



<b>BID DOCUMENT/ EXPRESSION OF INTEREST</b>
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<b>BID NO. AW 2019/20/28</b>
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<b>BID DESCRIPTION</b>
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<b>ESTABLISHMENT OF A PANEL OF BUILT ENVIRONMENT SPECIALISTS FOR A PERIOD OF 3 YEARS</b>
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<b>CLOSING DATE</b>
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<b>DAY: TUESDAY</b>
<b>DATE: 3 DECEMBER 2019</b>
<b>TIME: 11H00</b>

ISSUED AND PREPARED BY: C. BHANA

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Private Bag X3  
Vincent  
5217

Tel: +27 43 707 3700

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<b>BIDDER TO COMPLETE</b>	
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<b>NAME</b> of Company/Close Corporation or Partnership/Consortium/Joint Venture or Sole Proprietor/Individual	
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<b>TRADING AS</b> (if different from above)	
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<b>NATIONAL TREASURY CSD NUMBER</b>	
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## **Part E1: Submission procedures**

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**E1.1 Notice and invitation to submit an expression of interest**

**E1.2 Submission Data**

# **E1.1**

## **Notice and invitation to submit an expression of interest**

## **TENDER NOTICE EXPRESSION OF INTEREST (EOI)**

Amatola Water Board is a state-owned, South African water utility established in November 1997 and is mandated to render water services to water sector institutions, local government and other customers in the Eastern Cape.

### **E1 Submission procedures**

#### **E1.1 Notice and invitation to submit an expression of interest**

Amatola Water hereby invites suitable Professional Consulting Firms for the establishment of a prequalified list of professional service providers in the built environment for a period of three (3) years.

Professional service providers are expected to, along compliance issues, be registered with a relevant professional body to be admitted into the list. Application forms from Candidate Members of the relevant built environment professional bodies will not be accepted. Relevant council rules will apply.

Qualifying companies will be admitted to the prequalified list of professional service providers to provide professional services for Amatola Water projects for a period of three (3) years.

Shortlisted/Prequalified companies from the list will be invited as and when required by Amatola Water. Firms will be expected to have their resources and planning processes ready to urgently respond to whichever need that may arise.

Tenderers must be registered on the National Treasury Central Supplier Data Base.

### **TENDER ENQUIRIES**

No telephonic enquiries relating to this tender will be entertained. All enquiries regarding this tender must be in writing only and must be directed to: Mr S Biyela, Fax: (043) 707 3770, E-mail: [sbiyela@amatolawater.co.za](mailto:sbiyela@amatolawater.co.za)

### **SUBMISSION OF COMPLETED EXPRESSION OF INTEREST APPLICATION FORMS**

#### **SUBMISSION OF EXPRESSION OF INTERESTS**

The original completed Expression of Interest and all supporting documents, must be submitted in a sealed envelope or parcel endorsed/marked with the Bid Number and Bid Description as detailed above. The sealed envelope must be deposited in the Bid/Tender Box located in the reception area of Amatola House, 6 Lancaster Rd, Vincent, East London prior to the closing date and time stipulated above. Bidders will be required to sign a receipt of submission at the Amatola Water reception desk prior to depositing their submission in the tender box. There will be no opening of Expressions of Interest.

THIS IS NOT A TWO STAGE BIDDING PROCESS AND ONCE OFF SUBMISSIONS MUST BE SUBMITTED BY THE CLOSING DATE AND TIME REFLECTED ABOVE. DETAILS ARE PROVIDED IN THE EXPRESSION OF INTEREST DOCUMENT. BIDDERS WILL BE REQUIRED TO SIGN A RECEIPT OF SUBMISSION AT THE AMATOLA WATER RECEPTION DESK PRIOR TO DEPOSITING THEIR SUBMISSION IN THE TENDER BOX. THERE WILL BE NO OPENING OF THIS EXPRESSIONS OF INTEREST.

Unsuccessful tenderers will be informed via written correspondence.

It is the responsibility of the tenderer/s to ensure that bid documents /proposals are submitted on or before closing time and the correct location as Amatola Water will not take responsibility for incorrect delivery. Tenderers using courier services for delivery of their bid documents must ensure the delivery is at the correct place / location and time as the entity will not be held responsible for incorrect delivery. Please do not deliver to Entity officials. The Entity will not accept responsibility if bids received by officials are not timely deposited in the Bid Box.

