



**CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL WORKS**

CONTRACT NO: RLM/RWST/OMM/0103/2024/25

**RE-ADVERT: APPOINTMENT OF A CONTRACTOR FOR THE UPGRADING AND EXTENSION OF BOSPOORT WATER
TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS**

VOLUME 1A: GENERAL CLAUSES, CONTRACT DATA & SCOPE OF WORKS

JULY 2025

NAME OF BIDDER:

BID PRICE: (VAT Incl.)

Prepared by:

**RUSTENBURG WATER SERVICES TRUST
1A KOCK STREET
RUSTENBURG
0300**

BID CLOSING: 28 August 2025 at 10:00



**CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL WORKS**

PARTICULARS OF THE BIDDER	
NAME OF THE BIDDING OR TENDERING COMPANY	
POSTAL ADDRESS	
	POSTAL CODE
STREET ADDRESS (PHICAL ADDRESS)	
	POSTAL CODE
NAME OF COMPANY REPRESENTATIVE	
E-MAIL ADDRESS	
TELEPHONE NUMBER (TELKOM LINE)	
CIDB CRS NUMBER	
CELLPHONE NUMBER	
ALTERNATE CELLPHONE NO.	
CENTRAL SUPPLIER DATABASE NUMBER OF THE BIDDING COMPANY	

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Employer

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Witness 1

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Witness 2

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Contractor

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Witness 1

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Witness 2



CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL WORKS
INDEX/TABLE OF CONTENTS

DOCUMENT NAME ABBREVIATION	DOCUMENT NAME/DESCRIPTION	
BPL	BID PROCESS CRITERIA LIST (TENDERING PROCEDURES)	
BN (T1.1)	BID NOTICE (TENDER NOTICE AND INVITATION TO TENDER)	
	SPECIFICATIONS	
	FUNCTIONALITY	
	AUTHORITY OF SIGNATORY	
MBD 1	INVITATION TO BID (PART A)	
	PART B	
MBD 4	DECLARATION OF INTEREST	
MBD 5	DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)	
MBD 6.1	PREFERENCE CLAIM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS	
MBD 8	DECLARATION OF ABUSE OF SUPPLY CHAIN MANAGEMENT SYSTEM	
MBD 9	CERTIFICATE OF INDEPENDENT BID DETERMINATION	
T1.2	TENDER DATA	
T1.3	STANDARD CONDITIONS OF TENDER	
T2.1	LIST OF RETURNABLE DOCUMENTS	
T2.3	TECHNICAL SCHEDULES	
C1	AGREEMENT AND CONTRACT DATA	
C2	PRICING DATA	
C3	SCOPE OF WORK	

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL WORKS

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Employer

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Witness 2

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Contractor

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Witness 2



CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL WORKS

BID PROCESS CRITERIA LIST

RLM/RWST/OMM/0103/2024/25 - RE-ADVERT: APPOINTMENT OF A CONTRACTOR FOR THE UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS MECHANICAL AND ELECTRICAL WORKS

Tender
Part T1: Tendering Procedures

T1.1-1

T1.1
Tender Notice and Invitation to Tender

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



**CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL WORKS**

**TENDERING PROCEDURES:
DOCUMENT COMPLETION INSTRUCTION AND RETURNABLE SCHEDULE**

A bid not complying with the requirements stated hereunder will be regarded as an “Unacceptable bid”, and as such will be rejected.

“Unacceptable bid” means any bid which, in all respects, does not comply with the conditions of bid and specifications as set out in the bid documents, including conditions as specified in the Preferential Procurement Policy Framework Act (Act 5 of 2000) and related legislation as published in Government Gazette number 22549, dated 10 August 2001, in terms of which provision is made for this policy.

Important information to note:

1. Bidders should not remove any page from the bid document or submit a copy of the original bid document.
2. The bid document should not be completed using a pencil or any other colour ink. Only black ink must be used to complete the bid document. Only tick the appropriate option. Please be informed that whether you scratch out, tick or circle, your answer will be where the pen ink is reflecting.
3. The bid should be properly signed by the designated signatory contained in the tender document.
4. The bidder should not attempt to influence the evaluation and/or awarding of the contract.
5. The bid should not be submitted after the relevant closing date and time.
6. Failure to complete and sign and / or disclose wrong information in any of the declaration forms will result in an unacceptable bid.
7. Compulsory questionnaires must be fully completed and signed.
NB! In the case of Joint Venture separate compulsory questionnaire forms must be completed and submitted.
8. The bidder must in the case of Joint Venture submit separate MBD 5 forms for each partner.
9. In the case of multi directors or joint venture, the bidder must submit separate MBD 4 declaration forms for each director.
10. Bid documents must be in envelopes that are clearly marked with the bid number and description.
11. Bidders are not allowed to use correction pens. In a case where a wrong answer is ticked, a straight line must be made across the wrong answer, then initial next to the mistake and a correct answer must be ticked or provided in writing.
12. Bidders must be registered with the Central Supplier Database (CSD)
13. The bidder must attach the following documents:
 - A valid proof of payment with the relevant reference number as stipulated in the tender advertisement.
 - Required CIDB Grading Certificate where applicable.

**Tender
Part T1: Tendering Procedures**

T1.1-2

**T1.1
Tender Notice and Invitation to Tender**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL WORKS

- The authority of signatory (printed on bidder's letter head) if the tender is a CIDB related project.
 - A copy of a valid signed Joint Venture/Consortium agreement (if applicable) to the bid document.
 - Municipal rates and taxes statements of the directors:
 - ✓ Current municipal rates and taxes statement in the names of the director (from the previous month determined by the date of tender closure) for each directors' address must be attached; or
 - ✓ Valid lease agreement of the director/s with all critical contractual obligations (i.e Lease period, use of premises, lessors' responsibilities, leases' possibilities, amounts related to the lease, address of the leased premises, signatures etc) or,
 - ✓ An original letter from tribal authority not older than three (3) months if the director/s are residing in a tribal land, or
 - ✓ If the rates and taxes account is not in the names of the director/s the attached municipal rates and taxes statement must be submitted together with an original affidavit from the property owner whose names are appearing on the municipal rates and taxes statement to confirm that the director resides in their property.
 - Municipal rates and taxes statements of the company:
 - ✓ Current municipal rates and taxes statement in the name of the company (from the previous month determined by the date of tender closure) for the company's' address must be attached; or
 - ✓ Valid lease agreement of the company (showing all critical contractual obligations (i.e Lease period, use of premises, lessors' responsibilities, leases' possibilities, amounts related to the lease, address of the leased premises, signatures etc), or
 - ✓ An original letter from a tribal authority not older than three (3) months if the company is operating from a tribal, or
 - ✓ If the rates and taxes account is not in the names of the company, the attached municipal rates taxes statement must be submitted together with an original affidavit from the property owner whose names are reflecting on the municipal rates and taxes statement to confirm that the company operates from their property.
 - ✓ **The company address written on the tender document and statement submitted must be the same as the one reflected on the CSD report.**
 - ✓ **For procurement expected to be less than 10 million, awards will not be made to bidders owing municipal rates and taxes for over 90 days at the time of tender closure.**
 - ✓ **For procurement expected to be more than 10 million, awards will not be made to bidders owing municipal rates and taxes for over 30 days at the time of tender closure.**
14. The bidder must comply with the following:
- Bidders must submit both a hard copy document and an electronic tender document in the form of a USB (only) which must be clearly marked with the company name. (Bidders will be disqualified for not submitting a USB containing the scanned bidding documentation)
15. Verification of Documents and Information:
- ✓ Please note that by submitting this tender document, you are agreeing to the verification process of your supporting documents by the Rustenburg Water Services Trust and the Rustenburg Local Municipality.

Tender
Part T1: Tendering Procedures

T1.1-3

T1.1
Tender Notice and Invitation to Tender

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL WORKS

- ✓ Tax compliance status will be verified using CSD number. (For a bidder to be considered for final award, their status must reflect “tax compliance” before final award is made)
- ✓ CIDB Grading will be verified.
- ✓ Sworn Affidavits will be accepted only if its originals submitted.

Tender
Part T1: Tendering Procedures

T1.1-4

T1.1
Tender Notice and Invitation to Tender

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL WORKS

BID NOTICE

RLM/RWST/OMM/0103/2024/25 - RE-ADVERT: APPOINTMENT OF A CONTRACTOR FOR THE UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS MECHANICAL AND ELECTRICAL WORKS

Tender
Part T1: Tendering Procedures

T1.1-5

T1.1
Tender Notice and Invitation to Tender

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



**CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL
WORKS**

TENDER ADVERTISEMENT

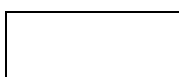
BID NUMBER: RLM/RWST/OMM/0103/2024/25

COMPULSORY BRIEFING SESSION: 29 July 2025 at 10:00 Virtually on Microsoft Teams

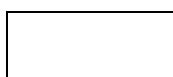
CLOSING DATE: 28 AUGUST 2025 AT 10H00

DESCRIPTION	DOC. FEES (NON-REFUNDABLE)	EVALUATION CRITERION	ENQUIRIES
Re-advert: Appointment of a contractor for the upgrading and extension of Bospoort water treatment works mechanical and electrical works	TENDER DOCUMENT AMOUNT R5 000.00 REFERENCE NUMBER: 0103+Company name BANK NAME Standard Bank ACCOUNT NUMBER: 033 054 657 Bidders who previously bought the tender document must attach their previous Proof of Payment. Payment will be verified	<ul style="list-style-type: none">❖ Administrative evaluation (document completion and attachment of mandatory documents) to include all necessary certifications.❖ CIDB Grading of 9ME or higher❖ Functionality minimum qualifying score of 70 out of maximum of 100 points❖ 90/10 preferential point system (price = 90 & Specific goals = 10) NB! That no other evaluation criterion should be used	TECHNICAL Mrs H van der Merwe 012 842 8700 hayley.vandermerwe@bigengroup.com And Mr. M. Lekukela Mpho.lekukela@rwst.co.za SCM Mr. J. Masinga 014 590 3123 jmasinga@rustenburg.gov.za

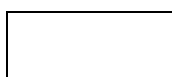
1. Bid documents must be in a sealed packaging clearly marked with the bid number and description, must be placed in the bid box in the foyer of the Municipal offices, Missionary Mpheni House, Beyers Naude Drive, Rustenburg not later than the prescribed closing date, where after the bids will be opened in public at the Municipal offices.
2. All bids will be evaluated in accordance with the Supply Chain Policy of the Rustenburg Local Municipality, PPPFA 2022 and other related legislations. Bids will remain valid for 90 days.
3. The lowest or any bid will not be necessarily accepted, and the municipality reserves the right to accept the whole or part of any bid. The municipality reserves the right to increase or decrease quantities as indicated in the technical specifications. A market analysis conducted will be taken into consideration to ensure right procurement and quality service delivery.



