

**PROVINCIAL ADMINISTRATION OF KWAZULU-NATAL  
DEPARTMENT OF HEALTH**



**health**

Department:  
Health  
PROVINCE OF KWAZULU-NATAL

**RETURNABLE DOCUMENT**  
ONE VOLUME APPROACH

**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital**

**Project Leaders**

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**Employer:**

Head: Health  
KZN Department of Health  
Private Bag X9051  
**PIETERMARITZBURG**  
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0762353442

**Directorate:**

Chief Director: Infrastructure Development  
KZN Department of Health  
Private Bag X9051  
**Pietermaritzburg**  
3200  
Tel Number: 033 940 2554  
Fax Number:

Bid Number: ZNB 9940/2021-H  
CIDB Grading: 5 EB

Project Code: 310011433  
Document Date: To be determined  
Contract Period: 6 months

Contracting Party: \_\_\_\_\_  
CIDB Registration number: \_\_\_\_\_  
Central Suppliers Database Registration Number: \_\_\_\_\_

**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital**

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### IMPORTANT NOTICE TO BIDDERS

Any reference to words Bid or Bidder herein and/or in any other documentation shall be construed to have the same meaning as the words Bid or Bidder. These forms are for internal and external use for the KZN Department of Health, Provincial Administration of KwaZulu-Natal.

"Quality" shall mean totality of features and characteristics of a product or service that bears on the ability of the product or service to satisfy stated or implied needs.

**No alternative Bids will be accepted.**

The Total (Including Value Added Tax) on the Final Summary of the Bill of Quantities must be carried to the "Offer" part **only** of the Form of Offer and Acceptance - T2.21

"Enterprise" shall mean the legal Bidding Entity or Bidder who, on acceptance of the Offer, would become the contractor"

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**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES  
(UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital,  
Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's  
Hospital and St Mary's Hospital**

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**THE BID**

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**PART T1. - BID PROCEDURES**

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**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital**

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**T1.1 - BID NOTICE AND INVITATION TO BID**

## T1.1 BID NOTICE AND INVITATION TO BID

### THE KZN DEPARTMENT OF HEALTH INVITES BIDS FOR THE PROVISION OF:

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNB 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>
<b>Advertisement date:</b>	<b>11 June 2021</b>	<b>Closing date:</b>	<b>12 July 2021</b>
<b>Closing time:</b>	<b>11:00</b>	<b>Validity period:</b>	<b>120 days</b>

It is estimated that bidders should have a CIDB contractors grading designation of 5 EB or higher. No alternative Class of work, as referred to in Clause 25(3)(a)(i) of the CIDB Regulations, as amended, is anticipated for this project.

	It is estimated that Potentially Emerging enterprises should have a CIDB contractor grading of <b>(N/A)</b> and satisfy the criterion stated in the Tender Data. ( <i>Only applicable if Client has an Official Mentorship programme in place to assist potentially emerging enterprises</i> ) All Tenderer's should have a CIDB Class of Construction Contractor Grading Designation as indicated above. No Tenderer with a PE status can be considered if "N/A" is indicated above because the Department does not have an Official Mentorship Programme in place to assist a Potentially Emerging Enterprise.
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#### Only bidder's who are responsive to the following responsiveness criteria are eligible to submit bids:

<input checked="" type="checkbox"/>	Only those bidders who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with the latest Regulation 25(1B) or 25(7A) of the Construction Industry Development Regulations for a :  5 EB or higher, class of construction work, are eligible to have their bids evaluated."  Bid values in close proximity to the limit of a bid value range will be dealt with in accordance with Clause 25(3)(a)(ii) and 25(7A) of the latest amended Regulation.
<input checked="" type="checkbox"/>	Joint ventures are eligible to submit bids provided that:  1 every member of the joint venture is registered with the CIDB; and  2 the lead partner has a contractor grading designation in the 4 EB or higher, class of construction work; or  3  Refer to Table 9 of the Regulation for requirements of combinations.
<input checked="" type="checkbox"/>	Bid document must be properly received on or before the tender closing date and time specified on the invitation, fully completed and signed in ink (All as per Standard Conditions of Tender).
<input checked="" type="checkbox"/>	Submission of Compulsory Returnable Schedules documents as per List of returnable documents.
<input checked="" type="checkbox"/>	Tax Compliance Status (TCS) PIN number and bidder's or entity tax reference number.
<input checked="" type="checkbox"/>	Contractor's Safety, Health and Environmental Declaration.
<input checked="" type="checkbox"/>	Complete priced Bill of Quantities to be submitted on the day of the bid closing date.
<input checked="" type="checkbox"/>	Proof of good standing with the Compensation Commissioner - In terms of Section 84(1)(b) of the Compensation for Occupation Injuries and Disease Act, 1993, a <b>Bidder may not be awarded a contract</b> if he/she is not registered and in good standing with the Compensation Commissioner.
<input type="checkbox"/>	Proof of Paid Municipal Rates and Taxes (F3.13.1 - Bid Data)
<input checked="" type="checkbox"/>	Proof of UIF Registration (F3.13.1 - Bid Data) (Attach)
<input checked="" type="checkbox"/>	Financial Standing and other resources of Business Declaration

<input checked="" type="checkbox"/>	Compulsory Enterprise Questionnaire.
<input checked="" type="checkbox"/>	Bidders must fulfil the functionality criteria first before their price will be considered.

THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

Name of Bidder: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

Telephone Number: CODE \_\_\_\_\_ NUMBER \_\_\_\_\_

Cellphone Number: \_\_\_\_\_

Facsimile Number: CODE \_\_\_\_\_ NUMBER \_\_\_\_\_

E-mail Address: \_\_\_\_\_

VAT Registration Number: \_\_\_\_\_

TAX COMPLIANCE STATUS (TCS) PIN TO VERIFY ON LINE COMPLIANCE SUPPLIER STATUS VIA SARS e-FILING (T2.19) YES ☐ or NO ☐

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (T2.9) YES ☐ or NO ☐

IF YES, WAS THE CERTIFICATE ISSUED BY A VERIFICATION AGENCY ACCREDITED BY SANAS? [Tick Applicable Box] YES ☐ or NO ☐

A Verification Agency Accredited by the South African Accreditation System (SANAS)

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS / SERVICES / WORKS OFFERED? [If yes, enclose proof] YES ☐ or NO ☐

This bid will be evaluated according to the preferential procurement model in the Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2017:

☒ 80/20 Preference point scoring system ☐ 90/10 Preference point scoring system

<b>NOTE</b>	See Quality Criteria in Annexures 6 of the Annexures attached to this document.	
Quality requirement:	70	Points
Price:	80	points
Preference point scoring system will be based on the following points:		
<b>Preference points system:</b>		
Preferences are offered to Bidder's who have attained the following B-BBEE status level of contributor in accordance with the table below:		
1.	B-BBEE Status Level of Contributor	Number of Points
(a)	Level 1	20 Points
(b)	Level 2	18 Points
(c)	Level 3	14 Points
(d)	Level 4	12 Points
(e)	Level 5	8 Points
(f)	Level 6	6 Points
(g)	Level 7	4 Points
(h)	Level 8	2 Points
(i)	Non-compliant contributor	0 Points
<b>2. Other specific goals (according to the PPPFA):</b>		



(a)	[insert specific goal]	0	Points
(b)	[insert specific goal]	0	Points
(c)	[insert specific goal]	0	Points
(d)	[insert specific goal]	0	Points
<b>Total must equal 10 or 20 points</b>		<b>20</b>	<b>Points</b>

**Notes:**

- 1 The successful bidder will be required to fill in and sign a written GCC 2010 2nd Edition Contract.
- 2 Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.
- 3 The requirements in respect of the application of either 80/20 and 90/10 preference points scoring system, as reflected in clause F3.11 of the **Bid Data**, will apply and the points reflected above for preferences will be adjusted accordingly on a pro-rata basis if required.
- 4 The bid box is generally open during official working hours.
- 5 All Bids must be submitted on the official forms – (Not to be re-typed)
- 6 THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT FOR CONSTRUCTION WORKS (GCC2010) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT
- 7 **(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)**
- 8 Where stated in the tender data that a two-envelope system has been followed, open only the non-financial proposal of valid tenders in the presence of tenderer's agents, who choose to attend, at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

Evaluate that non-financial proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals are to be opened.

