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| REQUEST FOR PRICING (GOODS AND SERVICES) | Form No: JW SCM Dev MBD1 Revision No: 02 Effective Date: February 2023 |
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| | | | | | |
|--------------------------------|--|------------------------|----------------|---------------|-------|
| RFQ NUMBER: | RFI JW 27/08/2024 | CLOSING DATE: | 29 AUGUST 2024 | CLOSING TIME: | 13:00 |
| DESCRIPTION: | Supply and Delivery of Potable Water for a period not exceeding two (2) months | | | | |
| BRIEFING SESSION DATE AND TIME | N/A | BRIEFING SESSION VENUE | N/A | | |
| ISSUE DATE | 27 AUGUST 2024 | | | | |

| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: | | | | | |
|---|--|--|---|--|--|
| Bidding procedure enquiries <u>must</u> be sent to the below Official | | | Technical enquiries must be directed to | | |
| CONTACT PERSON | Mapule Setaka | | CONTACT PERSON | Nosipho Mokoena | |
| TELEPHONE NUMBER | 011 688 1574 | | TELEPHONE NUMBER | 011 688 1585 | |
| E-MAIL ADDRESS | mapule.setaka@jwater.co.za | | E-MAIL ADDRESS | nosipho.mokoena@jwater.co.za | |

| SUPPLIER INFORMATION | | | |
|-------------------------|-------------|---------------------|---------------|
| NAME OF BIDDER | | | |
| POSTAL ADDRESS | | | |
| STREET ADDRESS | | | |
| TELEPHONE NUMBER | CODE | | NUMBER |
| CELLPHONE NUMBER | | | |
| FACSIMILE NUMBER | CODE | | NUMBER |
| E-MAIL ADDRESS 1 | | | |
| E-MAIL ADDRESS 2 | | | |
| VAT REGISTRATION | | CIDB GRADING | N/A |

Directors:

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| | | | |
|--|---|--|--|
| NUMBER | | | |
| SUPPLIER COMPLIANCE STATUS | TAX COMPLIANCE SYSTEM PIN: | | CENTRAL SUPPLIER DATABASE No: MAAA |
| B-BBEE VERIFICATION CERTIFICATE | [TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No | | B-BBEE SWORN AFFIDAVIT (EMEs OR QSEs) [TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No |

BID SUBMISSION:

- Bids must be submitted by the stipulated time to the tender box located at the ground floor at Turbine Hall, Johannesburg Water, 65 Ntomi Piliso, Newtown. Late bids will not be accepted for consideration.
- All pricing/quotation must be submitted by completing the attached or on the official company letterhead, signed and accompanied by the returnable documents stated below.**
- No bids will be considered from persons in the service of the state, companies with directors who are persons in the service of the state, or close corporations with member's persons in the service of the state.

1. SCOPE OF WORK AND SPECIFICATION

REQUIREMENTS

The Contractor(s) will be required to provide adequate water tankers, with suitably licensed drivers to transport and deliver potable water into holding tanks in the informal areas identified by Johannesburg Water (JW) within the jurisdiction of the City of Johannesburg.

As and when required, the service provider will also be required to provide additional water tankers for ad-hoc/emergency usage within a period of 24 hours in areas where there is no supply due to emergency shutdowns or where repair work is being conducted.

Note: It must be noted that when the water tankers are used for ad-hoc/emergency, no water will be dispatched into holding tanks. The water tankers deployed on site will be required to remain on site as specified by JW representative. The trucks will be required to travel around the streets of the affected areas for water to be sourced from them by the residents.

The service provider must ensure that the water tanker is readily available for emergency or no water situations to comply with the requirement as stipulated

An assistant must be provided to assist the operator in cleaning, re-fuelling, and maintaining the water tanker. The assistant must be from the respective local region or within the City of Johannesburg municipality.

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Mokoena

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Johannesburg Water SOC Ltd

Registration Number: 2000/029271/30



City of Johannesburg

Johannesburg Water SOC Ltd

Turbine Hall
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Water tankers will be required to work predominantly in informal settlements, and it is the responsibility of the service provider to familiarize himself/herself with the environment at these locations.

The service provider shall provide a written undertaking to the Regional Manager that water tankers used in the contract shall be used specifically for the transport of potable water and not for any other purpose. The service will be required to install the tracking device on their equipment.

The Regional Manager or any other delegated JW representative will provide the location and number of holding tanks as required.

Any water tanker that has developed a leak on the body of the tank will be decommissioned if the leak is not repaired within 2 hours, another water tanker must be provided.

All plant must have sufficient fuel to operate during each full working day. Fuel will not be provided to the Contractor by Johannesburg Water.

DESCRIPTION OF PLANT

Water tankers supplied by the service provider must be self-propelled, have a capacity of 10.0 KL to 14KL or 16KL to 18.0 KL of water, and must be approximately 4 meters high to the inlet.

The service provider is required to supply mobile water tankers that are self-propelled with galvanized tanks.

The discharge valve must be positioned at the lowest point of the tanker to ensure that the tanker is completely drainable.

WATER QUALITY

The quality of the water distributed should not deteriorate through the contractors handling, i.e., the service provider must ensure cleanliness at all times.

The discharge valve must be positioned at the lowest point of the tanker to ensure that the tanker is completely drainable.

Random sampling of water in tankers will be carried by JW (at Cydna Laboratories).

