



**CONTRACT NO: RLM/RWST/OMM/0101/2024/25 – RE-ADVERT:
CONSTRUCTION OF BOSPOORT NORTH RESERVOIR AND ACCESS ROAD**

CONTRACT NO: RLM/RWST/OMM/0101/2024/25

**RE-ADVERT: APPOINTMENT OF A CONTRACTOR FOR CONSTRUCTION OF BOSPOORT NORTH RESERVOIR
AND ACCESS ROAD**

AUGUST 2025

NAME OF BIDDER:

BID PRICE: (VAT Incl.)

Prepared by:

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

BID CLOSES: 26 August 2025 at 10:00



CONTRACT NO: RLM/RWST/OMM/0101/2024/25 – RE-ADVERT:
CONSTRUCTION OF BOSPOORT NORTH RESERVOIR AND ACCESS ROAD

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	

Employer

Witness 1

Witness 2

Contractor

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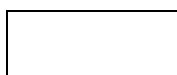
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Witness 2

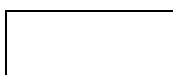


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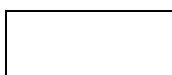
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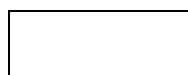
Employer



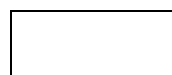
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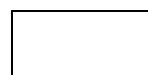
Witness 2



Contractor



Witness 1



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BID PROCESS CRITERIA LIST

RLM/RWST/OMM/0101/2024/25 - RE-ADVERT: APPOINTMENT OF A CONTRACTOR FOR CONSTRUCTION OF BOSPOORT NORTH RESERVOIR AND ACCESS ROAD

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**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. Bidder 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 submit 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 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. Bidder must be registered with 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.

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- 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.

NB!!

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:

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- 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)

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 Local Municipality.
- 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.



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BID NOTICE

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TENDER ADVERTISEMENT

BID NUMBER: RLM/RWST/OMM/0101/2024/25 – RE-ADVERT

COMPULSORY BRIEFING SESSION: 29 July 2025 at 10:00 at Bospoort Portion 4 of Tweedepoort 283 JQ 25°33'42.21"S
27°20'57.05"E (Bospoort Treatment Plant)

CLOSING DATE: 26 August 2025 at 10H00

DESCRIPTION	DOC. FEES (NON-REFUNDABLE)	EVALUATION CRITERION	ENQUIRIES
Re-advert: Appointment of a contractor for construction of Bospoort North reservoir and access road	TENDER DOCUMENT AMOUNT R5 000.00 REFERENCE NUMBER: 0101+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 8CE 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 Mr. C van Eck 012 842 8706 Coenie.vaneck@bigengroup.com And Mr. M. Lekukela Mpho.lekukela@rwst.co.za SCM Ms. 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.
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.

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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 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 Municipal Manager with 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. Should there be any contradictions between the information on the advert and the information in the tender document, then the information on this advert will take precedence.

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SPECIFICATIONS REFER TO PART C3: SCOPE OF WORK

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FUNCTIONALITY

RLM/RWST/OMM/0101/2024/25 - RE-ADVERT: APPOINTMENT OF A CONTRACTOR FOR CONSTRUCTION OF BOSPOORT NORTH RESERVOIR AND ACCESS ROAD

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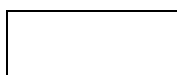


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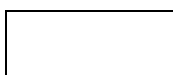
The Bid Evaluation Committee reserves the right to verify all the information provided.

