



NEWCASTLE MUNICIPALITY

DEVELOPMENT PLANNING AND HUMAN SETTLEMENTS

BID NO.: A003 - 2025/26

APPOINTMENT OF A TURNKEY PANEL OF SOCIAL HOUSING INSTITUTIONS FOR SOCIAL HOUSING PROJECTS FOR A PERIOD OF 36 MONTHS

SUBMISSION OF BID DOCUMENT DEADLINE

Date: Wednesday, 14 October 2026

Time: 12h00

Venue: Municipal Civic Centre Offices (Rates Hall)

Tower Block Building, 37 Murchison Street, 1st Floor

Newcastle, 2940

Name of Bidder	
CSD Master Registration Number	
Physical Address	
Contact Person(s)	
Phone Number(s)	
E-Mail Address	

Sealed bid document must be deposited in the **Tender Box** provided at the Municipal Civic Centre (Rates Hall), 37 Murchison Street, Newcastle by no later than **12h00** on **14 October 2026** where bids will be opened in public. Please be advised that the name, address, and contact details should be written at the back of the envelope.

1. CHECK-LIST FOR TENDER SUBMISSION

PLEASE ENSURE THAT THE FOLLOWING FORMS HAVE BEEN DULY COMPLETED AND SIGNED AND THAT ALL DOCUMENTS AS REQUESTED, ARE ATTACHED TO THE BID DOCUMENT:

Page No.	Item No.:	Description	Completed			
PART A: ADMINISTRATIVE REQUIREMENTS IN TERMS OF THE SUPPLY CHAIN MANAGEMENT REGULATIONS / POLICY						
4	2	MBD 1: Invitation to Bid	Yes		No	
9	3	Submission data				
23	4	Authority of Signatory	Yes		No	
25	5	Compulsory Enterprise Questionnaire	Yes		No	
27	6	Notice of Compulsory Briefing Session	Yes		No	
28	7	Record of Addenda to Bid Documents	Yes		No	
29	8	Proposed Amendments and Qualifications	Yes		No	
30	9	Schedule of Proposed Sub-Contractors	Yes		No	
31	10	Schedule of Plant and Equipment	Yes		No	
32	11	Schedule of Previous Similar Works / Services	Yes		No	
33	12	Affiliation with the body of Professionals / NHRBC	Yes		No	
34	13	Tenderer's Financial Standing	Yes		No	
35	14	MBD 4 - Declaration of Interest	Yes		No	
38	15	MBD 5 - Declaration for Procurement above R10 million	Yes		No	
39	16	MBD 6.1 - Preference Points Claim Form in terms of the Preferential Procurement Regulations 2022 (Not applicable at this Stage)	Yes		No	
45	17	MBD 8 - Declaration of Bidders' Past Supply Chain Management Practices	Yes		No	
47	18	MBD 9 - Certificate of Independent Bid Determination	Yes		No	
50	19	Certificate for Municipal Services and Payments/Lease Agreement	Yes		No	
52	20	Central Supplier Database	Yes		No	
PART B: TERMS OF REFERENCE FOR TURNKEY PANEL OF SOCIAL HOUSING INSTITUTES						
54	21	Scope of Services	Yes		No	
66	22	Gazetted Professional Fees	Yes		No	
68	23	Declaration by the Respondent/Bidder	Yes		No	



PART A – ADMINISTRATIVE REQUIREMENTS IN TERMS OF THE SUPPLY CHAIN MANAGEMENT POLICY

2. MBD 1: INVITATION TO BID OR BID NOTICE



BID NO: A003 – 2025/26

APPOINTMENT OF A TURNKEY PANEL OF SOCIAL HOUSING INSTITUTIONS FOR SOCIAL HOUSING PROJECTS OVER A PERIOD OF 36 MONTHS

In terms of section 110 of the municipal finance management act, 2003 (no. 56 of 2003), tenders are hereby invited by Newcastle Municipality for turnkey panel of implementation agents for housing projects for a period of 36 months.

Bid documents are obtainable from **10 September 2026**, at the office of the Strategic Executive Director: Budget and Treasury Office, Municipal Civic Centre Tower Block – Office B218 2nd Floor, 37 Murchison Street, Newcastle, 2940 during office hours between 08h00 to 15h00 upon a payment of a **non-refundable document fee of R 300.00**. **Alternatively, the document may be downloaded free of charge from the National Treasury website (www.etenders.gov.za).**

Banking Details – Newcastle Local Municipality, ABSA – account no.: 4110354947, Branch code: 632 005 (the proof of payment must reflect the bid number and bidder's name as reference).

Procurement enquiries: Mrs D Marais

Telephone no.: 034 328 7769

Technical enquiries: Mr T. Nkomzwayo

Telephone no.: 034 328 7693

Multiple service providers would be appointed to a panel agreement, therefore preferential scoring system would only be applied when sourcing quotations from the existing panel of qualifying professional service providers and thereon acceptable financial offers would be considered, in terms of the Preferential Procurement Regulations, 2022 pertaining to Preferential Procurement Policy Framework Act, 5/2000 and other applicable legislations. The preferential point scoring system may be based on either **90/10 or 80/20 points scoring system**.

Preference points will be awarded to service providers based on Reconstruction and Development Programme – Government Gazette: 16085 (1994) initiatives.

The bids will be valid for a period of one hundred and eighty (180) days from bid closing date.

The Council reserves the right to accept all, some, or none of the bids submitted, either wholly or in part and it is not obliged to accept the lowest bid.

Completed bid documents complying with the conditions of bid must be sealed and endorsed **“Bid no: A003 – 2025/26 Appointment of a turnkey panel of Social Housing Institutions for social housing projects for a period of 36 months”** bearing the name and address of the bidder at the back of the envelope to be deposited in the official bid box provided in the foyer of Newcastle Municipality – Municipal Civic Offices (Rates Hall), 37 Murchison Street, 1st floor, Newcastle by no later than **12:00 on Wednesday, 14 October 2026** where bids will be opened in public. Late quotations or tenders received by way of facsimile or e-Mail will under no circumstances be considered.

Minimum Local Content Requirements

Only locally produced goods, services or works or locally manufactured goods with a stipulated minimum threshold for local production and content will be considered.

Functional Evaluation

Only bids that comply with all administrative requirements (Acceptable Bids) will be considered during the functionality evaluation phase and the allocation of points will be based on functional criterions weights as indicated in the Terms of Reference.

Minimum functional requirement score: Service providers that score at least the minimum of **70%** on functionality will be enlisted in the panel, and quotations will be requested from consultants enlisted "on as and when required basis" using the PPPFA point system.

Only prospective suppliers who are registered on the National Treasury Supplier database are legible to bid. To register on the CSD log onto www.csd.gov.za

**Ms P H Z Kubheka
Acting Municipal Manager
Newcastle Municipality
Municipal Civic Centre
37 Hardwick Street
Private Bag X6621
Newcastle
2940**

CONTINUATION WITH MBD 1: INVITATION TO BID**PART A****YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE NEWCASTLE MUNICIPALITY**

Bid Number	A003 – 2025/26	Closing Date	14 October 2026	Closing Time	12h00
Description	Appointment of a turnkey panel of Social Housing Institutions for social housing projects for a period of 36 months				

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN
THE BID BOX SITUATED AT

**FIRST (1st) FLOOR OF THE NEWCASTLE MUNICIPALITY
MUNICIPAL CIVIC CENTRE OFFICES (RATES HALL)
37 MURCHISON STREET
NEWCASTLE
2940**

SUPPLIER INFORMATION

Name of Bidder			
Postal Address			
Street Address			
Telephone Number	Code	Number	
Cellphone Number			
Facsimile Number	Code	Number	
E-Mail Address			
Vat Registration Number			
Tax Compliance Status	TCS PIN:	OR	CSD No:
B-BBEE Status Level Verification Certificate [Tick Applicable Box]	☐ Yes ☐ No	B-BBEE Status Level Sworn Affidavit	☐ Yes ☐ No

Specific Contract Participation Goals	20	10	Tick for claim
Black people (With no franchise in national elections before the 1983 and 1993 Constitution / HDI)	8	4	
Women / female (HDI)	4	1	
People with disability (HDI)	2	1	
Youth (HDI)	2	2	
Locality (within Amajuba district)	4	2	
TOTAL HDI SCORE	20	10	

POINTS WILL BE ALLOCATED AS PER INFORMATION ON THE ATTACHED CSD REPORT.

Are you the Accredited Representative in South Africa for the Goods /Services /Works Offered?	☐ Yes ☐ No (if yes enclose proof)	Are you a Foreign Based Supplier for the Goods /Services /Works Offered?	☐ Yes ☐ No (if yes, answer part B:3)
Signature of Bidder		Date:	

Capacity under which this bid is signed:

IN LINE WITH SECTION 4 (CERTIFICATE OF AUTHORITY) OF THE BID DOCUMENT. THE DULY AUTHORISE MEMBER(S) OF THE BIDDING ENTITY MUST APPEND HIS/HER/THEIR SIGNATURE ON THE BELOW AS A CONFIRMATION OF INTEREST (TO BE LISTED ON THE PANEL).N.B.: FAILURE TO SIGN THIS DOCUMENT WILL RENDER YOUR BID NON - RESPONSIVE

INQUIRIES MAY BE DIRECTED

Technical enquiries

Bidding Procedure Enquiries		
Contact person	Mrs D. Marais	Mr T. Nkomzwayo
Telephone number	034 328 7769	034 328 7693
E-mail address	dalene.marais@newcastle.gov.za	Themba.Nkomzwayo@newcastle.gov.za

PART B
Terms and Conditions for Bidding

1. BID SUBMISSION:

- 1.1. Bids must be delivered by the stipulated time to the correct address. Late bids will not be accepted for consideration.
- 1.2. **All bids must be submitted on the official forms provided–(not to be re-typed) or online**
- 1.3. This bid is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2017, 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 |
| 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.