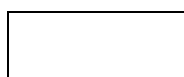
Employer



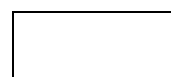
Witness 1



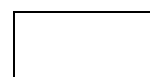
Witness 2



Contractor



Witness 1



Witness 2



**CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL
WORKS**

4. Tender submission must comply with the instruction note (Tender Completion and Attachment of Mandatory Documents) as well as all other additional tendering conditions and requirements stated in the tender document.
5. No bids will be considered from any person(s) in the service of the state (as defined in Regulation 1 of Local Government: Municipal Supply Chain Management Regulations).
6. Objections or complaints must be submitted in writing to the CEO of the Rustenburg Water Services Trust and the Municipal Manager at the address stated, and must contain the following:
 - (a) reasons and/or grounds for the objection or complaint.
 - (b) the way in which the objector or complainant's rights have been affected; and
 - (c) the remedy sought by the objector or complainant.
7. Any objection or complaint must reach the CEO of the Rustenburg Water Services Trust and the Municipal Manager within a 14-day period after award has been made. Late objections or complaints will not be entertained.
8. Submissions which fail to adhere to all the requirements and instructions stated on this advert, E-tender advert, CIDB Website for CIDB tenders as well as the tender document will lead to disqualification.
9. Only the version of this notice and invitation contained in the tender document shall form part of the tender. Tenders may only be submitted on the tender documentation that is issued.

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Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL
WORKS

SPECIFICATIONS

Refer to Part C3 – Scope of Work

**RLM/RWST/OMM/0103/2024/25 - RE-ADVERT:
APPOINTMENT OF A CONTRACTOR FOR THE
UPGRADING AND EXTENSION OF BOSPOORT
WATER TREATMENT WORKS
MECHANICAL AND ELECTRICAL WORKS**

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Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL
WORKS

FUNCTIONALITY

**RLM/RWST/OMM/0103/2024/25 - RE-ADVERT:
APPOINTMENT OF A CONTRACTOR FOR THE
UPGRADING AND EXTENSION OF BOSPOORT
WATER TREATMENT WORKS
MECHANICAL AND ELECTRICAL WORKS**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



**CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL
WORKS**

The Bid Evaluation Committee reserves the right to verify all the information provided.

Values: non-submission = 0, 1= Poor, 3 = Good, 5 = Excellent

CRITERIA	WEIGHT	VALUE	SCORE	VERIFICATION METHOD
1. Company Experience – General				
The Contractor has successfully completed similar and comparative projects, i.e., mechanical and electrical, comprising of civil works (supply, install, test and commission) at wastewater or water treatment plants with a minimum value of R 50 million per contract excluding VAT. Should the bidder be appointed through subcontracting, the main contractor's appointment, completion certificate and appointment letter of the sub-contracting and completion certificate should be attached	30			Attach appointment and completion certificates per project. should be attached
6 and above appointment and completion certificates (Value= 5)				
4-5 appointment and completion certificates (Value = 3)				
2-3 appointment and completion certificates (Value = 1)				
1 appointment and completion certificates (Value = 0)				
2. Previous Experience of Contractor - Ozone Systems				
The Contractor, Contractor's Subcontractor, or the Contractor's JV Partner has completed the installation of ozone systems with a minimum treatment capacity of 10 M ³ /d. Should the bidder be appointed through subcontracting, the main contractor's appointment, completion certificate and appointment letter of the sub-contracting and completion certificate should be attached	15			Attach, per project, appointment and completion certificates including a signed reference letter confirming that the bidder completed a similar project if the main appointment and completion certificates do not specifically reference Ozone Systems.
3 and above appointment and completion certificates (including signed reference letters where applicable) (Value = 5)				
2 appointment and completion certificates (including signed reference letters where applicable) (Value = 3)				
1 appointment and completion certificate (including a signed reference letter where applicable) (Value = 1)				
No appointment and completion certificates (including a signed reference letter where applicable) (Value = 0)				
3. Previous Experience of Contractor – Dissolved Air Flotation (DAF)				
The Contractor, Contractor's Subcontractor, or the JV Partner has completed the installation of a DAF plant with a minimum treatment capacity of 10 M ³ /d. Should the bidder be appointed through subcontracting, the main contractor's appointment, completion certificate and appointment letter of the sub-contracting and completion certificate should be attached	15			Attach, per project, appointment and completion certificates including a signed reference letter confirming that the bidder completed a similar project if the main appointment and completion certificates do not specifically reference Ozone Systems.
3 and above appointment and completion certificates (including signed reference letters where applicable) (Value = 5)				
2 appointment and completion certificates (including signed reference letters where applicable) (Value = 3)				
1 appointment and completion certificate (including a signed reference letter where applicable) (Value = 1)				
No appointment and completion certificates (including a signed reference letter where applicable) (Value = 0)				

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



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UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL
WORKS**

4. Experience of Key Staff				
4.1 Contracts Manager Experience		10		Attach a comprehensive CV with clear experience in mechanical works (supply, install, test and commission) at a water and/or wastewater treatment
	12 Years and above experience (Value = 5)			
	9 – 11 Years experience (Value = 3)			
	5 – 8 Years experience (Value = 1)			
	1 – 4 Years experience (Value = 0)			
4.2 Lead Design Engineer Experience (Mechanical)		10		Attach a comprehensive CV with clear experience in electrical, electronic and instrumentation works (supply, install, test and commission) at a water and/or wastewater treatment
	12 Years and above experience (Value = 5)			
	9 – 11 Years experience (Value = 3)			
	5 – 8 Years experience (Value = 1)			
	1 – 4 Years experience (Value = 0)			
4.3 Lead Design Engineer Experience (Electrical)		10		Attach a comprehensive CV with clear experience in mechanical works (supply, install, test and commission) at a water and/or wastewater treatment
	12 Years and above experience (Value = 5)			
	9 – 11 Years experience (Value = 3)			
	5 – 8 Years experience (Value = 1)			
	1 – 4 Years experience (Value = 0)			
4.4 Construction Health and Safety Officer (CHSO) Experience.		10		Attach a comprehensive CV with clear experience.
	12 Years and above experience (Value = 5)			
	9 – 11 Years' experience (Value = 3)			
	5 – 8 Years experience (Value = 1)			
	1 – 4 Years experience (Value = 0)			
TOTAL		100		

Calculate the points scored according to the following formula:

$$Ps = \frac{[So]}{Ms} \times Ap$$

Where:

Ps = percentage scored for functionality by the bid under consideration

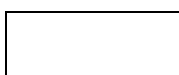
So = total score of bids under consideration, i.e. weight X value = score

Ms = maximum possible score = 500

Ap = percentage allocated

$$\text{Total percentage scored by the bidder on functionality: } Ps = \frac{\quad \times 100}{500} = \quad$$

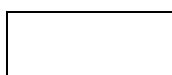
NB: No tender will be regarded as an acceptable tender/responsive if it fails to achieve the minimum qualifying score for functionality of 70 out of a maximum of 100 points.



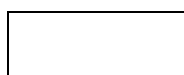
Employer



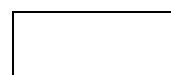
Witness 1



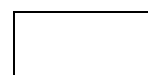
Witness 2



Contractor



Witness 1



Witness 2



CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL
WORKS

AUTHORITY OF SIGNATORY

**RLM/RWST/OMM/0103/2024/25 - RE-ADVERT:
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WATER TREATMENT WORKS
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Witness 1

Witness 2

Contractor

Witness 1

Witness 2



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WORKS**

T2.2.13: Authority of Signatory

With reference to Clause 2.13.4 of the Tender Data, I/we herewith certify that this tender is submitted by: *(Mark applicable block)*

a company, and attach hereto a certified copy of the required resolution of the Board of Directors

☐

a partnership, and attach hereto a certified copy of the required resolution by all partners

☐

a close corporation, and attach hereto a certified copy of the required resolution of the Board of Officials

☐

a one-man business, and attach hereto certified proof that I am the sole owner of the business
submitting this tender

☐

a joint venture, and attach hereto

☐

- an notarially certified copy of the original document under which the joint venture was constituted; and
- certified authorisation by the participating members of the undersigned to submit tenders and conclude contracts on behalf of the joint venture

SIGNED ON BEHALF OF TENDERER:

PLEASE NOTE:

Failure to complete all blank spaced on this form or attend to other details mentioned therein will render the Bid liable to rejection.