### **E1.2 Submission Data**

The conditions for calling for expressions of interest are the standard conditions for calling for expressions of interest as contained in the

1. The CIDB Inform Practice Note #6 May 2007 (Version 2 – February 2008)
2. SANS 10845-4 (2015) - Construction Procurement Part 4: Standard Conditions for the Calling of Expressions of Interest
3. Framework for Infrastructure Procurement and Delivery Management (FIPDM) First edition, May 2019 Effective Date: 1 October 2019
4. National Treasury Practise Note 3 of 2003 – Appointment of Consultants
5. CIDB 2019 Standard for Uniformity

The standard conditions for calling for expressions of interest make several references to the submission data and shall have precedence in the interpretation of any ambiguity or inconsistency between the submission data and the standard conditions for calling for expressions of interest.

**Process definition:**

An expression of interest means a request for tenderers to register their interest in undertaking a specific contract or to participate in a project and to submit their credentials so they may, in terms of the organization's procurement procedures, be invited to submit a tender offer should they qualify or be selected to do so;

Qualified procedure: A call for expressions of interest is advertised and thereafter only those tenderers who have expressed interest, satisfy objective criteria and who are selected to be part of the Panel.

Bidders are required to complete an Expression of Interest Bid Documentation which can be downloaded from the Amatola Website @ [www.amatolawater.co.za](http://www.amatolawater.co.za) – go to the tender's page.

**TENDER SUBMISSION**

The completed bid documents and all supporting documents, must be submitted in a sealed envelope or parcel endorsed/marked with the Bid Number and Bid Description as detailed above. The sealed envelope must be deposited in the Bid/Tender Box located in the reception area of Amatola House, 6 Lancaster Rd, Vincent, East London prior to the closing date and time stipulated. The bid submissions will be opened in public shortly after the closing time.

**TENDER ENQUIRIES**

No telephonic enquiries relating to this tender will be entertained. All enquiries regarding this tender must be in writing only and must be directed to: Mr S Biyela, Fax: (043) 707 3770, E-mail: [sbiyela@amatolawater.co.za](mailto:sbiyela@amatolawater.co.za)

**MRS V ZITUMANE  
CHIEF EXECUTIVE**

## **E1.2 Submission Data**

The conditions of tender are the Standard Conditions of Tender as contained in Annex H of Board Notice of 2019, Construction Industry Development Board (CIDB) Standard for Uniformity in Construction Procurement. (see [www.cidb.org.za](http://www.cidb.org.za)) which are reproduced without amendment or alteration for the convenience of tenderers as an Annexure to this Tender Data.

The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. 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.

**The following variations, amendments and additions to the Standard Conditions of Tender as set out in the Tender Data below shall apply to this tender:**

<b>Clause number</b>	<b>Tender Data</b>
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<b>E.1</b>	<b>General</b>
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<b>E.1.1</b>	<b>Actions</b>
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*Add the following:*

The Employer is the Amatola Water

<b>E.1.2</b>	<b>Tender Documents</b>
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*Add the following:*

The following documents form part of this tender:

### **Part E1: Expression of interest Procedures**

E1.1 Expression of interest notice and invitation

E1.2 Submission data

### **Part E2: Returnable Documents**

E2.1 List of returnable documents

E2.2 Returnable schedules

### **Part E3: Scope of work**

E3.1 Scope of Work

This document must be returned to the Employer, completed in all respects, together with any additional supporting documentation required, in terms of submitting a tender offer.





#### **E.1.4 Communication and employer's agent**

The Employer's representative for the purposes of any communication between the employer and tenderer, is:

Name: Amatola Water

E-mail: As stated in the tender advert.

#### **E.2 Tenderer's obligations**

##### **E.2.1 Eligibility**

E.2.1.1 Submit an expression of interest only if the tender satisfies the criteria stated in the expression of interest data and the tenderer, or any of his principals, is not under any restriction to do business with employer.

