

**City of Johannesburg**

Johannesburg Water SOC Ltd

Turbine Hall
65 Ntshabane Street
Newtown
JohannesburgJohannesburg Water
PO Box 61542
Marshalltown
2107Tel +27(0) 11 688 1400
Fax +27(0) 11 688 1528www.johannesburgwater.co.za**REQUEST FOR PRICING**

Form No: JW SCM Dev 001

Revision No: 01

Effective Date: February 2022

| | | | | | |
|--------------------------------|--|------------------------|---|---------------|-------|
| RFP NUMBER: | RFP 02/2024 | CLOSING DATE: | 26 November 2024 | CLOSING TIME: | 14:00 |
| DESCRIPTION: | Hiring of 110 Ton mobile crane Bulk Wastewater Treatment Work on as and when required for a period of six (06) months. | | | | |
| BRIEFING SESSION DATE AND TIME | Compulsory Briefing session on 18 November 2024 @ 12:00 | BRIEFING SESSION VENUE | Bushkoppies Works - Cnr Golden Highway R553 And Stockwell Avenue Eldorado Estates | | |
| ISSUE DATE | 14 November 2024 | | | | |

| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: | | | |
|---|--|---|--|
| General enquiries must be directed to | | Technical enquiries must be directed to | |
| CONTACT PERSON | Tshilidzi Takalani | CONTACT PERSON | Keorapetse Nyokong |
| TELEPHONE NUMBER | 011 688 1772 | TELEPHONE NUMBER | 011 959 3946 |
| E-MAIL ADDRESS | tshilidzi.takalani@jwater.co.za | E-MAIL ADDRESS | keorapetse.nyokong@jwater.co.za |

Directors:

Ms Dineo Majavu (Chairperson), Mr Ntshavheni Mukwevho (Managing Director and Executive Director),
Mr Kgaugelo Mahlaba (Chief Financial Officer and Executive Director), Mr Siphon Mthembu, Ms Zandile Meeleso, Mr Pholoso Matjele,
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Mr Kefiloe Mokoena

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



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

| BID SUBMISSION: |
|---|
| <p>BID DOCUMENTS MUST BE DEPOSITED IN THE TENDER BOX SITUATED AT GROUND FLOOR IN JOHANNESBURG WATER</p> <p>ADDRESS: TURBINE HALL, 65 NTEMILISO STREET, NEWTOWN, JOHANNESBURG, 2001</p> <p>PLEASE ALLOW SUFFICIENT TIME TO ACCESS THE JOHANNESBURG WATER OFFICE IN TURBINE HALL AND DEPOSIT YOUR TENDER DOCUMENT IN THE JOHANNESBURG WATER TENDER BOX SITUATED AT RECEPTION BEFORE THE TENDER CLOSING DATE AND TIME.</p> <p>• TIMES: THE BUILDING WILL OPEN 7 DAYS A WEEK FROM 06:00AM UNTIL 18:00PM Late bids will not be accepted for consideration.</p> |

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- **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

1. DESCRIPTION

Hiring of 110 Ton mobile crane Bulk Wastewater Treatment Work on as and when required for a period of six (06) months. The rental cost includes transportation costs to site including fuel, and site establishment and de-establishment costs, certified riggers, and insurances .

Maximum working hours/day = 9 hrs. (no overtime or exceeding of maximum hours).

LOCATION AND DELIVERY:

The service provider will be required on following addresses which are given in good faith and may change to suit JW's operational requirements.

Bushkoppie WWTW

Cnr Golden Highway R553
And Stockwell Avenue
Eldorado Estates

Driefontein WWTW

Portion 55 of Farm
Driefontein 179-IQ

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Ennerdale WWTW

Portion 48 of Farm
Elandsfontein 30810

Goudkoppies WWTW

Cnr. East street &
Gibbs Road Devland

Northern WWTW

William Nicol Ext
(R511+/- 8km north of Fourways)

Olifantsvlei WWTW

Cavendish Street Ext
Olifantsvlei 316-IQ
Portion RE/2/316
(Adjacent to Northern Industrial Sites)

Rental duration: Six (06) months

PRICING SCHEDULE

The rental cost includes transportation costs to site including fuel, and site establishment and de-establishment costs, certified riggers, and insurances .
Maximum working hours/day = 9 hrs. (no overtime or exceeding of maximum hours).

