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City of Johannesburg

Johannesburg Water SOC Ltd

Turbine Hall
65 Ntengi Piliso Street
Newtown
Johannesburg

Johannesburg Water
PO Box 61542
Marshalltown
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Tel +27(0) 11 688 1400
Fax +27(0) 11 688 1528

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| | |
|--|-------------------------------|
| REQUEST FOR PRICING (GOODS AND SERVICES) | Form No: JW SCM Dev MBD1 |
| | Revision No: 02 |
| | Effective Date: February 2023 |

| | | | | | |
|---------------------------------------|---|-------------------------------|------------|----------------------|-------|
| RFQ NUMBER: | JW RFP 26/05/2026 | CLOSING DATE: | 28/05/2026 | CLOSING TIME: | 12:00 |
| DESCRIPTION: | APPOINTMENT OF SERVICE PROVIDERS FOR THE SUPPLY/TRANSPORTATION AND DELIVERY OF POTABLE WATER | | | | |
| BRIEFING SESSION DATE AND TIME | N/A | BRIEFING SESSION VENUE | N/A | | |
| ISSUE DATE | 26/05/2026 | | | | |

| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: | | | |
|--|--|---|--|
| Bidding procedure enquiries <u>must</u> be sent to: | | Technical enquiries must be directed to: | |
| CONTACT PERSON | Tshilidzi Takalani | CONTACT PERSON | Lenah Motaung |
| TELEPHONE NUMBER | 011 688 1772 | TELEPHONE NUMBER | 011 688 1945 |
| E-MAIL ADDRESS | tshilidzi.takalani@jwater.co.za | E-MAIL ADDRESS | lenah.motaung@jwater.co.za |

| SUPPLIER INFORMATION | | | |
|-----------------------------------|-----------------------------------|--|---|
| NAME OF BIDDER | | | |
| POSTAL ADDRESS | | | |
| STREET ADDRESS | | | |
| TELEPHONE NUMBER | CODE | | NUMBER |
| CELLPHONE NUMBER | | | |
| FACSIMILE NUMBER | CODE | | NUMBER |
| E-MAIL ADDRESS 1 | | | |
| E-MAIL ADDRESS 2 | | | |
| VAT REGISTRATION NUMBER | | | CIDB GRADING N/A |
| SUPPLIER COMPLIANCE STATUS | TAX COMPLIANCE SYSTEM PIN: | | CENTRAL SUPPLIER DATABASE No: MAAA |

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, Mrs Zandile Meeleso, Mr Pholoso Matjele, Mr Molate Mashifane, Mr Collen Sambo, Mr Makoko Makgonye, Ms Thabiso Kutumela, Mr Kefiloe Mokoena

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| | | | | |
|--|--|--|--|------------|
| B-BBEE VERIFICATION CERTIFICATE | [TICK APPLICABLE BOX] | B-BBEE SWORN AFFIDAVIT (EMEs OR QSEs) | [TICK BOX] | APPLICABLE |
| | <input type="checkbox"/> Yes <input type="checkbox"/> No | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

BID SUBMISSION:

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

1. SCOPE OF WORK

1.1. DESCRIPTION

The Contractor(s) will be required to provide adequate water tankers, with suitably licensed drivers to transport and deliver potable water within the jurisdiction of the City of Johannesburg.

The services are required for ad-hoc/emergency usage within a period of 24 hours in areas where there is no supply due to emergency shutdowns or where repair work is being conducted.

Note:

- *When the water tankers are used for ad-hoc/emergency, the service provider will be expected to dispatch water into holding tanks where JW has provided stationary tanks.*
- *Where no stationary tanks are provided the service provider will not be expected to dispatch water into holding tanks. The water tankers deployed on site will be required to remain on site and roam as specified by JW representative within affected areas for water to be sourced from them by the residents.*

The service provider must ensure that their offered and accepted water tankers as per the outcome of the award are available for emergencies or no water situations within the stipulated period to comply with the terms of the contract as required.

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

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Water tankers will work within the jurisdiction of the City of Johannesburg as instructed and directed by the relevant Regional Managers/JW representative at all JW depots/regions, and it is the responsibility of the service provider to familiarize himself/herself with the environment at these locations.

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

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

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

1.2. DESCRIPTION OF PLANT

Each water tanker supplied by the service provider must be as follows.

- 18.0KL capacity,
- Be Self-propelled,
- Have a galvanized tanker,
- Have a discharge valve positioned at the lowest point of the tanker for ensuring that the tanker is completely drainable,
- Must be approximately 4 meters high to the inlet.