The signatory shall confirm his/her authority thereto by attaching on the tendering company's letterhead a duly signed and dated copy of the relevant resolution of the board of directors / partners.

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



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WORKS

MBD 1

RLM/RWST/OMM/0103/2024/25 - RE-ADVERT: APPOINTMENT OF A CONTRACTOR FOR THE UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS MECHANICAL AND ELECTRICAL WORKS

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Witness 1

Witness 2

Contractor

Witness 1

Witness 2



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UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL
WORKS

MBD 1

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE RUSTENBURG LOCAL MUNICIPALITY

BID NUMBER:	RLM/RWST/OMM/0103/2024/25	CLOSING DATE:	28 AUGUST 2025	CLOSING TIME:	10h00
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DESCRIPTION

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX
SITUATED AT:

RUSTENBURG LOCAL MUNICIPALITY

MISSIONARY MPHENI HOUSE

CNR BEYERS NAUDE AND NELSON MANDELA DRIVE, RUSTENBURG

SUPPLIER INFORMATION

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
---	--	--	---

TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
-------------------------------	--	-----------------	---

SIGNATURE OF BIDDER	DATE	
---------------------	-------	------	--

CAPACITY UNDER WHICH THIS BID IS SIGNED

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: TECHNICAL INFORMATION MAY BE DIRECTED TO:

CONTACT PERSON	J Masinga	CONTACT PERSON	Hayley van der Merwe
TELEPHONE NUMBER	014 590 3123	TELEPHONE NUMBER	012 842 8700

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Employer

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Witness 1

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Witness 2

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Contractor

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Witness 1

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Witness 2



**CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL
WORKS**

E-MAIL ADDRESS	jmasinga@rustenburg.gov.za	E-MAIL ADDRESS	hayley.vandermerwe@bigengroup.com



Employer



Witness 1



Witness 2



Contractor



Witness 1



Witness 2



CONTRACT NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL
WORKS

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:	
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.	
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED, COMPLETED WITH A BLACK PEN	
1.3. THIS BID IS SUBJECT TO THE RLM SUPPLY CHAIN MANAGEMENT POLICY, PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.	
2. TAX COMPLIANCE REQUIREMENTS	
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.	
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.	
2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.	
2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.	
2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.	
2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.	
2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.	
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS: (BIDDER MAY NOT BE DISQUALIFIED ON THIS PART IF INDICATED THAT THEY ARE NOT FOREIGN BASED SUPPLIER)	
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

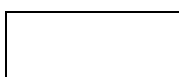
NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.

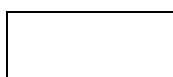
SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

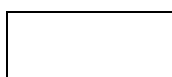
DATE:



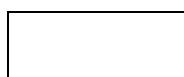
Employer



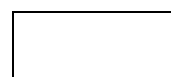
Witness 1



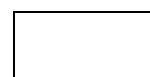
Witness 2



Contractor



Witness 1



Witness 2

**PART A
MBD 3.1**

**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....	Bid number.....
Closing Time	Closing date.....

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY ** (ALL APPLICABLE TAXES INCLUDED)
<hr/>			
-	Required by:	
-	At:	
		
-	Brand and model	
-	Country of origin	
-	Does the offer comply with the specification(s)?		*YES/NO
-	If not to specification, indicate deviation(s)	
-	Period required for delivery	
			*Delivery: Firm/not firm
-	Delivery basis	

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

**** "all applicable taxes"** includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

**MBD 4
DECLARATION OF INTEREST
(IN CASE OF MULTI DIRECTORS OR JOINT
VENTURE, BIDDERS MUST SUBMIT SEPARATE
MBD 4 DECLARATION FORMS FOR EACH
DIRECTOR)**

**RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT
WATER TREATMENT WORKS - MECHANICAL AND
ELECTRICAL WORKS**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

MBD 4: DECLARATION OF INTEREST

No bid will be accepted from persons in the service of the state.

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

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

2.2. Identity Number:

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

2.4. Company Registration Number:

2.5. Tax Reference Number:

2.6. VAT Registration Number:

2.7. Personal Reference Tax Number:

- 2.7.1. The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) 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);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

- 2.8. Are you presently in the service of the state?

(Tick applicable box)

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

- 2.8.1. If yes, furnish particulars.

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Employer

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Witness 1

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Witness 2

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Contractor

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Witness 1

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Witness 2

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

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity; (c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

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

2.9. Have you been in the service of the state for the past twelve months?

(Tick applicable box)

YES		NO	
-----	--	----	--

2.9.1. If yes, furnish particulars.....

.....

2.10. 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?

(Tick applicable box)

YES		NO	
-----	--	----	--

2.10.1. If yes, furnish particulars.....

.....

2.11. 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?

(Tick applicable box)

YES		NO	
-----	--	----	--

2.11.1. If yes, furnish particulars.....

2.12. Are any of the company's directors, trustees, managers, principal shareholders or stakeholders in

service of the state?

(Tick applicable box)

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Employer

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Witness 1

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Witness 2

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Contractor

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Witness 1

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Witness 2

YES		NO	
-----	--	----	--

2.12.1. If yes, furnish particulars.....

.....

2.13. Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state?

(Tick applicable box)

YES		NO	
-----	--	----	--

2.13.1. If yes, furnish particulars.....

.....

2.14. Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract.

(Tick applicable box)

YES		NO	
-----	--	----	--

2.14.1. If _____ yes, _____ furnish particulars.....

.....

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

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Employer

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Witness 1

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Witness 2

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Contractor

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Witness 1

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Witness 2

MBD 5

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

**RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT
WATER TREATMENT WORKS - MECHANICAL AND
ELECTRICAL WORKS**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

<p style="text-align: center;">MBD 5 DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)</p>
--

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

- 1 Are you by law required to prepare annual financial statements for auditing?

*YES	NO
------	----
- 1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.
-
-
- 2 Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?

*YES	NO
------	----
- 2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.
- 2.2 If yes, provide particulars.
-
-
-
- 3 Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

*YES	NO
------	----
- 3.1 If yes, furnish particulars
-
-
4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?

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Employer

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Witness 1

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Witness 2

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Contractor

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Witness 1

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Witness 2

*YES	NO
------	----

4.1 If yes, 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.

.....
Name/s and Surname of Bidder

.....
Signature

.....
Position in the Firm/Company

.....**2025**
Date

Employer	Witness 1	Witness 2	Contractor	Witness 1	Witness 2

MBD 6.1
PREFERENCE POINTS CLAIM FORM

**RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT
WATER TREATMENT WORKS - MECHANICAL AND
ELECTRICAL WORKS**

<div></div>	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Employer	Witness 1	Witness 2	Contractor	Witness 1	Witness 2

MBD 6.1 PREFERENCE CLAIMED 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**

- a) The applicable preference point system for this tender is the 90/10 preference point system.
- b) The 90/10 will be applicable in this tender.

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

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

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

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	90
SPECIFIC GOALS	10
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

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation.

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

80/20 or 90/10

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20 or 90/10

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

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.

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

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

Note to tenderers: "The tenderer must indicate how they claim points for each preference point system. Points claimed will be verified by RLM using the CSD Report, and preference points will be allocated accordingly. Bidders who fail to complete the table below will NOT be disqualified BUT will not be allocated preference points.

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Means of Verification
Rustenburg Jurisdiction	2		Latest (from the previous month determined by the date of tender closure) Municipal Account/Traditional Council letter
Rural /Township Businesses	2		Latest (from the previous month determined by the date of tender closure) Municipal Account/Traditional Council letter
Black People	1		Full CSD Report
Persons with Disability	1		Full CSD Report
Youth	2		Full CSD Report
Women	1		Full CSD Report
SMME's	1		Full CSD Report
Total	10		

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;

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

- 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:

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

MBD 8

DECLARATION OF BIDDERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES

**RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT
WATER TREATMENT WORKS - MECHANICAL AND
ELECTRICAL WORKS**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

MBD 8
DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all the 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 of Restricted Suppliers as companies or persons 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 Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	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)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	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:		

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

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

<div></div>	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Employer	Witness 1	Witness 2	Contractor	Witness 1	Witness 2

MBD 9
CERTIFICATE OF INDEPENDENT BID
DETERMINATION

RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:
UPGRADING AND EXTENSION OF BOSPOORT
WATER TREATMENT WORKS - MECHANICAL AND
ELECTRICAL WORKS

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete. I, the undersigned, in submitting the accompanying bid: **RLM/RWST/OMM/0103/2024/25 – RE-ADVERT: UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS - MECHANICAL AND ELECTRICAL WORKS** (Bid Number and Description) in response to the invitation for the bid made by:

RUSTENBURG LOCAL MUNICIPALITY

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder): Bidders are required to fill in the name of their company in the space provided above.

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

--

Employer

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Witness 1

--

Witness 2

--

Contractor

--

Witness 1

--

Witness 2

- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
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.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

T2.2.1: Record of Addenda to tender documents

We confirm that the following communications received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:		
	Date	Title or Details

Attach additional pages if more space is required.