NB: Failure to provide any of the above particulars may render the bid invalid.

No bids will be considered if the enterprise is managed and controlled by the person(s) in the service of the state.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

3. SUBMISSION DATA

NEWCASTLE MUNICIPALITY

All Potential Service Providers (PSP) are hereby advised that in the event that the bid is accepted by the Council all conditions and stipulations set out this bid and, in all forms, schedule and/or annexure hereto, will be the contract between the Bidder and the Municipality.

Bidders must acquaint themselves fully and comply with Municipal Financial Management Act (56 of 2003) – Circular.: 25, on the General Conditions of Contract and Municipal Bidding Documents as well as Supply Chain Management – Guide for Accounting Officers.

All data/information supplied by the Municipality will be received by the Bidder at his/her own risk. It will be the responsibility of the Bidder to check and verify the accuracy of the data/information supplied by the Municipality. The Municipality will not be held responsible for any inaccurate or incomplete data/information.

Clause Number	Submission Data
3.1.1 Actions	The employer is Newcastle Municipality
3.1.2 Tender Documents	THE TENDER Part A: Administrative Requirements in terms of SCM Policy 1. Tender notice and invitation to tender (MBD 1: Form) 2. Submission data Evaluation procedures 3. Special Conditions of Tender 4. Municipal Bidding Documents 5. Returnable documents and schedules List of returnable documents Returnable schedules Part B: Terms of Reference 1. Scope of services 2. Gazette Professional Fees 3. Declaration by Service Provider
3.1.3	Add the following new clause: <i>The tender documents have been drafted in English. The contract arising from the invitation to tender shall be interpreted and construed in English.</i>
3.1.4 Eligibility Criteria	Potential Service providers must have a valid National Home Builders Regulatory Council (NHRBC) certificate at the time of closure of bid.
	Joint Ventures are eligible to submit tenders provided that:
	1. every member of a joint venture is registered with the NHRBC
	Only those tenderers who have in their full time employ management and supervisory staff satisfying the requirements of the scope of works for labour intensive competencies for supervisory and management staff are eligible to submit tenders.
	Only those tenders who score a minimum of 70% in respect of the following prequalification criteria are eligible to submit tenders. Refer to Part T1 (F3.11.3 Scoring quality)
3.1.5 Cost of Tendering	The employer will not compensate the tenderer for any costs incurred in attending interviews or making any submissions in the office of the employer.
3.1.6 Clarification	The arrangements for a non - compulsory clarification meeting are as stated in the tender notice and invitation to tender

meeting	Confirmation of attendance will be recorded on site in the attendance register to be signed by all tenderers. Addenda will be issued to tenders received from those tendering entities appearing on the attendance register.
3.1.7 Insurance	The Tenderer will be responsible for the full insurance cover required for this project.
3.1.8 Alternative offers	If a Tenderer wish to submit an alternative Tender offer, the only criteria permitted for such alternative Tender offer is that it demonstrably satisfies the Employer's standards and requirements. Alternative offers may be submitted only if a main tender offer, strictly in accordance with all the requirements of the tender documents is also submitted. Calculations, drawings and all other pertinent technical information and characteristics as well as modified or proposed Pricing Data must be submitted with the alternative Tender offer to enable the Employer to evaluate the efficacy of the alternative and its principal elements, to take a view on the degree to which the alternative complies with the Employer's standards and requirements and to evaluate the acceptability of the pricing proposals. Calculations must be set out in a clear and logical sequence and must clearly reflect all design assumptions. Pricing Data must reflect all assumptions in the development of the pricing proposal. Acceptance of an alternative Tender offer will mean acceptance in principle of the offer. It will be an obligation of the contract for the Tenderer, in the event that the alternative is accepted, to accept full responsibility and liability that the alternative offer complies in all respects with the Employer's standards and requirements. Where necessary the modified Pricing Data must include an amount equal to 5% of the amount tendered for, the alternative offer to cover the Employer's costs of confirming the acceptability of the detailed design before it is constructed.
3.1.9 Submission method	A two-envelope procedure will not be followed.
3.1.10 Submitting a tender offers	Parts of each Tender offer communicated on paper shall be submitted as original, plus 0 copies. THE IDENTIFICATION DETAILS ARE: Tender number: A003 of 2025`26 - Appointment of a turnkey panel of Social Housing Institutions for social housing projects for a period of 36 months". Each tender shall be enclosed in a sealed envelope, bearing the correct identification details and shall be placed in the tender box. Telephonic, telegraphic, telex, facsimile or e-mailed offers will not be accepted
3.1.11 Closing time	The closing time for submission of tender offers is stated in the tender notice and invitation to tender.
3.1.12 Tender offer validity	The Tender offer validity period is 180 (one hundred and eighty) days .
3.1.13 Provide other material	The tenderer shall, when requested by the employer to do so, submit the names of all management and supervisory staff that will be employed to supervise the labour-intensive portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirements.
3.1.14 Performance security/guarantee	Not Applicable
3.1.15 Opening of tender submissions	Tenders will be opened in public immediately after the closing time of tenders at 12:00.
3.1.16 Scoring quality	The procedure for the evaluation of responsive Tenders is Quality / Functionality will be scored as follows (maximum points = 100):

3.2 Acceptance of Bids

After the opening of bids, the official designated by the Municipal Manager shall forward such tender to the Head of Department for whom such tenders have been invited. The Head of Department concerned will then consider the tenders and submit them to the appropriate Committee with the written comments of the Chief Financial Officer and with details of any irregularity or defect in connection with the bid documents or matters relating to the calling of bids together with the recommendation for consideration by the Committee.

3.3 Bid Documents

- a. Where applicable all bid documents and drawings are to be returned at the time of bidding except that where an additional copy of the Schedule of Quantities is provided, a copy may be retained by the tender for his records.
The original Schedule of Quantities must be forwarded to the Newcastle Municipality
- b. After awarding the bid, no documents will be returned to any unsuccessful bidder, but will be retained by the Municipal Manager.
- c. All bid documents must be completed in black ink and should any alteration, omission, erasure or addition be made, it will not be recognised unless authenticated with the initials of the bidder and those of the witnesses of his signature. Bidders may, however, qualify their bid by a letter accompanying the bid documents.
 - i. Any irregularity, incompleteness or obscurity in a bid renders it liable for rejection.
 - ii. Failure to sign the bid document will invalidate the bid , provided that if it is the only acceptable bid received, the Head of Department may recommend that it be considered as an offer after signature by the bidder.
 - iii. Bidders shall check that they have been provided with all the documents and drawings. Bidders must advise the Department concerned immediately if there is any duplication or obscure typing or if there is any doubt as to the meaning of any words, clause, sentence, paragraph, drawing or any other particulars and have the matter rectified, otherwise it will be taken for granted that there are no doubts or errors, and no liabilities whatsoever will be admitted in respect of errors in the tender due to the foregoing.

3.4 Late Bids

- a. Any bid received after the closing date and time advertised for the receipt of bids shall not be considered, provided that a late bid may be admitted by the Council when :
 - I. in the case of a bid submitted through the post, there is proof that the bid was posted in sufficient time to reach the Municipal Manager before the closing date and time advertised for the receipt of bid and the bidder has taken reasonable steps against ordinary delays and was in no way to blame for the late receipt of his bid;
 - II. in the case of a bid delivered by hand, there is proof that the bidder had taken reasonable steps against ordinary delays and was in no way to blame for the late delivery.
- b. The Council may accept a bid which is received late and has for that reason been disallowed in terms of the provisions of this rule, provided it was the only acceptable bid received.

3.5 Communication Prohibited

- a. Except where clarification of a bid is necessary or whenever it is necessary to approach a bidder for an extension of the binding period of a bid, no communication, without written authority of the Council, shall take place between the bidder and any member or officer of Council on a question affecting any matter which is the subject of a bid between the closing date and time of a bid and the acceptance by Council of the bid. When clarification is required or an extension of time, this may be requested by a Council Officer on the authority of his Head of Department.

- b. In no case shall bids be returned or referred to bidders for amendment or completion in any respect without the written authority of the Council.

3.6 Council not obliged to Accept Any Bid

Council does not bind itself to accept the lowest or any bid and where the bid documents allow for such cases, reserves the right to accept a portion only of any bid.

Council will not compensate the bidder in the preparation and submission of his bid. Council reserves the right to purchase goods outside this contract if and when the need arise

3.7 Deviation from Contract

Council reserves the right to deviate or procure goods or services outside of this contract if and when the need arises.

3.8 Alternatives

The bidder may submit alternatives which, in his/her opinion, are to the Council's advantage economically and technically.

3.9 Functional Score Template

Detailed Breakdown of Quality Points

All professionals must be registered with relevant registration bodies and CV's must be enclosed to reflect the professional status as well as their registration number. Failure to meet this requirement will result in disqualification.

A tender must score a minimum of 70% out of the full points for quality / functionality in order to be prequalified to a panel; To be utilized for future works within the period of 36 months.