1.3. DOCUMENTATION OF PLANT

The following certified copies of documents must be furnished together with the RFP document for the plant offered.

- Proof of Certificate of Registration in Respect of Motor Vehicle in accordance with the National Road Traffic Act.
- Proof of valid Motor Vehicle Licence, License Disc and Roadworthy Certificate and Operator Card in accordance with the National Road Traffic Act.

Note 1:

Only plant with all supporting documents as required will be considered.

Note 2:

In the event that the tenderer's plant offered will be hired/leased from another service provider, the tenderer must provide a letter of intent to hire from the leaser for plant offered, as well as all the required documents as stipulated above for the plant to be offered.

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Note 3:

The proof of registration and license disc or operator card or roadworthy certificates must be in the name of the tenderer or name of the company that the tenderer will be leasing the plant from.

1.4. WATER QUALITY

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

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

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

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

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

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

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

1.5. DURATION OF CONTRACT

The contract will be for a period not exceeding two (02) months on an "as and when" required basis

1.6. WORKING HOURS

Working hours are from Monday to Sunday and Public Holidays on an "as and when" required basis :

- From 07h00 to 16h00 during normal time
- After 16h00 to 22h00 during overtime

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1.7. ESTIMATED QUANTITIES

The number of water tankers required are approximately **twenty-three (23)** and will be utilised on an “as and when” required basis solely as per JW’s needs. Therefore, the service providers awarded water tankers may or may not be all utilised at once

However, the estimated hours that each water tanker may be expected to work daily are as follows.

| Operation Time per water tanker | Hours per day |
|---------------------------------|---------------|
| Normal time | 9 |
| Overtime | 5 |

Based on the working hours as stipulated above (Clause 1.6: Working Hours)

1.8. PERMITS AND COMPLIANCE WITH REGULATIONS AND BY-LAWS

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

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

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

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

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

1.9. EMPLOYMENT OF PERSONNEL

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

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

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

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1.10. BREAKDOWNS

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

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

1.11. INSPECTION AND IDENTIFICATION OF PLANT

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

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

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

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

1.12. DRIVERS

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

Only licensed drivers with PrDP may be employed and upon the written request of the Regional Manager/relevant JW representative, any operator found to be unsuitable must be replaced immediately. A valid driver driving permit/s, valid PrDP and a valid medical test certificate/s must be submitted upon award and deployment of water tankers on the relevant sites.

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

Without first obtaining the written consent of the service provider; the Regional Manager/relevant JW representative shall not permit or allow any person other than the operator or mechanic to operate the water tanker. In the event of an emergency arising, the Regional Manager/relevant JW representative may permit the operation of the plant with another skilled operator and shall notify the service provider at the first opportunity

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thereafter.

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

1.13. MAINTENANCE OF PLANT

The Regional Manager/relevant JW representative shall at all times be entitled to have access to inspect the plant within JW site.

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

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

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

1.14. EXCHANGE OF ITEMS OF PLANT

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

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

1.15. STATUTORY, REGULATORY AND OHS REQUIREMENTS

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

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

Upon award, the successful service provider(s) will be inducted by the company's OHS department on the requirements that will be applicable for the duration of the contract in

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terms of all occupational health and safety.

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

1.16. LOCATION AND DELIVERY

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

- Midrand
- Ennerdale -Deep south
- Soweto (Avalon/Klipspruit)
- Sandton/ Marlboro/Alex (Zandfontein)
- Randburg/Hamburg (Roodepoort)
- JHB Central – Langlaagte/Southdale

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2. EVALUATION PROCESS

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

Stage 1: Mandatory Evaluation

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

| NO. | MANDATORY CRITERIA | YES |
|-----|--|-----|
| 1 | <p>The tenderer must submit proof of the mandatory documents for their offered plant as they have offered in the pricing schedule of the tender document. The documentation must be submitted together with the RFP document.</p> <p>The following documents are required for plant offered:</p> <ul style="list-style-type: none"> • Proof of Certificate of Registration in Respect of Motor Vehicle in accordance with the National Road Traffic Act. • Proof of valid Motor Vehicle License, License Disc and Roadworthy Certificate and Operator Card in accordance with the National Road Traffic Act. <p>Note 1: Only plant with all supporting documents as required will be considered.</p> <p>Note 2: In the event that the tenderer's plant offered will be hired/leased from another service provider, the tenderer must provide a letter of intent to hire from the lessor for plant offered, as well as all the required documents as stipulated above for the plant to be offered.</p> <p>Note 3: The proof of registration and license disc or operator card or roadworthy certificates must be in the name of the tenderer or name of the company that the tenderer will be leasing the plant from.</p> | Yes |
| 2 | Signed Pricing Schedule and completed rates for items offered. | Yes |

