



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: 21 JUNE 2024

COMPULSORY BRIEFING MEETING DATE: 24 JUNE 2024
VENUE: THE AUDITORIUM, JDA BUS FACTORY OFFICES

TIME: 14H00 – 15H00

CLOSING DATE: 27 JUNE 2024

CLOSING TIME: 12H00

BID DESCRIPTION: RFQ - APPOINTMENT OF A CIVIL ENGINEER FOR ERF 80 STAFFORD (Marily House) FOR CITY OF JOHANNESBURG FOR A PERIOD OF 4 MONTHS

BID NUMBER: JDADFP/CIVIL-ERF80/06/2024

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: Mr. Siyambonga Gcobo

Tel: 011-688 7811 **Fax:** 011 688 7899

E-mail: sgcobo@jda.org.za

ANY ENQUIRIES REGARDING THE PROJECT MAY BE DIRECTED TO:

Department Projects Implementation

Contact Person: Ms. Lovemore Nkuna

Tel: 011-688 7811 **Fax:** 011 688 7899

E-mail: Lnkuna@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.

THE OFFER

THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED)				
BID / RFQ NUMBER		JDADFP/CIVIL-ERF80/06/2024		
BID / RFQ DESCRIPTION		RFQ - APPOINTMENT OF A CIVIL ENGINEER FOR ERF 80 STAFFORD (Marily House) FOR CITY OF JOHANNESBURG FOR A PERIOD OF 4 MONTHS		
NAME OF BIDDER				
POSTAL ADDRESS				
STREET ADDRESS				
TELEPHONE NUMBER	CODE		NUMBER	
CELLPHONE NUMBER	CODE		NUMBER	
E-MAIL ADDRESS				
VAT REGISTRATION NUMBER				
CSD SUPPLIER NUMBER ¹				
COMPANY REGISTRATION NUMBER				
TAX VERIFICATION PIN				
SUBTOTAL BID PRICE (Excluding Vat)		R		
VAT @15		R		
TOTAL BID PRICE (including vat)		R		
TOTAL BID PRICE IN WORDS (Including Vat)		R		
SIGNATURE OF BIDDER				
CAPACITY UNDER WHICH THIS BID IS SIGNED				
DATE				

The following conditions will apply:

- A valid Tax Pin from SARS must be submitted.
- A certified valid BBEE certificate must be submitted.
- 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.
- A copy of the bidder's current municipal account in the name of the bidder or alternatively in the names of the directors / partners of the bidding entity must be submitted.
- Price(s) quoted must be valid for at least ninety (120) days from date of your offer.
- Price(s) quoted must be firm and must be inclusive of VAT.
- That the RFQ is issued in accordance with the POPI ACT.
- If the price quoted is above R 30 000 (inclusive of VAT), the quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the PPR of 2022.

Failure to comply with these conditions may invalidate your offer.

To all Stake Holders

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 centralize the reporting of fraudulent and corrupt activities through the establishment of an independent fraud hotline.

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: 0800-0025-87 (all official languages)
- Email Address: whistle@joburg.org.za
- Walk in: 48 Ameshhof Street, SAPPI Building, East Wing, 5th Floor
- Social Media Pages: Facebook (Group Forensic and investigation services GFIS) and Twitter (@cojgfs)
- Management Request and referrals: Various Departments and Entities



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

WE ENCOURAGE ALL PEOPLE DOING BUSINESS WITH US TO REPORT ANY CORRUPT OR ILLEGAL PRACTICE

APPOINTMENT OF CIVIL & STRUCTURAL ENGINEER

ADVERT DATE: 21 JUNE 2024

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JUNE 2024

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ANNEXURES

A	: BUSINESS DECLARATION
B	: DECLARATION OF INTEREST
C	: DECLARATION OF PAST SCM PRACTICES
D	: MBD9 CERTIFICATE OF INDEPENDENT BID DETERMINATION
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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

1 BACKGROUND

1.1. Introduction

The Johannesburg Development Agency as an implementing agency of the City is appointed by various City Departments – i.e. Development Planning, Community Development, Economic Development and Department of Health amongst others to undertake the planning, design and construction of capital project works.

The proposed site with an existing building has been purchased by Department of Human Settlement through Johannesburg Property Company and is now owned by the COJ. The Human Settlement intent to convert the current existing industrial building into a residential building (Affordable Rental Accommodation) for urgent and immediate development, with a view to resolve the court eviction order within the Inner City and people living in bad buildings. This housing initiative aims to develop Temporary Emergency Accommodation (TEA) for the people of Johannesburg.

This Erf is zoned “Industrial 1” in terms of the City of Johannesburg Land Use Scheme, 2018 read in conjunction with the Municipal By-law, 2016 which will require rezoning of the property for housing / residential purposes.