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

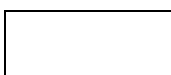
CRITERIA	WEIGHT	VALUE	SCORE	VERIFICATION METHOD
1. Company Experience				
Previously completed concrete water retaining structure projects (reinforced concrete reservoirs larger than 20 Mℓ)	25			Attach appointment letters and completion certificates per project on client letterhead.
5 and above appointment and completion certificates (Value= 5)				
4 appointment and completion certificates (Value = 3)				
2-3 appointment and completion certificates (Value = 1)				
1 appointment and completion certificates (Value = 0)				
1.2 Previously completed paved access road projects (Paved access road longer than 1.5 km)	20			Attach appointment letters and completion certificates per project on client letterhead
5 and above appointment and completion certificates (Value= 5)				
4 appointment and completion certificates (Value = 3)				
2-3 appointment and completion certificates (Value = 1)				
1 appointment and completion certificates (Value = 0)				
2 Key Personnel: Please attach qualifications with comprehensive CV indicating relevant reservoir and/or access road construction experience and contactable references				
2.1 Project / Contracts Manager (Reservoir) <ul style="list-style-type: none"> A minimum qualification of NQF level 6 (Degree or BTech) in Civil Engineering with a minimum of 10 years post qualification [SAQA accredited] experience Reservoir construction with a minimum value of R 70 million per contract	15			Attach a comprehensive CV with clear experience in the construction reinforced concrete reservoirs larger than 20 Mℓ
5 projects and above (Value = 5)				
3 - 4 projects (Value = 3)				
2 projects (Value = 1)				
1 project or less (Value = 0)				
2.2 Project / Contracts Manager (Access Road) <ul style="list-style-type: none"> A minimum qualification of NQF level 6 (Degree or BTech) in Civil Engineering with a minimum of 10 years post qualification [SAQA accredited] experience Paved access road construction with a minimum value of R 50 million per contract 	10			Attach a comprehensive CV with clear experience in the construction of paved access roads
5 projects and above (Value = 5)				
3 - 4 projects (Value = 3)				
2 projects (Value = 1)				
1 project or less (Value = 0)				
2.3 Site agent <ul style="list-style-type: none"> A minimum qualification of NQF level 6 (National Diploma or higher) in Civil Engineering with a minimum of 10 years post qualification [SAQA accredited] experience 	10			Attach a comprehensive CV with clear experience in the construction of reinforced concrete reservoirs or paved access roads



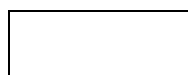
Employer



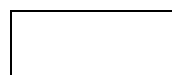
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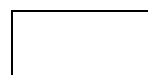
Witness 2



Contractor



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<ul style="list-style-type: none"> Reservoir construction with a minimum value of R 70 million per project OR paved access road construction with a minimum value of R 50 million per contract 				
	5 projects and above (Value = 5)			
	3 - 4 projects (Value = 3)			
	2 projects (Value = 1)			
	1 project or less (Value = 0)			
2.4 Site Foreman Reservoir or access road construction with a minimum value of R 50 million per contract		10		Attach a comprehensive CV with clear experience in the construction of reinforced concrete reservoirs or paved access roads
	5 projects and above (Value = 5)			
	3 - 4 projects (Value = 3)			
	2 projects (Value = 1)			
	1 project or less (Value = 0)			
2.4 Health and Safety Office <ul style="list-style-type: none"> Minimum qualification of NQF level 6 in Safety Management and Professional registration with OHS SACPCMP 		10		Attach a comprehensive CV with clear experience in the construction of reinforced concrete reservoirs or paved access roads
	5 projects and above (Value = 5)			5 projects and above (Value = 5)
	3 - 4 projects (Value = 3)			3 - 4 projects (Value = 3)
	2 projects (Value = 1)			2 projects (Value = 1)
	1 project or less (Value = 0)			1 project or less (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

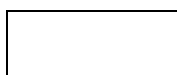
So = total score of bids under consideration, i.e. weight X value = score

Ms = maximum possible score = 500

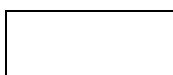
Ap = percentage allocated

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

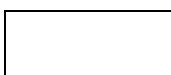
NB: No tender will be regarded as an acceptable tender/responsive if it fails to achieve the minimum qualifying score for functionality of 70 out of a maximum of 100 points.