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

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Stage 2: Administrative Evaluation

The following MBD form and other forms are applicable

| REFERENCE TO RFP DOCUMENT | DESCRIPTION | REQUIRED |
|---------------------------|--|----------|
| MBD 3.1 | Pricing Schedule – Firm Prices (Purchases) | Yes |
| MBD 4 | Declaration of Interest | Yes |
| MBD 5 | Declaration for procurement above R10 Million (all applicable taxes included) | Yes |
| MBD 6.1 | Preference Points Claim Form in Terms of the Preferential Procurement Regulations 2022 | Yes |
| MBD 8 | Declaration of Bidder’s Past Supply Chain Management Practices | Yes |
| MBD 9 | Certificate of Independent Bid Determination | Yes |
| JW 6.4 | Returnable: Acknowledgement of SHE Specification & Annexures | Yes |

Stage 3: Technical Requirements

Technical evaluation - as per RFP document and award strategy.

- a) The Tenderer (Company) is required to have experience where supply/transportation and delivery of potable water using water tankers was carried out successfully.

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The following aspects will be considered during the functional evaluation

| TENDERER'S EXPERIENCE AND EXPERIENCE OF KEY PERSONNEL | | | | | |
|---|--|--|--|-----------|-------|
| CRITERIA NO. | CRITERIA | EVIDENCE | SUB-CRITERIA/CLAUSE | MAX SCORE | SCORE |
| 1 | TENDERER'S EXPERIENCE The Tenderer (Company) is required to have a minimum of two (02) years' experience where supply/transportation and delivery of potable water using water tankers was carried out successfully. | The Tenderer (Company) must provide relevant reference letter(s) with proof that they have experience where supply/transportation and delivery of potable water using water tankers was carried out successfully. <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> <i>The reference letter provided must be signed for it to be regarded as valid.</i> | Experience where supply/transportation and delivery of potable water using water tankers was carried out successfully | 100 | |
| | | | Less than 2 years | | 0 |
| | | | 2 year and more but less than 3 years | | 60 |
| | | | 3 years and more but less than 5 years | | 80 |
| | | | 5 years or more | | 100 |
| MINIMUM QUALIFYING SCORE | | | | 60 | |
| TOTAL | | | | 100 | |

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CONTACTABLE REFERENCE

To Johannesburg Water (SOC) Ltd

I, the undersigned being duly authorised to do so, hereby furnish a reference to Johannesburg Water relative to the Supply/Transportation and Delivery of Potable Water using Water Tankers

Name of tenderer:

Description of goods / services provided (Scope of Work)

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

Date of goods / services provided

Start date:/...../.....

End date:/...../.....

Was their performance satisfactory?

Yes / No*

Signature: Date:

Telephone: Email:.....

Name of Client Company.....

Name of Reference Completing this Letter.....

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

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CONTACTABLE REFERENCE

To Johannesburg Water (SOC) Ltd

I, the undersigned being duly authorised to do so, hereby furnish a reference to Johannesburg Water relative to the Supply/Transportation and Delivery of Potable Water using Water Tankers

Name of tenderer:

Description of goods / services provided (Scope of Work)

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

Date of goods / services provided

Start date:/...../.....

End date:/...../.....

Was their performance satisfactory? Yes / No*

Signature: Date:

Telephone: Email:.....

Name of Client Company.....

Name of Reference Completing this Letter.....

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ANNEXURE A

COMPLIANCE CHECKLIST SHEET FOR DOCUMENTATION OF PLANT OFFERED

| Name of Tenderer | | | | |
|------------------------------------|----------------------------------|--|--|--|
| Tender Description: | | SUPPLY/TRANSPORTATION AND DELIVERY OF POTABLE WATER USING WATER TANKERS | | |
| Description of Plant | | Water Tankers – 18.0KL | | |
| Offered Plant Documentation | | | | |
| Item No. | Capacity of offered plant | Proof of Registration Certificate submitted (Yes/No) | Proof of Valid license disc Expiry Date | Proof of Valid Roadworthy Expiry Date |
| 1 | | | | |
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Note 1: The tenderer must complete the above for each vacuum tanker. This checklist will also be used by the evaluators when conducting the mandatory evaluation.

Note 2: The completion of the checklist is not a disqualifying factor.