Signed	_____	Date	_____
Name	_____	Position	_____
Tenderer	_____		

<div></div>	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Employer	Witness 1	Witness 2	Contractor	Witness 1	Witness 2

T2.2.2: Compulsory Enterprise Questionnaire

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.			
Section 1: Name of enterprise:			
Section 2: VAT registration number, if any:			
Section 3: CIDB registration number, if any:			
Section 4: Particulars of sole proprietors and partners in partnerships			
Name*	Identity number*	Personal income tax number*	
* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners			
Section 5: Particulars of companies and close corporations			
Company registration number			
Close corporation number			
Tax reference number			
Section 6: Record of service of the state			
Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:			
<input type="checkbox"/> a member of any municipal council <input type="checkbox"/> a member of any provincial legislature <input type="checkbox"/> a member of the National Assembly or the National Council of Province <input type="checkbox"/> a member of the board of directors of any municipal entity <input type="checkbox"/> an official of any municipality or municipal entity	<input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999) <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity <input type="checkbox"/> an employee of Parliament or a provincial legislature		
If any of the above boxes are marked, disclose the following:			
Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		current	Within last 12 months
*insert separate page if necessary			
Section 7: Record of spouses, children and parents in the service of the state			
Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:			

--

Employer

--

Witness 1

--

Witness 2

--

Contractor

--

Witness 1

--

Witness 2

- ☐ a member of any municipal council
☐ a member of any provincial legislature
☐ a member of the National Assembly or the National Council of Province
☐ a member of the board of directors of any municipal entity
☐ an official of any municipality or municipal entity
- ☐ an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999)
☐ a member of an accounting authority of any national or provincial public entity
☐ an employee of Parliament or a provincial legislature

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

*insert separate page if necessary

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise:

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- ii) confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest;
- iv) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

Signed _____ Date _____
 Name _____ Position _____

 Enterprise name _____

Employer	Witness 1	Witness 2	Contractor	Witness 1	Witness 2

T2.2.3: Certificate of Authority for Joint Ventures

This Returnable Schedule is to be completed by joint ventures.

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms
. , authorised signatory of the company
. , acting in the capacity of lead partner, to sign all documents in
connection with the tender offer and any contract resulting from it on our behalf.

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead partner		Signature. Name Designation
		Signature. Name Designation
		Signature. Name Designation
		Signature. Name Designation

<div></div> <div>Employer</div>	<div></div> <div>Witness 1</div>	<div></div> <div>Witness 2</div>	<div></div> <div>Contractor</div>	<div></div> <div>Witness 1</div>	<div></div> <div>Witness 2</div>
---------------------------------	----------------------------------	----------------------------------	-----------------------------------	----------------------------------	----------------------------------

T2.2.4: Schedule of Proposed Subcontractors

We notify you that it is our intention to employ the following Subcontractors for work in this contract. If we are awarded a contract we agree that this notification does not change the requirement for us to submit the names of proposed Subcontractors in accordance with requirements in the contract for such appointments. If there are no such requirements in the contract, then your written acceptance of this list shall be binding between us. We confirm that all subcontractors who are contracted to construct a house are registered as home builders with the National Home Builders Registration Council.

	Name and address of proposed Subcontractor	Nature and extent of work	Previous experience with Subcontractor.

Signed	_____	Date	_____
Name	_____	Position	_____
Tenderer	_____		

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

T2.2.5: Schedule of Plant and Equipment

The following are lists of major items of relevant equipment that I/we presently own or lease and will have available for this contract or will acquire or hire for this contract if my/our tender is accepted.

(a) Details of major equipment that is owned by and immediately available for this contract.

Quantity	Description, size, capacity, etc.

Attach additional pages if more space is required.

(b) Details of major equipment that will be hired, or acquired for this contract if my/our tender is acceptable.

Quantity	Description, size, capacity, etc.

Attach additional pages if more space is required.

Signed _____ Date _____
Name _____ Position _____
Tenderer _____

<div></div>	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Employer	Witness 1	Witness 2	Contractor	Witness 1	Witness 2

T2.2.6: Schedule of the Tenderer's Experience

The following is a statement of similar work successfully executed / in progress by myself/ ourselves in the last years:

Employer, contact person and telephone number.	Description of contract	Value of work inclusive of VAT (Rand)	Date completed

Signed _____ Date _____
 Name _____ Position _____
 Tenderer _____

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

T2.2.7: FINANCIAL REFERENCES

(a) FINANCIAL STATEMENTS

I/We agree, if required, to furnish an audited copy of the latest set of financial statements together with my/our Directors' and Auditors' report for consideration by the Employer.

(b) DETAILS OF COMPANY'S BANK

I/We hereby authorise the Employer/Engineer to approach all or any of the following banks for a reference:

DESCRIPTION OF BANK DETAIL	BANK DETAIL APPLICABLE TO COMPANY HEAD OFFICE	BANK DETAIL APPLICABLE TO THE SITE OF THE WORKS
Name of bank		
Branch name		
Branch code		
Street address		
Postal address		
Name of manager		
Telephone number	()	()
Fax number	()	()
Account number		

Signed	_____	Date	_____
Name	_____	Position	_____
Tenderer	_____		

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

T2.2.8: Proposed amendments and qualifications

The Tenderer should record any deviations or qualifications he may wish to make to the tender documents in this Returnable Schedule. Alternatively, a tenderer may state such deviations and qualifications in a covering letter to his tender and reference such letter in this schedule.

The Tenderer's attention is drawn to clause F.3.8 of the Standard Conditions of Tender referenced in the Tender Data regarding the employer's handling of material deviations and qualifications.

Page	Clause or item	Proposal

Signed	_____	Date	_____
Name	_____	Position	_____
Tenderer	_____		_____

Page 10

Employer

Page 10

Witness 1

Page 10

Witness 2

1

Contractor

Page 10

Witness 1

11

Witness 2

T2.2.9: Supervisory and Safety Personnel**PREVIOUS EXPERIENCE ON WORKS OF A SIMILAR NATURE DURING THE LAST FIVE YEARS**

Name	% Time on Site	Position (Current)	Service (Years)	Name of Project And year executed	Value of Works	Position Occupied
Contracts Manager						
Contractor's Site Agent	100%					
Contractor's Foremen						
Construction Health and Safety Officer	100%					
Contractors Surveyor						

Tenderers shall indicate the percentage of working time these persons will be engaged on site. Tenderers are required to provide copies of curriculum vitas of all supervisory and safety personnel.

Signed

Date

Name

Position

Tenderer

T2.2.10: Labour Utilisation

Labour Categories - Definitions

NOTE: These definitions serve as a guideline to complete the following table and will in no respect alter the Project Specifications or Standardised Specifications

1. General Foreman / Foreman

An employee who gives out work to and directly co-ordinates and supervises employees. His duties encompass any one or more of the following activities:

- a) Supervision;
- b) Maintaining discipline;
- c) Ensuring safety on the workplace;
- d) Being responsible to the Contractor for efficiency and production for his portion of the works; and
- e) Performing skilled work, whether in an instructional capacity or otherwise.

2. Charge hand

An employee engaged in any one or more of the following activities:

- a) Being primarily employed in a supervisory capacity, but who may also be doing the work of an artisan;
- b) Giving out work to other employees under his control and supervision;
- c) Ensuring safety on the workplace;
- d) Maintaining discipline; and
- e) Being directly responsible to a general foreman or foreman or the Contractor or the Contractor's representative for efficiency and production for his portion of the works.

3. Artisan

An employee who has successfully completed all prescribed courses at a practical institutional training centre for a particular trade and who has successfully completed the on-site period of training as prescribed and who has successfully passed the prescribed trade tests.

4. Team Leader

An employee engaged in any one or more of the following activities:

- a) Being employed in a supervisory capacity, but who may also be doing the work of a skilled person;
- b) Giving out work to other employees under his control and supervision;
- c) Maintaining discipline;
- d) Being directly responsible to a Charge hand or a foreman or a general foreman or the employer's authorised representative for efficiency and production for his portion of the works.

5. Skilled Employee

An employee engaged in an ancillary trade or an assistant artisan.

Semi-Skilled Employee

An employee with any specified skills, an apprentice or a trainee-artisan.

7. Unskilled Employee

An employee engaged on any task or operation not specified above.

8. Imported Employee

Personnel permanently employed by Contractor.

9. Local Employee

Temporary workforce employed through Labour Desk.

MAN DAYS

Categories	No. of Man Days		HDI (Y/N)
	Imported	Local	
Contracts Manager			
Site Agent			
Foreman/Supervisors (specify type)			
3.1 _____			
3.2 _____			
3.3 _____			
Safety Inspectors (specify type)			
4.1 _____			
4.2 _____			
5. Charge hands			
6. Artisans			
7. Operators/Drivers			
8. Clerks/ Storeman			
9. Team Leader			

Categories	No. of Man Days		HDI (Y/N)
	Imported	Local	
10. Skilled Labour			
11. Semi-skilled Labour			
12. Unskilled Labour			

Signed

Date

Name

Position

Tenderer

**T2.2.11: OCCUPATIONAL HEALTH AND SAFETY ACT:
STATEMENT BY TENDERING ENTITY**

I, _____ duly authorised

to represent _____ (company name)

in my capacity as _____ hereby confirm
that I accept full and exclusive responsibility for compliance by myself and all persons who perform work for me with
the provisions of the Occupational Health and Safety Act, No. 85 of 1993 (as amended) and all regulations
promulgated from time to time, whilst performing work on _____

I confirm that all employees who perform work on the site shall be properly trained to do this in a manner which is safe
and without risk to health and safety to themselves and others in the vicinity and undertake to have our activities
adequately supervised in the interest of health and safety.

Signed _____ Date _____

Name _____ Position _____

Tenderer _____

T2.2.12: Site Inspection Certificate

As required by Clause 2.7 of the Tender Data, I/we certify that I/we have visited the site of the Works and attended the site visit and clarification meeting on the date certified below.

I/we further certify that I am / we are satisfied with the description of the Work and the explanations given by the Engineer at the site visit and clarification meeting.