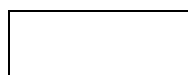
Employer



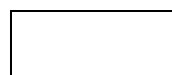
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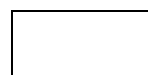
Witness 2



Contractor



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AUTHORITY OF SIGNATORY

**RLM/RWST/OMM/0101/2024/25 - RE-ADVERT:
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T2.2.14: 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.

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MDB FORMS

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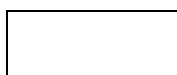
Witness 2



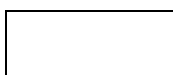
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PART A
INVITATION TO BID

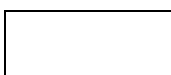
YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE RUSTENBURG LOCAL MUNICIPALITY					
BID NUMBER:	RLM/RWST/OMM/0101/2024/25	CLOSING DATE:	26 AUGUST 2025	CLOSING TIME:	10h00
DESCRIPTION	RE-ADVERT: APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF THE BOSPOORT NORTH RESERVOIR AND ACCESS ROAD				
THE 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	Coenie van Eck	
TELEPHONE NUMBER	014 590 3123		TELEPHONE NUMBER	012 842 8700	
E-MAIL ADDRESS	jmasinga@rustenburg.gov.za		E-MAIL ADDRESS	Coenie.vaneck@bigengroup.com	



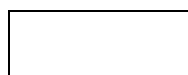
Employer



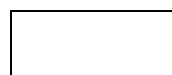
Witness 1



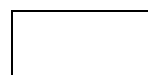
Witness 2



Contractor



Witness 1



Witness 2

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)
----------	----------	-------------	---

-	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/0101/2024/25 - RE-ADVERT:
APPOINTMENT OF A CONTRACTOR FOR THE
CONSTRUCTION OF THE BOSPOORT NORTH
RESERVOIR AND ACCESS ROAD**

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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 4: DECLARATION OF INTEREST

No bid will be accepted from persons in the service of the state¹.

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.

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

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or

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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

- (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)

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?

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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

(Tick applicable box)

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

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

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/0101/2024/25 - RE-ADVERT:
APPOINTMENT OF A CONTRACTOR FOR THE
CONSTRUCTION OF THE BOSPOORT NORTH
RESERVOIR AND ACCESS ROAD**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

MBD 5
DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

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?

☐ *YES ☐ NO

4.1 If yes, furnish particulars

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Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

.....

.....

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/0101/2024/25 - RE-ADVERT:
APPOINTMENT OF A CONTRACTOR FOR THE
CONSTRUCTION OF THE BOSPOORT NORTH
RESERVOIR AND ACCESS ROAD**

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

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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

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;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

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/0101/2024/25 - RE-ADVERT:
APPOINTMENT OF A CONTRACTOR FOR THE
CONSTRUCTION OF THE BOSPOORT NORTH
RESERVOIR AND ACCESS ROAD**

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

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

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

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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 9
CERTIFICATE OF INDEPENDENT BID
DETERMINATION

**RLM/RWST/OMM/0101/2024/25 - RE-ADVERT:
APPOINTMENT OF A CONTRACTOR FOR THE
CONSTRUCTION OF THE BOSPOORT NORTH
RESERVOIR AND ACCESS ROAD**

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/0101/2024/25 - RE-ADVERT: APPOINTMENT OF A CONTRACTOR FOR THE CONSTRUCTION OF THE BOSPOORT NORTH RESERVOIR AND ACCESS ROAD**_(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
 - (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.

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

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
.....
Position

.....
Date
.....
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>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>
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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:			

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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

- ☐ 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

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

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 _____

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 5 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			

Employer

Witness 1

Witness 2

Contractor

11

Witness 1

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:

- Supervision;
- Maintaining discipline;
- Ensuring safety on the workplace;
- Being responsible to the Contractor for efficiency and production for his portion of the works; and
- 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:

- Being primarily employed in a supervisory capacity, but who may also be doing the work of an artisan;

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

- 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.

