



City of Johannesburg

Johannesburg Water SOC Ltd

Turbine Hall
65 Ntengi Piliso Street
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www.johannesburgwater.co.za

REQUEST FOR PROPOSALS FOR THE REVIEW AND UPDATE OF THE DROUGHT MANAGEMENT PLAN

APRIL 2025

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

1. BACKGROUND, PURPOSE AND OBJECTIVES

1.1. Project Name

Review and update of the drought management plan.

1.2. Background

The recent drought and consequent water crisis in Cape Town have shown that a large city can suddenly be very vulnerable to water scarcity if it is not prepared. The purpose of this project, a review and update of the Drought Management Plan, is to evaluate and modernize mitigation actions on the potential water-related risk, i.e., drought. The potential service provider is expected to revise and update the Drought Management Plan, by taking into consideration other plans or documents such as the Disaster Management Plan, drought tariffs, etc. The review and updating of the DMP should consider best practice in the management of water availability and usage by everyone in the city, ensuring a safe and reliable access to water supply during the drought.

1.3. Purpose

The purpose is to specify to the potential service providers the requirements for the review of the drought management plan. The objectives of the project and the activities to be undertaken during project implementation are specified below. In addition, the document also highlights the relevant proposal submission requirements for the project.

1.4. Objective of the Project

The objective of this project is to review the drought management plan. The review and improvement of the drought management plan should satisfy the public needs together with social and economic development needs, while coping with the drought risk through the mitigation activities that support and enhance water availability, access and safe use.

2. MAIN DUTIES AND SCOPE OF WORK

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The scope should include inter alia:

- To ensure that the drought management plan informs service delivery and water usage activities through the practical management tool showing tangible water availability, access and safe use during the drought period.
- To review the drought management plan, with mitigation actions that will improve water security, while aligning with national policies and regulations.
- To ensure that the drought management plan is aligned and reflects the provincial plans and implementation strategies, which are contained in the documents such as the Water Security Perspective for the Gauteng City-Region.
- To ensure that the drought management plan is aligned and reflects the feasible actions, e.g., from CoJ's Climate Action Plan, CoJ's Water Security Strategy, and develop integrated actions on source water allocation, reducing end-use water demand, access to water supply and sanitation services, sustaining the system's water quality, integrating urban infrastructure and innovations, collect and manage water data, increasing water literacy, improving coordination and multi-stakeholder governance.
- To ensure that the drought management plan is aligned and reflects key activities and issues from relevant documents, plans, policies and frameworks within the CoJ, i.e., annual CoJ drought tariffs, JW Disaster Management Plan, CoJ Resilience strategy, CoJ Environmental Sustainability Framework, CoJ Water Services Bylaws, CoJ Treated Effluent Bylaws and any other document that might be identified as relevant.
- Main stakeholders and champions within civil society and private sector should be identified to ensure full water user participation and collaborative implementation and/or governance during the drought.
- Provide a systems-thinking-approach, with guiding principles, on how to address the drought risk on a sustainable basis.

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- Develop and provide a drought framework to guide or approach to be adopted for the provision of water services to manage drought.
- Develop a drought management monitoring and evaluation framework to track progress on the implementation plan or mitigation plan for all integrated systems such as source water allocation, reducing end-use water demand, access to water supply and sanitation services, sustaining the system's water quality, systems water availability, and how to disseminate information.
- Develop a shortened version of the drought management plan, showing clear messages on what activities will happen during the drought and who will be responsible, i.e., JW, CoJ, RW, consumers, i.e., Health Institutions, HEIs, schools, churches, commercial & business, residential, etc.
- Develop a user drought management plan friendly pamphlet or guidelines or graphics or sketch that tells the story that can be used to assist end-users or stakeholders or consumers during the drought.
- Carry out a minimum of 4 engagements/ workshops with focus groups/ stakeholders identified by Johannesburg Water, including the city departments and other affected and interested parties. The workshops should entail 2 internal and 2 external stakeholders.
- Factor the progress meetings between the JWs internal project team and the Service Provider.

3. PROJECT DELIVERABLES AND TIMING

Deliverables:

- I. PowerPoint presentations and preparation notes for engagement workshops.
- II. Two (2) external stakeholder engagement workshops that will include key identified focus groups representatives and champions.
- III. Two (2) internal stakeholder engagement workshops that will include Johannesburg Water and all City's departments and entities, such as,

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Environment, Infrastructure and Services Department, Development planning, Housing, Health, City Parks, Social Department and Johannesburg Property Company.