Bid Evaluation Procedure

The bid shall be evaluated in five (5) stages as follows: -

- Stage 1: Administrative compliance
- Stage 2: Mandatory Requirements
- Stage 3: Functionality Evaluation
- Stage 4: Pricing & Preference scoring
- Stage 5: Objective criteria

Stage 1: Administrative compliance

The Municipality has prescribed minimum administrative requirements that must be met by the bidders, to determine if the bid qualifies to be recognized as an acceptable bid, for further evaluation. In this regard administrative compliance will be carried out to determine whether, the bidder's bid complies with the set minimum requirements on bid administration, that is:

- Water and lights account in the name of tendering entity;
- Tax Status – Tax Compliant Pin Letter issued by South African Revenue Services (SARS);
- Central Supplier Database registration – National Treasury vendor registration system;
- Verification if not listed under tender defaulters.
- Signing of MBD 1, to pledge your interest to be on the panel;
- Declaration of interest – MBD 4 (duly completed in full)
- Preference Point Claim form – MBD 6.1 (duly completed in full)

- Bidder's Past Supply Chain Management Practice – MBD 8 (duly completed in full)
- Third party verification with regards to professional body affiliation;
- Full completion of the bid document and using the checklist as a completeness verification

Detailed reference check on all aspect of the project would be verified.

Stage 2: Mandatory Requirements

The following criteria will form part of evaluation valuating for pre – qualifying bidders and failure to comply with these requirements will result in the immediate disqualification of bid.

Functionality will be determined in relation to the bidder's ability to meet the terms of reference as set out in this bid document and gate keeping assessment. A tenderer's failure to meet stipulated gatekeepers (pre-requisites) will also render their tender as non-responsive.

Gate keeper criteria	
1. Company profile	
Company profile to consist of:	
i. Proof of Registration with South African Social Housing Institute – Social Housing Regulatory Authority (SHRA – Act 16 of 2008)	
<u>Evidence to be provided:</u> Proof of valid registration certificate must be submitted (certified copy)	

Stage 3: Functionality Score Sheet for Implementing Agents

Tenderers are required to achieve at least the minimum **Quality Score of 70%** based on the criteria listed below.

A score of **less than 70%** for Quality will render the tender non-responsive.

Item No.	Description of Item	Total points allocated
1	Experience of the company on similar Projects in the past 20 years: a. 1-3 Housing Projects (15) b. 4-6 Housing Projects (30) c. ≥6 Housing Projects (40) <u>Portfolio of evidence</u> - A certified copy of certificate of successful completion <i>The above – mentioned letter(s) to be provided must bear clients letter head with the client's company's stamp and must include the contract period, the type of housing services rendered, contact person and contact number, and contract value.</i>	40
2	Composition of a professional team to handle Stage One & Four Housing Application process (Planning Process) a. CV and Registration certificate Professional Town Planner/s (SACPLAN) (6) b. CV and registration certificate of Environmental Consultant (3) c. CV and registration certificate of Social Development Facilitator (3) d. CV and registration certificate of Geological Engineer (3) e. CV and registration of an Economist (3) f. CV and registration of a Conveyancer (3) g. CV and registration of the Land Surveyor (both for services and subdivisions) (3) (CV without statutory registration certificate will receive half the points) <u>Portfolio of evidence</u> - Professional registration with the body of professional - Relevant professional qualifications for the specific academic field	24
3	Composition of the Engineering Team (Stage Two & Three housing Project) a. CV and registration of the Project Manager (6) b. CV and registration of a Civil Engineer (4) c. CV and registration of an electrical engineer (4) d. CV and registration of an Engineer specializing in Water and Sewer (4) e. Facility Manager (8)	26

	(CV without statutory registration certificate will receive half the points)	
	<u>Portfolio of evidence</u>	
	- Professional registration with the body of professionals	
	Relevant professional qualifications for the specific academic field	
TOTAL		90
MINIMUM QUALIFYING PERCENTAGE		70%
MINIMUM SCORE FOR PANEL INCLUSION		63 Points

Pre – Qualification Requirements

For Bidders to be considered for the next phase of evaluation, a minimum of 70% under functionality must be achieved thereafter the Municipality will refer the bids for further evaluation as per its supply chain management process. It should be noted that the Municipality is not obliged to appoint the Bidder obtaining the highest points in terms hereof.

Stage 4: Price and preference scoring

The bidders that have successfully progressed will be evaluated in accordance with the 80/20 Preferential Point System in accordance with the Preferential Procurement Regulations, 2022 issued in terms of section 5 of the Preferential Procurement Policy Framework Act, No 5 of 2000.

(The price and the preferential point scoring system will apply during the request for quotation stage – limited to prequalified bidders)

Stage 5: Objective criteria

In terms of Preferential Procurement Regulation 11 and section 2(1) (f) of the Preferential Procurement Policy Framework Act, the following are the objective criteria:

- The risk of fruitless and wasteful expenditure to Newcastle Local Municipality;
- The risk of Irregular expenditure to Newcastle Local Municipality;
- The risk of poor project and contract management on existing project with Newcastle Local Municipality;
- The risk of an abnormally low bid; and
- The risk of a material irregularity.

The Municipality reserves a right to apply objective evaluation criteria should the recommended bidders pose any of the above-mentioned risks after assessment, Newcastle Local Municipality after ascertaining sufficient information will not make an award to the bidder exposing the Municipality to one or more of the above-mentioned risks.

3.10 Preferential Point System

Formal Presentations

Please note that the presentations may be requested by the Newcastle Municipality at their discretion.

Price and preference scoring

The bidders that have successfully progressed will be evaluated in accordance with the 80/20 or 90/10 Preferential Point System in accordance with the Preferential Procurement Regulations, 2022 issued in terms of section 5 of the Preferential Procurement Policy Framework Act, No 5 of 2000.

It be noted that the MBD 6.1, on page 39 of the bid document – will be utilized during the request for quotation phase.

(The price and the preferential point scoring system will apply during the request for quotation stage – limited to prequalified bidders)

The financial offers will be scored using Formula 2 (option 2) where the value of W1 is:
1) 90 where the financial value inclusive of VAT of all responsive Tenders received have a value in excess of R 50 000 000; or
2) 80 where the financial value inclusive of VAT of one or more responsive Tenders offers equals or is less than R 50 000 000.

Up to 100 minus W1 Tender evaluation points will be awarded to Tenderers who complete the preferencing schedule and who are found to be eligible for the preference claimed.

3.11 Acceptance of Tender Offer

Tender offers may only be accepted if:

1. The respondent has complied in full with the all eligibility criteria;
2. A valid Tax Compliance Status Pin or CSD Master Registration Number for verification;
3. The **MBD1 on page 4 above**, is completed and signed;
4. The respondent is registered with the Social Housing Regulatory Authority (SHRA – Act 16 of 2008) within borders of South Africa.
5. The respondent has completed the Compulsory Enterprise Questionnaire and there are no conflicts of interest which may impact on the respondent's ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are permitted to submit tenders or participate in the contract;
6. The respondent is registered and in good standing with the compensation fund or with a licensed compensation insurer;
7. The employer is reasonably satisfied that the respondent has in terms of the Construction Regulations, 2003, issued in terms of the Occupational Health and Safety Act, 1993, the necessary competencies and resources to carry out the work safely.
8. The bid must adhere to pricing Instructions where the Bill o Quantities should be completed correctly and signed.
9. The bidder or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 person prohibited from doing business with the public sector;

	10. The bidder has not: - abused the Employer's Supply Chain Management System; or - failed to perform on any previous contract and has been given a written notice to this effect; 11. The bidder has completed the Declaration of Interest and there are no conflicts of interest which may impact on the respondent's ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are permitted to submit tenders or participate in the contract; 12. The bidder is registered on the Central Supplier Database; 13. The bidder is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges. The latest municipal account is to be attached. The statement must not be older than three months from the closing date of this tender. Alternatively, if the respondent is currently leasing premises and is not responsible for the payment of municipal services, a copy of the Lease Agreement must be attached. 14. A Joint-Venture Agreement or Consortium, where applicable, is submitted with bid; 15. The bidder scores a minimum of 70% in respect of evaluation Functionality criteria; 16. All returnable schedules are to be completed and all relevant certificates attached where indicated. 17. The respondent has required qualifications and associated with the relevant body of professionals 18. Demonstrate that the entity's has experience in providing similar services
3.12 Copies of Contract	One signed copy of contract shall be provided by the Employer to the successful Respondent.
3.13 Rotation of Service Providers	NOTE: The provision of the professional service shall be on an "as and required basis". - Every effort shall be made to ensure that the professional services and construction works are spread evenly among the successful Bidders forming a panel. - The successful bidders will be required to accept the mid-range rates that will be used by all the successful bidders for the infrastructure construction works required according to the Bills of Quantities. - In an event where the service provider responsible to render the maintenance is somehow unable to do so, that maintenance work shall be extended to the next service provider on the panel list. - The employer, through the relevant department and personnel shall draw up a schedule allocating services to the service providers in an equitable manner. - In case of emergency work, the work will be allocated to the service providers according to the drawn up schedule and their availability, based on a 2-hour response time. - The service provider not available or not in a position to execute the maintenance task will be expected to inform the employer in writing.

7. It remains the prerogative of the employer to allocate the work and ensure that it is evenly distributed among the service providers in a panel.
8. All the service providers shall be expected to comply with the schedule drawn up by the employer.