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

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			

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

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

Signed

Date

Name

Position

Tenderer

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

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	

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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

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

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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

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)

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

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/0101/2024/25: RE-ADVERT: APPOINTMENT OF A CONTRACTOR FOR CONSTRUCTION OF BOSPOORT NORTH RESERVOIR AND ACCESS ROAD

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

<div style="border: 1px solid black; width: 100px; height: 25px; margin-bottom: 5px;"></div> Employer	<div style="border: 1px solid black; width: 100px; height: 25px; margin-bottom: 5px;"></div> Witness 1	<div style="border: 1px solid black; width: 100px; height: 25px; margin-bottom: 5px;"></div> Witness 2	<div style="border: 1px solid black; width: 100px; height: 25px; margin-bottom: 5px;"></div> Contractor	<div style="border: 1px solid black; width: 100px; height: 25px; margin-bottom: 5px;"></div> Witness 1	<div style="border: 1px solid black; width: 100px; height: 25px; margin-bottom: 5px;"></div> Witness 2
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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	Date
Name	
Capacity	

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

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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

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

.....
Employer

.....
Witness 1

.....
Witness 2

.....
Contractor

.....
Witness 1

.....
Witness 2

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

Name and
signature
of witness Date.....

T1.2 TENDER DATA

**RLM/RWST/OMM/0101/2024/25 - RE-ADVERT:
APPOINTMENT OF A CONTRACTOR FOR
CONSTRUCTION OF BOSPOORT NORTH RESERVOIR
AND ACCESS ROAD**

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

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	<p>The Employer is the Rustenburg Water Services Trust, a municipal entity established by the Rustenburg Local Municipality in terms of the Municipal Systems Act.</p> <p>The term "bid" in the context of this standard is synonymous with term "tender".</p>
1.2	Tender documents	<p><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 1: General Clauses, Contract Data & Scope of Works, Pricing Data and Project Specifications</p> <p>Volume 2: Particular Specifications and Site Information</p> <p>Volume 3: 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>
1.4	Communication and Employer's Agent	<p>Rustenburg Consulting Consortium or RCC Allan Cormack Street. The Innovation Hub; Pretoria Fax (012) 843 9000/9001 Engineer: Mr Coenie van Eck Tel: 012 842 8706 e-mail: coenie.vaneck@bigengroup.com</p>
2.1	Eligibility	<p>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 8CE Class of construction work, are eligible to submit tenders.</p>

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

Reference to relevant clauses in Standard Conditions of Tender

Addition or Variation to Standard Condition of Tender

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 **8CE** 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 Construction – for Building and Engineering Works Designed by the Employer (FIDIC Red 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.

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:*

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

Reference to relevant clauses in Standard Conditions of Tender	Addition or Variation to Standard Condition of Tender
<p>2.11 Alterations to documents</p>	<p>“The Contractor shall be responsible to affect all insurance as required for the purposes of executing the Contract.”</p> <p><i>Replace the last sentence of the clause with the following:</i></p> <p>“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.</p> <p>Corrections in terms of price may not be made by means of a correction fluid such as Tipp-Ex or a similar product.</p> <p>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.</p> <p>Tampering with or taking the documents apart is strictly prohibited.”</p>
<p>2.12.1 Alternative Tender offers</p>	<p><i>Add the following to the clause:</i></p> <p>All alternative tender offers shall be referred to in Section T2.3.2: Alterations to Tender.</p>
<p>2.12.2 Alternative Tender offers</p>	<p><i>Add the following to the clause:</i></p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>2.13.2 Returnable documents</p>	<p><i>Replace the contents of the clause with the following:</i></p> <p>Return the complete set of documents as listed in the Tender Data with all the required information supplied and completed in all respects.</p> <p>All volumes are to be left intact in its original format and no pages shall be removed or re-arranged.</p>