- IV. Drought Management Plan with a monitoring and evaluation framework.
- V. The final drought management plan, with the implementation plans, innovation, new technologies, best practice, and smart solutions, that will be submitted for approval.
- VI. A shortened version of the drought management plan.
- VII. A user drought management plan friendly pamphlet or guidelines or graphics or sketch that tells the story (pdf).
- VIII. Project close-out report reflecting only JW and City's branding.
- IX. 4 hard copies of the final drought management plan.
- X. One (1) electronic copy (MS Word Document) of the final drought management plan.
- XI. One (1) electronic copy (MS PowerPoint) of the presentation slides of the final drought management plan.

Time Frames:

The project should be undertaken within the six (6) calendar months.

4. COMPETENCIES REQUIRED

- Traceable experience and verifiable knowledge of water services and water resources management.
- Experience and knowledge of government policy development process.
- Demonstrable expertise and thorough understanding of emergency preparedness or disaster management or policy/strategy formulation.
- Comprehensive understanding of national and local water resource legislative frameworks and mandates.

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- Ability to undertake and coordinate public participation processes and all related processes.
- Strong analytical, writing and communication skills.
- Dedicated team to the project.
- A sound understanding of intergovernmental relations.
- Knowledge of the institutional structure within the water sector.

5. PROPOSAL

It is critical for the proposal to include the following:

- The proposed scope of work that would cover the areas of assistance in the above-mentioned section of main duties and scope of work.
- The proposal must include the methodology, clearly indicating the scope of the work and the process through which the task or activity are to be carried out.
- The proposal must include the breakdown of the project plan, milestones and schedules.
- Proposed team structure: highlighting the roles and responsibilities of each team member and indicating other company's involvement and how this would work in practice.
- The work plan must include milestones and time frames and resource allocation matrix showing the allocation of work for each task (including person hours).
- Copies of CVs must be submitted for each team member listed on the resource allocation matrix. Availability and workload of key personnel during the contract period must be specified. JW will consider the work plan and resource allocation as a commitment if selected.
- The relationship between firms (if applicable) in the consortia/joint venture must also be specified.

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- Give examples of similar work (previous or current) undertaken for local or international clients.
- Costs associated with your proposal, i.e., including progress meetings.

6. PRESENTATION

The preferred service provider will be invited to make a presentation to JW's team or officials outlining their proposals and work plans for final approval before commencing to work. This should be considered as the project kick-off meeting and should not be billed as part of the project costs.

7. EVALUATION PROCESS

The procurement process for the evaluation of RFQ will consist of technical evaluation. The RFQ that fulfils all the requirements of the evaluation and scores the highest preferential points will be appointed.

7.1. Technical evaluation

The selection will be based on the following:

- Team Leader / project manager must have >5 years extensive experience in the water and sanitation sector, with special demonstrable experience of emergency management plans or disaster management plans or policy/strategy formulation. Contactable references to be provided.
- The team leader must have a water related engineering or water sciences or public health or environmental management related B Eng or BSc or B-Tech degree. Have knowledge on the intergovernmental relations.
- Assistants must have a bachelor's degree or B-Tech degree and relevant experience in water related engineering or public health or natural sciences or environmental management.
- Organisation must have demonstrable and/or have access to a pool of:
 - Expertise in general legislative process, legislative review in particular.

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- >5 years of relevant experience in the field of water and sanitation sector, with preference on emergency preparedness or disaster management or policy or strategy development and review process.
- Multi-disciplinarily experience on institutional management, economic, environmental and social expertise.

Proposals will be evaluated in terms of the Preferential Procurement Policy Framework Act using the 80:20 preference points system after a minimum qualification score of 60 points for functionality is satisfied as follows:

Table 1: Technical evaluation

Criteria for evaluation	Requirements	Sub – Weight	Weight
Methodology/approach	<p>Methodology and approach of carrying out the task:</p> <ul style="list-style-type: none"> ▪ Lower than the requirements ▪ Meet minimum requirements ▪ Exceeds requirements <p>Work plan outlining the key milestone, resource allocation matrix, and the key deliverables:</p> <ul style="list-style-type: none"> ▪ Lower than the requirements ▪ Meet minimum requirement ▪ Exceeds requirements 	<p>0</p> <p>10</p> <p>20</p> <p>0</p> <p>10</p> <p>20</p>	40
Qualifications	<p>Project Team Leader (Degree in water related engineering or water sciences related qualification)</p> <ul style="list-style-type: none"> ▪ Lower than the required qualification: ▪ B. Eng or BSc or B-Tech Degree (NQF 8): ▪ Masters / Doctorate (>NQF 9): 	<p>0</p> <p>10</p> <p>20</p>	30

