



## **Economic Development and Planning Economic Development and Investment Promotion Unit**

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### **Call for Proposals: PQ: 7N 38853**

#### **Terms of Reference: Supply and delivery of two 6 metre storage containers for Ntuzuma G Section.**

##### **1. Introduction:**

The purpose of this terms of reference is to call for proposals for the supply and delivery of two 6 metre storage containers at Ntuzuma G section. The containers will be used for storage as well as office premises for micro enterprises.

##### **2. Specifications**

The appointed contractor should supply and install the storage container as specified below.

- 2 x 6 metre standard shipping containers converted

##### **3. Deliverables**

The successful service provider will during the course of the project:

- Supply suitable container conversion
- Deliver these unit to the site at Ntuzuma G section

##### **4. Timing and Project duration**

The container unit is expected to be delivered by the 30 July 2018

##### **5. Service Provider Requirements**

The successful bidder is likely to:

- Be an individual or company or consortium with demonstrated professional background and experience relevant to the project requirements
- Be able to supply a minimum of one traceable references related to the scope of work required

##### **7. Project proposal/Quotations to be submitted**

The Project proposal/Quotation should include:

- A breakdown of price of items detailing costs of supply and delivery.
- A company profile including photographs of similar project and at least one traceable references
- Shop drawings for containers to be supplied

Companies that do not submit the above will not make it past stage 1 functionality scoring as this accounts for majority of the points. Please see that your submission includes all the elements in the scoring criteria.

The proposal should to be submitted by **6 June 2018 11:00am** in hard copy format in a sealed envelope, and hand delivered to

**Tender box located inside the reception  
Materials Management Building  
166 Archie Gumede Place  
Durban  
4001**

It should state the project title and contract number on the cover page, being;

**Supply and delivery of two 6 metre Container Conversion for Ntumuza G section. PQ: 7N-38853**

#### 8. Tender adjudication

The adjudication of Proposals will follow a two stage process:

##### Stage 1: Functionality

The proposals are evaluated on the basis of functionality according to the following criteria and scoring system. Only proposals scoring 70 points in the functionality evaluation will proceed to the price and empowerment evaluation stage. The adjudication criteria and weighting that will be applied in stage one is as follows:

Functionality of Proposal	Maximum
Does the proposal demonstrate a good understanding of the project requirements and inspire confidence in the likelihood of the delivery and supply of the containers requested.	10
Does the implementation plan and assignment of resource inspire confidence, reflect output based milestones and provide a basis for monitoring performance against commitments made in proposal	10
Does the company demonstrate sufficient experience on projects of a similar nature? Minimum one references to be included and shop drawings.	40
Does the assigned project personnel demonstrate adequate experience on similar projects? Brief CV's to be included.	30
Has the company submitted an adequate price breakdown as per specifications listed?	10
<b>Total</b>	<b>100</b>

No submission 0	No submission made
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Unacceptable (Score 40%)	The proposal shows insufficient understanding of the project requirements. The approach or methodology is poor and unlikely to satisfy the objectives of the assignment. The tenderer does not appear to have sufficient experience with similar projects.
Satisfactory (Score 70%)	The approach and understanding of the brief is clear and relevant and the experience is directly relevant to the objectives of the project. The tenderer has adequate experience in projects of a similar nature. There is confidence that the project can be delivered successfully.
Good (Score 90%)	A unique proposal that strongly identifies with the project. All the important issues are addressed and there is a clear plan as to how the project will be approached. The tenderer has outstanding experience in projects of a similar nature. There is a high degree of confidence that the tendered will complete the project successfully.
Excellent (100%)	Besides meeting the "good" rating, the important issues are approached in an innovative and efficient way, indicating that the tenderer has outstanding knowledge of the state-of -the art approaches. The methodology is comprehensive.

### Stage 2: Price and Empowerment rating

Stage 2: PRICE AND BEE	Maximum
Price/Cost Implications	80
BEE score as determined by the Municipality's Procurement Office	20
<b>GRAND TOTAL</b>	<b>100</b>

The 2011 National Treasury Preferential Procurement Regulations will be applied. Hence, all prospective service providers need to submit an Empowerment Rating Certificate from an accredited BEE rating agency, or if the firms turnover is less the R5,000,000.00 per annum, to provide an Auditors letter confirming this turnover.