Open only the financial proposals of tenderers who, in the quality evaluation score, have more than the minimum number of points for quality stated in the tender data, and announce the score obtained for the non-financial proposals and the total price and any preferences claimed. Return unopened financial proposals to tenderers whose non-financial proposals failed to achieve the minimum number of points for quality.

**COLLECTION OF TENDER DOCUMENTS:**

Tender documents may be collected during working hours at the following address :

**SCM Old Boys Model School, 310 Jabu Ndlovu Street, PMB**

A non-refundable tender deposit of R380 is payable as per the tender advertisement , on collection of the bid documents. The Bidders must deposit the the above amount into the Department's bank account. The Account details are:

Account Name:

Bank Name:

Account Number:

Bank Code:

Reference No:

The Bidder must attach the account statement with above reference, to this bid as **proof of payment of the deposit**.

**SITE INSPECTION MEETING**

A Compulsory pre bid Site Inspection Meeting will take place as follows:

**28 June 2021** – Prince Mshiyeni Memorial Hospital (8am), HK Khan (10am) and then King Edward VII Hospital (12h30) and if possible, St Aidens Hospital (14h00)

**02 July 2021** – Mahatma Ghandi Hospital (8am), Osindisweni Hospital (10;30am), St. Aidens Hospital (12h30) and then St. Marys Hospital (14h30).

All bidders to meet for the Site Briefing at the Maintenance Department Workshops of these Hospitals.

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE OR TECHNICAL INFORMATION MAY BE DIRECTED TO:**

DOH Project Manager:	Mr. Sandile Ngema	Telephone no:	033 940 2520
Cell no:	0762353442	Fax no:	
E-mail:	Sandile.Ngema2@kznhealth.gov.za		

**DEPOSIT / RETURN OF TENDER DOCUMENTS: (Bid Documents)**

Telegraphic, telephonic, telex, facsimile, electronic and / or late tenders will not be accepted.

Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the **Tender Data document**.

All tenders must be submitted on the official forms – (not to be re-typed)

**TENDER DOCUMENTS MAY BE:**

POSTED TO:
Head: Department of Health
KZN Department of Health
Private Bag X9051
PIETERMARITZBURG
3200
Attention: <b>Pre-Bid and Adjudication Division</b>

OR

DEPOSITED IN THE TENDER BOX AT:
KZN Department of Health
SCM Old Boys Model School
310 Jabu Ndlovu Street
Pietermaritzburg
3201

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**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS)  
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Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's  
Hospital**