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Criteria for evaluation	Requirements	Sub – Weight	Weight
	<p>Assistants (bachelor's degree or B-Tech degree in water related engineering or public health or natural sciences or environmental management)</p> <ul style="list-style-type: none"> Lower than the required qualification: 0 All with the required relevant degree: 10 		
Experience	<p>Experience of Key Personnel:</p> <p>Project Team Leader (years of extensive experience in the water and sanitation sector, in emergency preparedness or disaster management or policy or strategy formulation)</p> <ul style="list-style-type: none"> Less than 5 years: 0 >5 years: 5 >10 years: 10 <p>Assistants (years in water and sanitation sector, in public health, socio economic and environmental affairs, in the policy development, legal, regulatory and institutional aspects)</p> <ul style="list-style-type: none"> <3 years: 0 One or more have between 3 – 5 years: 5 One or more have >5 years: 10 		20
Track record	<p>Number of similar projects successfully completed with contactable references not older than 5 years using their letter head</p> <ul style="list-style-type: none"> No project: 0 <2 projects: 5 >3 projects: 10 		10

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7.2. FINANCIAL AND PREFERENTIAL EVALUATION

The price and preference point system would then be applied whereby the submitted quotations together with their BBBEE Certificate/affidavit would be evaluated and recommendation of the successful Service Provider would be made in line with the SCM SOPs.

Scores for preference will be determined from the valid BBBEE certificate or affidavit.

The 80/20-point scoring system will be applicable, and the project will be recommended to the highest scoring Service Provider.

8. INVOICES

- Invoices must indicate the task and/or output and should include a short description of work done referring to any relevant reports.
- Disbursements to be claimed as above and to include original invoices.
- No up-front payments will be made. Payment for work completed will be done within 30 days of submission of the invoice.
- All invoices to be addressed to Johannesburg Water, with a correct VAT number.

9. AVAILABLE DOCUMENTS

The following documents or electronic documents are available for the service provider for use in the review of the drought management plan.

- Drought management plan 2023
- JW's Disaster management plan
- Growth and Development Strategy
- Johannesburg Water Business Plan
- Water Services by-laws
- CoJ Climate Action Plan
- CoJ Resilience Strategy

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- CoJ Water Security Strategy
- CoJ Water Services Tariffs
- Water conservation and demand management strategy
- CoJ Sanitation Policy

10. GENERAL

The plan of work is to include detailed tasks to be carried out, persons allocated to each task, hourly rate to be charged and number of hours allocated for each task.

For clarity please contact:

Name	Telephone	Email
Mr. S Mdlalose Supply Chain Management	011 688 1825	Simphiwe.mdlalose@jwater.co.za
Mr. Ariel Mafejane Senior Manager Operations Support	011 688 1481	ariel.mafejane@jwater.co.za

11. GENERAL CONDITIONS

- JW is not obliged to provide any information other than the one that will be given as per section 9.
- Copyright of information obtained through the course of the study is the property of Johannesburg Water (JW) and may not be sold or re-produced by the service provider without the prior permission from JW.
- All reports are to be bound with an agreed upon Johannesburg Water cover page designed for the project.

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- No presentations of the report may be made without the prior permission Johannesburg Water.

12. RETURNABLE DOCUMENTS

- Detailed company profile, organogram with personnel allocated, CVs of the key personnel with proof of qualifications
- Short brief proposal approach and methodology
- Contactable references in the last 5 years from clients whose projects have been successfully completed (for project manager and for company) and to which the bidder has provided or is providing consultancy services that are similar to the consultancy services required, with a client's letter head.
- MBD6.1 TERMS OF THE PPR 2022
- MBD 4.8.9
- Company & Directors Municipal Rates and Taxes and Lease Agreement

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POPIA PRIVACY STATEMENT

Johannesburg Water SOC Limited

In terms of the Protection of Personal Information Act, 213 (Act 4 of 2013), also called the POPI Act or POPIA, Johannesburg Water SOC Limited, undertakes all reasonable measures to protect personal information and to keep it private and confidential.

1. Privacy Notice applies to:

Suppliers, vendors, contractors, service providers, etc whether appointed or prospective.

2. Definitions of personal information

According to the Act “personal information” means information relating to an identifiable living, natural person, and where it is applicable, an identifiable, existing juristic person. All addresses including residential, postal and email addresses.