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1. SPECIFIC GOALS

| THE SPECIFIC GOALS ALLOCATED POINTS IN TERMS OF THIS TENDER | NUMBER OF POINTS ALLOCATED (80/20 SYSTEM) |
|---|---|
| Businesses located within the Gauteng Province | 10 |
| Businesses owned by 51% or more Black people who are youth | 10 |
| Total | 20 |

| SPECIFIC GOALS – ANY ONE OR A COMBINATION OF ANY | MEANS OF VERIFICATION THAT MAY BE SELECTED OR A COMBINATION THEREOF |
|--|---|
| Businesses located within the Gauteng Province | <ul style="list-style-type: none">Proof of municipal account / valid lease agreement, letter from the Ward Council confirming the business address. |
| Business owned by 51% or more – Black Youth | <ul style="list-style-type: none">Valid BBBEE Certificate issued by SANAS accredited verification agency or Affidavit sworn under oath. |

2. EVALUATION PROCESS

Tender evaluation process to be as follows:

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

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3. EVALUATION PROCESS

4.1 Stage 1: Mandatory and Administration Evaluation

Mandatory

| NO. | MANDATORY CRITERIA | REQUIREMENT |
|-----|---|-------------|
| 1 | Attendance of compulsory clarification session. | YES |
| 2 | Completed and signed pricing schedule | YES |

4.2 Stage 2: Administrative Evaluation Criteria:

| NO. | REFERENCE TO TENDER DOCUMENT | DESCRIPTION | REQUIREMENT |
|-----|------------------------------|---|---|
| 1. | CSD | Central Supplier Database Registration | Provide proof of CSD registration. Complete MAAA number on cover page or copy of CSD report. |
| 2. | MBD 4 | Declaration of Interest | Complete and signed MBD 4 Form. |
| 3. | MBD 5 | Declaration for procurement above R10 million | Complete and signed MBD 5 Form |
| 4. | MBD 6.1 | Preference Points Claim in Terms of The Preferential Procurement Regulations 2022 | Complete and signed MBD 6.1 Form. |
| 5. | MBD 8 | Declaration of Bidder's Past Supply Chain Management Practices | Complete and signed MBD 8 Form. |

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| | | | |
|----|--|---|--|
| 6. | MBD 9. | Certificate of Independent Bid Determination | Complete and signed MBD 9 Form. |
| 7. | Annexure – Proof of Specific Goals | Refer to documents listed in point 2. | Submit applicable documentation with the tender submission |
| 8. | Municipal Rates and Taxes for the Tenderer | <p>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.</p> <p>OR</p> <p>Confirmation that suitable arrangements are in place for arrear municipal obligations with your local municipality.</p> <p>OR</p> <p>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</p> | Submit applicable documentation with the tender submission |

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| | | | |
|-----|--|---|--|
| 9. | Municipal Rates and Taxes - Current municipal rates for the directors of the entity | Municipal Rates and Taxes - Current municipal rates for the directors of the entity not in arrears by 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. | Submit applicable documentation with the tender submission |
| 10. | Joint Venture or equivalent agreement | Joint Venture Agreement, Consortium or equivalent signed by all parties | Submit applicable documentation with the tender submission |

Tenderers will be notified of any omitted, outstanding, missing and or incomplete administrative documents and will be offered a period of 3 days to complete or submit those pages i.e., Municipal Bidding Documents (MBD), authority to sign and other administrative documents that require completion and signatures. These exclude documentation on functionality, price and preference points for specific goals.

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Tenders that are received contrary to the above requirements will be disqualified after three (3) days period has lapsed.

If locality is a specific goal in MBD6.1 – the requested documentation may not be used to allocate points for specific goals.

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Evaluation criteria as set out in the RFP document

| PART A: TENDERER'S CAPACITY AND EXPERIENCE INCLUDING KEY PERSONNEL | | | | | |
|--|--|---|---|-----------|-------|
| TENDERER'S EXPERIENCE | | | | | |
| CRITERIA NO. | CRITERIA | EVIDENCE | SUB-CRITERIA/CLAUSE | MAX SCORE | SCORE |
| 1 | The Tenderer (Company) is required to demonstrate experience in hiring/rental of mobile crane above 55 tons. | The Tenderer (Company) must provide relevant reference letter(s) orders with delivery note with proof that they have successfully executed and completed the required services for hiring/rental of mobile crane above 55 tons for a minimum period of 30 days. (Total number of days regardless of the period or duration) <i>This document 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. A separate form must be completed for each reference as required in the evaluation criteria. The 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.</i> | Reference Letters for hiring of a mobile crane above 55 tons | 34 | 0 |
| | | | Less than 14 days | | |
| | | | 14 days, and not more than 30 days | | 24 |
| | | | 31 days or more | | 34 |
| 2 | Relevant experience Crane Operator to be used for provision of services for hiring/rental of mobile crane above 55 tons. | The tenderer must provide a valid certified copy of 1 x valid Crane Operator certificate and valid medical report/certificate | Operator's Certificate and medical certificate | 33 | 0 |
| | | | None submission of certificates | | |
| | | | 1 x Valid Operators and medical Certificate | | 23 |
| | | | 1 x Valid Operator's Certificate, medical Certificate and any other | | 33 |