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**T1.2 - BID DATA**

**T1.2 TENDER DATA**

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>			Please before
<b>Project Code:</b>	<b>310011433</b>			
<b>Tender no:</b>	<b>ZNB 9940/2021-H</b>	<b>Closing date:</b>	<b>12 July 2021</b>	
<b>Closing time:</b>	<b>11:00</b>	<b>Validity period:</b>	<b>120 Days</b>	
<b>Clause number:</b>				
	<p>The conditions of Tender are the Standard Conditions of Tender as contained in Annexure C of the CIDB Standard for Uniformity in Engineering and Construction Works Contracts as per Board Notice <b>423 of 2019</b> in Government Gazette <b>42622 of 8 August 2019</b> as amended from time to time. (see <a href="http://www.cidb.org.za">www.cidb.org.za</a>) Refer to Conditions of Tender as bound into this document.</p> <p>The Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.</p> <p>Each item of data given below is cross-referenced to the clause marked "C" in the above mentioned Standard Conditions of Tender.</p>			
C.1.1	<p>The Employer is the Head: KZN Department of Health</p> <p>For this contract the <u>single volume</u> approach is adopted.</p> <p>This procurement document has been formatted and compiled under the headings for a single volume approach as contained in table 5 of the CIDB's "Standard for Uniformity in Engineering and Construction Works Contracts."</p> <p>The list of Returnable Documents identifies which of the documents a Tenderer must complete when submitting a Tender. The Tenderer must submit his Tender by completing the Returnable Documents including the priced Final Summary of the Bills of Quantities, signing the "Offer" section in the "Form of Offer and Acceptance" and delivering the whole of the procurement document back to the Department bound up as it was when it was received.</p>			
C.1.2	<p>The single volume procurement document issued by the Employer comprises the following:</p> <p><b>TENDER</b></p> <p><b>Part T1: Tendering procedures</b></p> <p>T1.1 - Tender Notice and Invitation to Tender</p> <p>T1.2 - Tender Data</p> <p>T1.3 - Annexure C - Standard Conditions of Tender</p> <p><b>Part T2: Returnable documents</b></p> <p>T2.1 - List of returnable documents</p> <p>T2.2 - Returnable schedules (See different forms listed in <b>T2.1 - Returnable Schedule</b>)</p> <p><b>CONTRACT</b></p> <p><b>Part C1: Agreements and Contract Data</b></p> <p>C1.1 - Form of Offer and Acceptance</p> <p>C1.2 - Contract Data</p> <p>C1.3 - Form of Guarantee</p> <p><b>Part C2: Pricing data</b></p> <p>C2.1 - Pricing Instructions</p> <p>C2.2 - Bills of Quantities</p> <p><b>Part C3: Scope of works</b></p> <p>C3.1 - Scope of Works</p> <p>C3.2 - Specification for HIV/AIDS awareness</p> <p>C3.3 - HIV/STI Compliance report</p> <p>C3.4 - Project Specific Construction Safety, Health and Environmental Specification</p> <p>C3.5 - Supplementary Preambles</p>			

<b>Part C4: Site Information</b>	
C4.1 -	Site Information
C4.2 -	Builders Lien Agreement
<b>Part 5: List of Drawings/Annexure's</b>	
C5.1 -	Health and Safety Specification
C5.2 -	
C5.3 -	
C5.4 -	
C5.5 -	
C5.6 -	
C.1.4	<p>The Employer's agent (Engineer/Principal Agent) is:</p> <p>Name: <b>Mr. S. Ngema</b></p> <p>Capacity: <b>Project Leader</b></p> <p>Address: <b>KZN DoH Infrastructure Development, Block 1 Townhill Office Park, 35 Hyslop</b></p> <p>Tel: <b>033 940 2520</b></p> <p>Fax:</p> <p>E-mail: <b>Sandile.Ngema2@kznhealth.gov.za</b></p> <p>Responsible person: <b>Mr. Sandile Ngema</b></p> <p>The second sentence shall read "Communications can be in any of the official languages recognised in KwaZulu-Natal which is English, Afrikaans or Zulu but writing is preferred in English as this is generally accepted as a business language"</p>
C.1.6	<p><b>PP2-Competitive Selection Procedure</b>      <b>Design by Employer</b></p> <p><b>PP2B-Open Procedure</b></p> <p><b>Tenderers must meet the minimum qualifying score for functionality criteria first before they can be considered for price and preference.</b></p>
C.2.1	<p>For eligibility refer to <b>T1.1 Tender Notice and Invitation to Tender</b></p> <p>Only those tenderers who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25(1B) or 25(7A) of the Construction Industry Development Regulations for a :</p> <p>5 EB or higher class of construction work, are eligible to have their tenders evaluated.</p> <p>Joint ventures are eligible to submit tenders provided that:</p> <p>1 every member of the joint venture is registered with the CIDB;</p> <p>2 the lead partner has a contractor grading designation in the 4EB or higher, class of construction work; or not lower than one level below the required the required grading designation in the class of works construction works under considerations and possess the required recognition status</p> <p>3 the combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a :</p> <p>5 3EB or a value determined in accordance with Regulation 25 (1B) or 25 (7A) of the Construction Industry Development Regulations.</p>
	<b>See end of T2.3 AUTHORITY FOR CONSORTIA OR JOINT VENTURES TO SIGN TENDER for combinations of JV's arrangements.</b>
C.2.7	For particulars regarding a pre-tender site inspection meeting (clarification meeting), see <b>T1.1 Tender Notice and Invitation to Tender.</b>
C.2.12	<p>Alternative tender offer permitted:      Yes      <input type="checkbox"/>      No      <input checked="" type="checkbox"/> X</p>