3.14 General Bidding Conditions

Clause number	Item Description	Sub - Details
3.14.1	General conditions of Contract	This Bid is subject to the General Conditions of Contract (GCC) 2010 and, if applicable, any other Special Conditions of Contract (SCC). Whenever there is a conflict between the GCC and SCC, the provisions in the SCC shall prevail. (in Compliance with Municipal Financial Management Act – 56 of 2003, Circular no.: 25 – GCC and Municipal Bidding Documents) and SCM Guide for Accounting Officers/Authorities
3.14.2	Pricing	2.1. Rates and prices offered by the bidder must be written onto the pricing schedule or form of offer of this document by hand, completed in full and signed by the duly authorised signatory. 2.2. All prices shall be quoted in South African currency, and be INCLUSIVE of VAT. <u>Bid prices that do not include VAT shall not be considered.</u> 2.3. Bid prices must include all expenses, disbursements and costs (e.g. transport, accommodation etc.) which may be required for the execution of the bidder's obligations in terms of the Contract. Bid prices shall cover the cost of all general risks, liabilities and obligations set forth or implied in the Contract, as well as overhead charges and profit (in the event that the bid is successful), unless otherwise specified. 2.4. All bid prices will be final and binding. 2.4.1. A bid will not be invalidated if the amount in words and the amount in figures do not correspond, 2.4.2. in which case the amount in words shall be read out at the bid opening and shall be deemed to be the bid amount; therefore, where there is a discrepancy between the amount in figures and the amount in words, the amount in words shall apply. 2.5 Bidders must complete and sign the MBD 1 (in full) on page 07 above, to validate your offer which will be subject to validity period of 180 days and failure to comply as requested, will render your bid non-responsive.
3.14.3	Forward Exchange Rate Cover	3.1. In the event of price(s) based on the exchange rate, the successful bidder(s) will be required to obtain exchange rate cover in order to protect the Municipality against exchange rate variations. 3.2. The bidder must provide proof of forward exchange rate cover within 14 days after an order was placed. 3.3. If proof that forward exchange rate cover was taken out within 14 days after the order was placed but is not submitted to the

		Municipality along with the invoice, the contract price adjustment will not be accepted and the contract may be cancelled.
3.14.4	Submission of Proposals (Technical & Financial)	4.1. Sealed bids, with the "Bid Number and Title" clearly endorsed on the envelope, and must be deposited in the bid box on or before the closing date and time of the bid. 4.2. The bid box is in Municipal Civic Offices, 37 Murchison Street, Rates Hall, 1st Floor, Newcastle. 4.3. All literature must be securely attached to the bid. The Council shall not be held liable for any loss or damages sustained due to the service provider's failure to comply with this condition. 4.4. If a courier service company is being used for delivery of the bid document, the bidder description must be endorsed on the delivery note/courier packaging and the courier must ensure that documents are placed / deposited into the bid box. The Newcastle Municipality will not be held responsible for any bid document which is not timeously delivered, mislaid or incorrectly delivered due to the negligence of the courier company or any other party involved in the delivery of the bid document. Please note: • Bids that are deposited in the incorrect box will not be considered. • Mailed, telegraphic or faxed tenders will not be accepted. • Documents may only be completed in black ink. • The use of correction fluid/tape on the bid documents is not allowed. If there is an error, draw a line through it, initial next to it and make the correction directly above /below/next to it. • All bids must be submitted in writing on the official forms supplied (not to be re-typed).
3.14.5	Opening, Recording and Publications of Bids Received	5.1. Bids will be opened on the closing date immediately after the closing time specified in the bid documents. If requested by any bidder present, the names of the bidders, and if practical, the total amount of each bid and of any alternative bids will be read out aloud. 5.2. Details of bids received in time will be recorded in a register which is open to public inspection. 5.3. Any bid received after the appointed time for the closing of bids will not be considered but shall be filed unopened with the other bids received, which bid(s) can be returned to the bidder at his request and cost.
3.14.6	Incorrect Information	Where a contract has been awarded on the strength of the information furnished by the bidder which after the conclusion of the relevant agreement, is proven to have been incorrect, the municipality may, in addition to any other legal remedy it has or may have, recover from the contractor all costs, losses or damages incurred or sustained by the municipality as a result of the award of the contract.
3.14.7	Withdrawal of Bid during and	7.1. When a bidder withdraws his/her bid during the SCM bidding process, it must be in writing, prior to the award of the bid, of which

	After the SCM Process:	Newcastle holds the right to accept or reject with or without a claim for any damages. 7.2. When a bidder withdraws or cancels the contract after award of the bid to the particular winner of the bid, the awarded bidder will be held responsible for any damages or administrative expenses incurred prior to the award of the bid.
3.14.8	Invoices / Tax Invoices	All invoices must be forwarded to the following address: Newcastle Municipality Private Bag x6621, Newcastle, 2940 8.1. Legal requirements for invoices 9.1.1. Please ensure that your tax invoices complies with the requirements as stipulated by SARS (VAT Act No 89 of 1991), i.e.: 9.1.1.1. Ordinary invoice (not VAT Registered) a) The word „INVOICE “ in a prominent place b) Official invoice number and date of transaction c) Trade name, legal name, registration number (if any) and address of supplier d) The Official order number of Newcastle Municipality is compulsory – non-compliance – no payment e) The Municipality's name and postal address (Private Bag X6621, Newcastle, 2940) f) Accurate description of goods and / or services supplied / provided. g) Unit of measurement of goods or services supplied h) Price 9.1.1.2. VAT/Tax invoice (VAT registered) a) Word „TAX INVOICE“ in a prominent place b) Trade, legal name and registration number (if any) of supplier c) Address and VAT number of supplier d) The official invoice number and date of invoice e) The Official order number of Newcastle Municipality is compulsory – non-compliance – no payment f) The Municipality's name and postal address (Private Bag X6621, Newcastle, 2940) and VAT registration number (4000791824) g) Accurate description of goods and / or services supplied / provided. h) Unit of measurement of goods or services supplied i) Price and VAT amount
3.14.9	Payment Terms	9.1. It is the policy of the Newcastle Municipality to pay all creditors by means of electronic bank transfers. 9.2. Creditors will be paid within 30 days after receipt of an invoice and statement for the month in question, detailing all invoices during that month and reflecting the total amount due by the Municipality. In exceptional circumstances, the Municipality may, at its discretion, deviate from the above.
3.14.10	Poor Performance	Where the supplier fails to render the services within the stipulated period, or should services rendered be deemed not to the satisfaction of the Newcastle Municipality, the tenderer will receive written notice of poor performance. Failure to address performance issues could result in the entire contract being reviewed or cancelled.
3.14.11	Central Supplier Database	No awards will be made to a tenderer who is not registered on the Central Supplier Database.

3.14.12	Disbursements, Travel and Subsistence	12.1 No bidder will be refunded any cost or disbursements incurred in respect of the project, except where the prior written approval of Newcastle Municipality has been obtained in respect of such expenditure. 12.2 Any authorized disbursements will be refunded at the reasonable and actual cost determined by Newcastle Municipality. Any expenditure incurred by the successful bidder in respect of authorized travel for the project will be refunded in accordance with the Newcastle Municipality travel policy as applicable from time to time. The rates payable for the use of private vehicles will be the prevailing rates quoted by the Automobile Association of South Africa. 12.3 All claims in respect of authorized disbursements (travel and subsistence costs) must be substantiated by documentary evidence such as receipts and logs of kilometres travelled. 12.4 All expenses incurred by the bidder for the proposal and presentations are the responsibility of the bidder and will not be reimbursed by Newcastle Municipality.
3.14.13	Joint Venture Agreement or Consortiums	Respondents intending to tender in the form of joint venture or consortium must submit the following documentation together with the bid:- 1) A valid Tax Compliance Status verification Pins issued by SARS of all parties of the Joint Venture or Consortium, and 2) all parties of the Joint Venture or Consortium must submit signed copies of :- a) The Declaration of Interest Form, b) The Declaration of Bidder's Past Supply Chain Management Practices Form, c) The Certificate of Independent Bid Determination Form, and 3) An undertaking duly signed by all parties of the Joint Venture or Consortium indicating their intention to enter into an agreement for the purposes of this contract, and clearly stating the percentage [%] split of business and the associated responsibilities of each party. If at the time of the bid submission such a JV or consortium agreement has not been concluded, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by Newcastle Municipality through this bid process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to Newcastle Municipality. 4) A consolidated valid and original or certified copy of their B-BBEE Status Level Verification Certificate. (A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level verification certificate for every separate bid.) Further to the above, the name of the Joint Venture or Consortium must appear on the relevant pages of the document. Failure to comply with these requirements shall lead to disqualification.

3.14.14	Samples for Quality Control	14.1 If the samples are required in terms of the specification, such samples shall be supplied by the service provider at his/her own cost. 14.2 All samples approved will be retained by the Newcastle Municipality as standards for the duration of the contract.
3.14.15	Tax Compliance Pin	15.1 The bidder must submit a valid Tax Compliance Pin with the bid. Bidders should note that their tax compliance status shall be verified through the Central Supplier Database and SARS. 15.2 Where a Tax Compliance Pin is not submitted with the bid, the Department shall use the Central Supplier Database to verify the tax matters of the bidder.
3.14.16	Contract Term	The contract will be valid for a period of 36 months from the date of appointment.
3.14.17	Bid Functionality Rating	For Bidders to be considered for the next phase of evaluation, a minimum of 70% under functionality must be achieved thereafter the Municipality will refer the bids for further evaluation as per its supply chain management process. It should be noted that the Municipality is not obliged to appoint the Bidder obtaining the highest points in terms hereof.
3.14.18	Costs	It must be noted that the sole intent for this BID is to create a pool of readily available implementing agents to handle all housing related projects on behalf of the Municipality. Therefore, at this stage the price is not the determinant of which the company makes it to the panel
3.14.19	Formal Presentations	Please note that the presentations may be requested by the Newcastle Municipality at their discretion.

4. AUTHORITY OF SIGNATORY

Indicate the status of the Bidder by ticking the appropriate box hereunder. The Bidder must complete the certificate set out below for the relevant category.