The following compliance criteria will be used:

**BUILT ENVIRONMENT CONSULTANTS**

**PARTICULARS OF FIRM**

1. **Name of Firm** \_\_\_\_\_

2. **Name of Managing Principal** \_\_\_\_\_

3. **Physical Address of Firm:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. **Physical Address of Firm:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. **Type of firm (tick relevant box)**

- Partnership
- One person business/sole proprietor
- Close corporation
- Company
- [Pty] Limited
- Consortium
- Other (specify)

**PLEASE PROVIDE THE FIELD(S) OF COMPETENCE (CATEGORY OF WORKS) YOUR FIRM WILL BE REGISTERING AS:**

<b>CATEGORY OF WORKS/ SERVICES</b>	<b>(√)</b>
<b>Quantity Surveyors</b>	
<b>Environmental Specialists</b>	
<b>Planners</b>	
<b>Electrical Engineers</b>	
<b>Structural Engineers</b>	
<b>Civil Engineers</b>	
<b>Geotechnical Specialists</b>	
<b>Land Surveyors</b>	
<b>Mechanical Engineers</b>	
<b>Property Valuation</b>	
<b>Project Management</b>	
<b>Construction Mentors</b>	

**Note: More than one category may be selected**

**REGISTRATION PREREQUISITES**

**NOTE: SERVICE PROVIDERS WILL NOT BE REGISTERED ON THE PANEL IF THE FOLLOWING PREREQUISITES ARE NOT MET AND SUBMITTED:**

1. Company Profile describing what the company does. Indicate the core business of the company and the expertise within the company.
2. Company Business Registration (Founders Statement) depicting ownership / shareholding.
3. Original and Current Tax Clearance Certificate obtainable from the South African Revenue Services.
4. (a) A valid original or certified copy of the B-BBEE Status Level Verification Certificate;
- (b) Public entities and tertiary institutions must also submit B-BBEE Status Level Verification Certificates (EME's);
- (c) In respect of Exempted Micro Enterprises (EME's) i.e. an enterprise including a sole propriety with an annual total revenue of R5million or less, a valid original or copy issued by an Accounting Officer, Registered Auditor or a Verification Agency.
5. Previous experience list of projects. Capacity and expertise – Company organogram and curriculum vitae of all registered professionals must be provided (Failure to submit will result in the application being rejected).

6. Banking details : Copy of a blank cancelled cheque or a letter from bank containing the following:

- Branch
- Bank Code
- Account Holder
- Account Number

  
  


7. Certified Copies of Identity Documents for the owners/shareholders.

8. Fully completed and signed SBD forms attached hereto.

Failure to comply with the above will invalidate your bid.

**E.2.2 Submitting data**

E.2.2.1 Return all returnable documents to the employer after completing them in their entirety, in black ink.

E.2.2.2 Parts of each expression of interest communicated on paper shall be submitted as an original, plus 0 (nought) copies

E.2.2.3 The bids shall be signed by a person duly authorised to do so. Bids submitted by joint ventures of two or more firms shall be accompanied by the document of formation of the joint venture, authenticated by a notary public or other official deputed to witness sworn statements, in which is defined precisely the conditions under which the joint venture will function, its period of duration, the persons authorised to represent and obligate it, the participation of the several firms forming the joint venture, and any other information necessary to permit a full appraisal of its functioning.

E.2.2.4 The Employer’s address for delivery of tender offers and identification details to be shown on each tender offer package are:

**Location of Tender box:** Tender Box at the office of the Amatola Water  
**Physical address:** Amatola House, 6 Lancaster Rd, Vincent, East London.

**Identification details: EOI Number: AW2019/20/28**

**Title of EOI: Establishment of a Panel of Built Environment Specialists**

Sealed tenders with the identification details on the envelope must be placed in the appropriate official tender box at the abovementioned address.

**E.2.2.5 Closing time**

E.2.2.5.1 The closing time for submission of tender offers is as stated in the Tender Notice and Invitation to Tender. Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.

#### **E.2.2.6 Clarification of tender offer after submission**

A tender may be rejected as non-responsive if the tenderer fails to provide any clarification requested by the employer within the time for submission stated in the employer's written request for such clarification.

### **E.3 The Employer's undertakings**

#### **E.3.1 Issue Addenda**

Tenderers are to monitor the Amatola Water website tenders page on a daily basis in case Addenda are issued. It is the tenderers responsibility to ensure that the requirements of all addenda are incorporated in their tender.

#### **E.3.2 Test for responsiveness**

Tenders will be considered non-responsive if, inter alia:

- the tenderer does not comply with the eligibility criteria;
- the tenderer has failed to clarify or submit any supporting documentation within the time for submission stated in the employers written request;

## **Annexure H (normative)**

### Standard Conditions for the calling for Expressions of Interest

#### **H.1 General**

##### **H.1.1 Actions**

**H.1.1.1** The employer and each respondent submitting an expression of interest shall comply with these conditions for calling for expressions of interest. In their dealings with each other, they shall discharge their duties and obligations as set out in H.2 and H.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anti-competitive practices.