Water tankers used in this contract shall be flushed and sterilized by the service provider at least once a month. Furthermore, the service provider will be required to submit the quality test certificate that is in compliance with water quality limits subsequent to the cleaning of the water tankers. A programme for the cleaning of tanks shall be submitted to the Regional Manager at the commencement of the contract.

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The transfer hosing system shall always be kept clean and shall be free from contamination at all times.

Should it be found that the water transported is of a quality that is deemed unacceptable, then such water tanker will be decommissioned, and penalties will be applicable until a suitable replacement is found.

Any damages caused by the use of water that was contaminated during transit will be totally for the contractors' attention and cost.

The tankers are also expected to be cosmetically appealing and should be cleaned at least once a week.

PERMITS AND COMPLIANCE WITH REGULATIONS AND BY-LAWS

JW, at no expense to the Contractor, shall apply for and obtain any permits, licenses, certificates, permissions or exemptions which may be required for and in connection with the entry and use of the plant on the site.

All items of plant utilized in terms of the contract must conform to the requirements of the Road Traffic Act. No 93 of 1996 and Regulations as amended, where applicable.

All abnormal load permits must be obtained and kept up to date by the Contractor.

The service provider shall at all times during the contract, at his own expense ensure that all plant, operators and attendants used for the purposes of the contract, comply in all respects with the safety and other requirements of the Occupational Health and Safety Act No 85 of 1993, and the Regulations applicable thereto.

The service provider shall at his own expense provide adequate protective clothing for his staff and protection to machinery, as he, the Regional Manager or the Inspector of Machinery may deem necessary at any stage of the contract.

EMPLOYMENT OF PERSONNEL

The service provider must ensure that all persons employed by him in the execution of this contract are lawfully employed.

All operators and drivers must be licensed in terms of the Road Traffic Act. No 93 of 1996 and regulations as amended.

The service provider must employ local community personnel as assistants to assist the operator in cleaning, re-fuelling and maintaining the water tanker.

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BREAKDOWNS

Breakdowns or delays shall be reported to the Regional Manager or his authorized representative by the service provider's operator by means of 2 (two) way radio or cell phone. The Regional Manager will render assistance in conveying these reports, but the onus of reporting breakdowns or delays to the service provider rests with the service provider's operator.

The service provider is also expected to supply replacement water tankers in the event of breakdowns that cannot be repaired within 24 (twenty-four) hours.

INSPECTION AND IDENTIFICATION OF PLANT

Before the contract is awarded, JW will inspect any or all of the items of plant tendered for purposes of adjudication.

All items of plant accepted on the contract will be inspected by the Regional Manager when delivered to the site for the first time. The plant will be checked to ensure that it complies in all respects with JW's requirements as detailed in the tender documents.

The service provider shall supply JW with a complete list of all his company fleet numbers, for vehicles accepted on the Contract. All work dockets must have the company fleet number of the particular item of plant entered thereon.

Any water tanker found by the Regional Manager to be unsuitable, shall be removed immediately by the service provider. The penalty may be imposed until a suitable replacement is provided.

DRIVERS

The service provider's drivers must carry out faithfully, efficiently and with due diligence all operations according to the instructions of the Regional Manager.

Only licensed drivers with PrDP may be employed and upon the written request of the Regional Manager, any operator found to be unsuitable must be replaced immediately. A valid driver driving permit/s, valid PrDP and a valid medical test certificate/s must be submitted within 21 days of award.

The service provider's drivers will be assigned a locality in which they will be required to deliver water to the community. Every effort in supporting safety must be exercised as many of the roads are narrow, uneven and generally in a very poor state.

Without first obtaining the written consent of the service provider; the Regional Manager shall not permit or allow any person other than the operator or mechanic to operate the water tanker. In the event of an emergency arising, the Regional Manager may permit the operation of the

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plant with another skilled operator and shall notify the service provider at the first opportunity thereafter.

Vehicles utilized shall at all times be in a roadworthy condition and any vehicle found to be in an unsuitable condition by the Regional Manager shall be removed from service and replaced within 24 hours failing which penalties as described above will become applicable.

WORKING HOURS

Plant will be required to work on an “as and when” required basis. The normal working hours will be as follows: Mondays to Sundays and Public Holidays 07h30 to 16h00 and overtime hours will be those that are extended beyond the stipulated hours when water is required to be delivered in the informal areas. The rates to be used for payments in the instance of delivering water in informal settlements will be rates per kilolitre for normal time during the hours stipulated as normal working hours and overtime for hours that extends beyond the stipulated ones.

Notwithstanding the hours of work the intention of this contract is to provide a continuity of service to the community and it is envisaged that the service provider appointed will negotiate into a service agreement with the relevant Manager for the region to be serviced. i.e., agree to specific hours of work per day.

MAINTENANCE OF PLANT

The Regional Manager or his duly authorized representative shall at all times be entitled to have access to inspect the plant within JW site.

Unless prior approval of the Regional Manager has been obtained, plant must be serviced by the service provider outside working hours.

Maintenance is the responsibility of the Service Provider and must be done at their workshops or alternative suitable workshop.

The Contractor is responsible to arrange their preferred suitable place of storage at his cost for the plant after hours.

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EXCHANGE OF ITEMS OF PLANT

The service provider once awarded shall be for the transport and supply of potable water as described in this document and it is expected that water will be supplied on site when called for. Where for reasons beyond the control of the service provider, he is not able to supply the particular machine under contract, he may with the permission of the Regional Manager substitute another machine, but this alternative machine, in the opinion of the Regional Manager must be in no way whatsoever inferior to the actual machine under contract.