Signature of Tenderer

Date

Site Visit

This will certify that

representing

attended a Site Inspection for this Contract on

20_____

_____(signed)
For the Engineer

CONTRACT**PART 1 (OF 4) : Agreements and contract data**

- C1.1 Form of Offer and Acceptance
- C1.2 Contract Data
- C1.3 Deed of Guarantee (Pro Forma)

C1.1 Form of Offer and Acceptance

Offer

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the procurement of:

RLM/RWST/OMM/0103/2024/25 - RE-ADVERT: APPOINTMENT OF A CONTRACTOR FOR THE UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS MECHANICAL AND ELECTRICAL WORKS

The tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:

.....
Rand (in words); R (in figures)

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the tender data, whereupon the tenderer becomes the party named as the contractor in the conditions of contract identified in the contract data.

Signature	Date
Name	
Capacity	

for the tenderer
(Name and
address of
organization)

.....
Name and
signature
of witness

Acceptance

By signing this part of this form of offer and acceptance, the employer identified below accepts the tenderer's offer. In consideration thereof, the employer shall pay the contractor the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the tenderer's offer shall form an agreement between the employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

Part C1: Agreements and contract data, (which includes this agreement)

Part C2: Pricing data

Part C3: Scope of work.

Part C4: Site information

and drawings and documents or parts thereof, which may be incorporated by reference into Parts 1 to 4 above.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the tender schedules as well as any changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule.

The tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the employer's agent (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer (now contractor) within five working days of the date of such receipt notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signature

Name

Capacity

Date

for the

Employer

Rustenburg Local Municipality
Missionary Mpheni House
c/o Beyers Naude & Nelson Mandela Drive
Rustenburg

Name and
signature
of witness

Date

Schedule of Deviations

Notes :

1. The extent of deviations from the tender documents issued by the Employer prior to the tender closing date is limited to those permitted in terms of the Conditions of Tender;
2. A Tenderer's covering letter shall not be included in the final contract document. Should any matter in such letter, which constitutes a deviation as aforesaid become the subject of agreements reached during the process of, offer and acceptance, the outcome of such agreement shall be recorded here;
3. Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the tender documents and which it is agreed by the Parties becomes an obligation of the contract shall also be recorded here;
4. Any change or addition to the tender documents arising from the above agreements and recorded here, shall also be incorporated into the final draft of the Contract.

1 Subject	
Details	
.....	
.....	
2 Subject	
Details	
.....	
.....	
3 Subject	
Details	
.....	
.....	
4 Subject	
Details	
.....	
.....	
5 Subject	
Details	
.....	
.....	
.....	

By the duly authorised representatives signing this agreement, the employer and the tenderer agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed in the tender data and addenda thereto as listed in the tender schedules, as well as any confirmation, clarification or changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the tenderer of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this agreement.

for the tenderer

Signature	Date
Name	
Capacity	
(Name and address of organization)	
.....	

.....
Name and
signature
of witness

for the Employer

Signature Date
Name
Capacity
Rustenburg Local Municipality
Missionary Mpheni House
c/o Beyers Naude & Nelson Mandela Drive
Rustenburg

..... Date.....
Name and
signature
of witness

Contents			
Number	Heading	Volume	Colour
The Tender			
Part T1: Tendering procedures		Volume 1A	
T1.1	Tender Notice and Invitation to Tender		White
T1.2	Tender Data		Pink
T1.3	Standard Conditions of Tender		Pink
Part T2: Returnable documents		Volume 1A	
T2.1	List of Returnable Documents		Yellow
T2.2	Returnable Schedules		Yellow
T2.3	Technical Schedules	Volume 1B	Yellow
The Contract			
Part C1: Agreement and Contract Data		Volume 1A	
C1.1	Form of Offer and Acceptance		Yellow
C1.2	Contract Data		Yellow
C1.3	Form of Guarantee		Yellow
C1.4	Occupational Health and Safety Agreement		Yellow
Part C2: Pricing data		Volume 1B	
C2.1	Pricing Instructions		Yellow
C2.2	Bills of Quantities		Yellow
C2.2	Summary of Schedules		Yellow
Part C3: Scope of Work		Volume 1A	
C3	Scope of Work		Blue
C3.1	Description of Works		Blue
C3.2	Engineering		Blue
C3.3	Procurement		Blue
C3.4	Construction (Specifications)		Blue
C3.4.1	General Clauses and Requirements		Blue
C3.4.2	Construction of Mechanical Works	Volume 2	Blue
C3.4.2.1	Variations and Additions to Particular Specifications for Mechanical Works	Volume 2	Blue
C3.4.2.2	Particular Specifications for Mechanical Works	Volume 3	Blue
C3.4.3	Construction of Electrical and Electronic Works	Volume 2	Blue
C3.4.3.1	Variations and Additions to Particular Specifications for Electrical and Electronic Works	Volume 2	Blue

C3.4.3.2	Particular Specifications for Electrical and Electronic Works	Volume 3	Blue
C3.4.4	Construction of Civil Works	Volume 2	Blue
C3.4.4.1	Standard Specifications	Volume 2	Blue
C3.4.4.2	Variations and Additions to Particular Specifications for Civil Works	Volume 2	Blue
C3.4.4.3	Particular Specifications for Civil Works	Volume 3	Blue
C3.5	Management	Volume 1A	Blue
C3.5.1	Management of the Works	Volume 1A	Blue
C3.5.2	Quality Management	Volume 1A	Blue
C3.5.3	Reference to the Scope of Works in Terms of the Occupational Health and Safety Act and Regulations: Health and Safety Specification	Volume 1A	Blue
C3.5.4	Environmental Management Plan	Volume 1A	Blue
Book of Drawings		Volume 4	



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

T1.2 Tender Data

The conditions of tender are the Standard Conditions of Tender as contained in Annex C of the Construction Industry Development Board's Board (contained in Government Gazette No. 42622 of 08 August 2019), bound into section T1.3.

The Standard Conditions of Tender makes several references to the Tender Data. The Tender Data also contains project specific amendments to the Standard Conditions of Tender applicable to this document. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

Each item of data given below is cross referenced to the clause in the Standard Conditions of Tender to which it mainly applies.

Reference to relevant clauses in Standard Conditions of Tender		Addition or Variation to Standard Condition of Tender
1.1	Actions	The Employer is the Rustenburg Water Services Trust, a municipal entity established by the Rustenburg Local Municipality in terms of the Municipal Systems Act.
1.2	Tender documents	<p>The term "bid" in the context of this standard is synonymous with term "tender". <u>Tender / Contract Document</u></p> <p>This document comprising the following volumes, in which are bound the Tendering Procedures, Returnable Documents, Agreements and Contract Data, Pricing Data, Scope of Work, Site Information and Additional Documents:</p> <p>Volume 1A: General Clauses, Contract Data & Scope of Works Volume 1B: Pricing Data Volume 2: Project Specifications Volume 3: Particular Specifications Volume 4: Tender Drawings</p>
1.3.2	Interpretation	<p><i>Replace this sub-clause with the following:</i></p> <p>These Conditions of Tender, the Tender Data, List of Returnable Documents and Returnable Schedules which are required for tender evaluation purposes, shall form part of the Contract arising from the invitation to tender.</p>

Tender
Part T1: Tendering Procedure

T1.2-1

T1.2
Tender Data

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

Reference to relevant clauses in Standard Conditions of Tender

Addition or Variation to Standard Condition of Tender

1.4 Communication and Employer's Agent

Rustenburg Consulting Consortium or RCC
Allan Cormack Street. The Innovation Hub; Pretoria
Fax (012) 843 9000/9001
Engineer: Mrs Hayley van der Merwe
Tel: 012 843 9044
e-mail: hayley.vandermerwe@bigengroup.com

2.1 Eligibility

Only those Tenderers who attended the compulsory tender briefing meeting and are registered with the CIDB or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered for an 9ME Class of construction work, are eligible to submit tenders.

Joint Ventures (JVs) are eligible to submit tenders provided that:

1. One of the JV partners attended the compulsory briefing meeting;
2. Every member of the joint venture is registered with the CIDB within 10 days from the closing date of tenders;
3. The combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor designation determined in accordance with the sum tendered for an 9ME class of construction work, is eligible to submit tenders.

The Employer may, in its discretion, subject to the provision of Section 4(1)(d) of the State Tender Board Act (Act 86 of 1968), condone any failure to comply with the foregoing condition.

2.2 Cost of tendering *Add the following to the clause 2.2.1:*

"Accept that the Employer will not compensate the tenderer for any costs incurred in attending interviews in the office of the Employer or the Employer's Agent."

2.5 Reference documents

The document "*Conditions of Contract for Plant and Design-Build for electrical and mechanical plant, and for building and engineering works, designed by the Contractor*" (FIDIC Yellow Book) First Edition, 1999.

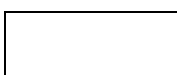
Tenderers, Contractors and Sub-contractors shall obtain their own copies of this document for tendering purposes and for use for the duration of the Contract from the International Federation of Consulting Engineers (FIDIC) via their website www.fidic.org.

All international standard specifications and codes listed and referenced in the Project and Particular Specifications.

Tender
Part T1: Tendering Procedure

T1.2-2

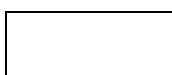
T1.2
Tender Data



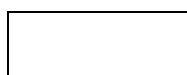
Employer



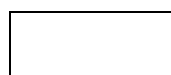
Witness 1



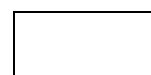
Witness 2



Contractor



Witness 1



Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

Reference to relevant clauses in Standard Conditions of Tender

Addition or Variation to Standard Condition of Tender

- 2.7 Site visit and clarification meeting
A Compulsory Briefing Session and site visit with a representative of the Employer will take place as reflected on the tender invitation.