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

Note:

- 1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.
- 2) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.

**H.1.1.3** The respondent shall not make a submission without having a firm intention and the capacity to proceed with the next stage of the procurement process.

##### **H.1.2 Supporting documents**

The documents issued by the employer for the purpose of obtaining expressions of interest are listed in the submission data.

##### **H.1.3 Interpretation**

**H.1.3.1** The submission data and additional requirements contained in the submission schedules that are included in the returnable documents are deemed to be part of these conditions for the calling for expressions of interest.

**H.1.3.2** For the purposes of these conditions for the calling for expressions of interest, the following definitions apply:

- a) conflict of interest means any situation in which:
  - i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially.
  - ii) an individual or organisation is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit.
  - iii) incompatibility or contradictory interests exist between an employee and the organisation which employs that employee.
- b) corrupt practice means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process; and
- c) fraudulent practice means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels

#### **H.1.4 Communication and employer's agent**

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

### **H.2 Respondent's obligations**

#### **H.2.1 Eligibility**

Submit an expression of interest only if the respondent complies with the criteria stated in the submission data and the respondent, or any of his principals, is not under any restriction to do business with the employer.

#### **H.2.2 Cost of submissions**

Accept that the employer will not compensate the respondent for any costs incurred in the preparation and delivery of a submission.

#### **H.2.3 Check documents**

Check the submission documents on receipt, including pages within them, and notify the employer of any discrepancy or omission.

#### **H.2.4 Acknowledge addenda**

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

### **H.2.5 Clarification meeting**

Attend the clarification meeting(s) at which respondents may familiarize themselves with the proposed work, services or supply (and location, etc.) and raise questions. Details of the meeting(s) are stated in the submission data.

### **H.2.6 Seek clarification**

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

### **H.2.7 Making a submission**

**H.2.7.1** Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.

**H.2.7.2** Seal the original and each copy of the submission as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the submission data, as well as the respondent's name and contact address.

**H.2.7.3** Accept that the employer shall not assume any responsibility for the misplacement or premature opening of the submission if the outer package is not sealed and marked as stated.

### **H.2.8 Information and data to be completed in all respects**

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

### **H.2.9 Closing time**

Ensure that the employer receives the submissions at the address specified in the submission data not later than the closing time stated in the submission data. Proof of posting shall not be accepted as proof of delivery. The employer shall not accept submissions submitted by telegraph, telex, facsimile or e-mail, unless stated otherwise in the submission data.

Accept that, if the employer extends the closing time stated in the submission data for any reason, the requirements of these conditions for expressions of interest apply equally to the extended deadline.



## **H.2.10 Clarification of submission**

Provide clarification of a submission in response to a request to do so from the employer during the evaluation of submissions.

## **H.3 Employer's undertakings**

### **H.3.1 Respond to clarification**

Respond to a request for clarification received up to five working days before the submission closing time stated in the submission data and notify all respondents who attended the clarification meetings, if any, of those responses.

### **H.3.2 Issue Addenda**

If necessary, issue addenda that may amend or amplify the submission documents to each respondent during the period from the date of the calling for expressions of interest until seven days before the closing time for submissions stated in the submission data. If, as a result, a respondent applies for an extension to the closing time stated in the submission data, the employer may grant such extension and, shall then notify it to all respondents.

### **H.3.3 Late submissions**

Unless otherwise stated in the submission data, return submissions received after the closing time stated in the submission data, unopened, (unless it is necessary to open a submission to obtain a forwarding address), to the respondent concerned.

### **H.3.4 Opening of submissions**

**H.3.4.1** Record the name of each respondent whose submission is opened and acknowledge receipt of each submission.

**H.3.4.2** Make available the names of the respondents that made submissions prior to the closing time for submissions to all interested persons upon request.

### **H.3.5 Non-disclosure**

Not disclose to respondents, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of submissions until after the evaluation process is complete.

### **H.3.6 Grounds for rejection and disqualification**

Determine whether there has been any effort by a respondent to influence the processing of submissions and instantly disqualify a respondent if it is established that he engaged in corrupt or fraudulent practices.

### H.3.7 Test for responsiveness

Determine, on opening and before detailed evaluation, whether each submission received:

- a) meets the requirements of these conditions for the calling for expressions of interest;
- b) has all the substantive provisions properly and fully completed and signed, and
- c) is responsive to the other requirements of the call for expressions of interest.

### H.3.8 Non-responsive submissions

Reject all non-responsive submissions.