If the service provider is unable to provide the quantity of tankers initially requested, the next tenderer will be called upon to provide the shortfall, so as to provide uninterrupted service to the communities being serviced. These initial quantities supplied by the respective contractors will remain consistent throughout the duration of the contract, unless otherwise decided by the Regional Manager.

DOCUMENTATION REQUIRED POST AWARD

The following documents will be required post award and also will be requested randomly "as and when" required by the respective JW representative for inspection if compliance is still adhered to for the duration of the contract:

Documents for Key Personnel (Required after award)

- A valid medical certificate (Operator must be fit for duty)
- A valid driver's licence with professional driving permit PrDP (Minimum Code C1 License or higher)
- Documentation indicating experience of a minimum of 6 months as a driver.

The Contractor will be required to fill in time sheets for each and every truck on site on that day. The timesheets are monitored by Johannesburg Water on-site coordinator and the information is submitted to Finance officers for payments.

Once the contract is in place, allocation of trucks with their registration number is captured for each depot and when the inspection is done, reference is made to the trucks that were initially approved and submitted to be on site.

SAFETY

The service provider must ensure that he conforms to all safety regulations, and that the requirements of the Occupational Health and Safety Act No 85 of 1993 are met at all times.

ESTIMATED QUANTITIES

It must be noted that these are estimated quantities and may increase or decrease. JW takes no responsibility or liability for the estimated volumes.

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Southern Region

| Description | Unit Of Measure | Estimated Quantity |
|---|-----------------|--------------------|
| 10kl to 14kl Normal Time | Kilolitre | 6760 |
| 10kl to 14kl Over Time | Kilolitre | 100 |
| 16kl to 18kl Over Time | Kilolitre | 146506 |
| 16kl to 18kl Normal Time | Kilolitre | 10000 |
| Water tankers for emergency Normal Time | Hour | 100 |
| Water tankers for emergency Over Time | Hour | 100 |

Northern Region

| Description | Unit Of Measure | Estimated Quantity |
|---|-----------------|--------------------|
| 10kl to 14kl Normal Time | Kilolitre | 49553 |
| 10kl to 14kl Over Time | Kilolitre | 100 |
| 16kl to 18kl Over Time | Kilolitre | 146506 |
| 16kl to 18kl Normal Time | Kilolitre | 10000 |
| Water tankers for emergency Normal Time | Hour | 2240 |
| Water tankers for emergency Over Time | Hour | 660 |

Northern Region:

| Areas | Capacity (10kl to 14kl) | Capacity (16kl to 18kl) | Total |
|-----------------|-------------------------|-------------------------|-----------|
| Hamburg | 3 | 0 | 3 |
| Randburg | 14 | 0 | 14 |
| Midrand | 4 | 4 | 8 |
| Sandton/Malboro | 5 | 0 | 5 |
| Total | 26 | 4 | 30 |

Southern Region:

| Areas | Capacity (10kl to 14kl) | Capacity (16kl to 18kl) | Total |
|------------------------|-------------------------|-------------------------|-----------|
| Soweto | 2 | 10 | 12 |
| Ennerdale | 0 | 25 | 25 |
| JHB Central-Langlaagte | 3 | 0 | 3 |
| Total | 5 | 35 | 40 |

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Note: *It must be noted that the required number of water tankers stated above are estimates. The service provider shall be bound to supply whatever quantities of the water tankers that JW will require on an “as and when” required basis during the period of the contract, irrespective of the extent by which the total varies from those stated estimations. Note must be taken that the requirements may or may not exceed the stated amount. Please refer to the award strategy.*

LOCATION AND DELIVERY:

The water tankers supplied shall not be restricted to the informal settlements only but to all the areas operated by Johannesburg Water

- Midrand
- Ennerdale -Deep south
- Soweto
- Sandton/ Marlboro
- Randburg
- JHB Central- Langlaagte
- Hamburg

STATUTORY, REGULATORY AND OHS REQUIREMENTS

The Service provider shall at all times during the contract, comply in all respects with the safety and other requirements of the Occupational Health and Safety Act 85 of 1993 and the regulations applicable hereunder.

The tenderers attention is drawn towards the Occupational Health and Safety Declaration form (Annexure A) – Acknowledgement of SHE Specification & Annexures which must be fully completed and submitted with the tender document.

Upon award, the successful service provider(s) will be inducted by the company's OHS department on the requirements that will be applicable for the duration of the contract in terms of all occupational health and safety.

For the duration of the contract, monthly site inspections will be conducted by the assigned OHS representative of JW where the appointed service provider(s) will be inspected for compliance in line with the health and safety requirements as set out on the **Volume 2- Occupational Health, Safety & Environmental Specification** of the tender document and any other requirements as expected.

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2. TENDER FORM AND PRICE SCHEDULES

To: Johannesburg Water (SOC) Ltd.

Having examined the Tender documents including Addenda Nos _____ [insert numbers], the receipt of which is hereby duly acknowledged, we, the undersigned, offer to **Supply and delivery of potable water on an “as and when” required basis** as specified in conformity with the said Tender documents and as may be ascertained in accordance with the Schedule of Prices attached herewith and made part of this Tender.

Details of my / our offer are / are as follows:

We undertake, if our Tender is accepted, execute the contract in accordance with the requirements as specified.