The 80/20 points system will be applied in which price counts for 80 points and empowerment score for 20 points. Broad Based Black Economic Empowerment Points will be awarded to bidders in accordance with the table below:

BBBEE Status Level of Contributor	90/10 Point System	80/20 Point 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

### 10. Provision for negotiations

This brief is subject to any changes, which may stem from a negotiation of final terms with the successful bidder for the project.

### 11. Project Budget and Disbursement

The total contract price is expected to be in line with market related costs for products of a similar nature including disbursements and excluding VAT. The final activity and payment will be agreed on during the induction meeting within the first two weeks of appointment.

### 12. Specification and Procurement Priorities

The following requirements must be adhered to as part of the process:

- The quotation shall include total cost, VAT and disbursements as separate figures.
- A schedule of projected time and financial cost per phase must be provided.
- A current tax clearance certificate must be submitted.
- The attached “Declaration of Interests”; “Declaration of Municipal Fees”; and “Targeted Procurement Profile” form must be completed.
- Broad-Based Black Economic Empowerment Compliance Certificate from a rating agency accredited by the National Treasury or a letter from the Company Auditors stating that the company’s turnover is less than R5 million.
- In the event that consortia respond to this request for proposals, each company forming part of the consortium are to fill out all of the supporting documentation in full.

These terms of reference are subject to any changes which may stem from a negotiation of the final terms with the consultant(s).

### 13. Municipal fees

All proposals are to complete and sign the attached declaration wherein they declare that all municipal fees are in order, or proper arrangements have been made with the municipality, and include the relevant account numbers in the declaration.

### 14. Confidentiality

This report must be deemed as strictly confidential and while it may be necessary to consult with various entities, no information garnered may be divulged. The content and proposed submissions, of the winning proposal, are to be regarded as the property of the EThekweni Municipality and are to be treated as confidential. Information, which is generated, may not be made available to any third party without the prior permission of the Municipal Manager: EThekweni Municipality.

### 15. Submission of proposals

For tracking purposes also email [Pumla.Jali@durban.gov.za](mailto:Pumla.Jali@durban.gov.za) confirming that a proposal has been submitted.

The proposal should to be submitted by **6 June 2018 11:00am** in hard copy format (2 copies) in a sealed envelope, and hand delivered to

**Tender box located in the reception**

**Materials Management Building  
166 Archie Gumede Place  
Durban  
4001**

It should state the project title and contract number on the cover page, being;

**Supply and delivery of two 6 metre Container Conversion for Ntumuza G section. PQ: 7N-  
38853**

**FOR FURTHER INFORMATION CONTACT:**

**Pumla Jali  
Economic Development & Investment Promotion Unit  
[Pumla.Jali@durban.gov.za](mailto:Pumla.Jali@durban.gov.za)**

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**Contractor Acknowledgement of Responsibility**  
**In Terms Of The Occupational Health and Safety Act**

**CONTRACT NO. PQ: 7N-38853**

Written agreement between ETHEKWINI Municipality (the "employer")

And

.....(the "mandatory")

as provided for in terms of Section 37 (2) of the Occupational Health and Safety Act No.85 of 1993 as amended by Act 181 of 1993.

I hereby declare that I, ....., am authorised to represent the "mandatory" and acknowledge that the "mandatory" is an employer in its own right with all duties and responsibilities as prescribed in the Occupational Health and Safety Act no. 85 of 1993.

I agree to ensure that all work performed or machinery and plant used by the "mandatory" on any ETHEKWINI Municipality premises shall be in accordance with the provisions of the said Act.

Furthermore, I agree the "mandatory" shall comply with all ETHEKWINI Municipality site rules and safety, health, and environmental requirements as may be communicated or stipulated by ETHEKWINI Municipality prior to and during the course of any Contract awarded to the "mandatory" by ETHEKWINI Municipality.

Furthermore, I undertake to ensure that ETHEKWINI Municipality is timeously informed should the "mandatory", for whatever reason, be unable to perform in terms of this agreement.

Signed this ..... day of .....2017.....

On behalf of the "mandatory"	(print)	..... .....
	(signature)	..... .....
On behalf of the "employer"	(print)	..... .....
	(signature)	..... .....