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PART A: TENDERER'S CAPACITY AND EXPERIENCE INCLUDING KEY PERSONNEL

TENDERER'S EXPERIENCE

| CRITERIA NO. | CRITERIA | EVIDENCE | SUB-CRITERIA/CLAUSE | MAX SCORE | SCORE |
|--------------------------|--|--|---|-----------|-------|
| | | | certificate related to the crane operations. | | |
| 3 | Relevant experience Riggers to be used for provision of services for hiring/rental of mobile crane above 55 tons.. | The tenderer must provide valid certified copy of rigger(s) certificates and medical reports | Rigger(s) Certificate and medical certificate | 33 | 0 |
| | | | None submission of certificates | | |
| | | | Valid Rigger(s) and medical Certificate | | 23 |
| | | | Valid Rigger(s) Certificate, medical Certificate and any other certificate related to the crane operations. | | 33 |
| MINIMUM QUALIFYING SCORE | | | | 70 | |
| TOTAL (PART A) | | | | 100 | |

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CONTACTABLE REFERENCE

To Johannesburg Water (SOC) Ltd

I, the undersigned being duly authorized to do so, hereby furnish a reference to Johannesburg Water relative to the **Hiring of 110 Ton mobile crane Bulk Wastewater Treatment Work on as and when required for a period of six (06) months.**

Name of Tenderer:

Description of Services provided in relation to scope of work or criteria 1 of evaluation

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

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

From.....

To.....

Name of authorised person:

Signature:**Date**

Telephone/Mobile:

Email:

Completed on behalf (Name of Client)

NB: This document 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. 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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AWARDING STRATEGY

This request for pricing will be awarded to the highest scoring bidder in terms of price and points scored for specific goals.

Pricing Instructions

- All prices shall be exclusive of Value Added Tax (VAT).
- Bidders must submit prices in black ink, detailing all direct and indirect costs.
- Payment will be made upon completion of activities as outlined in the Schedule of Activities.
- Any adjustments to pricing must receive prior written approval from the Client.
- Rates should reflect full inclusive prices covering all related costs, risks and obligations related to the work described. Costs to be included in the rates are rental of equipment, operator, rigger(s), insurances and fuel.
- Site establishment will include transports costs, permits, setting up and take-down include all required Personal Protective Equipment and related operating tools and equipment.

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1. Schedule of Quantities

| No | Description | Units of Measurements | Qty | Rate | Amount |
|-----------|--|-----------------------|-----|------|--------|
| 1 | Hiring of 110 Ton mobile crane at various Wastewater Treatment Works.. | Day | 1 | | |
| 2 | Site Establishment and De-establishment per site/Works | Day | 1 | | |
| 3 | OHS Compliance | Sum | 1 | | |
| SUB-TOTAL | | | | | |
| 15% VAT | | | | | |
| TOTAL | | | | | |

Signature of person authorized to sign this tender (Pricing Schedule Sign-off):

Name: _____ **Signature:** _____

Date: _____

NB: Schedule of quantities must not be amended. Bidders who amend the schedule will be disqualified.

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2. Returnable Schedule

- i. Valid certified copies of crane operator.
- ii. Valid certified copies of Riggers.
- iii. Contactable reference in relation to past experience in rental/hiring of mobile cranes (> 55 ton) for a minimum period of 30 days.

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

1. This request for pricing document must be completed and submitted with pricing/quotation.
2. Proof of municipal account / valid lease agreement, letter from the Ward Council confirming the business address, must be submitted in order to qualify for preference points.
3. Complete and sign the following Municipal Bidding Documents (MBD):
 - MBD 3.1 Firm Price(s) Purchase
 - MBD 4 form (Declaration of Interest),
 - MBD 5 form (Declaration for procurement above R10 million),
 - MBD 6.1 Preference points claim form),
 - MBD 8 (Declaration of Bidder's Past Supply Chain Management Practices)
 - MBD 9 (Certificate of Independent Bid Determination)
4. Latest municipal account/statement not older than three months or valid lease agreement for both the company and all active Directors.

