

WALTER SISULU UNIVERSITY



Invitation to Tender

Tender Number	UTA-2018/19 TO 2020/21
Brief Description of Tender	Provision of professional consulting services in consortium for Mthatha WSU infrastructure projects
Closing and time of tender	30 April 2019 at 11H00
Bid Documents must be deposited in the tender box situated at:	Old Admin Building, Reception Area Leading to HR offices MTHATHA *Bidders should ensure that bids are delivered on time to the correct address *No late bids will be accepted.
Address for communication	Bid related enquiries should be directed to: E-mail: nyena@wsu.ac.za Telephone: 047 502 2737 Technical enquiries should be directed to: Email: tkonjwa@wsu.ac.za Telephone: 043 703 8518
Tender non-refundable fee Payment bank details NB:	R500.00 First National Bank Name of Account Holder: WSU Main Account Account Number: 62099126601 Branch code: 210521 Reference: Name of Consortium
Compulsory information briefing session	05 April 2019 at 11:00
Physical Address for Compulsory information briefing	Committee room M, Music Building, behind Old Library Building – NMD site Mthatha campus



WALTER SISULU UNIVERSITY

REQUEST FOR PROPOSALS PROFESSIONAL SERVICES FOR MTHATHA CAMPUS INFRASTRUCTURE PROJECTS

DHET INFRASTRUCTURE PROJECTS 2018/19 TO 2020/21

(PROJECT NUMBER: UTA-2018/19 TO 2020/21)

NAME OF TENDERER: _____

**REQUEST FOR PROPOSALS FROM
PROFESSIONAL SERVICE PROVIDERS IN CONSORTIUM FOR MTHATHA
INFRASTRUCTURE PROJECTS**

INVITATION TO TENDER

Walter Sisulu University invites capable and competent service providers to submit proposals for the provision of professional consulting services for WSU Mthatha Campus infrastructure projects. It is expected that consortia must respond to the proposal, **individual entities will not** be considered.

The professional consultancy services required are for the following disciplines:

- Project Management.
- Architectural Services.
- Mechanical Engineering.
- Electrical Engineering.
- Civil and Structural Engineering.
- Quantity Surveying.
- Occupational Health & Safety service.

Respondents are required to have relevant experience and knowledge in planning, design, construction management and implementation of infrastructure projects. The contract period for the professional consultancy services will be valid until project completion.

Tender documents will be available on WSU website (www.wsu.ac.za) from 12:00 to 16:30 on Wednesday **03 April 2019** at a cost of **R 500.00**.

A mandatory briefing meeting will be held at Music Building, Committee Room M, behind the Old Library building at NMD site on **Friday, 05 April 2019** at **11:00**

One original completed bid document shall be placed in a sealed envelope clearly marked, '**Contract No.: UTA-2018/19 TO 2020/21" REQUEST FOR PROPOSALS PROFESSIONAL SERVICES FOR MTHATHA INFRASTRUCTURE PROJECTS"**

The closing date and time for the submission of completed bids is shown on the cover page

No late submissions will be considered. The bids will not be opened in public.

Telephonic or any other form of communication with WSU member of staff, other than the one named below relating to request for proposal is prohibited. All enquiries related to this tender must be forwarded in writing and must be directed to:

Ntsikelelo Yena, Procurement Officer; Email: nyena@wsu.ac.za . *The tender awarded will be conditional and subject to successful negotiations and the signing of a written contract, failing which WSU reserves the*

right to withdraw the tender and award the same to the next tenderer without having to repeat the tender process. WSU reserves the right to appoint, contract with and monitor the performance of any service provider it deems will offer the best service in line with its requirements, although it may not necessarily be the lowest Tenderer. WSU also reserves the right, in its sole discretion, to re-advertise, not to retender or not to award the tender.

NB: WSU reserves the right not to accept the lowest proposal in part or in whole or any proposal.

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1. Introduction /Overview

Walter Sisulu University in pursuit of its vision as a developmental university that seeks an educationally vibrant and enabling environment that is conducive to the advancement of a holistic quality growth has identified a gap for improvement. Following a number of approved projects to be carried out between 2018/19 and 2020/21 financial years, WSU has resolved in the appointment of experienced service providers to assist in the execution of these projects.