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

Reference to relevant clauses in Standard Conditions of Tender		Addition or Variation to Standard Condition of Tender
2.13.3	Copy of Tender Offer	<p>The original and one copy of the complete bid must be submitted.</p> <p>One (1) scanned copy of the document is also required on a memory stick.</p>
2.13.4	Tender offer	<p><i>Add the following to the clause:</i></p> <p>“Only authorised signatories may sign the original and all copies of the tender offer where required in terms of 2.13-3.</p>
2.13.5	Tender packaging	<p>The Employer’s address for delivery of tender offers:</p> <p>Tender box location : Bid box in foyer 6 of the Rustenburg Local Municipality Office Building</p> <p>Physical address : Missionary Mpheni House, Corner Nelson Mandela and Beyers Naude Drives</p> <p>Identification details : CONTRACT NO: RLM/RWST/OMM/0101/2024/25 – RE-ADVERT: CONSTRUCTION OF BOSPOORT NORTH RESERVOIR AND ACCESS ROAD</p> <p>The name and address of the tenderer shall be entered on the back of the envelope.</p>
2.13.6	Two envelope system	A two-envelope procedure <u>will not be</u> followed.
2.14	Information and Data to be completed in all respects	<p><i>Add the following to the clause:</i></p> <p>The Tenderer is required to enter information in the following sections of the document:</p> <p>Section T2.1 : List of Returnable Documents</p> <p>Section T2.2 : Returnable Schedules</p> <p>Section T2.3 : Technical Schedules</p> <p>Section C1.1 : Form of Offer and Acceptance</p> <p>Section C1.2 : Contract Data (Part 2)</p> <p>Section C2.2 : Bill of Quantities</p> <p>Section C2.3 : Summary of Quantities</p> <p>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.</p> <p>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.</p>

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

Reference to relevant clauses in Standard Conditions of Tender		Addition or Variation to Standard Condition of Tender
		<p>“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.</p> <p>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.”</p>
2.15	Closing time	<p>The closing time for submission of tender offers is:</p> <p>As reflected in the Tender Advertisement.</p>
2.16	Tender Offer validity	The Tender Offer validity period is 90 days .
2.16.1		<p><i>Add the following to the clause:</i></p> <p>“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.”</p>
2.16.5	Withdrawal of Tender offer	<p><i>Add the following new clause:</i></p> <p>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.</p>
2.17	Clarification of Tender Offer after Submission	<p><i>Replace the contents of the clause with the following clause:</i></p> <p>“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</p>

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

Reference to relevant clauses in Standard Conditions of Tender		Addition or Variation to Standard Condition of Tender
		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	<p><i>Add the following to the clause:</i></p> <p>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.</p> <p>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.</p>
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	<p>All the certificates/information/documents listed in section T2 must be provided with the tender offer.</p> <p>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.</p>
<i>Add the following new clause: “2.24</i>	Canvassing and obtaining of additional information by tenderers	<p>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.</p> <p>No Tenderer shall make any attempt to obtain particulars of any relevant information, other than that disclosed at the opening of tenders.”</p>
<i>Add the following new clause: “2.25</i>	Prohibitions on awards to persons in service of the state	<p>Accept that the Employer is prohibited to award a tender to a person:-</p> <ul style="list-style-type: none"> 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.

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

Reference to relevant clauses in Standard Conditions of Tender

Addition or Variation to Standard Condition of Tender

“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;
- 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
3.9.1 Arithmetical errors

Replace the contents of the clause with the following:

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

Reference to relevant clauses in Standard Conditions of Tender

Addition or Variation to Standard Condition of Tender

"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."

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.

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:

Employer

Witness 1

Witness 2

Contractor

Witness 1

Witness 2

Reference to relevant clauses in Standard Conditions of Tender		Addition or Variation to Standard Condition of Tender
		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		<i>Add the following sub-clause:</i> <u>Scoring preference</u> Refer to MBD 6.1
3.11.4		<i>Add the following sub-clause:</i> <u>Scoring preference</u> Refer to MBD 6.1
3.12		<i>Replace the contents of the clause with the following:</i> "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	<i>Replace the contents of the clause with the following:</i> 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.

END OF SECTION

 Employer

 Witness 1

 Witness 2

 Contractor

 Witness 1

 Witness 2