCORING ZERO (0) POINTS FOR BBEE.**

An EME must submit a sworn affidavit confirming the following:

- Annual turnover revenue of R10 million or less; and
- Level of black ownership

Any misrepresentation in terms of the above constitutes a criminal offence as set out in the B-BBEE Act as amended.

6.6 Company registration documents and a copy of a valid tax compliance status (CTS) letter issued by SARS. No tender will be awarded to a bidder whose tax matters are not in order with SARS at the time of award.

6.7 A copy of the bidding entity's current municipal rates account in the name of the bidding entity or alternatively in the names of the directors / partners of the bidding entity. **If not applicable, an affidavit to this effect is required.** Copies of lease agreements or accounts with lessors will NOT be accepted.

6.8 Audited financial statements for the past three years.

6.9 Details of directors / partners / members and shareholders with certified copies of their identity documents.

6.10 The forms A to G annexed, must be scrutinized, completed in full and signed.

Provide information on the key personnel required per the organogram who will be assigned to this project.

The following supporting documentation **must** be provided:

- detailed CV's for each resource.
CV's must note the resources' specific relevant project experience [ie. **project description, role played and responsibilities, project value, start and end dates**]. **The number of years of experience in the required role to be clearly demonstrated in the CV's to indicate compliance with the minimum requirements.**
- relevant qualifications and attach certified proof hereof
- individual memberships to the stipulated professional associations and attach proof hereof

6.11 Complete in full all information required on Annexure G : Schedule of Completed Contracts

ONLY list a **maximum of 5 projects** completed by the bidding entity in the past 5 years of a similar nature

The following supporting documentation **must** be provided:

- Contactable references: References must be for COMPLETED projects only. References must be on the client's letterhead or on a document with the client's company stamp and signed by the client. The letter / document **must** confirm the name of the project / description of the project

NOTE :

- 6.18 *Letters of appointment or completion certificates will NOT be accepted as reference letters, NOR will letters from other consultant's on the project serve as reference letters. Only letters from the client or documents signed and stamped by the client will be accepted.*
- 6.19 *Information contained elsewhere in the submission and / or on other schedules will NOT be considered. Only the information entered on Annexure H will be considered as previous experience and only reference letters related to the projects listed on Annexure G will be considered as supporting documentation.*

6.20 Tenderers are to submit 2 copies of their proposal (1 original plus 1 copy).

FAILURE TO COMPLY WITH THE REQUIREMENTS IN ITEM 6.1 and 6.2 WILL RESULT IN TENDERERS BEEN DISQUALIFIED FOR NON-COMPLIANCE.

FAILURE TO COMPLY WITH THE REQUIREMENTS IN ITEMS 6 WILL RESULT IN TENDERERS BEEN NEGATIVELY SCORED IN THE TECHNICAL ASSESSMENT.

Note for consortium and joint ventures

- A lead consultant is to be appointed and noted in the submission. JDA will conclude a contract with the lead consultant
- Only the lead consultant is to submit the requisite documents and / or information as requested in items 6.7 to 6.17
- Item 6.11 MUST be addressed by each member of the consortium / joint venture
- An Agreement or Heads of Terms recording the arrangement between the parties to the consortium / joint venture is to be submitted.
- A trust, consortium or joint venture will qualify for points for their BBBEE status level as an unincorporated entity, provided that the entity submits their consolidated BBBEE scorecard as if they were a group structure and that such a consolidated BBBEE scorecard is prepared for every separate tender.

Failure to comply with these conditions may invalidate your offer.