Confirmation of attendance will be recorded on site in the attendance register to be signed by all tenderers.

Tender documents will not be made available at the site visit and clarification meeting. Detail relating to the collection of tender documents is indicated in the Tender Notice and Invitation to Tender
- 2.8 Seek clarification
Replace the contents of the clause with the following:

"Request clarification of the tender documents, if necessary, by notifying the Employer's Agent indicated in the Tender Notice and Invitation to Tender in writing at least seven (7) working days before the closing time stated in the Tender Data."
- 2.9 Insurance
Add the following to the clause:

"The Contractor shall be responsible to affect all insurance as required for the purposes of executing the Contract."
- 2.11 Alterations to documents
Replace the last sentence of the clause with the following:

"To correct errors made, draw a line through the incorrect entry and write the correct entry above in black ink and place the full signatures of the authorised signatories next to the correct entry.

Corrections in terms of price may not be made by means of a correction fluid such as Tippex or a similar product.

If correction fluid has been used on any specific item price, such item will not be considered. No correction fluid may be used in a Bill of Quantities where prices are calculated to arrive at a total amount. If correction fluid has been used the tender as a whole will not be considered.

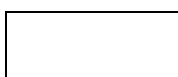
Tampering with or taking the documents apart is strictly prohibited."
- 2.12.1 Alternative Tender offers
Add the following to the clause:

All alternative tender offers shall be referred to in Section T2.3.2: Alterations to Tender.

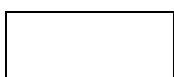
Tender
Part T1: Tendering Procedure

T1.2-3

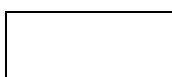
T1.2
Tender Data



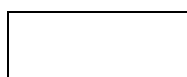
Employer



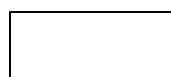
Witness 1



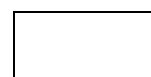
Witness 2



Contractor



Witness 1



Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

**Reference to relevant
clauses in Standard
Conditions of Tender**

Addition or Variation to Standard Condition of Tender

2.12.2 Alternative
Tender offers

Add the following to the clause:

Should the Tenderer wish to offer alternative designs and/or construction materials, he shall include with this Tender, full details thereof, including a complete bill of quantities, formal design calculations, and full details of all alternative components proposed to be included in the Works. Refer also to the Contract Data in this regard.

Failure to properly comply with this clause, thereby preventing the Employer and/or the Engineer to properly assess the full implications of the alternative tender, is likely to disqualify the alternative offered from further consideration.

No submission by the Contractor after award for additional payment or time for completion of Works relating to the alternative offer will be considered, the tendered rates submitted shall be considered to reflect the full and final cost implications of the alternative offer.

2.13.2 Returnable
documents

Replace the contents of the clause with the following:

Return the complete set of documents as listed in the Tender Data with all the required information supplied and completed in all respects.

All volumes are to be left intact in its original format and no pages shall be removed or re-arranged.

2.13.3 Copy of Tender
Offer

The original and one copy of the complete bid must be submitted.

One (1) scanned copy of the document is also required on a memory stick.

2.13.4 Tender offer

Add the following to the clause:

"Only authorised signatories may sign the original and all copies of the tender offer where required in terms of 2.13-3.

**Tender
Part T1: Tendering Procedure**

T1.2-4

**T1.2
Tender Data**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

**Reference to relevant
clauses in Standard
Conditions of Tender**

Addition or Variation to Standard Condition of Tender

2.13.5 Tender
packaging

The Employer's address for delivery of tender offers:

The Tender Box at the Rustenburg Local Municipality:
Missionary Mpheni House
Corner of Nelson Mandela and Beyers Naude
Rustenburg
0300
Identification details:

Bid No: RLM/RWST/OMM/0103/2024/25: Re-Advert: Upgrading and Extension of Bospoort Water Treatment Works - Mechanical and Electrical Works

The name and address of the tenderer shall be entered on the back of the envelope.

2.13.6 Two envelope
system

A two-envelope procedure **will not be** followed.

2.14 Information and
Data to be
completed in all
respects

Add the following to the clause:

The Tenderer is required to enter information in the following sections of the document:

Section T2.1	:	Additional Returnable Documents
Section T2.2	:	Returnable Documents
Section T2.3	:	Returnable Schedules
Section T2.4	:	Technical Schedules
Section C1.1	:	Form of Offer and Acceptance
Section C1.2	:	Contract Data (Part 2)
Section C2.2	:	Bill of Quantities
Section C2.3	:	Summary of Quantities

The above sections shall be signed by the Tenderer (and witnesses where required). Individual pages should only be initialled by the successful Tenderer and by the witnesses after acceptance by the Employer of the Tender Offer.

Accept that failure on the part of the Tenderer to submit any one of the Returnable Documents listed in clause 2.23 within the period stipulated, shall be just cause for the Employer to consider the tender offer as being regarded as non-responsive.

**Tender
Part T1: Tendering Procedure**

T1.2-5

**T1.2
Tender Data**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

Reference to relevant
clauses in Standard
Conditions of Tender

Addition or Variation to Standard Condition of Tender

“Accept that the Employer shall in the evaluation of tenders take due account of the Tenderers’ past performance in executing of similar engineering works of comparable magnitude, and the degree to which he possesses the necessary technical, financial and other resources to enable him to complete the Works successfully within the contract period. Satisfy the Employer and Engineer as to his ability to perform and complete the Works timeously, safely and with satisfactory quality, by furnishing details in Section T2.2.

Accept that the Employer is restricted in accordance with clause 4.(4) of the Construction Regulations, 2003, to only appoint a contractor whom he is satisfied has the necessary competencies and resources to carry out the work safely. Accept that submitting inferior and inadequate information relating to health and safety (as required in clause 2.23) shall be regarded as justifiable and compelling reasons not to award a contract to a Tenderer.”

2.15 Closing time

The closing time for submission of tender offers is:

As reflected in the Tender Advertisement.

2.16 Tender Offer
validity

The Tender Offer validity period is **90** days.

2.16.1

Add the following to the clause:

“If the tender validity expires on a Saturday, Sunday or public holiday, the Tender Offer shall remain valid and open for acceptance until the closure of business on the following working day.”

2.16.5 Withdrawal of
Tender offer

Add the following new clause:

Accept that should the Tenderer unilaterally withdraw a tender during the tender validity period, the Employer shall, without prejudice to any other rights he may have, be entitled to accept any less favourable tender for the Works from those received, or to call for fresh tenders, or to otherwise arrange for execution of the Works, and the Tenderer shall pay on demand any additional expense incurred by the Employer on account of the adoption of the said courses, as well as either the difference in cost between the tender withdrawn (as corrected in terms of clause 3.9 of the Conditions of Tender) and any less favourable tender accepted by the Employer, or the difference between the tender withdrawn (as corrected) and the cost of execution of the Works by the Employer as well as any other amounts the Employer may have to pay to have the Works completed.

Tender
Part T1: Tendering Procedure

T1.2-6

T1.2
Tender Data

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

Reference to relevant clauses in Standard Conditions of Tender

Addition or Variation to Standard Condition of Tender

- 2.17 Clarification of Tender Offer after Submission *Replace the contents of the clause with the following clause:*
- “Provide clarification of a Tender Offer in response to a request to do so from the Employer during the evaluation of Tender Offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors resulting from the product of the unit rate and the quantity by the adjustment of certain line-item totals. No change in the unit rate or prices or substance of the Tender Offer is sought, offered, or permitted. The total of the prices shall be adjusted to reflect the arithmetically correct summation of corrected line-item totals and shall be binding upon the Tenderer.”
- 2.18.1 Financial Standing *Add the following to the clause:*
- Accept that if requested, the Tenderer shall within 7 days of the date upon which he is requested to do so, submit a full report from the Tenderer’s banker as to the company’s financial standing. The Employer may, in its discretion, and subject to the provisions of Section 4(1) (d) of the State Tender Board Act 86 of 1968, condone any failure to comply with the foregoing condition.
- Accept that the Employer or the Employer’s agent, reserves the right to approach the Tenderer’s banker or guarantor(s) as indicated in the tender document, or the bankers of each of the individual members of any joint venture that is constituted for purposes of this Contract, with a view to ascertaining whether the required guarantee will be furnished, and for purposes of ascertaining the financial strength of the Tenderer or of the individual member of such venture.
- 2.19 Inspections, tests and analysis The Tenderer must provide access during working hours to his premises for inspections on request.
- 2.22 Return of other tender documents Return all retained tender documents prior to the closing time for the submission of Tender Offers.
- 2.23 Certificates All the certificates/information/documents listed in section T2 must be provided with the tender offer.
- In cases where the tenderer has failed to submit any of the non-mandatory documents above with the tender, the Employer reserves the right to, at any time after the closure of the tender, but before the award of the tender, request the tenderer to provide the outstanding documents within 7 (seven) calendar days from date of notification.