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| Item No. | Capacity of offered plant | Proof of Registration Certificate submitted (Yes/No) | Proof of Valid license disc Expiry Date | Proof of Valid Roadworthy Expiry Date |
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3. SPECIAL CONDITIONS

| | | |
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| <u>GENERAL</u> | NB | The attention of the tenderer is drawn to the fact that “Conditions of a General Nature and General Conditions of Contract for the rendering of the goods and services” shall apply, where applicable, to this contract. |
| 1. <u>DEFINITIONS</u> | 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 | “Regional Manager” shall mean the Regional Manager of one of JW’s six regions located within the boundaries of the City of Johannesburg or his authorised representative |
| | 1.5 | “Plant” shall mean the water tankers. |
| | 1.6 | That “Occupational Health and Safety” shall herein after be referred to as “OHS”. |
| 2. <u>COMPLIANCE WITH LEGISLATION AND SPECIFICATION:</u> | 2.1 | The Service provider 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. |
| | 2.2 | The Service provider shall comply with all the requirements prescribed in the technical specification and all other qualifications herein, unless otherwise stated. |
| 3. <u>SAFETY:</u> | 3.1 | The Service provider shall at all times during the contract, comply in all respects with the safety and other requirements of the Occupational Health and Safety Act 85 of 1993 and the regulations applicable hereunder. |
| | 3.2 | The tenderers attention is drawn towards the Occupational Health and Safety Declaration form (Annexure A) which must be fully completed and submitted with the tender. |
| | 3.3 | Upon award, the successful service provider(s) will be inducted by the company’s OHS department on the requirements that will be applicable for the duration of the contract in terms of all occupational health and safety. |
| | 3.4 | For the duration of the contract monthly site inspections will be conducted by the assigned OHS representative of JW where the appointed service provider(s) will be inspected for compliance in line with the health and safety |

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| | | requirements as set out on the Volume 2-Occupational Health, Safety & Environmental Specification of the tender document and any other requirements as expected. |
| 4. EMPLOYMENT OF LABOUR: | 4.1 | The service provider must ensure that all relevant legislation is complied with in the employment of labour. |
| 5. INSURANCE AND INDEMNIFICATION: | 5.1 | In addition to any insurance required to be held by the Service provider in terms of the Contract in terms of the Occupational Injuries and Diseases Act no. 130 of 1993, the Service provider must be fully insured against all accidents, loss or damage arising out of the conditions or operation of the vehicles or execution of any work including all third-party risks. The Service provider hereby indemnifies and agrees to keep indemnified throughout the period of the contract JW against all claims by third parties or the Contractor's own employees resulting from the operations carried out by the Service provider under this contract. |
| | 5.2 | A current certificate of good standing in terms of the Compensation for Occupational Injuries and Diseases Act (COIDA), 1993 must be furnished by the service provider upon acceptance of the tender. |
| | 5.3 | The service provider 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 vehicles and personnel. |
| | 5.4 | Upon award, the appointed service provider(s) will be required to submit proof of insurance as outlined on clause 5.1 to 5.3. Furthermore, the insurance must list all the water tankers trucks that the service provider will be providing to JW. |
| 6. REMEDIES, BREACH, WHOLE AGREEMENT, WAIVER, VARIATION AND INDULGENCES: | 6.1 | If the service provider or any person employed or associated with him or in the case of a Company, a Director or shareholder or person also 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. |
| | 6.2 | If the service provider has not complied with the Managing Director's requirements or if he is in breach of any of the Conditions of this contract and: |
| | 6.2.1 | fails to remedy such breach within 14 (fourteen) days of receipt of written notice requiring it to do so (or if not reasonably possible to remedy the breach within 14 (fourteen) days), within such further period as may be reasonable in the circumstances, provided that the Service provider furnishes evidence within the period of 14 |

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| | | (fourteen) 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. |
| | 6.2.2 | 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. |
| | 6.3 | This agreement constitutes the entire agreement between the parties relating to the matter hereof. |
| | 6.4 | 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 of whether it was made or given. |
| 7. <u>DISPUTES:</u> | 7.1 | In the event of any dispute arising between JW and the Service provider 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 Service provider within 28 days of the dispute having been submitted to the Managing Director of JW. Such decision shall be binding upon the Service provider subject to clause 7.2 |
| | 7.2 | Should the Service provider 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. |

