

## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
<b>BID NUMBER:</b>	MMSEZ/2020/0601	<b>CLOSING DATE:</b>	3 July 2020	<b>CLOSING TIME:</b>	11H00
<b>DESCRIPTION</b>	APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT A FEASIBILITY AND BANKABLE STUDY FOR THE CONSTRUCTION OF A DAM IN THE SANDRIVER TO SUPPLY WATER TO THE NORTHERN SEZ SITE, AND SURROUNDING AREA'S				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS) OR POSTED TO</b>					
<b>Limpopo Economic Development Agency (LEDA) Enterprise Development House, Main Road, Lebowakgomo</b>					
<b>PO BOX 760, Lebowakgomo, 0737</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	EMILY MARISHANE		CONTACT PERSON	Lance Fenn	
TELEPHONE NUMBER	015 633 4700		TELEPHONE NUMBER	015 295 5120	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	EMILY.MARISHANE@LIEDA.CO.ZA		E-MAIL ADDRESS	Laurence.Fenn@lieda.co.za	
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		<b>OR</b>	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				<input type="checkbox"/> YES <input type="checkbox"/> 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 BELOW.**

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
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 VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a> .
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

(Proof of authority must be submitted e.g. company resolution)

DATE: .....



**PRICING SCHEDULE**  
(Professional Services)

NAME OF BIDDER: .....	BID NO.: .....
CLOSING TIME 11:00	CLOSING DATE.....

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

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)	
1.	The accompanying information must be used for the formulation of proposals.		
2.	Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project.	R.....	
3.	PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)		
4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT		
	.....	R.....	..... days
	.....	R.....	..... days
	.....	R.....	..... days
	.....	R.....	..... days
5.1	Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.		
	DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY AMOUNT
	.....	.....	..... R.....
	.....	.....	..... R.....
	.....	.....	..... R.....
	.....	.....	..... R.....
		TOTAL: R.....	

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



5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
TOTAL: R.....			

- 6. Period required for commencement with project after acceptance of bid  
.....
- 7. Estimated man-days for completion of project  
.....
- 8. Are the rates quoted firm for the full period of contract? \*YES/NO
- 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.  
.....  
.....  
.....

\*[DELETE IF NOT APPLICABLE]

Any enquiries regarding bidding procedures may be directed to the –

Name :.....

Address :.....

Tel :.....

Or for technical information –

Name :.....

Address :.....

Tel :.....

**DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

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

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>, member):  
.....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:  
.....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

<sup>1</sup>“State” means –

- (a) 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);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

<sup>2</sup>“Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder **YES / NO**  
presently employed by the state?

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....

Name of state institution at which you or the person connected to the bidder is employed : .....

Position occupied in the state institution: .....

Any other particulars:

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

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1. If so, furnish particulars.

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

2.11. Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**

2.11.1 If so, furnish particulars:

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



**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:

- 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 exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the **80/20** system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

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

	<b>POINTS</b>
<b>PRICE</b>	80
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	20
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, 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) “**B-BBEE**” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) “**B-BBEE status level of contributor**” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) “**EME**” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) “**functionality**” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) “**prices**” includes all applicable taxes less all unconditional discounts;
- (h) “**proof of B-BBEE status level of contributor**” means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) “**QSE**” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 3. POINTS AWARDED FOR PRICE

### 3.1. THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for comparative price of bid under consideration

$P_t$  = Comparative price of bid under consideration

$P_{\min}$  = Comparative price of lowest acceptable bid

**4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION**

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

**5. BID DECLARATION**

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: . = (maximum of 10 or 20 points)  
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?  
 (*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**8.6 COMPANY CLASSIFICATION**

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p>
<p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>

**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Question		Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? <b>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</b>  The Database of Restricted Suppliers now resides on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ) and can be accessed by clicking on its link at the bottom of the home page.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

**CERTIFICATION**

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

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

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of Bidder**

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD 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 (SBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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 Institution)

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 consortium<sup>3</sup> 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.

<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder



## **TERMS OF REFERENCE**

**THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT A TECHNICAL FEASIBILITY AND BANKABLE STUDY FOR THE PROPOSED MUSINA DAM TO SUPPORT THE MUSINA MAKHADO SPECIAL ECONOMIC ZONE WITHIN THE MUSINA LOCAL MUNICIPALITY, VHEMBE DISTRICT OF THE LIMPOPO PROVINCE.**

**REQUEST FOR PROPOSAL (RFP) : MMSEZ/2020/0601**

**CLOSING DATE : 03 July 2020**

**CLOSING TIME : 11H00**

## **1. INTRODUCTION**

Musina Makhado Special Economic Zone State Owned Company (MMSEZ SOC) seeks to appoint a service provider to conduct a technical feasibility study for the proposed infrastructure development of Musina Dam to support the Musina Makhado Special Economic Zone (MMSEZ) and surrounding area's within the Musina Local Municipality, Vhembe District of the Limpopo Province.