Directors:

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Ms Kethabile Mabe (Company Secretary),
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Registration Number: 2000/029271/30



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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 3.1, MBD 4, MBD 5, 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.

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SPECIAL CONDITIONS OF CONTRACT

GENERAL:

NB: The attention of the tenderer is drawn to the fact that General Conditions of Contract shall apply, where applicable, to this contract.

1. DEFINITIONS:

- 1.1 That "Johannesburg Water (SOC) Ltd" shall herein after be referred to as "JW".
- 1.2 The "Managing Director" shall mean the Managing Director: Johannesburg Water (SOC) Ltd or his authorised representative.
- 1.3 "Vat" shall mean Value Added Tax in terms of the Value Added Tax Act 89 of 1991 as amended.
- 1.4 "Manager" shall mean the JW Regional Manager of one of the six regions or his authorised representative.

2. PRICE:

- 2.1 All prices shall exclude Value Added Tax at the standard rate as gazetted from time to time by the Minister of Finance in terms of the Value Added Tax Act 89 of 1991 as amended.
- 2.2 All alterations must be authenticated with a signature or initialled by the authorised signatory. Failure to comply with this requirement will render the tender liable for rejection on grounds of being incomplete.
- 2.3 The plant / machine rates must be quoted on the Pricing Schedule (JW 4) and must include transportation costs to site including fuel, and site establishment and de-establishment costs, certified riggers, and insurances ..
- 2.4 Plant shall be paid for at the rates tendered in the Pricing Schedule (JW 4) for the full period of hire except for breakdowns, unavailability, delays and inclement weather when plant cannot be used.

3. CONTRACT PRICE ADJUSTMENT

- 3.1 The prices for items quoted for must be firm with escalations already factored in.

4. SURETY BOND:

- 4.1 No surety bond shall be required in terms of this contract.

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5. COMPLIANCE WITH LEGISLATION:

- 5.1 The Contractor shall comply with all Municipal By-laws, and any other Laws, Regulations or Ordinances and shall give all notices and pay all fees required by the provisions of such By-laws and Regulations Specified therein.
- 5.2 The Contractor shall comply with all the requirements prescribed in the technical specification, unless otherwise stated.

6. SAFETY:

- 6.1 Without derogation from the generality of Clause 5.1, or from any other Provision of this contract, the Contractor shall comply in all respects with the safety and other requirements of the Occupational Health Safety Act 85 of 1993 and the regulations applicable.
- 6.2 Successful tenderers will be required to compile and submit a Health and Safety File for approval by the JW OHS Department prior to commencement of the contract.

7. INSURANCE AND INDEMNIFICATION:

- 7.1 In addition to any insurance required to be held by the Contractor in terms of the Occupational Injuries and Diseases Act no.130 of 1993, the Contractor must be fully insured against all accidents, loss or damage arising out of the conditions or operation of the equipment or execution of any work including all third party risks.

The Contractor hereby agrees to indemnify JW against all claims by third Parties or the Contractor's own employees resulting from the operations carried out by the Contractor under this contract up until the end of the contract.

- 7.2 A current certificate of good standing in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 must be furnished by the Contractor within 21 days of notification of acceptance of the tender. Proof of renewal or extension of insurance cover must be furnished by the Contractor whenever required by JW.
- 7.3 The Contractor shall be liable for any damages or injury of whatever nature caused directly or indirectly as a result of his operations, to any of JW's or Municipal Government or Private Property or to his own plant/equipment and personnel.
- 7.4 Any insurance required by the tenderer in respect of the units under this contract must be included in the rental charge. Provision for this clause has been accommodated in the pricing schedule

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8. REMEDIES, BREACH, WHOLE AGREEMENT, WAIVER VARIATION AND INDULGENCES:

8.1 If the supplier or any person employed or associated with him or in the case of a Company, a Director or shareholder or person similarly associated with such Company, either directly or indirectly gives or offers to give any gratuity, reward or commission or other bribe to any person in the employ of JW this contract shall be avoidable at the instance of JW.