2 Scope Description

2.1 Project Title:

The project calls for complete professional consultancy services to facilitate various new construction and or refurbishment projects at Mthatha Campus. This is to include detailed investigations and analysis, design solutions and cost estimates for the works to be carried out, followed by tendering process and provision of consulting services to manage the implementation of the construction project.

All proposed projects must comply with the National Building Regulations and the DHET Norms and Standards.

2.2 Project Specification

2.2.1 Scope of Professional Service

The proposal must be structured as per the latest guideline scope of services and tariff of fees for persons registered in terms of the relevant Engineering and the Built Environment legislation:

- Architectural Profession Act, 2000 (Act no 44 of 2000).
- Engineering Profession Act, 2000 (Act no 46 of 2000).
- Quantity Surveying Profession Act, 2000 (Act no 49 of 2000).
- Occupational Health & Safety Act, 2014

Walter Sisulu University requires the following professional services to carry out complete professional services for all the six work stages of the project cycle:

- Project Management.
- Architectural Services.
- Mechanical Engineering.
- Electrical Engineering.
- Civil and Structural Engineering.
- Quantity Surveying.
- Occupational Health & Safety service

The scope of the work generally entails the activities in all the works stages of the project as indicated below:

1. Work stage 1: Inception
2. Work stage 2: Concept and viability
3. Work stage 3: Design development
4. Work stage 4: Documentation and procurement
5. Work stage 5: Construction
6. Work stage 6: Close-out.

2.2.2

1. Professional Consultant's Responsibility

It is the duty of the consultant to ensure that the essential professional services that may be deemed necessary for the speedy execution of the project is specified and costed within their brief. The principal responsibilities of all consultants within a consortium will be to:

- Provide professional services consistent with best practice from their area of expertise.
- Ensure compliance with all applicable regulations, identify options and report on the recommended works that will include estimated costs for the execution of the works.
- Communicate with the relevant stakeholders.
- Monitor and check the work of each sub-consultant / service provider, where relevant.

2. Timeline and Budget for Project

The project designs are to be completed by **June 2019** and project execution will be in the **2019** and **2020** financial years.

3. Legal Compliance

All work to comply with the Occupational Health and Safety Act (Act 85 of 1993) and all sub-regulations. All work is to be carried out in accordance with the requirements set out in the SANS 10400 National Building Regulations related and relevant regulations.

4. Commencement of Work

The consultant is to commence work within seven (7) days from issue of official purchase order from WSU and signature of the PROCSA 4th Edition.

5. Pricing Schedule

Pricing to be carried out in accordance with the PROCSA agreement for professionals.

WSU reserves the right to alter the project value, it is to be noted that the fee percentage shall remain fixed.

Note: WSU requires 10% of professional fees retained for payment until after satisfactory completion of stage 5.

6. Tender Conditions

1. Preference will be given to respondents who have registered offices within Mthatha area.
2. Preference will be given to respondents who comply with the WSU's Procurement Policy & Procedures.
3. Respondents need to be tax compliant, therefore need to attach a Valid Tax Clearance Certificate accompanied by a tax status pin.
4. The appointed consortium will be required to ensure transfer of skills to current and former students of WSU through an internship programme.
5. Proof of registration with the relevant Professional Statutory Bodies and possession of Professional Indemnity Insurance must be submitted (R 10 million minimum per consultant).
6. Respondents will be evaluated for functionality and are expected to meet a minimum of 70% threshold in order to proceed to the next evaluation phase. The evaluation criteria for measuring functionality and weight of each criteria has been provided in this document.
7. A copy of the agreement entered into by the consortium members shall be submitted with the bid. Failure to submit a copy of agreement shall invalidate their bid and may lead to disqualification from this bid.

EVALUATION PROCESS

Stage 1: Responsiveness

The following criteria will be assessing the responsiveness of tenderers.

List of Mandatory Requirements

1. Signed attendance register at the mandatory briefing meeting.
2. Company registration documents
3. B-BBEE certification – by SANAS accredited verification agency
4. Valid SARS Tax Clearance Certificate.
5. Proof of Professional Indemnity Insurance (R10 million per consultant in a consortium)
6. Completed and signed Declaration of Interest Register
7. Completed and signed declaration of bidder's past supply chain management practices.
8. Completed and signed certificate of Independent Bid Determination (A single form to be completed as consortium)
9. Confirm availability of key personnel with relevant experience to execute infrastructure projects with proof of professional registration for the respective discipline tendering for.
NB: Only professional registration required and no candidate registration will be accepted.
10. Project Brief / Programme
11. Completed and signed Financial proposal / fee structure
12. Certificate of professional registration.