We agree to abide by this Tender for a period of ninety (90) days from the date fixed for Tender opening, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

Until a formal Contract is prepared and executed, this Tender, together with your written acceptance thereof and your notification of award, shall constitute a binding Contract between us.

We understand that Johannesburg Water is not bound to accept the lowest or any tender it may receive, and that the contract may be awarded in whole or in part and to more than one tenderer.

Should my/our tender be successful, it be understood that a contract will come into existence as a once off contract which will commence from the date indicated in the letter of acceptance.

2.1. SCHEDULE OF PRICES:

For the purpose of this RFP, category shall include region.

The evaluation on price alteration will be conducted as follows:

3.1.1 Where the tender award strategy is to evaluate and award per item or category, the following must apply:

- (i) If there is an alteration on the rate but no alteration on the total for the item or category, the bidder will not be disqualified
- (ii) If there is an alteration on the total for the item/s without authentication, bidders will only be disqualified for alteration per item or category.

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3.1.2 Where the tender award strategy is to evaluate and award total bid offer, the following must apply:

- (i) If there is an alteration on the rate, total for the line item, sub-total/ sum brought/carried forward for the section but no alteration on the total bid offer, the bidder will not be disqualified.
- (ii) If there is an alteration on the total bid offer on form of offer then the amount in words must be considered or vice-versa.
- (iii) If there is an unauthenticated alteration on the total bid offer and the amount in words is not authenticated the bidders will be disqualified for the entire tender.

3.1.3. Where the tender pricing schedule or bill of quantities is requesting rates/price from bidder/s without providing a total, the following will apply:

- (i) If there is an unauthenticated alteration on the unit rate/price the bidder must be disqualified.

Also note:

- a) All prices must be VAT inclusive.
- b) The rates tendered are for supply and delivery of potable water anywhere within the geographical limits of the City of Johannesburg.
- c) The rate must include insurances, fuel and all other cost applicable for the truck to execute the work successfully, including the drivers.
- d) The details of all plant offered as listed overleaf will be inspected for acceptability and suitability post award.
- e) The price(s) tendered shall be per kilolitre delivered within areas where there are stationary holding tanks, and it must incorporate the rate for a driver
- f) The price (s) tendered shall be per hour for emergencies or no water situation and it must incorporate the rate for a driver
- g) The service provider will be required to submit their tracking report along with the invoice per month.
- h) Only firm prices will be accepted.
- i) Within a region, a tenderer can tender for one capacity/category (10kl to 14kl) or can tender for both capacities/categories (10kl to 14kl and 16kl to 18kl) and maybe awarded for one or both capacities within the region.

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a world class African city



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Northern Region

| Item number | Description | Unit of Measure (Rate per) | Normal Time | | | Overtime | | | Grand Total (Normal Time + Overtime) Incl. 15% VAT |
|-------------|---|----------------------------|-------------------------|-----------|------------------------|-------------------------|-----------|------------------------|--|
| | | | Unit rate (R) Excl. VAT | VAT @ 15% | Unit rate (R) Inc. VAT | Unit rate (R) Excl. VAT | VAT @ 15% | Unit rate (R) Inc. VAT | |
| 1. | 10 kl to 14 kl | Kilolitre | | | | | | | |
| 2 | Provision of water tankers for emergencies (no water situation) | Hour | | | | | | | |
| 3 | Total | | | | | | | | |

| Item number | Description | Unit of Measure (Rate per) | Normal Time | | | Overtime | | | Grand Total (Normal Time + Overtime) Incl. 15% VAT |
|-------------|---|----------------------------|-------------------------|-----------|------------------------|-------------------------|-----------|------------------------|--|
| | | | Unit rate (R) Excl. VAT | VAT @ 15% | Unit rate (R) Inc. VAT | Unit rate (R) Excl. VAT | VAT @ 15% | Unit rate (R) Inc. VAT | |
| 1 | 16 kl to 18 kl | Kilolitre | | | | | | | |
| 2 | Provision of water tankers for emergencies (no water situation) | Hour | | | | | | | |
| 3 | Total | | | | | | | | |

Southern Region

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| Item number | Description | Unit of Measure (Rate per) | Normal Time | | | Overtime | | | Grand Total (Normal Time + Overtime) Incl. 15% VAT |
|-------------|---|----------------------------|-------------------------|-----------|------------------------|-------------------------|-----------|------------------------|--|
| | | | Unit rate (R) Excl. VAT | VAT @ 15% | Unit rate (R) Inc. VAT | Unit rate (R) Excl. VAT | VAT @ 15% | Unit rate (R) Inc. VAT | |
| 1. | 10 kl to 14 kl | Kilolitre | | | | | | | |
| 2 | Provision of water tankers for emergencies (no water situation) | Hour | | | | | | | |
| 3 | Total | | | | | | | | |

| Item number | Description | Unit of Measure (Rate per) | Normal Time | | | Overtime | | | Grand Total (Normal Time + Overtime) Incl. 15% VAT |
|-------------|---|----------------------------|-------------------------|-----------|------------------------|-------------------------|-----------|------------------------|--|
| | | | Unit rate (R) Excl. VAT | VAT @ 15% | Unit rate (R) Inc. VAT | Unit rate (R) Excl. VAT | VAT @ 15% | Unit rate (R) Inc. VAT | |
| 1 | 16 kl to 18 kl | Kilolitre | | | | | | | |
| 2 | Provision of water tankers for emergencies (no water situation) | Hour | | | | | | | |
| 3 | Total | | | | | | | | |