8.2 If the Contractor has not complied with the Managing Director's requirements or if he is in breach of any of the Conditions of this contract and:

8.2.1 Fails to remedy such breach within 2 (two) days of receipt of written notice requiring it to do so (or if not reasonably possible to remedy the breach within 2 (two) days), within such further period as may be reasonable in the circumstances, provided that the Contractor furnishes evidence within the period of 2 (two) days reasonably satisfactory to JW, that it has taken whatever steps are available to it to commence remedying the breach, then the JW shall be entitled, without notice and in addition to any other remedy available to it at law or under this agreement, including obtaining an interdict, to cancel this agreement or to claim specific performance of any obligation whether or not the due date for performance has arrived, in either event without prejudice to JW's right to claim damages.

8.2.2 Should JW elect to cancel the contract then and in such instance a certificate presented by the Managing Director of JW shall constitute proof of the contractor's indebtedness to JW.

8.3 This agreement constitutes the entire agreement between the parties relating to the matter hereof.

8.4 No amendment or consensual cancellation of this agreement or any provision or term hereof or of any agreement, bill of exchange or other document issued or executed pursuant to or in terms of this agreement and no settlement of any dispute arising under this agreement and no extension of the time, waiver or relaxation or suspension of any of the provisions or terms of this agreement or of any agreement, bill of exchange or other document issued pursuant to or in terms of this agreement shall be binding unless recorded in a written document signed by the parties. Any such extension, waiver or relaxation or suspension, which is so given or made, shall be strictly construed as relating to the matter in respect whereof it was made or given.

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9. DISPUTES:

- 9.1 In the event of any dispute arising between JW and the Contractor in connection with or arising out of the contract, it shall be referred to the Managing Director of JW who shall state his decision in writing and give notice of the same to the Contractor within 28 days of the dispute having been submitted to the Managing Director of JW. Such decision shall be binding upon the Contractor subject to clause 9.2.
- 9.2 Should the Contractor be dissatisfied with the decision of the Managing Director he/she may, within 28 days after receiving notice of such decision, require that the issue or issues be referred to a single arbitrator to be agreed upon between the parties or, failing agreement, to be nominated by the Chairman of the Association of Arbitrators and any such reference shall be deemed to be submission to the arbitration of a single arbitrator in terms of the Arbitration Act, 1965. The award of the arbitrator shall be final and binding on both parties.
- 9.3 Not later than one week after receipt of notice calling for arbitration, JW may give notice to the Contractor that the dispute or disputes be settled by Court of Law having jurisdiction.

10. SCOPE OF CONTRACT:

- 10.1 The tenderer will be required to supply services for hiring of a 110 Ton mobile crane at Bushkoppie, Goudkoppies and Olifantsvlei Works for a period of 6 months.
- 10.2 This time sheet for documentation for days wherein the equipment was working at JW site (Bushkoppie, Goudkoppies and Olifantsvlei Works) must be kept safe at all times.
- 10.3
- 10.4 The relevant authorised JW representative will also sign that same documentation (referred to herein Clause 10.2)
- A copy of the signed documentation (referred to herein Clause 10.2) will then be issued to the service provider upon completion of work on daily basis for a period of days.

11. REQUIREMENTS:

- 12.1 Only plant complying with the technical specifications are to be tendered for and will be considered for this contract.

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- 12.2 The tenderer shall be obliged to provide the equipment, tools, and personnel where warranted and set out in the specifications. The tenderer shall ensure that the plant, carry out the work allocated to them diligently and to the satisfaction of the relevant Manager.
- 12.3 The successful tender will be required within 14 days upon award to submit a quality management plan which shall address but not limited to working methods and procedures. Reporting control lines and other operational and quality management related matters.
- 13. WORKSHOP FACILITIES:** 14.1 The Service Provider must have workshop facilities fully equipped where equipment will be attended for the duration of the contract. The Service Provider's workshop facilities must be in line with the Occupational Health and Safety requirements as the JW OHS departments will be conducting audits on the facilities to ensure compliance.
- 14. ADJUDICATION OF TENDERS:** 15.1 The highest, lowest or any tender will not necessarily be accepted by JW. JW reserves the right to adjudicate the Tender to its best interest and it is not necessarily intended to award the contract to only one Contractor.
- 15. ACCEPTANCE OF TENDER:** 16.1 A valid and binding contract shall be concluded at the time when the Service Provider receives an official appointment letter and sign letter of acceptance at the offices of JW after the Service Provider where he/she will enter into a contract with JW with the term and conditions packaged in this document.
- 16. PAYMENT:** 17.1 Payment on this contract will be as follows:
- i) Invoices must be submitted based on the work done and approved by the assigned project manager.
 - ii) The contractor shall submit complete and detailed invoice as per schedule of quantities. Payment will be based on the invoices subject to any adjustment by the assigned Project Manager in respect of errors, penalties or any other claim that JW may have in respect of this contract.
 - iii) Payment will be made within the payment period as prescribed by the JW Finance Department once the correct invoice with no outstanding information is signed off and processed by the assigned project manager.