Stage 2: Functionality Assessment

Respondents to this tender will be subjected to a functionality assessment and must obtain a minimum of **70%** to be considered further (see attached functionality assessment criteria)

Stage 3: Quantitative Assessment

Respondents are required to submit financial offers to this proposal. Bids that pass through the stage 2 assessment will be adjudicated on Price and B-BBEE status.

Area of Assessment	Point Allocation
Tendered Price	90
B-BBEE	10
Total Points	100

ANNEXURE A

CONTACT INFORMATION

Note: All tenderers are required to complete this section and to include it in their submission. Failure to do so may render a tender invalid and may be grounds for rejection.

Requirement		Response	
Full registered name of company/enterprise			
CIPC registration number			
VAT Registration number			
Official Telephone number			
Official Fax number			
E-mail address			
Physical Address			
			Code
Postal Address			
			Code
Full names and Surname of contact person			
Telephone number			
Fax number			
Cellular number			
E-mail Address			
Company Name:			
(IN CASE OF A CONSORTIUM) FULL DETAILS OF CONSORTIUM MEMBERS:			
NAME OF CONTRACTING COMPANY IN CASE OF A CONSORTIUM			
CONTACT DETAILS OF RESPONSIBLE PERSON WHO WILL ACT ON BEHALF OF THE CONSORTIUM			
Name and Surname:			
Telephone number:			

Fax number:	
Cellular number:	
e-Mail address:	
ALTERNATIVE CONTACT DETAILS OF RESPONSIBLE PERSON WHO WILL ACT ON BEHALF OF THE PERSON ABOVE SHOULD HE/SHE NOT BE AVAILABLE	
Name and Surname:	
Telephone number:	
Fax number:	
Cellular number:	
e-Mail address:	

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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3.	THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4.	THE SUCCESSFUL BIDDER WILL BE ENGAGED WITH NEGOTIATIONS BY WALTER SISULU UNIVERSITY THAT MIGHT RESULT IN THE ISSUING OF A PURCHASE ORDER.
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 WSU TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	BIDDERS MUST ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.4	IN BIDS WHERE CONSORTIUM MEMBERS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.5	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.6	NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF WSU, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF WSU, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF WSU

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:

FINANCIAL PROPOSALS**1. FEE PROPOSAL**

FEE STRUCTURE		
Estimated Construction Cost		R 118 500 000.00
Fee Percentage Tendered		%
Total fee percentage in Rands		R
Work Stages	Fee % split	Fees per stage in Rands
Stage 1	10%	
Stage 2	15%	
Stage 3	25%	
Stage 4	10%	
Stage 5	35%	
Stage 6	5%	
Total Fees		

2. DISBURSEMENT PROPOSAL

Activity	Unit	Quantity	Rate
Fire Consultancy Services	Item	1	R 30 000.00
Land Surveying	Item	1	R 30 000.00
Geotechnical Engineering	Item	1	R 30 000.00
ICT Services	Item	1	R 30 000.00
Other Consultancy works required:3	Item	1	R
Management Fee	%	1	%
Printing, Typing, Binding & Drawings		1	R30 000
Total Disbursement Amount			R

3. SUMMARISED FINANCIAL PROPOSAL

SUMMARY OF FEES & DISBURSEMENT PROPOSAL	
Total Amount of Fees Proposed (_____ % percentage tendered)	R
Total Amount of All Disbursements	R
Total Consultancy Services Amount Offered (Excluding VAT)	R

SCHEDULE OF KEY PROFESSIONALS

Discipline Provided	Name of Key Staff Personnel assigned for Project
Principal Agent (Pr CPM - SACPCMP or Built Environment)	
Architects (Pr Arch/ Snr Pr Arch Technologist/ Pr Arch Technologist)	
Quantity Surveyors (Pr QS)	
Civil & Structural Engineers (Pr Eng/ Pr Tech)	
Mechanical Engineers (Pr Eng/ Pr Tech)	
Electrical & Electronics Engineers (Pr Eng/ Pr Tech)	
Professional Occupational Health & Safety Agents (Pr CHSA)	

I certify that the information provided
 (full names)
 on the above form is true and correct.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of Bidder

SBD 4**DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the university¹, or persons having a kinship with persons employed by the university, 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 university, 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 university; 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, shareholder², 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.