The study will constitute an integral part of the broader investigations conducted as part of the impact assessment to identify any potential risk factors that may affect the environment and people in the development of the Musina Makhado Special Economic Zone.

The service provider is expected to conduct the study using an appropriate methodology and produce a report which will be used to inform decision making by all stakeholders involved.

## **2. BACKGROUND**

The South African Government, through the Department of Trade and Industry (the Dti), is spearheading the establishment of Special Economic Zones (SEZs) across the country's nine provinces to attract foreign direct investment (FDI), accelerate the manufacturing and export of value added products and the creation of a favorable environment for job creation. The DTI's Industrial Policy Action Plan (2018/2019 – 2020/2021) identified SEZs as one of the economic development strategic interventions that will enable the country to achieve its industrialisation, regional development and employment creation objective. In addition, the SEZs are expected to contribute towards strengthening South Africa in terms of trade from the manufacturing and export of value-added commodities, the creation of stronger value chains and provision of much-needed jobs in previously disadvantaged regions of the country.

In the Limpopo Province, the South African Government has designated the Musina Makhado area within the Vhembe District as the preferred site for the location of the SEZ. Anchored on the initial investment pledge of R40 billion from a Chinese consortium of investors, the MMSEZ will accelerate industrial diversification in the Province through the establishment of an energy and metallurgical processing complex. The energy and metallurgical complex of the SEZ (6000ha) will focus on the beneficiation of minerals found in Limpopo Province. Iron ore, coking coal, chrome, manganese, vanadium, silica and other minerals, which are key inputs into the iron and steel production process, will be part of the downstream value addition. This is in line with the country's

national industrialisation objectives and mineral beneficiation strategies.

Other cluster envisaged in the MMSEZ includes light and medium industries in general manufacturing, logistics and agro-processing. This will be supported by strong retail, commercial and residential centers as well as recreational facilities. The infrastructure development for the zone is estimated to be approximately R15 billion to develop and will take between five to thirty years to complete the construction work. The industrial park covers three key clusters as stated above and is located between the Musina Town and Limpopo River on a farm of 3500ha commonly known as Antonvilla. The site is located within a 10km radius from the Musina Town and 20km to Beit Bridge Border Post to Zimbabwe, which is the second busiest port of entry in South Africa and a gateway to the rest of Africa. Hence the strategic location of the MMSEZ makes it an ideal investment destination for (national and international) investors and businesses targeting the African markets.

### **3. PROBLEM STATEMENT**

In order to ensure successful implementation of the MMSEZ, it is important to guarantee security of water supply given the acute shortage of supply and the drought ravaging the far north region of the Limpopo Province. MMSEZ State Owned Company (SOC) has been collaborating with various stakeholders in the province and the country at large to explore various solutions to guarantee security of water supply without depleting the already strained local resources. Among the options under consideration is the cross-border water transfer scheme from Zimbabwe which has gained momentum.

This feasibility seeks to test the technical and commercial viability of the proposed dam and supporting infrastructure along the Limpopo River.

It is estimated that a total of harvesting approximately 200 to 400 million m<sup>3</sup> will be needed from the annum surface water over flowing from the Limpopo Rivers estimated 1858 million m<sup>3</sup> denaturalized annual runoff, during summer rains season, this will be at peak demand in the year 2050.

### **4. PROJECT DESCRIPTION**

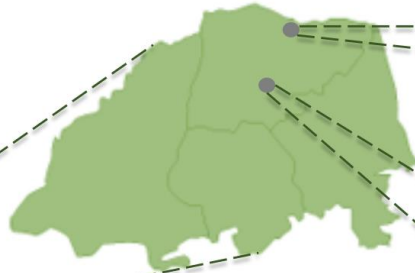
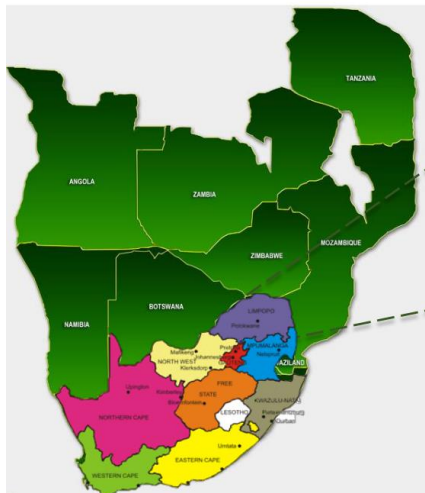
The proposed Musina Dam will be developed along the Limpopo River and the South African side of the border. It is envisaged that water will be harvested from the Limpopo River through one or more methods, which are either pumped, or gravity fed through a combination of weirs, wells, sumps, channels and extraction structures.