### H.3.9 Evaluation of responsive submissions

**H.3.9.1** Appoint an evaluation panel of not less than three persons. Evaluate submissions using the evaluation criteria established in the submission data.

#### Procurement strategy

The Employer intends to establish a pre-qualified list of Built Environment Specialists for various types of Professional Services to provide professional services to Amatola Water, following a competitive selection process (qualified procedure – PP2C). The following scoring system will be applied to achieve a ranking system where PSP's will be drawn from:

DESCRIPTION OF CRITERIA		POINTS CLAIMED
BBBEE STATUS LEVEL – Maximum Points (20)		
<b>B-BBEE Status Level of Contributor</b>	<b>Number of points</b>	
1	20	
2	18	
3	14	
4	12	
5	8	
6	6	
7	4	
8	2	
Non-compliant contributor	0	

<p>SMME Status – Maximum Points (20):</p> <ul style="list-style-type: none"> <li>• Emerging Micro Enterprises (EME) - 20 points</li> <li>• Qualifying Small Enterprises (QSE) status - 10 points</li> <li>•</li> </ul>	
<p>Locality of Firm – Maximum Points (20)</p> <ul style="list-style-type: none"> <li>• Based in the Eastern Cape (20)</li> <li>• Based in the remaining parts of South Africa (0)</li> <li>•</li> </ul>	
<p>Experience – Maximum Points (20)</p> <p>Proof in the form of Contracts/ Appointment Letters expanding over the period of the points claimed</p> <ul style="list-style-type: none"> <li>• More than 10 years experience in the Built Environment (20)</li> <li>• More than 5 years experience in the Built Environment (15)</li> <li>• More than 3 years experience in the Built Environment (10)</li> <li>• More than 1 year experience in the Built Environment (5)</li> <li>• No experience in the Built Environment (0)</li> </ul>	
<p>Expertise – Maximum Points (20)</p> <p>Proof in the form of certificates must be provided. This will be verified with the relevant Regulatory Authority.</p> <ul style="list-style-type: none"> <li>• More than 5 Registered Professionals in the Firm in the Built Environment (20)</li> <li>• More than 4 Registered Professionals in the Firm in the Built Environment (15)</li> <li>• More than 3 Registered Professionals in the Firm in the Built Environment (10)</li> <li>• More than 2 Registered Professionals in the Firm in the Built Environment (5)</li> <li>• More than 1 Registered Professionals in the Firm in the Built Environment (2)</li> </ul>	
<p><b>TOTAL</b></p>	
<p>Note: Bidders must complete the above table and claim points. Proof must be provided for the points claimed.</p>	

PSP's will be grouped and ranked per type of Built Environment Profession /PSP's as listed below:

<b>CATEGORY OF WORKS/ SERVICES</b>
<b>Quantity Surveyors</b>
<b>Environmental Specialists</b>
<b>Planners</b>
<b>Electrical Engineers</b>
<b>Structural Engineers</b>
<b>Civil Engineers</b>
<b>Geotechnical Specialists</b>
<b>Land Surveyors</b>
<b>Mechanical Engineers</b>
<b>Property Valuation</b>
<b>Project Management</b>
<b>Construction Mentors</b>

The following criteria will be used when selecting companies to submit RFP – Request for Proposals:

- Ranking and rotation
- Nature and complexity of works
- Location of the works
- Type of resources required eg Civil Engineering Firm, etc.
- Team composition– there may be situations where more than one type of Professional Resource is required
- Capacity and capability in relation to the services required

After initial closure of the process, firms will be evaluated against the criteria as stipulated above before they are registered on the list.

The Prequalified list of professional service providers shall enable Amatola Water to identify the B-BBEE Status level, EMEs or QSEs status, capacity and capability. It will assist Amatola Water to identify development opportunities for professional service providers. Once a tenderer is admitted on the prequalified list, the tenderer will have access only to update their own information and will be able to update it. A prospective tenderer must provide accurate and up-to-date information about its

- Offices
- Capacity and resources changes
- B-BBEE Status Level
- Emerging Micro Enterprises (EME)
- Qualifying Small Enterprises (QSE) status.

Whenever there are changes in the office of the admitted firm (changes in the organogram, ownership, BBEEE Status Level, professional registration, etc.), the company must submit such information to Amatola Water to update.

The tender period for invitation of tenders from the prequalified list may vary between 7 days up to 30 days. Tenderers must ensure that they are capable of responding to Amatola Water, with their complete submission, within such limited time.