7. ASSESSMENT CRITERIA

Submissions (responses to item 6 above) will be evaluated on the following criteria:

- Compliance
- Technical
- Price / BBBEE
- Risk Tolerance

7.1 Compliance

Bidders will be disqualified in the following instances:

- If any of its directors are listed on the register of defaulters;
- In the case of a bidder who during the last five years has failed to perform satisfactorily on previous contracts with the JDA or any other organ of state after written notice was given to that bidder that performance was unsatisfactory;
- Bidders who did not complete, in full, the tender offer page (i.e. priced, all registration numbers provided and signed);
- Bidders whose tender document has been completed in pencil;
- Bidders whose document has been faxed;
- Bidders whose tender document has been received after the closing time;

- Bidders whose tender document has not been deposited in the tender box at the time of closing;
- Bidders who fail to price as required i.e. as stipulated in item 4 herein;
- Bidders who failed to attend the compulsory tender briefing session;
- Bidders who have any directors in the employment of the state;
- No award will be made to any bidder whose tax matters are not in order with the receiver of revenue (SARS);
- No award will be made to any bidder who is not registered on the National Treasury Central Supplier Database (CSD);

Tenderers will have to adhere to the compliance items above in order to be considered further in the evaluation process.

7.2 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 (i.e. experience, qualifications, and memberships to professional associations per Item 6.10 above) and,
- (iii) The experience of the company.

Tenderers will have to submit compliant documents and score a minimum number of points in the technical evaluation in order to be considered further in the evaluation process.

Bidders are expected to score a minimum of **174 points, 60%** (out of **104.4** maximum points score able).

Variables	Total Points	Criteria	Description of criteria	Points
KEY RETURNABLE DOCUMENTS per item 6.3 to 6.9 herein	14	Valid BBBEE status level certificate	Points will only be allocated for key returnable documents submitted as required / stipulated in item 6.3 to 6.9 herein	Y / N
		Company registration documents		Y / N
		Indicative programme		Y / N
		CTS letter from SARS		Y / N
		Valid Professional Indemnity Insurance R2m		Y / N
		Current municipal rates account / affidavit		Y / N
		3 Years audited financial statements		Y / N
		Certified copies of identity documents		Y / N
		Annexure A - G completed in full and signed		14

Variables	Total Points	Criteria	Description of criteria	Points
CAPABILITY OF PROPOSED TEAM per item 6	60	PROJECT TEAM		
		Project Lead		
		Minimum Ten (10) years post qualification experience in contracts management, supply chain management processes, CIDB normative references (JBCC, GCC and FIDIC), various service level agreements and applicable Municipal regulatory legislation.	CV's must demonstrate years completed in the construction contract management environment with particular reference to CIDB normative references (JBCC, GCC and FIDIC), various service level agreements and applicable Municipal regulatory legislation	50

Variables	Total Points	Criteria	Description of criteria	Points
		A Law Degree or relevant qualification in construction Law	Proof of qualification must be provided to obtain the points	10
COMPANY EXPERIENCE per item 6 and Annexure H	100	COMPANY SCHEDULE OF COMPLETED PROJECTS		
		Five and more projects completed	Points will only be allocated for having successfully rendered the review and development of contract management frameworks, policies, dispute mechanisms for contractual disputes and performance monitoring systems	50
		Three to Four projects completed		30
		One to Two projects completed		20
		REFERENCES FOR COMPLETED PROJECTS		
		Five and more satisfactory project references	Points will only be allocated for having rendered the required services such as previous contract management frameworks completed and contract templates provided References must be on client letterhead or document stamped and signed by the client and must include the name / description of the project, it must confirm the service rendered, the date completed and a comment of the level of satisfaction with the service. References must be for projects listed above under project experience, and relevant to this project only. Appointment letters, Purchase Orders etc. will NOT be considered as references. If any of the required information is not contained in the reference then zero points will be awarded	50
		Three to Four satisfactory project references		30
		One to Two satisfactory project references		20

Points will only be allocated for thorough documentation under the approach and methodology to each of the critical aspects identified above. Project information contained elsewhere in the tender submission will not be considered.

7.3 Price and Empowerment

Having completed a technical evaluation, the procedure for the evaluation of technically qualifying tenders is Method 2 (Price and Preferences). The Preference Point System assigns a score to each tenderer based on the tender price and on the tenderer’s BBEE status. These scores are combined to determine an overall score for the tender. The tender with the highest score will be considered for acceptance.