Tender
Part T1: Tendering Procedure

T1.2-7

T1.2
Tender Data

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

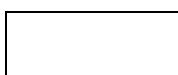
UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

Reference to relevant clauses in Standard Conditions of Tender		Addition or Variation to Standard Condition of Tender
Add the following new clause: "2.24	Canvassing and obtaining of additional information by tenderers	Accept that no Tenderer shall make any attempt either directly or indirectly to canvass any of the Employers officials or the Employer's agent in respect of his tender, after the opening of the tenders but prior to the Employer arriving at a decision thereon.
		No Tenderer shall make any attempt to obtain particulars of any relevant information, other than that disclosed at the opening of tenders.
Add the following new clause: "2.25	Prohibitions on awards to persons in service of the state	Accept that the Employer is prohibited to award a tender to a person:- a) who is in the service of the state; or b) if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; or c) a person who is an advisor or consultant contracted with the municipality <u>or</u> municipal entity.
		"In the service of the state" means to be – a) a member of – • any municipal council; • any provincial legislature; or 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; e) provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999); f) a member of the accounting authority of any national or provincial public entity; or g) an employee of Parliament or a provincial legislature."
Add the following new clause: "2.26	Awards to close family members of persons in the service of the state	Accept that the notes to the Employer's annual financial statements must disclose particulars of any award of more than R2000 to a person who is a spouse, child or parent of a person in the service of the state (defined in clause 2.25), or has been in the service of the state in the previous twelve months, including – a) the name of that person;

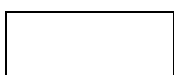
Tender
Part T1: Tendering Procedure

T1.2-8

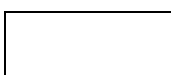
T1.2
Tender Data



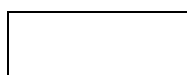
Employer



Witness 1



Witness 2



Contractor



Witness 1



Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

Reference to relevant
clauses in Standard
Conditions of Tender

Addition or Variation to Standard Condition of Tender

b) the capacity in which that person is in the service of the state; and

c) the amount of the award.

In order to give effect to the above, the questionnaire for the declaration of interests in the tender of persons in service of state in Section T2.2 must be completed.

3.1 Respond to
clarification

Replace the contents of the clause with the following:

“Respond to a request for clarification received up to five (5) calendar days before the tender closing time stated in the tender data and notify all Tenderers who drew procurement documents”

3.4 Opening of
Tender
submissions

Tenders will be opened immediately after the closing time for tenders, at the same venue.

3.9 Arithmetical
3.9.1 errors

Replace the contents of the clause with the following:

“Check responsive Tender Offers for arithmetical errors, correcting them in the following manner:

- a) Where there is a discrepancy between the amounts in figures and in words, the amount in words shall govern.
- b) If a bill of quantities (or schedule of quantities or schedule of rates) applies and there is an error in the line-item total resulting from the product of the unit rate and the quantity, the rate shall govern and the line-item total shall be corrected.
- c) Where there is a discrepancy between the amount indicated in the tender offer and the corrected amount obtained after completing the above steps, the corrected amount shall govern.
- d) Where there is an error in the total of the prices either as a result of corrections required by this checking process or in the Tenderer's addition of prices, the total of the prices shall be adjusted to reflect the arithmetically correct summation of corrected line-item totals.

Consider the rejection of a Tender Offer if the Tenderer does not accept the correction of the arithmetical errors in the manner described above.”

Tender
Part T1: Tendering Procedure

T1.2-9

T1.2
Tender Data

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

Reference to relevant clauses in Standard Conditions of Tender

Addition or Variation to Standard Condition of Tender

- 3.11 Evaluation of Tenders All eligible bids received will be evaluated in two stages - first in terms of functionality as described below. All bids that obtain the minimum score for functionality will subsequently be assessed in accordance with the 90/10 preference point systems prescribed in the Preferential Procurement Regulations.
- 3.11.1 General Points for functionality shall be allocated on the basis as detailed in the table below and 70 points will be required as a minimum to proceed to the second and last stage of the tender evaluation.
- Refer to functionality criteria on page 10.

Scoring preference

Refer to MBD 6.1

The tenderer is required to submit valid proof of required documentation.

- 3.11.2 Add the following sub-clause:
Subject to paragraph 3.13, the contract must be awarded to the tender who scores the highest total number of points.
The points scoring for price and specific goals will be a function of the financial value in accordance with:
a) Clause 3.11.3 where the financial value inclusive of VAT of one or more responsive tender offers equals or is less than R50 000 000; or
b) Clause 3.11.4 where the financial value inclusive of VAT of all responsive tenders received have a value in excess of R50 000 000.
- 3.11.3 Add the following sub-clause:

ration;

$$\frac{Pt}{P_{min}} = \left[1 - \frac{Pt - P_{min}}{P_{min}} \right]$$

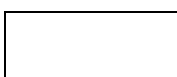
Price of tender under consideration; and
Price of lowest acceptable tender.

- a) A maximum of 20 points may be awarded to a tenderer for specific goals.

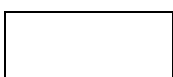
Tender
Part T1: Tendering Procedure

T1.2-10

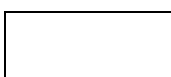
T1.2
Tender Data



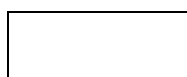
Employer



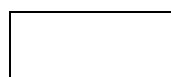
Witness 1



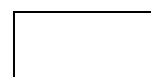
Witness 2



Contractor



Witness 1



Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

**Reference to relevant
clauses in Standard
Conditions of Tender**

Addition or Variation to Standard Condition of Tender

- 3.11.4 Add the following sub-clause
- 3.12 Insurance provided by the Employer Replace the contents of the clause with the following:
“If requested by any tenderer, submit for the tenderer’s information the policies or certificates of insurance (or both) which the Conditions of Contract identified in the Contract Data require the Employer to provide.”
- 3.13 Acceptance of Tender Offer A Tender Offer will only be accepted on condition that such acceptance is not prohibited in terms of clause 44 of the Municipal Supply Chain Management Regulations published in terms of the Municipal Finance Management Act, 2003
- 3.16.2 Non-acceptance of tender *Replace the contents of the clause with the following:*
Notice of non-acceptance of tender will not be sent to individual unsuccessful tenderers. Particulars of the accepted tender can be obtained from the employer’s agent.
- 3.17 Copies of Contract One signed copy of the contract shall be provided by the Employer to the successful Tenderer.

Tender
Part T1: Tendering Procedure

T1.2-11

T1.2
Tender Data

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

Annexure C: Standard Conditions of Tender as contained in Annex C of the CIDB Standard for Uniformity in Construction Procurement (contained in Government Gazette No. 42622 of 08 August 2019)

T1.3 Tender Data

1. GENERAL

1.1. Actions

1.1.1 The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in item 2 and 3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.

1.1.2 The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

Note: 1) *A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.*

2) *Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.*

1.1.3 The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract

1.2. Tender Documents

The documents issued by the employer for the purpose of a tender offer are listed in the tender data.

**Tender
Part C1: Agreement and Contract Data**

C1.4-1

**C1.4
OHS Agreement**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

1.3. Interpretation

- 1.3.1 The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender.
- 1.3.2 These conditions of tender, the tender data and tender schedules which are only required for tender evaluation purposes, shall not form part of any contract arising from the invitation to tender.
- 1.3.3 For the purposes of these conditions of tender, the following definitions apply:
- a) **conflict of interest** means any situation in which:
 - i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially;
 - ii) an individual or organization is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or
 - iii) incompatibility or contradictory interests exist between an employee and the organization which employs that employee.
 - b) **comparative offer** means the price after the factors of a non-firm price and all unconditional discounts it can be utilized to have been taken into consideration;
 - c) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process;
 - d) **fraudulent practice** means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels;

1.4. Communication and employer's agent

Each communication between the employer and a tenderer shall be to or from the employer's agent only, and in a form that can be readily read, copied and recorded. Communications shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data.

1.5. The employer's right to accept or reject any tender offer

- 1.5.1 An organ of state may, prior to the award of the tender, cancel a tender if-
- (a) due to changed circumstances, there is no longer a need for the services, works or goods requested; or
 - (b) funds are no longer available to cover the total envisaged expenditure; or
 - (c) no acceptable tenders are received.
- 1.5.2 The decision to cancel a tender must be published on the CIDB website and in the government Tender Bulletin for the media in which the original tender invitation was advertised.
- 1.5.3 An employer may only with the prior approval of the relevant treasury cancel a tender invitation for the second time.

**Tender
Part C1: Agreement and Contract Data**

C1.4-2

**C1.4
OHS Agreement**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

1.6. Procurement procedures

1.6.1 General

Unless otherwise stated in the tender data, a contract will, subject to 3.13, be concluded with the tenderer who in terms of 3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.

1.6.2 Competitive negotiation procedure

1.6.2.1 Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of 3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of 3.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.

1.6.2.2 All responsive tenderers, or not less than three responsive tenderers that are highest ranked in terms of the evaluation method and evaluation criteria stated in the tender data, shall be invited in each round to enter into competitive negotiations, based on the principle of equal treatment and keeping confidential the proposed solutions and associated information. Notwithstanding the provisions of 2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

1.6.2.3 At the conclusion of each round of negotiations, tenderers shall be invited by the employer to make a fresh tender offer, based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer.

1.6.2.4 The contract shall be awarded in accordance with the provisions of 3.11 and 3.13 after tenderers have been requested to submit their best and final offer.

1.6.3 Proposal procedure using the two stage-system

1.6.3.1 Option 1

Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender.

**Tender
Part C1: Agreement and Contract Data**

C1.4-3

**C1.4
OHS Agreement**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

1.6.3.2 Option 2

1.6.3.2.1 Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents.

1.6.3.2.2 The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data and award the contract in terms of these conditions of tender.

2. TENDERER'S OBLIGATIONS

2.1. Eligibility

2.1.1 Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principles, is not under any restriction to do business with employer.

2.1.2 Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders.

2.2. Cost of tendering

2.2.1 Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer comply with requirements.