The JDA has, as part of its implementation agent requires Civil & Structural Engineering professional services to address the pre-planning investigation and building conditional assessment as may be required for planning, design and implementation of the project thereof.

1.2. Purpose of this Request for Proposal

The purpose of this RFQ is to appoint a professional Civil & Structural Engineer to carry out building conditional assessment on the existing facility, confirmation of the existing bulk infrastructure services as well as pre planning investigation of the existing building in order to accommodate the proposed residential development of 200 units on Erf 80 Stafford (Known as Marily House) for the City of Johannesburg for a period of 3 Months

2 PROJECT INFORMATION

2.2 Location

Stand No	Township	Size	Zoning	Owner
80	Stafford	3079m ²	Industrial 1	City of Johannesburg



2.3 Scope of Services:

The scope of work will include the following key components:

The primary objective of this project is to carry out building conditional assessment on the existing facility, confirmation of the existing bulk infrastructure services such as capacity for Stormwater, Electricity, Water and Sewer. Preplanning investigation of the existing building in order to accommodate the proposed residential development of a minimum of 200 units.

The project team is expected to conduct pre consultation with the municipality on the process of acquiring development rights, convert, and refurbish the existing building into an affordable residential unit with a minimum of 200 units on Erf 80 Stafford Township, within the City of Johannesburg jurisdiction.

The provision of this Affordable Rental Accommodation is in line with the Mayoral priorities of addressing the housing backlog faced by the City.

The facility will have units that are self-contained comprising of:

- 18sqm dedicated for bachelor unit,
- 24sqm dedicated for two-bedroom unit,
- 40sqm dedicated for three-bedroom unit.

The units must conform to the Housing Code standards, i.e., Community Residential Units. The design of the facility to conform to Johannesburg Water, City Power and City of Joburg Building Control Development Standards. The land development application is to be done in terms of the City of Johannesburg Land Use Scheme, 2018 read in conjunction with the City of Johannesburg By-law, 2016.

The appointed service provider is expected to conduct a feasibility study, planning Investigation, Building Conditional assessment and Confirmation of bulk infrastructure services required to accommodate the proposed development. This will then assist in the future planning and convention of the existing building into a residential building.

2.4 Management of this Assignment

Service providers must supply sufficient information and 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 contract.

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.

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 this service provider will be valid for a period of 03 months.

3 APPOINTMENTS

The JDA is requesting proposals from the following professional service.

- Civil & Structural Engineer

Notes

- Applicants are to ensure that they have adequate resources to undertake the work under stringent timeframes.
- The JDA reserves the right to ask the tenderer to replace any member/s of the proposed members of the service provider if they do not meet the JDA requirements.
- Successful tenderer 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.
- 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 regulations¹:
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

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

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.

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.

- 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 (company email
 - Address and on company letter head))
 - 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 specific goals
- Risk tolerance

a. 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 6.1 herein;
- Bidders who have any directors in the employment of the state;
- Bidders who did not attend the compulsory briefing session;
- 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);

b. 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

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 105 points (70%) out of possible 150 points in the technical evaluation in order to be considered further in the evaluation process.

Points will only be allocated for key returnable documents submitted.

CIVIL & STRUCTURAL ENGINEER FOR THE PRE-PLANNING AND CONDITIONAL ASSESSEMENT OF MARILY HOUSE (ERF 80 STAFFORS)

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

CIVIL & STRUCTURAL ENGINEER FOR THE PRE PLANNING AND CONDITIONAL ASSESSEMTN OF MARILY HOUSE (ERF 80 STAFFORS) .		Points
Civil Engineer Minimum Seven (7) years post qualification experience in Civil Engineering and Structural Engineering Services. Evidence of working on at least Three (3) housing or multi storey building projects in terms of scale and complexity. Project must include. <ul style="list-style-type: none"> • Pre and Planning Investigation • Building Conditional Assessment • Feasibility Studies. A minimum qualification of a B-Tech or bachelor's degree in civil engineering	Certified Proof of Qualifications must be provided to obtain the points CV's must show projects, roles played and period. If any information is not contained in the CV then zero points will be awarded.	75
Valid Professional registration with ECSA	Professional Registration must be provided to obtain the points	5
SUB-TOTAL		80
CIVIL & STRUCTURAL ENGINEERING PROJECTS & REFERENCES		
Completed Projects with References Civil & Structural Engineering Services such as	5 projects	70
	4 projects	40
	3 projects	30
	2 projects	20
	1 project	10
	0 project	0

<p>Civil Engineering and Structural Engineering Services on multi storey building projects in terms of scale and complexity on Infrastructure project related to Pre and Planning Investigation Building Conditional Assessment, Bulk Infrastructure Assessments and Feasibility Studies.</p> <p>Points will only be allocated for having rendered the required pre-feasibility studies planning investigation and building conditional assessment.</p> <p>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, the value of the works up to R 50 million, 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.</p> <p>If any of the required information is not contained in the reference, then zero points will be awarded</p>		
SUB-TOTAL		70
TOTAL		150