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| | 7.3 | Not later than one week after receipt of notice calling for arbitration, JW may give notice to the Service provider that the dispute or disputes be settled by Court of Law having jurisdiction. |
| 8. DURATION: | 8.1 | The tenure of the contract shall be with effect from the date reflected on the appointment letter and will be effective on an "as and when" required basis for a period not exceeding two (02) months. |
| 9. QUANTITIES | 9.1 | The estimated water tankers required are approximately thirty-five (35). The plant will be required on an "as and when" required basis which may or may not exceed the stated number and that JW takes no responsibility or liability for the estimates. |
| | 9.2 | For evaluation purposes, the tenderer(s) will be required to state the number of water tankers offered as well as their respective capacities. |
| | 9.3 | Only water tankers found compliant during evaluation stage will be accepted and awarded per service provider up until the required number is reached. |
| 10. PLACE AND TIME OF DELIVERIES: | 10.1 | The water tankers accepted and awarded shall delivery to all regions within the boundaries of COJ upon request and as prescribed by JW. |
| 11. ACCEPTANCE OF TENDER: | 11.1 | A valid and binding contract shall be concluded at the time that the service provider signs an official letter of acceptance that will be given to him/her with their official appointment letter upon the time of the finalisation of the adjudication of the RFP. |
| | 11.2 | JW' reserves the right to conduct a site visit at the Tenderer's premises, at JW's expense to evaluate the water tanker offered as per the evaluation criteria stipulated in the tender document. The service provider or their representative shall be entitled to be present during evaluation process. |
| 12. PENALTIES FOR LATE DELIVERY: | 12.1 | If the service provider fails to deliver the water tankers as required; JW will charge the service provider a penalty of 10% per hour from the time the plant was expected until it arrives. |
| | 12.2 | Such penalty or penalties will be deducted from the invoice that the service provider will be submitting for payment |
| 13. PENALTIES | 13.1 | Instead of exercising its rights in terms of Clause 22 of the General Conditions of Contract, the Regional Manager/relevant JW representative may, at his discretion, impose the following penalties in terms of the Conventional Penalties Act No. 15 of 1962. |
| | 13.1.1 | In all cases where a stoppage has occurred, the service provider must supply written explanations as to the cause thereof; and if |

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| | | | in the opinion of the relevant Regional Manager/relevant JW representative was an unavoidable stoppage, not exceeding 1 hour per day to a maximum of 3 hours per week occurs; no time will be deducted in effecting payment for the day. |
| | | 13.1.2 | Where, in the opinion of the Regional Manager/relevant JW representative, any stoppage could reasonably have been avoided, or where any stoppage exceeding 1 hour per day or 3 hours per week occurs; a payment for the time worked only shall be made. In the event of the water tanker breaking down for a full working day, the service provider shall be penalised at 50% of the water tanker hire rate. This penalty will be imposed until such time as the water tanker is in working order or alternative arrangements are made which are satisfactory to the relevant Manager. |
| | | 13.1.3 | Should a continuous leak exist on any of the tanker(s) for a maximum period of 48 hours (2 days); then a ten percent (10%) deduction on the total volume of the tanker shall be imposed on a daily basis until such leak has been repaired. |
| | | 13.1.4 | If a service provider has defaulted to a point where the level has been in the opinion of the Regional Manager/relevant JW representative consistently poor despite the written notices issued to him by from JW, then JW impose the breach clause and place the service provider on terms which may lead to the service provider being terminated. |
| | | 13.1.5 | If the appointed service provider fails to remedy the breach of not adhering to the set-out requirements of delivering potable water with water trucks as required, the failure may result to the cancellation of the contract. Once the contract with the prospective service provider has been cancelled, an assessment will be conducted on the service provider(s) appointed based on their performance and capacity to ascertain if they will be able to cater the affected region/depot. Thereafter, service providers(s) found to be capable will be approached and requested to make deliveries in the region/depot affected and carry out the services as required. |
| | 13.2 | 13.2.1 | <p><u>Reporting of EPWP STATS</u></p> <p>For the reporting of EPWP Stats, the appointed service provider needs to ensure on a monthly basis that all requirements thereof are met. Failure to adhere will result to the following.</p> |

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a) Fail to report

- The Employer shall levy a penalty on the Service Provider, should the latter fail to provide reporting requirements as required and stated, with regard to content and frequency.
- The penalty value shall be R15,000.00 per report per occasion; and

- If the service provider fails to complete the latter more than three incidents and should the Employer or his duly authorised representatives find that the service provider is hindering his (the Employer's) deliverables to management, he/she shall reserve the right to:

i. Terminate the Contract;

No liability in terms of this clause shall be attached to the Contractor if he can prove to the satisfaction of the Employer that the nature of the failure is due to fire, war, riot, strikes, Natural disasters, lockout, accident or other unforeseen occurrences or circumstances beyond the Contractor's control, provided, however, that in all cases the Contractor has notified the Employer in writing within 24 hours of it first coming to his notice, that delivery shall be delayed or become impossible for the above-mentioned reasons.

b) Fail to pay any labour:

- The Employer shall levy a penalty on Contractor, should the latter fail to provide payment to the any labourer as required in the specification highlighted in the Scope of Work and specified in the appointment agreements with the Contractor and the labourer.
- The penalty value shall be R 50,000.00 per report per occasion; and
- If the Contractor fails to complete the latter more than three incidents and should the Employer or his duly authorised representative find that the Contractor is hindering his (the Employer's) deliverables to senior management, he shall reserve the right to:

i) Terminate the Contract;

No liability in terms of this clause shall be attached to the Contractor if he can prove to the satisfaction of the Employer that the nature of the failure is due to fire, war, riot, strikes,

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| | | <p>Natural disasters, lockout, accident or other unforeseen occurrences or circumstances beyond the Contractor's control, provided, however, that in all cases the Contractor has notified the Employer in writing within twenty-four (24) hours of it first coming to his notice, that delivery shall be delayed or become impossible for the above-mentioned reasons</p> <p>c) Penalties irreversible</p> <p>The Contractor shall note that all penalties once imposed shall be non-recoverable or reversible, even if the default is remedied. Service provider(s) must note that all EPWP reporting requirements must be adhered to at all times as expected. Failure to do so will result in measures being instituted.</p> |
| <p>14. <u>EMPLOYMENT OF PERSONNEL:</u></p> | 14.1 | The service provider must ensure that all persons used by him in the execution of this contract are lawfully employed. |
| | 14.2 | The service provider will be required to personnel who will be utilised as assistance for the duration of the contract. The appointment of the personnel will be implemented in line with the prescripts of EPWP and the guidelines thereof. Full compliance to the submission of the EPWP stats will be expected from the appointed service provider at all times as required. |
| | 14.3 | The service provider must take note that local labourers will be paid in line with the requirements of the EPWP and the guidelines thereof. However, final rate for the payment of the labours will be finalised in discussions upon award and commencement of the contract once public participation and consultations have been conducted. |
| | 14.4 | On a monthly basis the service provider will be required to submit the monthly EPWP stats with copies of contracts, certified copies of individual ID's, timesheets and proof of payments for all their appointed local labours as required. |
| | 14.5 | The service provider must ensure that all payments to local labours are paid in time at all times and that the requirements of payments are adhered to at all times as agreed upon with JW in line with the working structure as approved. |
| | 14.6 | All operators and/or drivers for the water Tankers to be utilised for the supply and delivery of potable water services must be licensed in terms of the Road Traffic Act No 29 of 1989 and regulations as amended. |
| <p>15. <u>DISPENSE OF WATER IN AN</u></p> | 15.1 | Prior permission must be obtained from the Regional Manager/relevant JW representative prior dispensing water elsewhere other than the authorised |

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| | | | |
|---------------------------------|--------|---|--|
| <u>UNAUTHORIZED AREA</u> | | areas. Failure to adhere to this condition will be regarded as a breach of contract. | |
| 16. NOTICE | 16.1 | 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:- | |
| | 16.1.1 | | Sent by prepaid registered post (by airmail if appropriate) in an envelope correctly addressed to it at an address chosen as its <i>domicilium citandi et executandi</i> to which post it is delivered, in which event such notice shall be deemed to have been received on the 7 th (seventh) business day after posting (unless the contrary is proved); or |
| | 16.1.2 | | Delivered by hand to a responsible person during ordinary business hours at the physical address chosen as its <i>domicilium citandi et executandi</i> , in which event such notice shall be deemed to have been received on the day of delivery; or |
| | 16.1.3 | | Sent by email to its chosen telefax number stipulated in MBD 1, in which event such notice shall be deemed to have been received on the date of dispatch (unless the contrary is proved). |

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4. PRICING DATA

General Pricing Instructions:

- a) All price(s) 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. VAT will be shown separately on the Pricing Schedule/s and included in the total.
- b) All price(s) tendered shall include the cost of all insurances, services, labour, equipment, materials, etc. and be the net price after all unconditional discounts and settlement discount have been deducted. The net price/s shall be without any extra or additional charges to JW whatsoever.
- c) A firm price tender will be required for the duration of the contract, for tender evaluation and budgeting purposes.
- d) Should the contract be based on firm prices, no adjustment of prices will be made for the duration of the contract.
- e) Should the contract be based on non-firm prices, price adjustment request including supporting documentation must be sent to JW at least 30 days before agreed adjustment interval. The agreed formula in the Pricing Adjustment formula will form the basis of the negotiation.
- f) Unconditional discounts will be taken into account for evaluation purposes but conditional discounts will not be taken into account for evaluation purposes.
- g) Estimated quantities provided in the Scope of Work are purely for evaluation purposes only and does not provide any indication of the required quantities of product/s for the duration of the contract by JW and does not provide any guarantee to the contractor whatsoever in terms of quantities required.
- h) Pricing for any additional work that may arise on the project, outside of the defined Scope of Works, will be as per price in the pricing schedule of additional work, but written approval will still be required before any additional work is carried out by the Service Provider.
- i) All pricing quoted in the Pricing Schedule/s shall be in South African Rand (ZAR) and rounded off to two decimals.
- j) The Pricing Schedule has to be completed in black ink and the Tenderer is referred to the Acknowledgement of Bid Conditions in regard to arithmetical errors and alterations, and the handling thereof.
- k) Time based fees shall be calculated by multiplying the provided unit cost rate with the actual time spent by the applicable personnel in rendering the service required by the Employer.
- l) Lump sum prices or rates shall not be adjustable with regard to changes in the law for the duration of the Contract Period of Performance.
- m) The Service Provider shall pay all taxes, duties, fees, levies and other impositions without separate reimbursement by the Employer.
- n) All activities or tasks shall be invoiced on a monthly basis, based on work successfully completed and accepted by the Employer.
- o) Any changes to the pricing schedule on the issued tender document will result in elimination, the Tenderer can however indicate in the qualifications any alterations that they might want to offer.

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- p) For non-firm prices, index/indices that will be applicable for the bid and anniversary dates thereof will be provided in the tender document and must be used by the bidder to calculate their bid to enable JW to compare like for like. The tenderer must apply at least one month before the interval date as stated in the tender document by sending a Request for Pricing adjustment together with all the supporting documentation and source data to the JW representative. The Request for Price adjustment is a request and may be negotiated with the bidder.
- q) Pricing in full for rates-based rates contract, the tenderer must price as prescribed.

Alterations

The evaluation on price alteration will be conducted as follows:

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

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

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

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

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

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

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PRICING CONDITIONS:

- a) All prices must be VAT inclusive.
- b) All rates offered must be per hour as prescribed in the pricing schedule.
- c) The rates tendered for will be for rendering services anywhere within the geographical limits of the City of Johannesburg.
- d) All tendered price (s) shall include the cost of all services, equipment, fuel, materials, operational assistants, transport, labour, insurance and all other expenses incidental to the operation of the tanker and work to be performed etc. and be the net price after all discounts and settlement discount have been deducted. The net price (s) shall be without any extra or additional charges to JW whatsoever.
- e) Only firm prices will be accepted.

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NUMBER OF WATER TANKERS OFFERED

Service provider is required to indicate their number of plant(s) offered on the table below.

| Description of Plant | Capacity | Number Offered |
|----------------------|----------|----------------|
| Water Tankers | 18.0KL | |

Note 1.

The number of plant(s) offered water tankers must coincide with the number stipulated in the annexure where the service provider is required to stipulate all plant(s) offered.

Note 2.

Not all plant(s) as stipulated will be accepted. Only plant(s) that meet all requirements as per the mandatory criteria will be considered.

Note 3.

If the service provider has not stipulated their number of plant(s) offered, the plant that will be considered is the plant that meet all requirements as per the mandatory criteria.

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PRICING

| Item | Description (capacity of tankers) | Unit of Measure (Rate per) | Estimated Operational Hours for two months | Rates Offered | |
|--|--|-------------------------------|--|-------------------------|--|
| | | | | Unit rate (R) Excl. VAT | Unit rate (R) x Estimated Operational Hours for two months |
| 1.1 | Normal Time 18.0 kl Provision of water tankers for emergencies (no water situation) | Hour | 18 900 | R | R |
| 1.2 | Overtime 18.0 kl Provision of water tankers for emergencies (no water situation) | Hour | 10 500 | R | R |
| Sub-Total: <u>Normal Time</u> + <u>Overtime</u> (Unit rate (R) Excl. VAT x Estimated Operational Hours) | | | | | |
| Vat @ 15% (For Sub-Total) | | | | | |
| Grand Total: <u>Sub-Total</u> + <u>Vat @ 15</u> | | | | | |

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Note:

The hours provided based on the operational hours expected for the duration of the contract and are stipulated SOLELY for the purpose of evaluation and determination of cost effectiveness.