Water is then distributed from the main water storage (Musina Dam) to a series of other reservoirs some of which may be located closer to points of use such as the MM SEZ's North and the South Sites, Tshipise agricultural hub, Musina Town, Mining industries, etc.

Harvesting approximately 15% to 22% over flowing water from the Limpopo during flood seasons could potentially alleviate downstream flooding damages typically encountered in Mozambique during heavy rain season. Some of the proposed harvest systems could be to construct off-channel storage dam along the Limpopo River on the South African side of the Limpopo River. This could be augmented by an additional control weir in the Limpopo River. The type, height and sizes of these control weirs could be designed in such a way as to allow a minimum Environmental Discharge into the Limpopo River Aquifer. Only surface flow in the Limpopo River that exceeds this minimum Environmental Discharge will then flow over the off-channel storage dam along the Limpopo River on the South African side

#### 4.1. Proposed Project Location

## LOCATION



- Located in North of South Africa, Zimbabwe, Botswana and Mozambique
- Access to regional rail and road networks
- Access to Maputo Harbour and Durban Harbour
- Access to Polokwane International Airport and Johannesburg International Airport



- h) Investigation and advising into the Water Users Rights on sharing and proportion allocation of water volumes, the Water User Licenses (WULA),
- i) Investigate and recommend compliance with water user rights of the JWC member states
- j) Investigation into and report proposed metrologies of water extraction, portability and storages
- k) Investigate and report on any other activities, at dam level, water edges and off site from the dam feasibility that will add value and justification into the implementation of the storage dam
- l) Determination of the financial viability of the dam
- m) Determination of the ideal procurement model for the construction of the proposed infrastructure development of the dam, and or any other auxiliary infrastructure development to compliment and justify the storage dam development
- n) Dam implementation project cost estimates and duration
- o) Proposed operations, maintenance and repair model, for dam management and or auxiliary water users
- p) Proposed financing model/options with phased implementation approach
- q) Addendums of all assumptions in reviews and recommendations made
- r) Addendum of all rejections and reason for rejection

## 5. FORMAT FOR PROPOSALS

The proposal should cover among others the following aspects:

- a) Proposed methodology and Approach
- b) Project Implementation Plan with timeframes for a **6 (Six) months'** period, from date of appointment (Including Understanding of Assignment)
- c) Company profile indicating similar previous experience of completed and current projects
- d) Detailed CV of the proposed consultant's team members. The PSP shall be required to submit details of resources available to meet or exceed the following minimum requirements
- e) Risk Analysis/Identification Plan
- f) All assumption regarding proposal must be stated

## 6. COSTS ESTIMATES

The proposal cost estimate in no order of priority should indicate clearly (in Rand value) the following:

- a) Professional Services' work and specific cost estimate with applicable personnel rates;
- b) Travelling cost estimates; and

- c) Disbursement costs
- d) All cost estimates to be Vat inclusive
- e) Cost for every action and Phase to be separately stated
- f) Provide for the presentation progress work for a minimum of 3 (three) meetings in Polokwane and 3 (three) other either or in Pretoria or Johannesburg to be included into price including all Stay and Travel (S&T) and disbursement of information on presentation.
- g) All funding assumptions to be sated.

## **7. EXPECTED DELIVERABLES**

### **7.1 Inception Report**

### **7.2 Technical Viability, as per but not restricted to scope and must included the following:**

- a) Confirmation of the water sources and volumes
- b) Assessment of the engineering and geo-technical solution
- c) Review of the legislative compliance (national and international)
- d) Analysis of the Environmental Impact Assessment of the project
- e) Evaluation of the Water Balance (water demand and availability for users)

**Note:** Report to be submitted with all the relevant drawings, layout maps, pictures, etc. 5 (five) printed copies and 3 (three) electronic copies on 3 (three) USB, and 3 (three) CD's

### **Second Report: Bankability, as per the following but not restricted to:**

- a) Determination of the financial viability
- b) Determination of the ideal procurement model for the construction of the dam
- c) Project cost estimates assumptions and duration
- d) Proposed ownership and maintenance model
- e) Proposed financing options

### **7.3 Final Consolidated Report**

Note: Report to be submitted with all the relevant drawings, layout maps, pictures, etc. (five) printed copies and an electronic copy on 3 (three) USB, and 3 (three) CD's.