2.2.2 The cost of the tender documents charged by the employer shall be limited to the actual cost incurred by the employer for printing the documents. Employers must attempt to make available the tender documents on their website so as not to incur any costs pertaining to the printing of the tender documents.

2.3. Check documents

Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.

2.4. Confidentiality and copyright of documents

Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.

**Tender
Part C1: Agreement and Contract Data**

C1.4-4

**C1.4
OHS Agreement**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

2.5. Reference documents

Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.

2.6. Acknowledge addenda

Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary, apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.

2.7. Clarification meeting

Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting (s) are stated in the tender data.

2.8. Seek clarification

Request clarification of the tender documents, if necessary, by notifying the employer at least five working days before the closing time stated in the tender data.

2.9. Insurance

Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

2.10. Pricing the tender offer

2.10.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable 14 days before the closing time stated in the tender data.

2.10.2 Show VAT payable by the employer separately as an addition to the tendered total of the prices.

2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.

2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

2.11. Alterations to documents

**Tender
Part C1: Agreement and Contract Data**

C1.4-5

**C1.4
OHS Agreement**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations.

2.12. Alternative tender offers

2.12.1 Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.

2.12.2 Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.

2.12.3 An alternative tender offer may only be considered if the main tender offer is the winning tender.

2.13. Submitting a tender offer

2.13.1 Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.

2.13.2 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.

2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.

2.13.4 Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which signatories are the lead partner whom the employer shall hold liable for the tender offer's purpose.

2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall

**Tender
Part C1: Agreement and Contract Data**

C1.4-6

**C1.4
OHS Agreement**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

- 2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.
- 2.13.8 Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.
- 2.13.9 Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.

2.14. Information and data to be completed in all respects

Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

2.15. Closing time

- 2.15.1 Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing date and time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery.
- 2.15.2 Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.

2.16. Tender offer validity

- 2.16.1 Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.
- 2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.
- 2.16.3 Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted.
- 2.16.4 Where a tender submission is to be substituted, submit a substitute tender in accordance with the requirements of 2.13 with the packages clearly marked as "SUBSTITUTE".

**Tender
Part C1: Agreement and Contract Data**

C1.4-7

**C1.4
OHS Agreement**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

2.17. Clarification of tender offer after submission

Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.

Note: Sub-clause 2.17 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Employer elect to do so.

2.18. Provide other material

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

2.18.2 Dispose of samples of materials provided for evaluation by the employer, where required.

2.19. Inspections, tests and analysis

Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.

2.20. Submit securities, bonds, policies, etc.

If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

2.21. Check final draft

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

2.22. Return of other tender documents

**Tender
Part C1: Agreement and Contract Data**

C1.4-8

**C1.4
OHS Agreement**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

If so, instructed by the employer, return all retained tender documents within 28 days after the expiry of the validity period stated in the tender data.

2.23. Certificates

Include in the tender submission or provide the employer with any certificates as stated in the tender data.

3. THE EMPLOYER'S UNDERTAKINGS

3.1. Respond to requests from the tenderer

3.1.1 Unless otherwise stated in the tender Data, respond to a request for clarification received up to five working days before the tender closing time stated in the Tender Data and notify all tenderers who drew procurement documents.

3.1.2 Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

- a) an individual firm, or a joint venture as a whole, or any individual member of the joint venture fails to meet any of the collective or individual qualifying requirements;
- b) the new partners to a joint venture were not prequalified in the first instance, either as individual firms or as another joint venture; or
- c) in the opinion of the Employer, acceptance of the material change would compromise the outcome of the prequalification process.

3.2. Issue Addenda

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify all tenderers who drew documents.

3.3. Return late tender offers

Return tender offers received after the closing time stated in the Tender Data, unopened, (unless it is necessary to open a tender submission to obtain a forwarding address), to the tenderer concerned.

3.4. Opening of tender submissions

3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

**Tender
Part C1: Agreement and Contract Data**

C1.4-9

**C1.4
OHS Agreement**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, number of points claimed for its BBBEE status level and time for completion for the main tender offer only.

3.4.3 Make available the record outlined in 3.4.2 to all interested persons upon request.

3.5. Two-envelope system

3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

3.5.2 Evaluate functionality of the technical proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the functionality evaluation more than the minimum number of points for functionality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any points claimed on BBBEE status level. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for functionality.

3.6. Non-disclosure

Not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer.

3.7. Grounds for rejection and disqualification

Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.

3.8. Test for responsiveness

3.8.1 Determine, after opening and before detailed evaluation, whether each tender offer properly received:

- a) complies with the requirements of these Conditions of Tender;
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the tender documents.

**Tender
Part C1: Agreement and Contract Data**

C1.4-10

**C1.4
OHS Agreement**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

3.8.2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work;
- b) significantly change the Employer's or the tenderer's risks and responsibilities under the contract; or
- c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified.

Reject a non-responsive tender offer and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

3.9. Arithmetical errors, omissions and discrepancies

3.9.1 Check responsive tenders for discrepancies between amounts in words and amounts in figures. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.

3.9.2 Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with 3.11 for:

- a) the gross misplacement of the decimal point in any unit rate;
- b) omissions made in completing the pricing schedule or bills of quantities; or
- c) arithmetic errors in:
 - i) line-item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
 - ii) the summation of the prices.

3.9.3 Notify the tenderer of all errors or omissions that are identified in the tender offer and either confirm the tender as tendered or accept the corrected total of prices.

3.9.4 Where the tenderer elects to confirm the tender offer as tendered, correct the errors as follows.

- a) If bills of quantities or pricing schedules apply and there is an error in the line-item total resulting from the product of the unit rate and the quantity, the line-item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line-item total as quoted shall govern, and the unit rate shall be corrected.
- b) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

3.10. Clarification of a tender offer

Tender
Part C1: Agreement and Contract Data

C1.4-11

C1.4
OHS Agreement

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.

3.11. Evaluation of tender offers

The Standard Conditions of Tender standardize the procurement processes, methods and procedures from the time that tenders are invited to the time that a contract is awarded. They are generic in nature and are made project specific through choices that are made in developing the Tender Data associated with a specific project. Conditions of tender are by definition the document that establishes a tenderer's obligations in submitting a tender and the employer's undertakings in soliciting and evaluating tender offers. Such conditions establish the rules from the time a tender is advertised to the time that a contract is awarded and require employers to conduct the process of offer and acceptance in terms of a set of standard procedures.

The CIDB Standard Conditions of Tender are based on a procurement system that satisfies the following system requirements:	
Requirement	Qualitative interpretation of goal
Fair	The process of offer and acceptance is conducted impartially without bias, providing simultaneous and timely access to participating parties to the same information.
Equitable	Terms and conditions for performing the work do not unfairly prejudice the interests of the parties.
Transparent	The only grounds for not awarding a contract to a tenderer who satisfies all requirements are restrictions from doing business with the employer, lack of capability or capacity, legal impediments and conflicts of interest.
Competitive	The system provides for appropriate levels of competition to ensure cost effective and best value outcomes.

Cost effective	The processes, procedures and methods are standardized with sufficient flexibility to attain best value outcomes in respect of quality, timing and price, and least resources to effectively manage and control procurement processes.
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The activities associated with evaluating tender offers are as follows:

- Open and record tender offers received
- Determine whether or not tender offers are complete
- Determine whether or not tender offers are responsive
- Evaluate tender offers
- Determine if there are any grounds for disqualification
- Determine acceptability of preferred tenderer
- Prepare a tender evaluation report
- Confirm the recommendation contained in the tender evaluation report

3.11.1.1. General

**Tender
Part C1: Agreement and Contract Data**

C1.4-12

**C1.4
OHS Agreement**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

The employer must appoint an evaluation panel of not less than three persons conversant with the proposed scope of works to evaluate each responsive tender offer using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

3.12. Insurance provided by the employer

If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide.

3.13. Acceptance of tender offer

Accept the tender offer, if in the opinion of the employer, it does not present any risk and only if the tenderer:

- a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement,
- b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,
- c) has the legal capacity to enter into the contract,
- d) is not insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,
- e) complies with the legal requirements, if any, stated in the tender data, and
- f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

3.14. Prepare contract documents

3.14.1 If necessary, revise documents that shall form part of the contract and that were issued by the employer as part of the tender documents to take account of:

- a) addenda issued during the tender period,
- b) inclusion of some of the returnable documents, and
- c) other revisions agreed between the employer and the successful tenderer.

3.14.2 Complete the schedule of deviations attached to the form of offer and acceptance, if any.

3.15. Complete adjudicator's contract

**Tender
Part C1: Agreement and Contract Data**

C1.4-13

**C1.4
OHS Agreement**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2



BID NO: RLM/RWST/OMM/0103/2024/25 – RE-ADVERT:

UPGRADING AND EXTENSION OF BOSPOORT WATER TREATMENT WORKS – MECHANICAL AND ELECTRICAL WORKS

Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.

3.16. Registration of the award

An employer must within twenty-one (21) days from the date on which a contractor's offer to perform a construction works contract is accepted in writing by the employer, register and publish the award on the CIDB Register of Projects.

3.17. Provide copies of the contracts

Provide to the successful tenderer the number of copies stated in the Tender Data of the signed copy of the contract as soon as possible after completion and signing of the form of offer and acceptance.

3.18. Provide written reasons for actions taken

Provide upon request written reasons to tenderers for any action that is taken in applying these conditions of tender, but withhold information which is not in the public interest to be divulged, which is considered to prejudice the legitimate commercial interests of tenderers or might prejudice fair competition between tenderers.

END OF SECTION

**Tender
Part C1: Agreement and Contract Data**

C1.4-14

**C1.4
OHS Agreement**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2