6. Pricing Schedule:

CIVIL & STRUCTURAL ENGINEER: FOR ERF 80 STAFFORD FOR CITY OF JOHANNESBURG						
No	Description		Unit of Measure Hours	QTY	Unit Price	Total Amount
1	Inception report and program		Hours	10	R	R
1.1	Stakeholder Mapping and Consultation with the Municipality.					
2	Site Visit, Verification of information, identification of land information and site preparation	Lead	Hours	10	R	R

3	Conduct Condition assessments of the existing facility.		Hours	40	R	R
4	Assessment of existing facility for sustainability to accommodate the proposed use		Hours	40	R	R
5	confirmation of the existing bulk infrastructure services		Hours	40	R	R
6	Pre consultation on relevant studies required and approvals for proposed development.		Hours	40	R	R
7	Produce report on Recommendation of all assessments and Investigations.		Item	1	R	R
8	GPR Concrete floor & column scanning for 3-5 days Drilling 100mm diameter - Concrete Cores 0-150mm length = 32 No Reinstate with specialist Grout / Epoxy = 32 No Setup Fee for Vertical Drilling and Establishments		Item / Report	1	R	R
8	Develop High level cost estimates, suggest procurement strategy, resources required, Indicative Implementation Schedule for all recommended Intervention.		Item	1	R	R
9	Meetings	Rate	Number of meetings	6	R	R
10	Close Out Report	Lead	Hours	5	R	R

SUB-TOTAL: (Excl. VAT)	R
VAT @15%	R
TOTAL Inclusive of VAT (to transferred correctly to the offer page)	R

Service Providers 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 quoted amount.

The offers submitted must be supported by detailed fee proposals, if including discounts if there are any.

7. POINTS FOR PRICE AND PREFERENCE

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 BBBEE 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 6.3.1
 - Points scored will be rounded off to the nearest 2 decimal places

The 80/20 preference point system will apply to this tender and the lowest acceptable tender will be used to determine the applicable preference point system up to and 20 including a Rand value of R50’000’000 (all applicable taxes included) whereby the order(s) will be placed with the tenderer(s) scoring the highest total number of adjudication points.

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

Awards up to 50mil (VAT Inclusive)

The specific goals allocated points in terms of this RFP	Number of points Allocated (80/20 system) (To be completed by the organ of state)	Evidence
Business owned by 51% or more – Black People	5	<ul style="list-style-type: none"> • Valid BBBEE certificate / Affidavit Sworn under oath • Company Registration Certification • Certified copy of ID of owners

Business owned by 51% or more - Women	10	<ul style="list-style-type: none"> • Valid BBBEE certificate / Affidavit Sworn under oath • Company Registration Certification • CSD report
SMMEs (An EME or QSE)	5	<ul style="list-style-type: none"> • Valid BBBEE certificate / Affidavit Sworn under oath • Company Registration Certification • CSD report
Total Points	20	Failure to attach evidence will lead to scoring zero points

Having completed a technical evaluation, the procedure for the evaluation of technically qualifying tenders is method 2 (price tenderer's empowerment goals. these scores are combined to determine an overall score for the tender. the tender with the highest score will be considered for acceptance.

8 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.

9. CLOSING DATE TIME AND VENUE FOR SUBMISSIONS

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

“RFQ - APPOINTMENT OF A CIVIL ENGINEER FOR ERF 80 STAFFORD (Marily House) FOR CITY OF JOHANNESBURG FOR A PERIOD OF 4 MONTHS”

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 27th of June 2024 at 12H00

NO E-MAILED/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.

The tender offer validity period for this tender is 120 days.

Queries can be addressed in writing to:

Department:	Projects Implementation
Contact Person: Lovemore Nkuna	LNkuna@jda.org.za

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:

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

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? (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:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM 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:

RFQ - APPOINTMENT OF A CIVIL ENGINEER FOR ERF 80 STAFFORD (Marily House) FOR CITY OF JOHANNESBURG FOR A PERIOD OF 4 MONTHS

(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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or

(f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
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

EMPLOYER	CIVIL ENGINEER	NATURE OF WORK	VALUE OF WORK	YEAR OF COMPLETION

.....
SIGNATURE

.....
DATE

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

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



FORM F: 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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FORM G: 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) 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 80/20
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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

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

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

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price 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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps} = \mathbf{80} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left(\mathbf{1} - \frac{\mathbf{Pt} - \mathbf{Pmin}}{\mathbf{Pmin}} \right) \end{array}$$

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:

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

Where

- P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{max} = 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 (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Business owned by 51% or more - Black People	5	
Business owned by 51% or more — Women	5	
SMME	5	

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:

.....

.....

.....

.....