¹"University" means –

(a) Walter Sisulu University

²"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 presently employed by the university? **YES / NO**

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the university institution:.....

Any other particulars:

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

2.7.2 If you are presently employed by the university, 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 university 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 university 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 university 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:

.....

Full details of directors / trustees / members / shareholders

Full Name	Identity Number	Personal Income Tax Reference Number	University Employee Number / Peral Number

DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
 I ACCEPT THAT WSU MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of bidder

3 DECLARATION OF BIDDERS'S PAST SCM PRACTICES

SBD 8

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.**

Item	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? (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). 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 <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)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	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 the organ of the university 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

4 CERTIFICATE OF INDEPENDENT BID DETERMINATION

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) 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 *per 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:

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.

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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or

(f) bidding with the intention not to win the bid.

- 8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

A - FUNCTIONALITY SCORING CRITERIA

	Functionality Criteria	Requirements	Points Allocated
1	Relevant Experience of Lead Consultants/ Principal Agents.	This criterion covers the relevant experience of the lead consultant or Principal Agent as nominated by the consortium on projects of similar complexity. Lead consultants or Principal Agents must supply proof of specific experience as Principal Agents on projects of similar complexity i.e. university, college building, etc. with relevant JBCC Contract Management experience.	30
2	Demonstrated Consortium experience on similar projects	This criterion covers the experience and knowledge of all professional firms forming part of the consortium on projects that are comparable in terms of complexity, size and value. Bidders are to provide details on projects with the highest value that have been completed including details of contactable references for each project listed. They are also required to attach a copy of a company profile with at-least three traceable client references.	35
3	Quality Control System and Procedures which ensure compliance with the standards and specifications required for the delivery of the project.	Bidders are to provide documentation indicating the availability of a quality management system or a quality management plan that is functional within the organisation and can be used for this project. Details of certification/ accreditation and maintenance of the quality control and assurance system is to be provided.	25
4	Locality of firm's office/s.	Points are allocated for a location of the business as indicated in the table below. Bidders must submit proof of business address either in a form of a copy of municipal rates or lease agreement.	10

FUNCTIONALITY SCORING INDICATOR

	Functionality Criteria	Evaluation Indicators			
		No response – 0%	Satisfactory – 50%	Good – 75%	Very Good – 100%
1	Relevant Experience of Lead Consultant or Principal Agent	Failed to provide information	3 – 4 Years	5 – 7 Years	10 Years & Above
2	Demonstrated Consortium infrastructure experience (Architect, QS, Civil & Structural, Electrical & Electronic Engineers, OH&S Agents, Fire Consultants, Land Surveyors, Geotech Engineers & ICT Practitioners)	Failed to provide information	Atleast 3 projects completed of a value between R30 million and R50 million in the past 5 years and has provided 3 references.	Atleast 3 projects completed of a value between R50 million and R100 million in the past 5 years and has provided 3 references.	Atleast 3 projects completed of a value of R100 million and above in the past 5 years and has provided 3 references.
3	Quality Management System which ensures compliance with the standards and specifications required for the delivery of the project.	Failed to provide information	A documented Quality Management System is available, minimum relevant checklists for control of works and QCP provided.	A documented system or Quality Management Plan is available and proof supplied that the system is audited for ISO9001 compliance.	Accredited Quality Management System ie ISO9001 with proof of accreditation or valid certificate provided in the bid.
4	Locality of firm's office/s.	Failed to provide information	Existence of an office in Eastern Cape Province, a proof business address must be submitted in a form of a copy of municipal rates or lease agreement.	Existence of an office in Mthatha surrounding areas, a proof of business address must be submitted in a form of a copy of municipal rates or lease agreement.	Existence of an office within Mthatha, a proof business address must be submitted in a form of a copy of municipal rates or lease agreement.