The Preference Point System will be applied as follows :

- For tenders up to R50 million
 - 80 points are assigned to price
 - Up to 20 points are assigned to BBBEE status per the table under item 7.3.1
- Points scored will be rounded off to the nearest 2 decimal places

7.3.1 Points awarded for BBBEE status level

Points will be awarded for empowerment (BBBEE), in accordance with the Preferential Procurement Regulations 2017 published in Government Gazette No. 40553 dated 20 January 2017. The table overleaf is applicable in this regard :

B-BBEE Status Level Of Contributor	Number of Points
	Tenders up to R50 million
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-Compliant contributor	0

Notes :

- 7.3.1.1 “B-BBEE status level of contributor” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act (Act No.53 of 2003).
- 7.3.1.2 Tenderers must submit their original and valid B-BBEE status level verification certificate substantiating their B-BBEE rating. Certificates issued by either verification agencies accredited by the South African Accreditation System (SANAS) or by registered auditors approved by the Independent Regulatory Board for Auditors (IRBA) are acceptable. **FAILURE TO SUBMIT A BBBEE STATUS LEVEL CERTIFICATE WILL RESULT IN THE BIDDER SCORING ZERO (0) POINTS FOR BBBEE.**
- 7.3.1.3 An EME must submit a sworn affidavit confirming the following:
 - Annual Turnover Revenue of R10 million or less; and
 - Level of Black ownership
 - Any misrepresentation in terms of bullet point above constitutes a criminal offence as set out in the B-BBEE Act as amended.
- 7.3.1.4 The submission of such certificates must comply with the requirements of instructions and guidelines issued by the National Treasury and be in accordance with notices published by the Department of Trade and Industry in the Government Gazette.
- 7.3.1.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

- 7.3.1.6 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate tender.
- 7.3.1.7 A person will not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a tenderer qualifies for.
- 7.3.1.8 A person awarded a contract will not be permitted to sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned.

7.3.2 Formula for scoring tender price

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

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

Where

P_s = Points scored for comparative price of tender under consideration

P_t = Comparative price of tender under consideration

P_{\min} = Comparative price of lowest acceptable tender

X = Points assigned to price

7.3.3 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_s is the points scored for the comparative price of the tenderer, and

P_{bee} is the number of points awarded to the tenderer based on his certified B-BBEE status level

7.4 Risk Tolerance

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 determines the risk exposure as excessive in instances where the value of the contracts for individual professional service providers (eg. project managers / engineers / quantity surveyors / consultants) is either :

The greater of R8 million or four contracts / projects in the current financial year or

The greater of R12 million or six contracts / projects over two financial years (current year and previous financial year)

And in instances where the value of contracts for multi-disciplinary professional service providers (eg. more than one discipline / service is provided by the same bidder) is either :

The greater of R12 million or six contracts / projects in the current financial year or
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.

8. CLOSING DATE, TIME AND VENUE FOR SUBMISSIONS

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

“REQUEST FOR PROPOSALS FROM BIDDERS WITH EXPERTISE IN CONTRACT MANAGEMENT SYSTEMS AND DISPUTE RESOLUTION MECHANISM”

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 (Formerly President Street), Newtown** only between the hours of 08H00 and 12H00.

The Tender closes at 12h00 on 19 November 2020.

Envelopes will be stamped on receipt. There will be a public opening of tenders.

NO E-MAILED/ 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.

Unsuccessful bidders will have the opportunity to query the award or decision within fourteen (14) calendar days from the day of notification.

The tender offer validity period for this tender is twelve (120) days.

Queries can be addressed in writing to:
Claudia Mahlaule

E-mail : CMahlaule@jda.org.za

ANNEXURE A : BUSINESS DECLARATION

Tender/RFP Number :

Tender/RFP Description :

Name of Company :

Contact Person :

Postal Address :

.....

Physical Address :

.....