SIGNATURE(S) OF AUTHORIZED PERSON

NAME OF BIDDER

NAME OF AUTHORIZED PERSON IN BLOCK LETTERS

RFP NUMBER:

Directors:

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5. PREFERENCING

5.1. Stage 4: The responses will be evaluated on the **90/10 or 80/20 preference points principle**. Pricing schedule to be completed fully or per item offered. Bidders who failure to quote or complete the pricing schedule as per this requirement will be disqualified. The required proof for claiming points for specific goals is as follows:

| GOAL | WEIGHTING | VERIFICATION |
|---|-----------|---|
| SMME (An EME or QSE) 51% or more Black owned | 4/8 | <ul style="list-style-type: none"> Valid BBEE Certificate issued by SANAS accredited verification agency or DTI /CIPC BBEE Certificate for Exempted Micro Enterprises or Affidavit sworn under oath. |
| Businesses located in the Gauteng Province | 3/6 | <ul style="list-style-type: none"> Proof of municipal account / valid lease agreement, letter from the Ward Council confirming the business address. |
| Businesses located within the boundaries of the COJ | 3/6 | <ul style="list-style-type: none"> Proof of municipal account / valid lease agreement, letter from the Ward Council confirming the business address. |

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

6. AWARDING STRATEGY

The intention is to award to the highest scoring tenderer in terms of price and specific goals to one or more tenderers based on JW's capacity requirements

7. ALLOCATION STRATEGY

Allocate all plant offered by the tenderer to the highest preference ranking tenderer. If the number of plant(s) offered is not sufficient to meet JW 's requirements, the following shall happen:

- The next highest ranking tenderer's plant offered that meet the technical requirements will be awarded the difference.
- If JW's capacity requirements are still not meet, the next highest ranking tenderer's plant offered that meet the technical requirements will be awarded the difference. The cycle will continue until all requirements are met.
- To ensure value for money / cost effectiveness, Johannesburg Water will negotiate prices with service providers who are recommended for approval for market related price and reserve the right to standardize the rates of the bidders that are awarded using JW Benchmarked rates as a guide to determine cost effectiveness. The contracted rates may not be higher than the rates tendered by the tenderer.

8. RETURNABLE DOCUMENTS

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

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- 8.1. This request for pricing document must be completed and submitted with pricing or quotation.
- 8.2. Proof of points claimed for specific goal must be submitted in order to qualify for preference points.
- 8.3. Complete and sign the following Municipal Bidding Documents (MBD).
 - 8.3.1. MBD 3.1 Firm Price(s) Purchase (where applicable).
 - 8.3.2. MBD 4 form (Declaration of Interest).
 - 8.3.3. MBD 5 A completed and signed Declaration for Procurement Above R10 Million (Vat Included) form MBD 5,
 - 8.3.4. MBD 6.1 Form (Preference points claim form).
 - 8.3.5. MBD 8 (Declaration of Bidder's Past Supply Chain Management Practices)
 - 8.3.6. MBD 9 (Certificate of Independent Bid Determination)
- 8.4. Latest municipal account/statement not older than three months or valid lease agreement for both the company and all active Directors.
- 8.5. Annual financial statements (AFS) three [03] years, (if required, audited financial statements)
- 8.6. The required documentary evidence for functionality or technical evaluation (where Applicable).

9. GENERAL TERMS AND CONDITIONS

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

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

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

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

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PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE SUBMITTED TO THE TENDER BOX. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

YES NO

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

YES NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

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

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

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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:
.....
.....

**Tenderers are encouraged to truthfully declare all other company interests they may have, with specific reference to Question 3.14, of which if not fully completed, might lead to disqualification. Tenderers are encouraged to utilise the CIPC bizportal*

(www.bizportal.gov.za) , free registration to check the companies for which a director is a director for. This can be done by inserting an ID number for the director tendering and the portal will show all companies, whether active or not.

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 or 90/10 system for requirements with a Rand value below or over R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) The 80/20 or 90/10 preference point system will be applicable in this tender. The lowest acceptable tender will be used to determine the accurate system once tenders are received.

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

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

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

| | POINTS | POINTS |
|--|---------------|---------------|
| PRICE | 80 | 90 |
| SPECIFIC GOALS | 20 | 10 |
| Total points for Price and SPECIFIC GOALS | 100 | 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 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

4.2 In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20

or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

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 allocated (90/10 system) | Number of points claimed (80/20 system) (To be completed by the tenderer) | Number of points claimed (90/10 system) (To be completed by the tenderer) |
|---|---|---|--|--|
| SMME (An EME or QSE) 51% or more Black owned | 8 | 4 | | |
| Businesses located in the Gauteng Province | 6 | 3 | | |
| Businesses located within the boundaries of the COJ | 6 | 3 | | |
| Total | 20 | 10 | | |

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.treasur.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 | <p>Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?</p> | Yes <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 |

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