A COMPANY	B PARTNERSHIP	C JOINT VENTURE	D SOLE PROPRIETOR	E CLOSE CORPORATION

A. Certificate for Company

I,, chairperson of the board of
....., hereby confirm that by resolution of the board
(copy attached) taken on 20....., Mr/Ms.....acting in
the capacity of, was authorised to sign all documents in connection with this
tender for **bid no.: A003 – 2025/26** and any contract resulting from it on behalf of the company.

As witnesses:

1. Chairman:

2. Date:

B. Certificate for Partnership

We, the undersigned, being the key partners in the business trading as
.....
....., hereby authorise Mr/Ms, acting in the capacity of
....., to sign all documents in connection with this tender for **bid no.: A003 –
2025/26** and any contract resulting from it on our behalf.

Name	Address	Signature	Date

Note: This certificate is to be completed and signed by all key partners upon whom rests the direction of the affairs of the Partnership as a whole.

C. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms, authorised signatory of the company, acting in the capacity of lead partner, to sign all documents in connection with this tender for **bid no.: A003 – 2025/26** and any contract resulting from it on our behalf. This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.

Name of Firm	Address	Authorising Name and Capacity	Authorising Signature
Lead Partner:			

NOTE: A copy of the Joint Venture Agreement indicating clearly the percentage contribution of each partner to the Joint Venture, is to be submitted with the bid. A board resolution, authorising each signatory who signed above to do so, is to be submitted with the bid.

D. Certificate for Sole Proprietor

I,, hereby confirm that I am the sole owner of the business trading as

As witnesses:

1. Sole Owner:
2. Date:

E. Certificate for Close Corporation

We, the undersigned, being the key members in the business trading as, hereby authorise Mr/Ms acting in the capacity of, to sign all to sign all documents in connection with this tender for **bid no.: A003 – 2025/26** and any contract resulting from it on our behalf.

Name	Address	Signature	Date

Note: This certificate is to be completed and signed by all key partners upon whom rests the direction of the affairs of the Partnership as a whole.

5. COMPULSORY ENTERPRISE QUESTIONNAIRE

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.

Section 1: Name of Enterprise:

Section 2: VAT registration number, if any:

Section 3: CIDB registration number, if any:

Section 4: Particulars of sole proprietors and partners in partnerships

Name *	Identity Number *	Personal Income Tax Number *

* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners

Section 5: Particulars of companies and close corporations

Company registration number

Close corporation number

Tax reference number

Section 6: Record in the services of the state

Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

- | | |
|---|---|
| ☐ A member of any municipal council | ☐ an employee of any provincial department, |
| ☐ A member of any provincial legislature | national or provincial public entity or |
| ☐ A member of the National Assembly or the | constitutional institution within the meaning |
| National Council of Province | of the Public Finance Management Act |
| ☐ A member of the board of directors of any | (Act 1 of 1999) |
| Municipal entity | ☐ a member of an accounting authority of any |
| ☐ An official of any municipality or municipal | national or provincial public entity |
| Entity | ☐ an employee of Parliament or a provincial |
| | legislature |

If any of the above boxes are marked, disclose the following:

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of Institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

* Insert separate page if necessary

Section 7: Record of spouses, children and parents in the service of the state

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:

- | | |
|--|--|
| ☐ A member of any municipal council | ☐ an employee of any provincial department, |
| ☐ A member of any provincial legislature | national or provincial public entity or |
| ☐ A member of the National Assembly or the National Council of Province | constitutional institution within the meaning of the Public Finance Management Act (Act 1 of 1999) |
| ☐ A member of the board of directors of any Municipal entity | ☐ a member of an accounting authority of any national or provincial public entity |
| ☐ An official of any municipality or municipal Entity | ☐ an employee of Parliament or a provincial legislature |

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

* Insert separate page if necessary

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise:

- (i) Authorises the Employer to obtain a tax clearance from the South African Revenue Services that my/our tax matters are in order;
- (ii) Confirms that neither the name of the enterprise nor the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- (iii) Confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- (iv) Confirms that I/we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the respondents or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- (v) Confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

Signed: _____ **Date:** _____

Name: _____ **Position:** _____

Enterprise Name: _____

6. NOTICE OF COMPULSORY BRIEFING SESSION

A compulsory briefing session is **applicable**.

The meeting point for the Briefing Session will be conducted when the project has been allocated by council.

Compulsory Briefing Session Certificate

It is hereby certified that I have attended the Compulsory Briefing Session and have satisfied myself of the conditions and circumstances which may influence the Works and the cost thereof.

Name of Representative	
On Behalf of Bidder (name of bidder)	
Address	
Telephone Number	
Signature (For Bidder)	

For Official Use Only

I CONFIRM THAT THE BIDDER WAS PRESENT AT THE COMPULSORY BRIEFING SESSION	
	Official Date Stamp
Name of Official: _____	Signature: _____

7. RECORD OF ADDENDA

We confirm that the following communications received from the employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer.

	Date	Title or Details
1.		
2.		
3.		
4.		

Attach additional pages if more space is required.

Failure to acknowledge any addendum released by Newcastle Municipality may result in your tender submission being declared non-responsive.

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

8. PROPOSED AMENDMENTS AND QUALIFICATIONS

The Bidder should record any deviations or qualifications he may wish to make to the Bid documents in this Returnable Schedule. Alternatively, a Bidder may state such deviations and qualifications in a covering letter to his Bid and reference such letter in this schedule.

The Bidder's attention is drawn to clause F.3.8 of the Standard Conditions of Bid referenced in the Bid Data regarding the employer's handling of material deviations and qualifications.

Page	Clause or item	Proposal

Signed Date

Name Position

Bidder

9. SCHEDULE OF PROPOSED SUBCONTRACTORS

We notify you that it is our intention to employ the following Subcontractors for work in this contract.

If we are awarded a contract we agree that this notification does not change the requirement for us to submit the names of proposed Subcontractors in accordance with requirements in the contract for such appointments. If there are no such requirements in the contract, then your written acceptance of this list shall be binding between us.

We confirm that all Subcontractors who are contracted to construct a house are registered as home builders with the National Home Builders Registration Council.

	Name and address of proposed Subcontractor	Nature and extent of work	Previous experience with Subcontractor.
1			
2			
3			
4			
5			

Signed

Date

Name

Position

Bidder

10. SCHEDULE OF PLANT AND EQUIPMENT

The following are lists of major items of relevant equipment that I / we presently own or lease and will have available for this contract or will acquire or hire for this contract if my / our Bid is accepted.

(a) Details of major equipment that is owned by and immediately available for this contract.

Quantity	Description, size, capacity, etc.

Attach additional pages if more space is required.

(b) Details of major equipment that will be hired or acquired for this contract if my / our Bid is acceptable.

Quantity	Description, size, capacity, etc.

Attach additional pages if more space is required.

Signed Date

Name Position

Bidder

11. SCHEDULE OF PREVIOUS SIMILAR WORKS

The following is a statement of similar work successfully executed by myself / ourselves:

Employer, contact person and telephone number.	Description of contract	Value of work inclusive of VAT (Rand)	Date completed

Signed _____ Date _____

Name _____ Position _____

Bidder _____

12. PROFESSIONAL AFFILIATION AND REGISTRATION WITH NHBRC

The Bidder shall attach hereto the Professional Affiliation with Social Housing Regulatory Authority (SHRA – Act 16 of 2008)

Failure to submit the certificate or number with the bid document will lead to the conclusion that the bidder is not registered with the professional body and the bid offer will be deemed as not valid/incomplete. The registration must be valid at the time of tender closing.

In the case of a joint venture / consortium (excluding consulting engineering partners) parties must each attach copy of their registration certificate.

Name of Bidder or Representatives – Key Personnel	Details on Body of Professionals	Qualifications (Diploma/Degree)

Signed _____ Date _____

Name _____ Position _____

Bidder _____

13. BIDDER'S FINANCIAL STANDING

The Employer may make enquiries to obtain a bank rating from the Bidder's bank.

To this end, the Bidder must provide with this Bid a bank rating, certified by his banker, to the effect that he will be able to successfully complete the contract at the bided amount within the specified time for completion.

However, should the bidder be unable to provide a bank rating with his Bid, he shall state the reasons as to why he is unable to do so, and in addition, provide the following details of his banker and bank account that he intends to use for the project.

Name of the Account Holder:

Name of Bank:

Branch Name:

Account Number:

Account Type: Branch Code:

Telephone number: Fax number:

Name of contact person (at bank):

Failure to provide either the required bank details or a certified bank rating with his Bid, will lead to the conclusion that the Bidder does not have the necessary financial resources at his disposal to complete the contract successfully within the specified/bided time for completion.

The employer undertakes to treat the information thus obtained as confidential, strictly for the use of evaluation of the Bid submitted by the Bidder

Signature of Bidder :

Date :

14. 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/ Representative	
3.2	Identity Number	
3.3	Position occupied in the Company (director, trustee, shareholder²)	
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.		
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.		

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.

3.10	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 a 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, managers, principal 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, managers, principal 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, principal 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

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

15. MBD 5: DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

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

1	Are you by law required to prepare annual financial statements for auditing?	Yes	No
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.		
2	Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?	Yes	No
2.1	If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days. * Delete if not applicable		
2.2	If yes, provide particulars. * Delete if not applicable		
3	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?	Yes	No
3.1	If yes, furnish particulars		
4	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
4.1	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		Name of Bidder	
Capacity		Date	

16. MBD 6.1: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 (NOT APPLICABLE)

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Specific Goals

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

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

Or

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

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) Specific contract participation goals, as specified in the attached forms.