Telephone Number :

Fax Number :

Cell 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 company 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. In the case of a firm which renders services for different disciplines, how many permanent staff members are employed by the firm in the discipline for which you are tendering:

Full Time :

Part Time :

8. What is the enterprise's annual turnover for the last three years and what is the estimated turnover of current commitments from 1 July 2017 to 30 June 2018 (excl. VAT):

R Year

BRANCH CODE :

ACCOUNT NUMBER :

ACCOUNT HOLDER :

TYPE OF ACCOUNT :

CONTACT PERSON :

CONTACT NUMBER :

PLEASE INCLUDE LETTER FROM THE BANK CONFIRMING THE COMPANY'S BANKING DETAILS.

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 :

COMPANY STAMP

ANNEXURE 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

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.

ANNEXURE 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? (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).	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)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, 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).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
Item	Question	Yes	No

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:		
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

.....
 Position

.....
 Name of Bidder

.....
 Date

ANNEXURE D - 1 : PARTICULARS OF CONTRACTS AWARDED BY NOT BY AN ORGAN OF STATE*** DURING THE LAST 5 YEARS
cont.

EMPLOYER	CONSULTING ENGINEER	NATURE OF WORK	VALUE OF WORK	YEAR COMPLETED

*** 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.

.....
Signature
(of person authorised to sign on behalf of the organisation)

.....
Position

.....
Name of Bidder

.....
Date

ANNEXURE E:

I, the undersigned, in submitting the accompanying bid:

REQUEST FOR PROPOSALS FROM BIDDERS WITH EXPERTISE IN CONTRACT MANAGEMENT SYSTEMS AND DISPUTE RESOLUTION MECHANISM

in response to the invitation for the bid made by:

for
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
 - (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 will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraph 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

.....
Position

.....
Name of Bidder

.....
Date

ANNEXURE F : DECLARATION ON STATE OF MUNICIPAL ACCOUNTS

A Any bid will be rejected if:

Any municipal rates and taxes or municipal service charges owed by the bidder or any of the directors to the municipality or a municipal entity, or to any other municipality or municipal entity, are in arrears for more than three months.

B Bid Information

- i. Name of bidder:
- ii. Registration Number:
- iii. Municipality where business is situated:
- iv. Municipal account number for rates:
- v. Municipal account number for water and electricity:
- vi. Names of all directors, their ID numbers and municipal account number.
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.
 - 6.
 - 7.

C Documents to be attached

- i. A copy of municipal account mentioned in B (iv) & (v) (Not older than 3 months)
- ii. A copy of municipal accounts of all directors mentioned in B(vi) (Not older than 3 months)
- iii. Proof of directors

I/We declare that the abovementioned information is true and correct and that the following documents are attached to this form:

.....
.....

Signature:.....

Date:.....

ANNEXURE G: SCHEDULE OF COMPLETED CONTRACTS MANAGEMENT SYSTEM REVIEWS PROJECTS

THIS ANNEXURE IS CRITICAL FOR THE TECHNICAL EVALUATION AS DETAILED UNDER ITEM 7.2 HEREIN

The tenderer shall list below a **maximum of 5 projects of a similar nature and scale** to this project as described under item 6.11 and 7.2 herein.

Table H : Company: Project Related Experience	
Company Information	
Company Name	
Year Established	
Professional Registration Body / Institution	
Date of Professional Registration	

Company Authorised Representative	
Authorised Representative Name	
Representative Contact Number	
Representative Contact Email	

Company Project Related Experience							
Project Name	Project Type	Project Value	Project Start Date	Project End Date	Project Description	Client Name & Contact Details	Specific Tasks completed relevant to this Tender Proposal Terms of Reference
1.							
2.							
3.							

4.							
1.							

NOTE: Contactable references for the above listed projects must be provided. Said references MUST be on the client's letter head or on a document stamped and signed by client and must confirm the name of the project, description of the project, description of the service rendered, the value of the project, the completion date, and it must rate the service rendered.

.....
Signature

.....
Position

.....
Name of Bidder

.....
Date