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Johannesburg Water SOC Ltd

Registration Number: 2000/029271/30

AREA TO BE TENDERED FOR

The Tenderer (Company) must indicate the area which they will be willing to render the services of transporting and delivery of potable water for by indicating the preferred category in terms of ranking from 1-2 below:

| Region | Description | Preferred region in terms of ranking 1 or 2 |
|--------|-----------------|---|
| 1. | Northern Region | |
| 2 | Southern Region | |

AVAILABILITY OF RESOURCES

| Item | Description | Region | Categories | Number of water tankers offered by the tenderer |
|------|------------------------|-----------------|--------------------|---|
| a. | Midrand | Northern Region | 10.0 KL to 14.0 KL | |
| | | | 16.0 KL to 18.0 KL | |
| b. | Ennerdale-Deep South | Southern Region | 16.0 KL to 18.0 KL | |
| c. | Soweto | Southern Region | 10.0 KL to 14.0 KL | |
| | | | 16.0 KL to 18.0 KL | |
| d. | Sandton/ Malboro | Northern Region | 10.0 KL to 14.0 KL | |
| e. | Randburg | Northern Region | 10.0 KL to 14.0 KL | |
| f. | JHB Central-Langlaagte | Southern Region | 10.0 KL to 14.0 KL | |
| g. | Hamburg | Northern Region | 10.0 KL to 14.0 KL | |

Note 1: It must be noted that the requirements needed for the capacities is not for commitment of water tankers from the Tenderer for the duration of the contract. The numbers are required to serve as an assessment for the Tenderers' available resources and they also serve as an indication for JW to determine which capacities the tenderer will be bidding for and allocated by Johannesburg Water. Tenderer may offer more than the estimated quantities of water

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tankers. Should JW's demand increase or there be an emergency which requires additional capacity, JW may allocate additional capacity from the awarded service provider that offered additional water tankers that passed evaluation.

Note 2: Assurance must be made that the water tankers offered are in line with the specification as outlined on the Scope of Work: Description of Plant

Note 3: The tenderer is to note that the water tankers offered will have to be made available from the date of appointment or within 7 days.

If the tenderer does not own the water tankers offered, then they will have to get confirmation from where they will be hiring that the water trucks will be made available within twenty-one (21) days from the date of appointment. Confirmation by the owner of the water tankers to this effect must be stipulated on the letter of intend to hire submitted with the tender document.

Note 4: Combined total per region will be used when determining preference points and preference ranking.

SIGNATURE(S) OF AUTHORIZED PERSON

NAME OF BIDDER

NAME OF AUTHORIZED PERSON IN BLOCK LETTERS

BID NUMBER:

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3. EVALUATION PROCESS

| STAGE | DESCRIPTION |
|---------|-------------------------------------|
| Stage 1 | Mandatory Evaluation |
| Stage 2 | Administrative Evaluation |
| Stage 3 | Technical Evaluation |
| Stage 4 | Pricing Evaluation and Preferencing |

Stage 1: Mandatory Evaluation

These are the definitely non-negotiable criteria that must be part of the bid and submitted before RFP closing date and time.

| NO. | MANDATORY CRITERIA | YES |
|-----|---|-----|
| 1 | <p>The tenderer must submit proof of the mandatory documents for their offered plant as they have offered in the pricing schedule of the tender document. The documentation must be submitted together with the RFP document.</p> <p>The following documents are required for water trucks offered:</p> <ul style="list-style-type: none"> • Proof of Certificate of Registration (RC1) in Respect of Motor Vehicle (National Road Traffic Act); and • Valid license disc or roadworthy certificates or operator card (National Road Traffic Act). • Valid Insurance per item offered. <p>NOTE 1: The proof of certificate of registration in respect of motor vehicle and any of the license disc or roadworthy certificates or operator card must be in the name of the tenderer or name of the company that the tenderer will be leasing the water tankers from.</p> <p>NOTE 2: In the event that the tenderer's water tanker offered will be hired, the tenderer must provide proof of a letter of intent to hire the tankers offered which are not owned by the tenderer, as well as the required documents as stipulated above. The letter of intent must commit that the equipment will be made available within 7 days of date of appointment.</p> <p>NOTE 3: With Johannesburg Water allowing tenderers to hire water tankers in order to meet Johannesburg Water's capacity</p> | Yes |

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| | | |
|---|--|-----|
| | <p><i>requirements, there may be a situation where more than one tenderer is the highest scoring in terms of preference points in the two regions and have tendered using the same documentation. Tenderers that are leasing water tankers are to submit alternate letter of intent and documentation for the water tankers that they are offering.</i></p> <p><i>However, bidders that are hiring water tankers that do not submit an alternate letter of intent to hire and the required documentation will not be disqualified.</i></p> <p><i>Please refer to the Allocation Strategy to determine which tenderer's water tankers will be allocated Johannesburg Water's requirements.</i></p> | |
| 2 | Signed Pricing Schedule and completed rates as per award and or allocation strategy. | Yes |

Note: LCO = Motor Vehicle Licence, License Disc, Roadworthy Certificate and Operator Card

NB: Bidders that fail to comply with the above mandatory requirement will not be evaluated further.