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- iv) Invoices for payment must be submitted under the contractor's name.

17. PENALTIES:

18.1 Instead of exercising its rights in terms of Clause 22 of the General Conditions of Contract, the relevant Manager or his representative may, at his discretion impose the following penalties:

- (i) If the plant/equipment is officially requested in writing from the contractor and is not supplied within 5 calendar days of an order to do so, the contractor will incur penalties. For each day the plant not supplied/delivered on site as required without any valid reasons, the contractor will incur 6% (fifteen percent) penalties for their total invoice amount. The penalty will be charged from day 6 of non-delivery up until such time that the item of plant required is supplied.
- (ii) In all cases where a stoppage has occurred without explanations, the contractor will be required to provide written explanations as to the cause thereof and if in the opinion of the relevant Manager or his/her representative was an unavoidable stoppage.
- (iii) The written explanations referred to in clause (ii) must be made in duplicate within 7 days from the day on which the stoppage occurred. If no written explanations are received, the contractor will not be paid as stipulated in clause (iii) for the period of the stoppage. The relevant Manager's decision will be conveyed to the contractor on the duplicate application submitted which must be taken into account on submission of the invoice for that particular scope of work.

19. WORKING HOURS:

19.1 Starting and finishing times will be determined by the relevant Manager on site based on 'JW's' needs at the time.

20. CESSION:

21.1 During the contract the tenderer shall neither cede, assign, sublet, mortgage, pledge nor in any way encumber the plant, lend or part with possession thereof. The Plant must be registered in the name of the tenderer for the duration of the contract.

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21. FURTHER INFORMATION:

- 22.1 Should the tenderer have any queries regarding this tender he/she must submit these in writing to Ms Khensane Tsebe via email at khensane.tsebe@jwater.co.za or alternatively call at 082 417 5504 during office hours from 07:30am to 16:00pm Monday to Friday within the first two weeks after the tender has been advertised.

22. NOTICE:

- 23.1 Any NOTICE or communication required or permitted to be given in terms of this agreement shall be valid and effective only if in writing and may be given in one or more of the following manners:-
- 23.1.1 Sent by prepaid registered post (by airmail if appropriate) in an envelope correctly addressed to it at an address chosen as its *domicilium citandi et executandi* to which post it is delivered, in which event such notice shall be deemed to have been received on the 7th (seventh) business day after posting (unless the contrary is proved); or
- 23.1.2 Delivered by hand to a responsible person during ordinary business hours at the physical address chosen as its *domicilium citandi et executandi*, in which event such notice shall be deemed to have been received on the day of delivery; or
- 23.1.3 Sent by telefax to its chosen telefax number, in which event such notice shall be deemed to have been received on the date of dispatch (unless the contrary is proved).
- 23.2 Notwithstanding anything to the contrary herein contained a written notice or communication actually received by a party shall be adequate written notice or communication to it notwithstanding that it was not sent to or delivered at its *domicilium citandi et executandi*.

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PRICING SCHEDULE – FIRM PRICES (PURCHASES)

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

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

| | |
|---------------------|--------------------|
| Name of Bidder..... | Bid Number..... |
| Closing Time | Closing Date |

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

| ITEM NO. | QUANTITY | DESCRIPTION | BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED) |
|----------|----------|-------------|--|
|----------|----------|-------------|--|

-
- Required by:
 - At:
 - Brand and Model
 - Country of Origin
 - Does the offer comply with the specification(s)? *YES/NO
 - If not to specification, indicate deviation(s)
 - Period required for delivery
*Delivery: Firm/Not firm
 - Delivery basis

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

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

*Delete if not applicable

SIGNATURE(S) OF AUTHORIZED PERSON

DATE:

**Name of
bidder.....
.....**

Name of authorized person (in block letters)

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 |
|-----------|-----------------|-----------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

.....
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 PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included).

1.2 The applicable preference point system for this tender is the 80/20 preference point system.

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

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

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

The maximum points for this tender are allocated as follows:

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

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

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1 POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = 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) |
|---|---|--|
| Businesses located within the Gauteng Province | 10 | |
| Business owned by 51% or more – Black Youth | 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> | Yes <input type="checkbox"/> | No <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> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4.2.1 | If so, furnish particulars: | | |
| 4.3 | Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

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

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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