DEMONSTRATED CONSORTIUM INFRASTRUCTURE EXPERIENCE

Discipline	Demonstrated Consortium Specific Experience				
	Score				
	0%	50%	75%	100%	Points
	Failed to provide information	At least 3 projects completed of a value between R30 million and R50 million in the past 5 years with 3 references provided.	At least 3 projects completed of a value between R50 million and R80 million in the past 5 years with 3 references provided.	At least 3 projects completed of a value of R80 million and above in the past 5 years with 3 references provided.	
Principal Agent or Lead Consultant					
Architect					
Quantity Surveyor					
Mechanical Engineer					
Civil & Structural Engineer					
Electrical Engineer					
Professional OH&S Agent					

EXPERIENCE OF THE CONSORTIUM

Discipline	Name of selected professional for each discipline to be assigned to this project	Professional Registration	Weighting = 100%	Relevant Experience of Professionals				Calculated Points (Weighting x Score)	
				Scores					
				0%		50%	75%		100%
				No information provided		3 – 4 Years	4 – 5 Years		5 Years & Above
Principal Agent or Lead Consultant			5%						
Architect			20%						
Quantity Surveyor			20%						
Mechanical Engineer			15%						
Civil & Structural Engineer			15%						
Electrical Engineer			15%						
Professional OH&S Agent			10%						
TOTAL SCORE FOR KEY PERSONNEL									

PREFERENCE POINTS CLAIM FORM

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.

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 R1 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to exceed R1 000 000 (all applicable taxes included) and therefore the 90/10 preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
PRICE	90
B-BBEE STATUS LEVEL OF CONTRIBUTOR	10
Total points for Price and B-BBEE must not exceed	100

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:

80/20 **or** **90/10**

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

Where

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- P_{min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 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 (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	8	16
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		NO	
-----	--	----	--

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2011:

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 consortium has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the consortium, 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.

WITNESSES
1.
2.

.....
SIGNATURE(S) OF BIDDERS(S)
DATE:
ADDRESS
.....
.....

CONSORTIUM

It is recognized that bidders may wish to form consortia to provide the goods, services or works. A bid in response to this invitation to bid by a consortium shall comply with the following requirements:-

It shall be signed so as to be legally binding on all consortium members;

One of the members shall be nominated by the others as authorized to be the lead member and this authorization shall be included in the agreement entered into between the consortium members;

The lead member shall be the only authorized party to make legal statements, communicate with the Tender Committee and/or the WSU and receive instructions for and on behalf of any and all the members of the consortium;

A copy of the agreement entered into by the consortium members shall be submitted with the bid. Failure to submit a copy of agreement shall invalidate their bid and may lead to disqualification from this bid.

RESOLUTION OF BOARD OF DIRECTORS TO ENTER INTO CONSORTIUM

RESOLUTION of a meeting of the Board of *Directors / Members / Partners of:

(Legally correct full name and registration number, if applicable, of the Enterprise)

held at _____ *(place)*

on _____ *(date)*

RESOLVED that:

1 The Enterprise submits a Tender, in consortium with the following Enterprises:

(List all the legally correct full names and registration numbers, if applicable, of the Enterprises forming the consortium)

to Walter Sisulu University in respect of the following project:

(Project description as per Tender Document)

Tender Number: _____ *(Tender Number as per Tender Document)*

2 *Mr/Mrs/Ms: _____

in *his/her Capacity as: _____ *(Position in the Enterprise)*

and who will sign as follows: _____

be, and is hereby, authorised to sign a consortium agreement with the parties listed under

item 1 above, and any and all other documents and/or correspondence in connection with and relating to the consortium, in respect of the project described under item 1 above.

3 The Enterprise accept joint and several liability with the parties listed under item 1 above for the due fulfilment of the obligations of the consortium deriving from, and in any way connected with, the Contract to be entered into with WSU in respect of the project described under item 1 above.

4 The Enterprise choose as its *domicilium citandi et executandi* for all purposes arising from this Consortium agreement and the Contract with Walter Sisulu University in respect of the project under item 1 above:

Physical address: _____

Postal Address: _____
 _____ (code)

 _____ (code)

Telephone number: _____ (code)

Fax number: _____ (code)

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			

Note:

1. * Delete which is not applicable.
2. **NB.** This resolution must be signed by all the Directors / Members / Partners of the Tendering Enterprise.
3. Should the number of Directors / Members / Partners exceed the space available above, additional names, capacity and signatures must be supplied on a separate page.