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Stage 2: Administrative evaluation

| REFERENCE TO RFP DOCUMENT | DESCRIPTION | REQUIRED |
|------------------------------------|---|----------|
| MBD 3.1 | Pricing Schedule – Firm Prices (Purchases) | Yes |
| MBD 5 | Declaration for procurement above R10 Million (all applicable taxes included) | Yes |
| CSD Registration | MAAA number – Tax Compliance at award stage | Yes |
| MBD 4 | Pricing Schedule – Firm Prices (Purchases) | Yes |
| MBD 5 | Declaration of Interest | Yes |
| MBD 6.1 | Preference Points Claim in Terms of The Preferential Procurement Regulations 2022 | Yes |
| MBD 8 | Declaration of Bidder's Past Supply Chain Management Practices | Yes |
| MBD 9 | Certificate of Independent Bid Determination | Yes |
| Annexure – Proof of Specific Goals | Requested verification documents to be submitted with the proposal | Yes |
| Annexure | Municipal Rates and Taxes for the Tenderer - Current municipal rates for the entity not in arrears by more than 90 days. If leasing/renting, submitted copy of valid lease agreement where premises are rented OR Confirmation that suitable arrangements are in place for arrear municipal obligations with your local municipality OR Current municipal rates which is not older than 90 days or valid lease agreement with affidavit from owner of property in cases stated in Proof of Good Standing with regards to Municipal Accounts document | Yes |
| Annexure | Municipal Rates and Taxes - Current municipal rates for the directors of the entity not in arrears by more than 90 days. If leasing/renting, submitted copy of valid lease agreement where premises are rented OR Confirmation that suitable arrangements are in place for arrear municipal obligations with your local municipality OR Current municipal rates which is not older than 90 days or valid lease agreement with affidavit from owner of property in cases stated in Proof of Good Standing with regards to Municipal Accounts document. | Yes |
| Annexure | Joint Venture, Consortium, or equivalent agreement– if applicable. | |

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Stage 3: Technical Requirements

| CRITERIA NO # | CRITERIA | EVIDENCE | SUB-CRITERIA/CLAUSE | WEIGHTING | SCORE |
|---------------------------------|--|--|---|-----------|------------|
| 1. | Tenderer's experience with respect to supply/transportation and delivery of potable water using water tankers. | The tenderer must provide reference letter(s) as proof that supply/transportation and delivery of potable water with water tankers was carried out successfully. NB: The attached reference template must be completed by the referee and included in the tender submission. Alternatively, the client's letterhead may be used for this purpose provided it complies with the functional criteria requirements. | Total Years of Experience in the supply/transportation and delivery of potable water | 100 | |
| | | | Less than 1 year | | 0 |
| | | | 1 year and more but less than 2 years | | 70 |
| | | | 2 years and more, but less than 5 years | | 85 |
| | | | 5 years or more | | 100 |
| MINIMUM QUALIFYING SCORE | | | | | 70 |
| TOTAL | | | | | 100 |

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CONTACTABLE REFERENCE

To Johannesburg Water (SOC) Ltd

I, the undersigned being duly authorised to do so, hereby furnish a reference to Johannesburg Water relative to the **Supply and delivery of Potable Water**.

Name of Tenderer:

Description of Services provided in terms of scope of work and or technical criteria

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

Duration: Year-Month-Day when the Goods / Services were provided

Start date (Year- Month -Day) when the above was provided:/...../.....

End date (Year- Month -Day) when the above was provided:/...../.....

Name of authorised person:

Signature: **Date**

Telephone/Mobile:

Email:

Completed on behalf (Name of Client)

NB: This document must be completed by the referee / client and included in the tender submission. Alternatively, the client's letterhead may be used for this purpose provided it complies with the functional criteria requirements as stated on this template. A separate form must be completed for each reference as required in the evaluation criteria. Information provided will be verified and if found to be false or misrepresented, punitive measures will be instituted against the respective party including blacklisting and restriction from participating in any future government tender.

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.....
.....
.....
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Duration: Year-Month-Day when the Goods / Services were provided

Start date (Year- Month -Day) when the above was provided:/...../.....

End date (Year- Month -Day) when the above was provided:/...../.....

Name of authorised person:

Signature: **Date**

Telephone/Mobile:

Email:

Completed on behalf (Name of Client)

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COMPLIANCE CHECKLIST SHEET FOR DOCUMENTATION OF WATER TANKERS OFFERED

Northern Region

[illegible]

Note: The following must be completed by the tenderer.

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Northern Region

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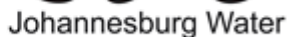
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4. PREFERENCING

4.1. Stage 4: The responses will be evaluated on the **80/20 preference points principle**. Pricing schedule to be completed fully or per item offered. Bidders who failure to quote or complete the pricing schedule as per this requirement will be disqualified. The required proof for claiming points for specific goals is as follows:

| GOAL | WEIGHTING | VERIFICATION |
|---|-----------|---|
| EME owned by 51% or more Black owned | 5 | Valid BBBEE Certificate issued by SANAS accredited verification agency or DTI /CIPC BBBEE Certificate for Exempted Micro Enterprises or Affidavit sworn under oath. |
| Businesses located in Gauteng Province | 5 | Proof of municipal account / valid lease agreement or letter from the Ward Council confirming the business address. |
| Businesses located within the boundaries of the COJ | 10 | Proof of municipal account / valid lease agreement or letter from the Ward Council confirming the business address. |

Note: A tenderer failing to submit proof of specific goals claimed as per the tender conditions may not be disqualified but only points for price will be allocated and zero points for specific goals.