Unsuccessful tenderers will be informed in writing.

Objective of the call for an expression of interest

The objective of this call for an expression of interest is to prequalify interested professional service providers (as stated above) so that they can be invited to submit tenders for Professional Services for the improvements to project management arrangements.

The CIDB PSP form of contracts may be used by the employer. Firms or individuals will apply for accreditation or admission to the professional service provider prequalified list by completing their information and make a comprehensive submission through this Expression of Interest (EoI) to Amatola Water.

**H.3.9.2** Notify the respondents of the outcome of the evaluation process within two weeks of the approval of the panel.

**H.3.10** Provide written reasons for actions taken

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

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## **Part E2: Returnable Documents**

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**E2.1 List of Returnable Documents**

**E2.2 Returnable Schedules**

## **E2.1 List of Returnable Documents**

The tenderer must complete the following Returnable Documents in **black ink**:

### **1. Returnable Schedules required for tender evaluation purposes**

- 1: COMPULSORY ENTERPRISE QUESTIONNAIRE
- 2: NATIONAL TREASURY: CENTRAL SUPPLIER DATABASE
- 3: TAX CLEARANCE CERTIFICATE
- 4: DECLARATION OF INTEREST (SBD 4)
- 5: DECLARATION OF BIDDERS PAST SCM PRACTICES (SBD 8)
- 6: CERTIFICATE OF INDEPENDENT TENDER DETERMINATION (SBD 9)
- 7: PREVIOUS SIMILAR WORK EXPERIENCE
- 8: RESOLUTION TO SIGN/ CERTIFICATE OF AUTHORITY (ATTACH IF APPLICABLE)
- 9: RESOLUTION TO SIGN JV (ATTACH IF APPLICABLE)
- 10: CERTIFICATES OF PROFESSIONAL REGISTRATION

# **E2.2**

# **RETURNABLE**

# **SCHEDULES**



**SCHEDULE A : 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:** .....

**Physical address 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"/> 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 any provincial legislature                                 | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity  |
| <input type="checkbox"/> a member of the National Assembly or the National Council of Provinces | <input type="checkbox"/> an employee of Parliament or a provincial legislature  |
| <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                    |   |

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 been in the service of any of the following:

- 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 the 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; and  
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*  
\_\_\_\_\_

### **Tenderers Experience**

The experience of the tenderer, as apposed to the key staff members / experts, in similar projects or similar areas and conditions in relation to the scope of work will be evaluated.

Tenderers should very briefly describe his or her experience in this regard and attach this to this schedule.

Provide documentary proof.

The description should be put in tabular form with the following headings:

<b>Employer, contact person and telephone number, where available</b>	<b>Description of work (service)</b>	<b>Value of work (i.e. the service provided) inclusive of VAT (Rand)</b>	<b>Date completed</b>

### Tenderers Expertise

<b>Name of Registered Professional</b>	<b>Type of Registration and Registration No. eg PrENG/ BTECH/ETC</b>	<b>Years of Experience of the Registered Professional</b>

(SBD4)

## DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, 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, shareholder<sup>2</sup>): .....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

<sup>1</sup>"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.

<sup>2</sup>"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.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....

Name of state institution at which you or the person connected to the bidder is employed: .....

Position occupied in the state institution: .....

Any other particulars:

.....  
.....  
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:  
.....  
.....  
.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:  
.....  
.....  
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.  
.....  
.....  
.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars.  
.....  
.....  
.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**

2.11.1 If so, furnish particulars:  
.....  
.....  
.....

**3. FULL DETAILS OF DIRECTORS / TRUSTEES / MEMBERS / SHAREHOLDERS.**

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

**4 DECLARATION**

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.

- 1.
2. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder



**SBD 8**

**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions 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 disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as 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 National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of 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	Was any contract between the bidder and any 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"/>
4.4.1	If so, furnish particulars:		

SBD 8

**CERTIFICATION**

I, THE UNDERSIGNED (FULL NAME) .....  
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE  
AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE  
TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

**SBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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)<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD 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 (SBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.

**SBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
(Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_  
(Name of Institution)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)

- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

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

<sup>3</sup> **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.**

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

# **E3 Scope of Work**

## **E3 Scope of Work**

### **Abbreviations**

### **AW AMATOLA WATER**

### **SCOPE OF WORK**

#### **Description of the works and services**

**The detailed description of works and services will be provided when Request for Proposals are issued to firms on the Panel.**