**DECLARATION OF INTEREST**

**CONTRACT NO. PQ: 7N-38853**

1. Any legal person, including persons employed by the principal, or persons having a kinship with persons employed by the principal, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the principal, 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 and/or take an oath declaring his/her interest, where-

- The bidder is employed by the principal; 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 Are you or any person connected with the bidder, employed by the principal? **YES / NO**

2.1.2 If so, state particulars.

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

2.2.1 If so, state particulars.

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

2.3.1 If so, state particulars.

**DECLARATION OF MUNICIPAL FEES**

**CONTRACT NO. PQ: 7N-38853**

I/We do hereby declare that the Municipal Fees of (**Tenderer's Name**),

are, as at the date of the tender closing, fully paid up, or arrangements have been concluded with the Municipality to pay the said fees:-

The following to be completed by tenderer

<b><u>Account</u></b>	<b><u>Account Number</u></b>
<b>Electricity</b>	
<b>Water</b>	
<b>Rates</b>	

I/We acknowledge that should it be found that the Municipal Fees are not up to date, the Council may take such remedial action as it required, including termination of contract, and any income due to the contractor shall be utilised to offset any monies due to the Council.

<b>NAME OF TENDERER</b> (In Block Letters)	<b>SIGNATURE</b>
<b>CAPACITY</b>	<b>DATE</b>

**NB:** The Declaration of Municipal Fees must be completed in its entirety and signed. Non-compliance will render this tender invalid.



## **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

### **CONTRACT NO. PQ: 7N-38853**

I, \_\_\_\_\_ the undersigned, in submitting the accompanying bid for contract PQ: 7G-38853, described as Supply of a 3 metre food preparation Container Conversion, in response to the invitation for the bid made by the ETHEKWINI MUNICIPALITY, do hereby make the following statements that I certify to be true and complete in every respect:

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. If 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 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" will not be construed as collusive bidding, where "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
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding
  - (a) Prices;
  - (b) Geographical area where product or service will be rendered (market allocation)
  - (c) Methods, factors or formulas used to calculate prices;
  - (d) The intention or decision to submit or not to submit, a bid;
  - (e) The submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) Bidding with the intention not to win the bid,
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor prior to the date and time of the official bid opening or of the awarding of the contract.

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

<b>NAME OF BIDDER</b>	<b>DATE</b>
<b>CAPACITY OF SIGNATORY</b>	<b>SIGNATURE</b>

**THE HEAD: ECONOMIC DEVELOPMENT AND INVESTMENT PROMOTION UNIT**  
**41 MARGARET MNCADI AVENUE**  
**DURBAN OFFICIAL TENDER FORM**

In response to your CONTRACT NO. PQ **7N-38853**  
dated..... I/we hereby offer to provide the service detailed hereunder in accordance with the Technical Specification, General Conditions of Contract and Special Conditions of Tender which accompanied your Enquiry (with which I/we acknowledge myself/ourselves to be fully acquainted) at the price/s stated below and on the Schedule of Rates. The schedule below MUST indicate all goods and services that will be supplied and the rates charged for consultancy services, in accordance with requirement under Section 8 of the Call for Proposals.

DESCRIPTION	PRICE (excl. VAT)	VAT	TOTAL (incl. VAT)
To supply and deliver 2x 6 metre container			
<b>TENDERER'S VALUE ADDED TAX REGISTRATION NUMBER</b>			

I/We hereby agree that this tender will hold good and remain open for acceptance until 16:00 on the Wednesday of the fourth week following the Wednesday on which tenders are opened or during such other period as may be specified in the Special Conditions of Tender (Goods and Services **I/We hereby agree that this tender, together with the Municipality's Letter of Acceptance thereof, will constitute a binding contract which will take effect from the business day following the date of dispatch of the letter of acceptance.**

**DETAILS OF TENDERER**

Personal Name:			Company name:		
Identity number:			Address:		
Capacity:					
Signature:					
Landline:	Code:	Number:			
Cellphone:			email:		

**NB. THIS OFFICIAL TENDER FORM MUST BE COMPLETED AND SIGNED IN ITS ENTIRETY, AN INCOMPLETE FOR WILL RENDER THIS TENDER INVALID**