5. AWARDING STRATEGY

OBJECTIVE CRITERIA is applicable. The objective criteria JW wants to achieve is security of supply (JW's capacity requirements per region are met and risk management. The intention is to award to the highest preference ranking tenderer per region to one or more tenderers based on Johannesburg Water's capacity requirements.

- Tenderers will only be awarded in one region irrespective of being the highest preference-ranking Tenderer in both regions, unless Johannesburg Water cannot award a certain region to other Tenderers in which case, Johannesburg Water can then award a Tenderer in more than one region t.

Tenderer may Tender for the full region or different capacities within one region. Tenderer may also tender for both regions and the capacities within the region.

Tenderers are therefore requested to rank their preferred region of operation from 1-2. Please refer to Pricing Data. *Tenderers will be considered for region number tendered for and ranked.*

- Allocation to region in cases where the Tenderer is the highest preference-ranking Tender will be based on the preferred region provided by the tenderer under-pricing schedule.

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Johannesburg Water reserves the right to award a region to a Tenderer that is not the highest preference-ranking Tenderer if the highest preference-ranking Tenderer has been awarded in another region.

6. ALLOCATION STRATEGY

Allocate all water tankers offered by the Tenderer to the highest preference ranking Tenderer per region. If the tenderer is the highest preferred ranking tenderer for both regions, their preferred choice of region will be used to determine which region they will be allocated. If the water tankers offered are not sufficient to meet all Johannesburg Water capacity and technical requirements for that region, the following shall happen:

- The next highest preference ranking Tenderer's water tankers offered that meet the technical requirements will be allocated the difference, provided they are not the highest preferred tenderer in another region and will be recommended for award.
- If Johannesburg Water's capacity requirements are still not met, the next highest ranking preference Tenderer's water tankers offered that meet the technical requirements will be allocated the difference, provided they are not the highest preferred tenderer in another region. The cycle will continue until all capacity requirements per region are met.
- To ensure value for money / cost effectiveness, Johannesburg Water will negotiate prices with service providers who are recommended for market related price and reserve the right to standardize the rates of the Tenderers that are awarded for the same region/capacity using Johannesburg Benchmarked rates as a guide to determine cost effectiveness.
- In cases where the water trucks that have been hired by the tenderer have been allocated to another service provider, the alternate letters of intent to hire water tankers will be used to allocate the water tankers to meet Johannesburg Water capacity requirements.
- If there is no alternate letter of intent or documentation submitted by any of the tenderers that are the highest scoring in different regions and have the same documentation, the allocation will be done as follows (Objective Criteria):
 - The tenderer with highest preference ranking will be allocated those water tankers. If those tenderers have scored the same preference points, the allocation will be made to the tenderer that scored the highest points for specific goals. If there is still a deadlock, the allocation will be decided by the drawing of lots.
 - The allocation for the then outstanding capacities will be made to the next highest preference ranking Tenderer. The cycle will continue until all capacity requirements per region are met.

Directors:

Ms Dineo Majavu (Chairperson), Mr Ntshavheni Mukwevho (Managing Director and Executive Director),

Mr Kgaugelo Mahlaba (Chief Financial Officer and Executive Director), Mr Sipho Mthembu, Ms Zandile Meeleso, Mr Pholoso Matjele,

Mr Kgaile Mogoye, Mr Molate Mashifane, Ms Pamela Mabece, Mr Collen Sambo, Mr Makoko Makgonye, Ms Thabiso Kutumela, Mr Kefiloe Mokoena

Ms Kethabile Mabe (Company Secretary),

Johannesburg Water SOC Ltd

Registration Number: 2000/029271/30

7. RETURNABLE DOCUMENTS

The following documents **must** be returned together with this Request for Pricing:

- 7.1. This request for pricing document must be completed and submitted with pricing or quotation.
- 7.2. Proof of points claimed for specific goal must be submitted in order to qualify for preference points.
- 7.3. Complete and sign the following Municipal Bidding Documents (MBD).
 - 7.3.1. MBD 3.1 Firm Price(s) Purchase (where applicable).
 - 7.3.2. MBD 4 form (Declaration of Interest).
 - 7.3.3. MBD 5 A completed and signed Declaration for Procurement Above R10 Million (Vat Included) form MBD 5,
 - 7.3.4. MBD 6.1 Form (Preference points claim form).
 - 7.3.5. MBD 8 (Declaration of Bidder's Past Supply Chain Management Practices)
 - 7.3.6. MBD 9 (Certificate of Independent Bid Determination)
- 7.4. Latest municipal account/statement not older than three months or valid lease agreement for both the company and all active Directors.
- 7.5. Annual financial statements (AFS) three (03) years, (if required, audited financial statements)
- 7.6. The required documentary evidence for functionality or technical evaluation

8. GENERAL TERMS AND CONDITIONS

Price(s) quoted must be valid for at least ninety (90) days from date of your offer.

Price(s) quoted **must** be firm for the duration of the contract and must be inclusive of VAT.

Bidders will be afforded a period of two (2) days to complete the following returnable documents (MBD 4, MBD 5, MBD 6.1, MBD 8 and MBD 9) in instances where such forms are incomplete.

Bidders who did not submit municipal statement of account or valid lease agreement for both the company and all active directors will be afforded a period of two (2) days to submit. In a case where the company or active Directors have municipal commitments overdue for more than 90 days they will be offered three (3) days to settle their overdue amounts or submit proof of an arrangement agreed to between that municipality and that company or Director.