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

		POINTS
1. Price		80
2. Specific Contract Participation Goals		20
2.1 Historically Disadvantaged Individuals		16
2.1.1 Who had no franchise in national elections before the 1983 and 1993 Constitution (black people)	8	
2.1.2 Who is female	4	
2.1.3 Who has a disability and / or Youth	2	
2.1.4 Who is Youth	2	
2.2 Other Specific goals (Local Economic Development goals of the RDP)		4
2.2.1 Business operations within Amajuba District – rural development initiatives	4	
2.2.2 Business operations within KwaZulu-Natal Province	2	
2.2.3 Business operations within Republic of South Africa	1	
Total points for Price and HDI principles must not exceed		100

To claim specific goals listed under 2.2 above the Municipal water and light account in the name of the company or individual in case of Sole proprietor must be submitted.

1.5 Failure on the part of a bidder to submit proof of claim together with the bid, will be interpreted to mean that preference points for advancement of past imbalances are not claimed.

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

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 or 90 points is allocated for price on the following basis:

80/20	or	90/10	
$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	or	$Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2 FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} 80/20 & \text{or} & 90/10 \\ Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) & \text{or} & Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \end{array}$$

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:
- 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 (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Category 1: Ownership - Historically Disadvantage Individuals by unfair discrimination (No franchise in elections before 1983 & 1993 Constitution		16		
➤ Race		8		
➤ Female		4		
➤ Disability		2		
➤ Youth		2		
Category 2: Reconciliation and Development Programme (Government Gazette no.: 16085 dated 23 November 1994)		4		
➤ Promotion of Local Enterprises (within Amajuba District: municipal & rural areas)		4		
TOTAL		20		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3 Name of company/firm:.....

4.4 Company registration number:.....

4.5 TYPE OF COMPANY/ FIRM

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

[Tick applicable box]

4.6 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:
.....
.....

17. MBD 8: 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 to combat the abuse of the supply chain management system.
3. **The bid of any bidder may be rejected if the bidder, or any of its directors have:**
 - a) Abused the Municipality'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) Wilfully neglected, reneged or failed to comply with any government, municipal or public sector contract during the past five years; or
 - d) Been listed in the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corruption 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	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the Accounting Officer/ Authority of the institution that imposed the restriction after the audit alteram partem rule was applied). 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.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corruption Activities Act (No 12 of 2004)? (The Register for Bid 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.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		

ITEM	QUESTION	YES	NO
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 ☐	No ☐
4.3.1	If so, furnish particulars:		
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 any other municipality/municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
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 ☐	No ☐
4.5.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) _____

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TO BE 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.

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

18. MBD 9: 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.
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.

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

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.

19. DECLARATION FOR MUNICIPAL ACCOUNTS

MUST BE COMPLETED FOR THIS BID

Declaration in terms of paragraph 38(1)(d)(i) of the Supply Chain Management Regulation, irrespective of the contract value of the bid:

NB: Please note that this declaration must be completed by ALL bidders

- i. I, the undersigned hereby declare that the signatory to this tender document; is duly authorised and further declare:
- ii. I acknowledge that according to SCM Regulation 38(1)(d)(i), the Municipality may reject the tender of the tenderer if any municipal rates and taxes or municipal service charges owed by the Bidder to Newcastle Municipality, or to any other municipality or municipal entity, are in arrears for more than 3 (three) months.
- iii. I acknowledge that should it be found that any municipal rates and taxes or municipal charges as set out in (ii) above are in arrears for more than three (3) months, the bid will be rejected and the Newcastle Municipality may take such remedial action as is required, including the rejection of the bid and/or termination of the contract; and
- iv. The following account/s of the bidding entity has reference:

Physical Business Address(es) of the Tenderer	Municipality	Municipal Account Number

NB: If insufficient space above, please submit on a separate page

PLEASE NOTE further that if no municipal rates and taxes or municipal charges are payable by the bidding entity, indicate the reason/s for that in the space below by means of a tick next in the relevant block,

Reason	Tick	Portfolio of evidence
Bidding entities who rent premises from a landlord		Signed copy of the lease agreement together with a letter from the landlord stating that no levies are in arrears.
Bidding entities who operate from a property owned by a director / member / partner		Municipal account statement/s of a director / member / partner
Bidding entities who operate from farms / informal settlements		An original signed letter from their Induna. OR An original signed ward councillor letter confirming the location of business operations. The letters should not be older than 3 months from the closing date of the bid.
Bidding entities who operate from somebody else's property		Original Sworn Affidavit (by the property owner / municipal account holder) stating the relationship and whether the business owner is responsible for paying levies. If yes, stating whether any levies are in arrears.

Attach latest municipal account statement behind this page. The portfolio of evidence must not be older than three months from the close of this tender.

SIGNED AT.....THIS.....DAY OF..... 20.....

Name of Duly Authorised Signatory: (Please print).....

Authorised Signature:
.....

As witness: 1.

2.

20. CENTRAL SUPPLIER DATABASE REGISTRATION

No awards will be made to a tenderer who is not registered on the Central Supplier Database (CSD).

The establishment of a Central Supplier Database (CSD) will result in one single database to serve as the source of all supplier information for all spheres of government. The purpose of centralising government's supplier database is to reduce duplication of effort and cost for both supplier and government while enabling electronic procurement processes.

Registration on the Central Supplier Database must be done online via the website:

<https://secure.csd.gov.za/>

Name of Bidder			
Signature		Name (print)	
Capacity		Date	



NEWCASTLE MUNICIPALITY

PART B

TERMS OF REFERENCE FOR THE TURNKEY PANEL OF SOCIAL HOUSING INSTITUTIONS FOR HOUSING PROJECTS FOR A PERIOD OF 36 MONTHS (3 YEARS)

21. TERMS OF REFERENCE FOR THE APPOINTMENT OF IMPLEMENTATION AGENTS TO UNDERTAKE TECHNICAL STUDIES AND CAPITAL PROJECT IMPLEMENTATION OF HOUSING RELATED PROJECTS WITHIN THE NEWCASTLE MUNICIPAL AREA OF JURISDICTION IN ACCORDANCE WITH RELAVANT CONTRACT/S

21.1 BACKGROUND

Newcastle Local Municipality seeks to enlist the services of experienced and competent Implementation Agents (IA) to undertake implementation of various housing related projects within the Newcastle Municipal area of jurisdiction.

The Municipality has been gazetted as a level II Housing accredited Municipality and annually receives the budget from National/ Provincial Department of Human Settlements for implementation of approved capital projects or technical evaluation of planned housing projects. In each instance the Municipality is obligated to ensure competitiveness by putting these projects on the open market. Due to the protracted nature of the supply chain management process associated with enlisting the services of the compatible IA's, it is ideal to have a pool of IA's with whom the Municipality will rotate the housing related works to be undertaken. This will set in motion a process of delivering the much needed housing needs more rapidly to the qualifying beneficiaries.

The proposed pool of IA's is part of the enhanced approach to facilitate agility in statutory planning process and give effect to the capital programme whilst inflation cost is still manageable. The municipality is in the process of completing its Housing Needs Register 'HNR' for the entire municipal area, therefore accede to the perspective that which affirms that the current data base may be slightly outdated.

21.2 PURPOSE OF THIS DOCUMENT (TOR)

The intent of this exercise is twofold:

- a) deals with projects which still require the planning phase, referred to as Stage One within the Housing hierarchy.
- b) deals with capital projects which may be shovel - ready thereby having passed all the statutory processes associated with Stage One application.

21.2.1 Planned Projects (Green or Brown Fields)

For the purposes of this document 'Planned projects' refers to either green (vacant land) or brown (existing settlement) fields projects. This is regarded as Stage One of the housing application; it requires that a suite of plans and the following statutory requirements be in place:

- a) Spatial Planning and Land Use Management Act (SPLUMA) approvals,
- b) Engineering Services Assessment, Design Report and Engineering Drawing
- c) Water Use Licence Approval (WULA),
- d) Environmental Authorisation,
- e) Market feasibility,
- f) Heritage Impact Assessment,
- g) Traffic Impact Assessment,
- h) Wetland delineation Study,

- i) Geotechnical Assessment.

21.2.2 Capital Projects with SPLUMA approvals

These are the projects that have surpassed Stage One by obtaining all the necessary approvals listed in 2.1 above. These projects are regarded as shovel-ready since stages Two to Four are undertaken after obtaining all the planning approvals associated with Stage One. These stage are as follows:

- a) Stage Two (construction of Infrastructure services);
- b) Stage Three (construction of the housing units) and
- c) Stage Four (Opening of a township register).

Depending on the type of the project, and whether it is located in a rural or urban area, Stage Two may or not apply to the specific project. In each of these instances, determination with relevant stakeholders would be made earlier on which project type suite the geo/spatial circumstances of that area.

21.3 STUDY AREA

The Integrated Urban Development Framework is government's policy tool that guides future growth and management of urban areas. It is concerned with spatial transformation; thus it presents the national sentiments on how various areas are classified in terms of their economic performance, demographic structure and social trends.

Newcastle has been listed as a Secondary City which is characterised mainly by strong urban resilience and an inspiring informal sector that can be nurtured into fully grown enterprises.

Furthermore, the Newcastle Municipality has adopted the Vision 2035 Growth and development Strategy that seeks to secure and further pioneer Newcastle as an economic hub for the Northern KwaZulu Natal region.