3. About the Public Entity

Johannesburg Water (SOC) Limited, registration number 2000/029271/30

3.1 The information we collect

We collect information directly from you where you provide us with your personal details. Where possible, we will inform you what information you are required to provide to us and what information is optional.

3.2 How Johannesburg Water use your information

We will use your personal information only for the purposes for which it was collected and agreed with you. For example: to gather contact information, to confirm and verify your identity, for the evaluation and adjudication of bids and quotations for tenders, request for quotations, and other personal information for the procurement of goods and services by the Entity.

3.3 Disclosure of information

We may disclose your personal information to our Shareholder, the City of Johannesburg, and other Government agencies such as National Treasury, and the Auditor-General of South Africa. We have agreements in place to ensure that they comply with the privacy requirements as required by the Protection of Personal Information Act.

We may also disclose your information:

- Where we have a duty or a right to disclose in terms of law;
- Where we believe it is necessary to protect our rights.

3.4 Information Security

We are legally obliged to provide adequate protection for the personal information we hold and to stop unauthorised access and use of personal information. We will, on an ongoing basis, continue to review our security

POPIA PRIVACY STATEMENT

Johannesburg Water SOC Limited

controls and related processes to ensure that your personal information remains secure.

When we contract with third parties, we impose appropriate security, privacy and confidentiality obligations on them to ensure that personal information that we remain responsible for, is kept secure. We will ensure that anyone whom we pass your personal information agrees to treat your information with the same level of protection as we are obliged to.

3.5 Your rights: Access to Information

You have the right to request a copy of the personal information we hold about you. To do this, simply contact us at informationofficer@jwater.co.za, and specify what information you require.

3.6 Correction of your personal information

You have the right to ask us to update, correct or delete your personal information. We will require a copy of your identification document to confirm your identity before making changes to personal information we may hold about you. We would appreciate it if you would keep your personal information accurate and up to date.

3.7 How to contact us

If you have any queries about this document; you need further information about our privacy practices; wish to withdraw consent; exercise preferences or access or correct your personal information, please contact us at the numbers listed on our website or send an email to informationofficer@jwater.co.za.



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PLEASE SUPPLY THE FOLLOWING DOCUMENTS TO ENABLE US TO EVALUATE YOUR SUBMISSION :

Returnable Documents	Description	Yes/No	
1	Original Valid Tax Clearance Certificate /valid SARS PIN		COMPULSORY
2	A, certified /original/valid, BBBEE certificate /sworn affidavit (Please note that the Sworn Affidavit must be compliant as per B-BBEE Practice Guide 01 of 2018 , NON COMPLIANT AFFIDAVIT WILL BE SCORED ZERO)		COMPULSORY
3	Municipal rates and taxes (Must not be older than 90 days in arrears in line with regulation 38.		COMPULSORY
4	Signed Declaration of Interest form (MBD 4)		COMPULSORY
5	Declaration of Bidders past supply chain management practices (MBD 8)		COMPULSORY
6	Certificate of Independent Proposal Determination (MBD 9)		COMPULSORY
7	Proof of CSD registration /MAAA Supplier Number		COMPULSORY
8	Preference points claim form in terms of the preferential procurement regulations 2022 (MBD 6.1)		COMPULSORY
9	Company registration documents with ID copies of directors / shareholders.		COMPULSORY

Directors:

Ms Gugulethu Phakathi (Chairperson), Mr Ntshavheni Mukwevho (Managing Director and Executive Director),
Mr Johan Koekemoer (Financial Director and Executive Director), Mr Phetole Modika, Mr Siphamandla Mnyani, Mr Siyabonga Mthembu,
Mrs Zandile Meeleso, Mr Pholoso Matjele, Mr Kgaile Mogoye, Mr Sandiso Mgengwana, Mr Molate Mashifane, Ms Pamela Mabece,
Mr Lunga Bernard

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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

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.

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

1.2 **To be completed by the organ of state**

- a) 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

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

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

3.1.1. POINTS AWARDED FOR PRICE

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

80/20

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

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer 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)	Proof of documents per specific goals
EME's OR QSE's- Businesses owned by people who are black-51% or more	20		Valid BBBEE Certificate issued by SANAS accredited verification agency or DTI/CIPC BBBEE Certificate for Exempted Micro Enterprises or Affidavit sworn under oath

DECLARATION WITH REGARD TO COMPANY/FIRM

4.2. Name of company/firm.....

4.3. Company registration number:

4.4. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.5. 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:

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.

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Signature

.....
Date

.....
Position

.....
Name of Bidder

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