Directors:

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Mr Kgaile Mogoye, Mr Molate Mashifane, Ms Pamela Mabece, Mr Collen Sambo, Mr Makoko Makgonye, Ms Thabiso Kutumela, Mr Kefiloe Mokoena

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–(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE 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

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?
☐ YES ☐ NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?
☐ YES ☐ NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
☐ YES ☐ NO

Directors:

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Mr Kgaile Mogoye, Mr Molate Mashifane, Ms Pamela Mabece, Mr Collen Sambo, Mr Makoko Makgonye, Ms Thabiso Kutumela, Mr Kefiloe Mokoena

3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

☐ YES ☐ NO

3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

☐ YES ☐ 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.

GENERAL CONDITIONS OF CONTRACT WILL GOVERN THE CONTRACT. SHOULD THERE BE A DISCREPANCY BETWEEN THE GENERAL CONDITIONS OF CONTRACT AND THE SPECIAL CONDITIONS OF CONTRACT, THE SPECIAL CONDITIONS OF CONTRACT SHALL PREVAIL.

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

Directors:

Ms Dineo Majavu (Chairperson), Mr Ntshavheni Mukwevho (Managing Director and Executive Director),
Mr Kgaugelo Mahlaba (Chief Financial Officer and Executive Director), Mr Sipho Mthembu, Ms Zandile Meeleso, Mr Pholoso Matjele,
Mr Kgaile Mogoye, Mr Molate Mashifane, Ms Pamela Mabece, Mr Collen Sambo, Mr Makoko Makgonye, Ms Thabiso Kutumela, Mr Kefiloe Mokoena

Ms Kethabile Mabe (Company Secretary),
Johannesburg Water SOC Ltd
Registration Number: 2000/029271/30

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

Name of Bidder..... Bid Number: **RFI JW 27/08/2024**

Closing Time: **13:00** Closing Date: **29 AUGUST 2024**

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

- Required by: ...Johannesburg Water.....
- At: ...various informal settlements.....
- Brand and Model
- Country of Origin

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.

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

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

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, hareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 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
- (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.

3.9 Have you been in the service of the state for the past twelve months?**YES / NO**

3.9.1 If yes, furnish particulars.....

.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.10.1 If yes, furnish particulars.

.....

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.11.1 If yes, furnish particulars

.....

.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If yes, furnish particulars.

.....

.....

3.13 Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.

.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:

.....

.....

4. Full details of directors / trustees / members / shareholders.

| Full Name | Identity Number | State Employee Number |
|-----------|-----------------|-----------------------|
| | | |
| | | |
| | | |
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| | | |

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (VAT INCLUDED)

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

- *1 Are you by law required to prepare annual financial statements for auditing? YES / NO

**In the event the Annual Financial Statements submitted with this tender reflect that the tenderer is not required by law to have such statement audited, Johannesburg Water reserves the discretion to interpret your selection of "Yes" as a "No" and analyse it accordingly.*

- 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. YES / NO

.....

.....

2. If the bidder is not required by law to prepare annual financial statements for auditing, they shall be required to furnish their Annual Financial Statements -

- i. for the past three years , or
- ii. since their establishment if established during the past three years

3. Do you have any outstanding undisputed commitments for municipal services towards a municipality or any other service provider in respect of which payment is overdue for more than 30 days? YES / NO

- 3.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days.

- 3.2 If yes, provide particulars.

.....

4. 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?

4.1 If yes, furnish particulars

.....

5. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?

YES / NO

5.1 If yes, furnish particulars

.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of Bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE MBD 6.1 PREFERENTIAL PROCUREMENT REGULATIONS OF 2022

Preference Points Claim Form in Terms of The Preferential Procurement Regulations 2022 – Reg 3(2)

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 80/20 preference point system will be applicable in this tender. The lowest acceptable tender will be used to determine the accurate system once tenders are received.

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

- a) Price; and
b) Specific Goals.

1.4 The maximum points for this tender are allocated as follows:

| | POINTS |
|--|------------|
| PRICE | 80 |
| SPECIFIC GOALS | 20 |
| Total points for Price and SPECIFIC GOALS | 100 |

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

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

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

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE MBD 6.1 PREFERENTIAL PROCUREMENT REGULATIONS OF 2022

- 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 points is allocated for price on the following basis:

80/20

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in Table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

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.)

| The specific goals allocated points in terms of this tender | Number of points allocated (80/20 system) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|---|--|
| EME owned by 51% or more Black owned | 5 | |
| Businesses located in Gauteng Province | 5 | |
| Businesses located within the boundaries of the COJ | 10 | |
| Total | 20 | |

5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1 Name of company/firm.....

5.2 Company registration number:

5.3 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]

5.4 I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

| | |
|------------------------------------|----------------|
| | |
| SIGNATURE(S) OF TENDERER(S) | |
| SURNAME AND NAME: | |
| DATE: | |
| ADDRESS: | |

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

| Item | Question | Yes | No |
|-------|--|-------------------------------------|------------------------------------|
| 4.1 | <p>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?</p> <p>(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).</p> <p>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.</p> | <p>Yes</p> <input type="checkbox"/> | <p>No</p> <input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars: | | |
| 4.2 | <p>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)?</p> <p>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.</p> | <p>Yes</p> <input type="checkbox"/> | <p>No</p> <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? | <p>Yes</p> <input type="checkbox"/> | <p>No</p> <input type="checkbox"/> |

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

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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.

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 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)

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.
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.

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.

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

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