21.4 PROPOSED APPROACH

The Implementation Agents will be responsible for the undertaking of various planning studies, engineering designs, building plans approval and implement based on the applicable contract management principles for all identified housing related projects. As stated above that the Municipality is to evaluate the type of approach which will apply in each instance, whether it is construction of services and/or housing top structure or it's a process which require a suite of plans and design prior to implementation. Therefore, the following is aimed at providing the guide about the process which will be all encompassing and aims to include the following:

Stages	SUMMARY OF APPROACH
Project Approach	Inception of the project Interpret the Terms of Reference to avoid misrepresentation of the project objectives; Screen the readily available data with an intention to efficiently improve the project approach where necessary

Stages	SUMMARY OF APPROACH
STAGE ONE:	CONSULTATION OF PARTIES AFFECTED BY PROPOSED DEVELOPMENT WHERE NECESSARY Consultation of sector/state and municipal departments prior to investigations or feasibility studies being undertaken
A	UNDERTAKE SPECIALIST INVESTIGATIONS AND OBTAIN NECESSARY APPROVALS INCLUDING BUT NOT LIMITED TO THE FOLLOWING: • Geotechnical Investigation; • Land Legal Study and cadastral surveys; • Socio-Economic survey; • Market viability studies; • Heritage Impact Studies; • Valuation of properties affected and on the new designated stands and servitudes • Engineering Services (Report)-Civil and Electrical • Traffic Impact Assessment • Final concept plan, draft Layout Plan for the Housing development, Reservation of Erf Numbers and Draft SPLUMA Report
B	ENVIRONMENTAL IMPACT ASSESSMENT • Final Layout Plan (though unapproved in terms of SPLUMA) • Draft designs for the infrastructure required to make the town centre function optimally • Environmental Screening through consultation with EDTEA • Environmental scoping • Specialist Investigations i.e., Wetland Delineation or Floodlines Study, (as determined by the EDTEA) and Impact Assessment • Draft EIA • Public Participation and commentary period • Final EIA Report and Record of Decision (RoD)
C	PRE-APPLICATION PROCESS AND TOWNSHIP ESTABLISHMENT THROUGH SPLUMA • Consultation with the Municipal Planning Registrar • Finalisation of the Layout Plan and Planning Report • Lodging application to Municipality with MPR/Official • Municipal Planning Registrar Reviews application for completeness within 60 days • Public Notice for 30 days • MPR submits Comments to Applicant • Applicant to respond within 60 days • Municipal Planning Tribunal Decision within 30 days • Communication of Decision (Approval) and Conditions of Establishment by Municipal Planning Registrar within 21 days
D	LAND SURVEYING • Site surveying • Aerial surveys; • Submission of Plan to the Surveyor General's Office • Approved General Plan
STAGE TWO:	PACKAGING OF STAGE TWO HOUSING APPLICATION: ENGINEERING SERVICES (GCC OR APPLICABLE LEGISLATION) • Preliminary Drawings • Produce services report • Engineering design report • Detailed designs

STAGE THREE:	CONSTRUCTION OF HOUSING UNITS (TOP STRUCTURE) • Priced BoQ • Project Implementation programme (as per GCC requirements, etc) • Cashflow projections • Submission of model building plans • Approval • Building of a show house • Construction of the top structures
STAGE FOUR:	OPENING OF THE TOWNSHIP REGISTER • Preparation of conveyancing documents for submission to the Deeds Office • Section 53 Certificate: Proclamation of the Township • Power of Attorneys, etc • Signed affidavit document by beneficiaries.

Note:

- Given the nature of skill sets required for this project, a multi-disciplinary team approach is preferred.
- The multi-disciplinary team must be led by the Project Manager who will coordinate and synthesise the information from each role player.

21.5 KEY EXPERTISE AND/OR EXPERIENCE REQUIRED

It is a minimum requirement that the procured team should be composed of the following expertise:

- Project Manager
- Town Planning /Urban Design;
- Development Facilitator;
- Environmental Assessment Practitioner;
- Economist;
- Engineers (Civil, Mechanical and Electrical, Geotechnical, Traffic and Transportation)
- GIS Specialist/ CAD Designer
- Land Surveyor
- Conveyancer

Note: The key professional team must be registered within their relevant professional and statutory bodies.

The successful team is to ensure that they fully engage the stakeholders to ensure that all pertinent information is timeously availed. It is the duty of the Implementation Agents to escalate any lack of co-operation to the Municipality so that bottle necks are timeously unblocked. The Implementation Agents will be required to present her/his work in a way that it covers the points raised in the scope of works below. In addition to the broadly defined scope of works contained hereunder, the outputs of the proposed work should generally be delivered with professional integrity and served without any material error.

21.6 SCOPE OF WORKS/ DELIVERABLES

To undertake all necessary planning in preparation to construct engineering services, housing structures, social amenities and all approved facilities attributable to a sustainable human settlement.

STAGE	MILESTONE/ DELIVERABLES	CONTENT
1	Inception Report	a) Confirmation of the Implementation Agents (PSP) multidisciplinary teams. b) Interpretation of the Terms of Reference. c) PSP strategic Approach and methodology for the programme d) Workplan with Cashflows, Milestones, Key tasks, Timelines. e) Programme Management Structure. f) Stakeholder engagement plan and approach (identification and segmentation, including: Strategic approach and multidimensional engagement. g) Contract Management (Muni/NDP). Note: The Implementation Agents will be required to confirm the following actions within the inception report: • Preparation of action minutes of all meetings • Develop the schedule of meetings and disseminate to his/her team the meeting invitation and the Municipality; • Develop ToR for Project Steering Committee • The Municipality will be responsible to assemble the Project Steering Committee and invite all stakeholders in government or private sector where required.
2	Situational Analysis: Land legal – Planning and Survey Matters: Business Plan for Stage One (Planning Phase) including Submission of SPLUMA Application	Land Legal- Survey: Phase B: Cadastral & Land Tenure Survey a) This survey must determine and define the type of land ownership b) (tenure system) and boundaries. c) The appointed team shall carry out the necessary work in ensuring that the land in the project area is ready for development through a phase-in approach towards taking-off. d) The activities shall include the packaging of a planning application and obtaining the approvals thereof, as may be required to unlock development potential of certain land parcels. e) The Land Surveyor shall provide expert advice on land legal complexities on properties on the project area. SPLUMA Preparation Phase A a) Prepare and submit a comprehensive land development application to the municipality in terms of the Newcastle Local Municipality's Spatial Planning and Land Use Management Bylaw. b) In line with the requirements of the bylaws an application for land use and/or land development must include an application form obtainable from the municipality, supporting documents and plans as well as a thorough town planning motivation for the proposal. c) During this phase the Implementation Agents is expected to gather information relating to the proposal including conducting specialist studies as may be required by the municipality e.g. environmental authorisations, traffic impact assessment, socio economic study, retail study, engineering services reports investigating and detailing the capacity required by the development etc.

		d) Once all critical information has been collated, the draft application must be circulated to relevant municipal departments, other relevant state departments as may be determined by the municipality for comments. e) Once comments have been received, the draft application together with supporting documents must then be submitted to the municipality for scrutiny. This period is not legislated, however due to the nature of the proposal the validity period for comments and supporting documents must not exceed six months from the date of receipt. SPLUMA Submission Phase B a) Upon confirmation by the municipality that the submitted application is complete in terms of the technical requirements and supporting documentation, the application must be advertised for public comment in 2 official languages for a period not less than 30 days including weekends and excluding public holidays. b) Upon the closing date of the public participation period the municipality has 60 days to consider the application. During this phase and from the responses received during the public participation period the municipality might decide to hold a public hearing. c) If the municipality holds the hearing, the Implementation Agents together with specialists who participated on the application will be required to avail themselves. Also, should there be an appeal against the proposal the same is required from the Implementation Agents. Note: • All cadastral work, including the planning and creation of new land parcels or consolidation of existing land parcels, must be performed by a registered Professional Land Surveyor registered with the South African Geomatics Council. • All work shall be submitted to the Land Survey Unit of the Municipality, in electronic and hard copy formats.
3	Construction of Engineering Services: Business Plan for Stage Two (Laying of all necessary engineering services)	Land Legal- Survey: Phase A: Engineering Survey a) This is a survey undertaken for the purpose of obtaining information essential to the planning of an engineering project. This includes topographical survey and construction of control points. b) All services such as water, roads, storm water, sewer, electricity, telecommunications infrastructure must be detailed in the survey. This must be clearly shown on the plan. c) The survey must cover the full extent of the project area.
4	Housing Development: Business Plan for Stage 3 (BoQ, Building plan,	a) All building and construction work should be governed by the National Building Regulations and Building Standards Act 103 of 1977 as amended.

	Beneficiary list and Construction of top structures)	b) Design and construction requirements for structural strength and stability "All housing units and structural elements or components thereof should be designed and constructed to provide strength and stability, for the lifetime of the structure, in accordance with the current standards of good practice" c) Factors to be considered for a proper building or structure "Fire requirements, structural strength and stability, safety or protection against harmful substances, sanitation, Health, weather tightness and provision for natural light and ventilation" d) Quality production requires "Delivery time, Construction plan, Conformance with requirements, proper site inspections, material used in projects, payment (on time) to contractors and high maintenance" e) Upon completions of structural elements or components, appointed structural engineer shall issue a certificate stating that all the work carried out is in accordance with the engineer's drawings and designs and in compliance with the NBR & BS and relevant SANS specifications.
5.	Township Register	Opening of the Township Register a) Compliance with pre-proclamation conditions (Conditions of Establishment) b) Opening of township register and transferring of Erven in line with Newcastle Municipal Planning Tribunal's conditions of approval. These may include approved GP, signed services agreement etc
	Close out	

21.7 SCOPE OF WORKS/ DELIVERABLES FOR THE SOCIAL HOUSING INSTUTIONS (SHIs)

To undertake all necessary planning in preparation to construct engineering services, housing structures, social amenities and all approved facilities attributable to a sustainable human settlement.