## **7.4 CONFIDENTIALITY**

All documents and data provided and resulting in the feasibility report and all addendums shall remain the property of MMSEZ SOC, and shall be treated as confidential, and cannot be shared, copied or redistributed in any format without written permission from the MM SEZ.

## 8. PAYMENT SCHEDULE

ACTIVITY	PAYMENT %
<b>Inception Report</b>	<b>10%</b>
<b>First Report: Technical Viability</b> <ul style="list-style-type: none"> <li>f) Confirmation of the water sources and volumes</li> <li>g) Assessment of the engineering and geo-technical solution</li> <li>h) Review of the legislative compliance (national and international)</li> <li>i) Analysis of the Environmental Impact Assessment of the project</li> <li>j) Evaluation of the Water Balance (water demand and availability for users)</li> </ul>	<b>30%</b>
<b>Second Report: Bankability</b> <ul style="list-style-type: none"> <li>f) Determination of the financial viability</li> <li>g) Determination of the ideal procurement model for the construction of the dam</li> <li>h) Project cost estimates assumptions and duration</li> <li>i) Proposed ownership and maintenance model</li> <li>j) Proposed financing options</li> </ul>	<b>40%</b>
<b>Final Consolidated Report</b>	<b>20%</b>
<b>TOTAL</b>	<b>100%</b>

## 9. PROJECT DURATION

The duration of the assignment will be maximum 6 (Six) months from date of appointment. The bidder is expected to present a project implementation plan with time-frames.

## 10. EVALUATION OF BIDS

Bids proposal will be evaluated in accordance with the 80/20 preference point system as contemplated in the Preferential Procurement Regulation of 2017, and all bid offers received shall be evaluated based on the following criteria.

**Functionality : 100**  
**Price : 80**  
**BBBEE : 20**

### Evaluation stage one: Functionality criteria

The following criteria will be used for evaluating all bids/ proposals for functionality and bidders are expected to obtain a minimum of 70 out of 100 points to proceed/qualify for further evaluation. Failure to obtain prescribed 70 points will automatically disqualify the bidder from proceeding to the next evaluation stage. Below is a table that shows how the 100 points of functionality will be allocated.

#### Functionality criteria

CRITERIA	MEANS OF VERIFICATION	POINTS	POINTS AWARDED
<b>Capability (Qualifications and competency)</b>			
Company with Minimum of five (15) years' experience in executing similar assignments;	<ul style="list-style-type: none"> <li>Experience should be backed by a minimum of 3 Letters of relevant work references issued by credible and traceable clients</li> <li>Company Profile.</li> <li>Experience of three Similar projects</li> </ul>	20 points	
<b>Project Leader:</b> <ul style="list-style-type: none"> <li>Qualification recognized by SAQA in relevant project Management</li> <li>BTech or Engineering Degree,</li> </ul>	<ul style="list-style-type: none"> <li>(Attach copies of CV and relevant certified copies of qualifications certificates</li> </ul>	20 points	

Built Environment Degree <ul style="list-style-type: none"> <li>With relevant Active professional membership Registration</li> </ul>			
<b>Key Personnel:</b> <ul style="list-style-type: none"> <li>BTech or Engineering Degree, Built Environment Degree</li> <li>Recognized Financial Qualification (B.com or B.Compt or CA, MBA, Economics/Economic Analysis)</li> <li>Project Management</li> </ul>	(Attach copies of CV, and Qualification)	15 points	
Two of its key personnel have worked in development of Business Cases, feasibility studies and Financial Modeling for a period exceeding at least 10 years.	(Attach copies of CV, and Projects Concluded).	10 points	
Methodology and Approach to Executing the Project (Including Understanding of Assignment, Approach, Methodology, Delivery Plan)	Attach Proposal	30 points	
Company with business premises in Limpopo	Proof of Address	5 points	
<b>Total</b>		<b>100 Points</b>	

Bids will be evaluated applying the 80/20 preference points system in accordance with the PPPFA Regulations of 2017 Evaluation stage two: Price , where points are awarded to bidders on the basis of Price (80) and B-BBEE (20), using the following formula to calculate points for price:

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

Where

$P_s$  = Points scored for comparative price of bid under consideration

$P_t$  = Comparative price of bid under consideration

$P_{\min}$  = Comparative price of lowest acceptable bid

### Evaluation Stage three: BBBEE

In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

**NB: In the event that two or more bids have scored equal total points, the contract will be awarded to the bidder scoring the highest number of preference points for BBBEE.**

## 11. BID/PROPOSAL SUBMISSION

The format of the bid proposals to be submitted shall comprise cover letter and the following documents:

- 1 Returnable bid document with all the required documents fully completed and signed;
- 2 Original and Valid Tax Clearance Certificate;
- 3 Detailed cost breakdown schedule;
- 4 Reference letters with contact details on a company letter head and/or stamped;
- 5 Entity/ Company registration documents;
- 6 Entity/ company profile (Company profile) that illustrates the core business, services offered, company profile and staff compliment;
- 7 Comprehensive methodology and Implementation plan;
- 8 Summary of verifiable previous projects with contact details of the project owners;
- 9 Certified copy of ID documents of all owners/directors of the Entity (certification should not be more than 3 months old);
- 10 Register with project relevant recognized South African Government Professional Organization (Please attach copy of paid up to date membership);

## 12. SPECIAL CONDITIONS

Musina Makhado SEZ SOC reserves the right to appoint the bidder that proves to be fully capable and qualified to handle and execute the job.

- a. Bids submitted must be in line with the detailed specification. Failure to bid accordingly will automatically disqualify the submitted bid.
- b. Musina Makhado SEZ SOC reserves the right to cancel or withdraw this bid if:
  - i. Due to changed circumstances, there is no longer a need for this services; or
  - ii. Funds are no longer available to cover the total envisaged expenditure; or
  - iii. No acceptable bids are received; or
  - iv. There is a material irregularity in the tender process.
- c. In the case of sub-contracting or joint venture agreement, Musina Makhado SEZ SOC will enter into a single contract with the principal bidder.
- d. Musina Makhado SEZ SOC reserves the right to call interviews with short-listed bidders before final selection.
- e. Musina Makhado SEZ SOC reserves the right to conduct supplier due diligence prior to final award or at any time during the contract period. This may include surprise site visits.
- f. Bidders who are not registered on Central Supplier Database (CSD) must register before submission of bids.

- g. Any completion of the bid document in pencil or erasable ink will not be acceptable and will automatically disqualify the submitted bid.
- h. Successful bidder will be required to sign a Service Level Agreement (SLA).
- i. Notwithstanding shortcomings and/or inconsistencies, if any, in this specification, which is only a minimum specification, a bidder shall make provision for a complete solution that will deliver the required service efficiently and cost-effectively.
- j. Bid documents should be delivered to the tender box at Enterprise Development House, Main Road, Lebowakgomo or posted to PO BOX 760, Lebowakgomo 0737 on or before **3rd July 2020 at 11h00** which is the closing date for this bid.
- k. Bids received after the closing date and time will not be accepted for consideration and where practicable, be returned unopened to the bidder
- l. This request for bid document contains confidential information about Musina Makhado SEZ SOC, which has been provided to supply potential bidders with the data necessary to provide a holistic response.
- m. No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party, in any manner whatsoever without the prior written permission of Musina Makhado SEZ SOC.
- n. Any reproduction or transmission of information contained in this document except for the sole purpose of responding to this bid is strictly prohibited.
- o. References to Musina Makhado SEZ SOC must not be made in any literature, promotional material, and brochures or sales presentations without the express written consent of Musina Makhado SEZ SOC.
- p. Musina Makhado SEZ SOC is not obliged to appoint the only or the lowest bid
- q. The Musina Makhado SEZ SOC reserves the right to request from the successful services provider to adjust the final deliverables to suite the budget availability if necessary.
- r. All submitted electronic information that is corrupt or that cannot be opened by MMSEZ, only the readable information will be used by the MMSEZ

## **CLARIFICATION / QUERIES**

The process of clarification required by a bidder regarding the meaning or interpretation of the specification or any other aspects concerning the bid will be done in writing (letter, or e-mail)

Telephonic requests for clarification will be considered: **Lance Fenn (071 391 4411) / 015 295 5120.**

**The cut-off date for queries is 19 June 2020 at 16:00 pm.**

The bid reference number should be quoted in all correspondence.

Technical queries should be directed to Mr. Laurence Fenn at [Laurence.Fenn@lieda.co.za](mailto:Laurence.Fenn@lieda.co.za) and copy [Emily.Marishane@lieda.co.za](mailto:Emily.Marishane@lieda.co.za).

Queries received will be responded to within three working days of receiving them.