ENTERPRISE STAMP

SPECIAL RESOLUTION OF CONSORTIUM

RESOLUTION of a meeting of the duly authorised representatives of the following legal entities who have entered into a consortium to jointly tender for the project mentioned below: *(legally correct full names and registration numbers, if applicable, of the Enterprises forming a consortium)*

1 _____

2 _____

3 _____

4 _____

5 _____

6 _____

7 _____

8 _____

Held at _____ *(place)*

on _____ *(date)*

RESOLVED that:

A. The above-mentioned Enterprises submit a tender in consortium to Walter Sisulu University in respect of the following project:

_____ *(Project description as per Tender Document)*

Tender Number: _____ *(Tender Number as per Tender Document)*

B. Mr/Mrs/Ms: _____

in *his/her Capacity as: _____ (Position in the Enterprise)

and who will sign as follows: _____

be, and is hereby, authorised to sign the tender, and any and all other documents and/or correspondence in connection with and relating to the tender, as well as to sign any Contract, and any and all documentation, resulting from the award of the tender to the Enterprises in consortium mentioned above.

C. The Enterprises constituting the consortium, notwithstanding its composition, shall conduct all business under the name and style of:

D. The Enterprises to the consortium accept joint and several liability for the due fulfilment of the obligation of the consortium deriving from, and in any way connected with, the Contract entered into with Walter Sisulu University in respect of the project described under item A above.

E. Any of the Enterprises to the consortium intending to terminate the consortium agreement, for whatever reason, shall give Walter Sisulu University 30 days written notice of such intention. Notwithstanding such decision to terminate, the enterprises shall remain jointly and severally liable to Walter Sisulu University for the due fulfilment of the obligations of the consortium as mentioned under item D above.

F. No Enterprise to the consortium shall, without the prior written consent of the other Enterprises to the consortium and of Walter Sisulu University, cede any of its rights or assign any of its obligations under the consortium agreement in relation to the Contract with Walter Sisulu University referred to herein.

G. The Enterprises choose as the *domicilium citandi et executandi* of the consortium for all purposes arising from the consortium agreement and the Contract with WSU in respect of the project under item A above:

Physical address: _____

_____ (code)

Postal Address: _____

_____ (code)

Telephone number: _____ (code)

Fax number: _____ (code)

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			

NOTES TO BIDDERS

This section outlines basic requirements that must be met. Failure to comply with these requirements or part thereof will result in your proposal being excluded from the evaluation process.

- a) Walter Sisulu University (WSU) reserves the right to amend, modify or withdraw this tender if deemed necessary.
- b) Neither WSU nor any of their respective directors, officers, employees, agents, representatives or advisors will assume any obligation for any costs or expenses incurred by any party in or associated with preparing or submitting a bid in response to this bid.
- c) Walter Sisulu University and its advisors may rely on a Bid as being accurate and comprehensive in relation to the information and proposals provided therein by the Bidders.
- d) All Bids submitted to WSU will become the property of WSU and will as such not be returned to the Bidder unless if received after the closing date and time. WSU will make all reasonable efforts to maintain bids in confidence. Proprietary information should be identified as such in each bid.
- e) Evaluation of tenders will be carried out by a Tender Bid Evaluation Committee (TBEC). The Evaluator(s) will, if necessary, contact Bidders to seek clarification of any aspect of the tender.
- f) The validity period of this tender is ninety (90) days from the closing date.
- g) Bidders should identify any work they are currently carrying out or competing for which could cause a conflict of interest, and indicate how such a conflict would be avoided.
- h) This document is confidential and should not be distributed to any non-bidding party without the proper authorization of the WSU.
- i) This document is released for the sole purpose of responding to this tender and must be considered confidential. In addition, the use, reproduction or disclosure of the requirements, specifications or other material in this tender is strictly prohibited.
- j) All bids must be formulated and submitted in accordance with the requirements of this tender.
- k) Consortium is encouraged; however, the transfer of skills and partnerships should be demonstrated in the proposals.
- l) The Bidder should demonstrate how it intends assisting in building the capacity to WSU students and how it will transfer skills to such students.
- m) Please note that Tender Offer is synonymous to Request for Proposals in this document
- n) Service providers who are blacklisted by any statutory body will, under no circumstances, be considered for this project/s

DISCLAIMER

WSU reserves the right not to appoint a service provider and is also not obliged to provide reasons for the rejection of any proposal.