STAGE	MILESTONE/ DELIVERABLES	CONTENT
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1	Inception Report	a) Confirmation of the SHIs (PSP) multidisciplinary teams. b) Interpretation of the Terms of Reference. c) PSP strategic Approach and methodology for the programme d) Workplan with Cashflows, Milestones, Key tasks, Timelines. e) Programme Managment Structure. f) Stakeholder engagement plan and approach (identification and segmentation, including: Strategic approach and multidimensional engagement. g) Contract Management (Muni/NDP). Note: The SHIs will be required to confirm the following actions within the inception report: • Preparation of action minutes of all meetings • Develop the schedule of meetings and disseminate to his/her team the meeting invitation and the Municipality • Develop TOR for Project Steering Committee • The Municipality will be responsible to assemble the Project Steering Committee and invite all stakeholders in government or private sector where required.
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2.	Project Identification and Planning	Needs Assessment: Identified the specific housing needs of the target community, including income levels, family sizes and desires amenities. Feasibility Studies: Assessing the viability of the project, including financial, technical and social aspects. Project Definition: Clearly defining the project scope, objective and target beneficiaries. Site Selection: Identifying suitable land for the development, considering factors like location, accessibility and infrastructure. Stakeholders Engagement: Involving relevant stakeholders, such as government agencies, community representatives and potential developers in the planning process.
3	Land Acquisition and Preparation	Land Acquisition: Securing the necessary land through purchase or other means. Site investigation: Conducting thorough investigations of the land, including soil testing, environmental assessments and geotechnical surveys. Site Preparation: Preparing the land for construction, including clearing, grading and installing basic services like water, sanitation and electricity.
4	Design and Construction	Architectural and Engineering Design: Developing detailed plans for the housing units and associated infrastructure. Construction: Building the housing units according to the approved plans and specifications. Quality Control: Ensuring that the construction work meets specified standards and regulations. Infrastructure Development: Installing essential infrastructure like roads, sidewalks, and utilities
5	Community Engagement	Community Consultation: Regularly engaging with the community throughout the project lifecycle to gather feedback and address concerns. Community Participation: Involving residents in decision-making processes related to the project, such as design choices or community facility development. Social Programs: Implementing social programs to support residents, such as skills training, job creation initiatives, and community development activities.

APPOINTMENT OF TURNKEY PANEL OF IMPEMENTING AGENTS & SOCIAL HOUSING INSTITUTIONS FOR HOUSING PROJECTS FOR A PERIOD OF 36 MONTHS (3 YEARS)

6	Management and Maintenance	Property Management: Establishing a system for managing the social housing units, including rent collection, maintenance, and tenant selection. Community Facilities Management: Ensuring the proper maintenance and operation of community facilities, such as community halls, parks, and playgrounds. Long-Term Sustainability: Implementing strategies to ensure the long-term financial and social sustainability of the project.
Management and Maintenance will a continuation activity		

Note:

- a) Newcastle Municipality will provide the Implementation Agents with available information including the current scheme map and document in hard or soft copy.
- b) The application submitted for municipal approval will be compiled and signed off by a Town Planner registered with the South African Council for Planners as a Professional Planner.
- c) The Municipality's role is to process the application and refer it to the relevant Municipal Planning Authority for considerations,
- d) The Implementation Agents will undertake the payments to the newspapers for the SPLUMA adverts.
- e) The Implementation Agents will be available to present the item to the Municipal Planning Authority.
- f) The municipality endeavours to complete all approved housing projects, with necessary budget allocation, within a period of 36 months from approval.
- g) Submissions shall be in the form of both hard and electronic versions of the Project Area. All spatial information collected shall be submitted in GIS file format (preferably shape-files) for use in a GIS environment. The shape-files must have clear attribute information which differentiates each Strategy construct and its purpose. Metadata indicating, amongst others, source, date and accuracy of data, shall be provided.

21.8 DUTIES OF THE APPOINTED SOCIAL HOUSING INSTITUTIONS

The Implementation Agents would be responsible for, inter alia, the following functions:

- a) The preparation of survey, land legal and associated planning work and specialist studies;
- b) Outline the methodology and prepare a programme for the entire project and Communication Plan;

APPOINTMENT OF TURNKEY PANEL OF IMPLEMENTING AGENTS & SOCIAL HOUSING INSTITUTIONS FOR HOUSING PROJECTS FOR A PERIOD OF 36 MONTHS (3 YEARS)

- c) Assemble and collate the available information for the various components that are to be reviewed as well as ensure that the information is in a format that is readily accessible and available to Municipal officials after the project is complete;
- d) Establish procedures for communicating with all parties, for project reporting and financial control;
- e) Monitor, control and coordinate the activities and inputs of Implementation Agents as well as other affected parties to ensure relevance, validity and synchronization of all activities;
- f) Undertake all administrative activities associated with the project including convening meetings and taking minutes;
- g) Provide the Newcastle Municipality with regular progress reports as and when required;
- h) Prepare a report synthesizing the findings of the tasks;
- i) The project should be completed within six months from the date of the appointment;

It is anticipated that the duration of this panel of a professional team will be **36 months, 3 years**. However, once allocated with work, the contract validity period will be determined in liaison with key stakeholders. Implementation Agents will be required to submit a Work Plan/ Project Implementation Plan as part of inception which will be periodically reviewed following commencement. The Work Plan must include roles and responsibilities, outputs and milestones as well as clear timeframes.

It is also important to note that those activities / tasks, which can run parallel, must be done simultaneously, in order for the project to be completed in the shortest possible time.

21.8.1 Requirements for Submission

The complete documents should include the following:

- a) Background and expertise of the firm;
- b) Capacity to undertake work within stipulated time-frames;
- c) Contact details for key personnel;
- d) Relevant experience;
- e) VAT and disbursements as separate figures;
- f) A Valid tax clearance certificate.
- g) Knowledge of the area and community;
- h) Employment Equity.

21.8.2 Format of deliverables for work done

- a) Hard and soft copies in both PDF and editable version as well as reports on the paper size determined by the Municipality;
- b) Geo referenced CAD data / GIS file;
- c) Council has the copyright over any content/ material produced and paid for in full;

21.8.3 Assignments which are of a long – term (more than three years) in nature will be subject to section 33 of the Municipal Finance Management Act (56 of 2003).

ALL ENQUIRES IN CONNECTION WITH THIS INVITATION FOR PROPOSALS SHOULD BE DIRECTED TO:

Themba Nkomzwayo or Sandile Mkhize (Technical enquiries)
Manager: RSD or Manager: Urban
Newcastle Municipality

Tel: 034 328 7600 (Extension 7693 or 7851)

Themba.Nkomzwayo@newcastle.gov.za

Sandile.Mkhize@newcastle.gov.za

N.P Khathide
SED: Development Planning and Human Settlements
Newcastle Municipality
Tel: 034 328 7600 (Extension 7951)
Ntsiki.Khathide@newcastle.gov.za

22. GAZETTED GUIDELINES FOR PROFESSIONAL RATES
(PLEASE ATTACH THE FEE STRUCTURE ONTO THIS PAGE)

NOTE:

1. All delivery costs **MUST** be included in the bid price, for delivery at the prescribed destination.
2. Document **MUST** be completed in non-erasable black ink.
3. NO correction fluid/tape may be used. In the event of a mistake having been made, it shall be crossed out in ink and be accompanied by an initial at each and every alteration.
4. The Bidder **MUST** indicate whether he/she/the entity is a registered VAT Vendor or not.
 - In the case of the Bidder not being a registered VAT Vendor, both columns (amount/rate excluding AND including VAT) must reflect the same amount.

I / We _____

(full name of Bidder) the undersigned in my capacity as _____

of the firm _____ hereby

offer to Newcastle Municipality to render the services as described, in accordance with the terms of reference and conditions of contract to the entire satisfaction of the Newcastle Municipality and subject to the conditions of tender, for the amounts indicated hereunder:

	INDICATE WITH AN „X“											
Are you/is the firm a registered VAT Vendor	YES						NO					
If “YES”, please provide VAT number												

Escalation of Offer Prices in percentage

(Prices will be fixed for first 12 months and thereafter subject to escalation)

Expected escalation of prices after 12 months %

Expected escalation of prices after 24 months %

Name of Bidder			
Signature		Name (print)	
Capacity		Date	

Annexure A
Please append the Professional Fees Structure

23. DECLARATION BY BIDDER

I / We acknowledge that I / we am / are fully acquainted with the contents of the conditions of tender of this tender document and that I / we accept the conditions in all respects.

I / We agree that the laws of the Republic of South Africa shall be applicable to the contract resulting from the acceptance of *my / our tender and that I / we elect domicillium citandi et executandi (physical address at which legal proceedings may be instituted) in the Republic at:

I / We accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving in me / us under this agreement as the principal liable for the due fulfillment of this contract.

I / We furthermore confirm I / we satisfied myself / ourselves as to the corrections and validity of my / our tender; that the price quoted cover all the work / items specified in the tender documents and that the price(s) cover all my / our obligations under a resulting contract and that I / we accept that any mistake(s) regarding price and calculations will be at my / our risk.

I / We furthermore confirm that my / our offer remains binding upon me / us and open for acceptance by the Purchases / Employer during the validity period indicated and calculated from the closing date of the bid.

Name of Bidder			
Signature		Name (print)	
Capacity		Date	
Witness 1		Witness 2	