	<b>Only the complete Service as per the Bills of Quantities</b>
C.2.13.2	Tenderers are to ensure that their company details appear on the entire relevant Tender documentation and must be legible.
C.2.13.3	Part of each tender offer communicated on paper shall be submitted as an original, plus ONE copy of the tender document including supporting documents and priced Bill of Quantities where applicable, scanned onto a readable compact disk (CD) in pdf format, at the Tenderers own cost. The CD must be clearly marked with the tender information and company details.
C.2.13.4	The second sentence shall read as follows "The Employer will hold all authorised signatories jointly and severally liable on behalf of the tenderer". Tenderers proposing to contract as a Joint Venture shall submit a valid Joint Venture Agreement before the Joint Venture's offer could be accepted. Individuals, Partnerships and Companies proposing to contract as a party to a Joint Venture shall be jointly and severally liable on behalf of the Joint Venture.
C.2.13.5	The Employer's address for delivery of tender offers and identification details to be shown on each tender offer package are as per <b>T1.1 Tender Notice and Invitation to Tender</b> .
	A Open Procedure will be followed
C.2.15	The closing time for submission of tender offers is as per <b>T1.1 Tender Notice and Invitation to Tender</b> .
C.2.16	The tender offer validity period is as per <b>T1.1 Tender Notice and Invitation to Tender</b> .
C.2.17	Sub-clause C2.17 does not preclude the negotiation of the final terms of the contract with the preferred tenderer, following a competitive selection process, should the Employer elect to do so and provided that the competitive position of the preferred tenderer is not affected.
	The tenderer is to submit the Priced Bills of Quantities with the Returnable's at the closing of the tender.
	This is not an EPWP project
C.2.19	Access shall be provided for inspections, tests and analysis as may be required by the Employer.
C.2.22	Tenderers <b>do not</b> have to return all retained tender documents within 28 days after expiry of the Tender validity period.
	Tenderers are to refer to <b>List of Returnable Schedules</b> and <b>Scope of Works</b> to establish what is required to be submitted with this tender.
C.3.4	The location for opening of the tender offers, immediately after the closing time thereof shall be at: <b>KZN Department of Health, Supply Chain Management, 310 Jabu Ndlovu Street, Pietermaritzburg, 3200 at the time indicated on T1.1 Notice and Invitation to Bid</b>
C.3.8	<p>The employer must determine, on opening and before detailed valuation, whether each Tender offer properly received:</p> <ul style="list-style-type: none"> <li>a) complies with the requirements of the Conditions of Tender.</li> <li>b) has been properly and fully completed and signed, and</li> <li>c) is responsive to the other requirements of the Tender documents.</li> </ul> <p>A responsive tender is one that conforms to all the terms, conditions and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:</p> <ul style="list-style-type: none"> <li>a) detrimentally affect the scope, quality, or performance of the Works, services or supply identified in the Scope of Work or</li> <li>b) significantly change the Employers or the Tenderers risks and responsibilities under the contract, or</li> <li>c) affect the competitive position of other Tenderers presenting responsive tenders, if it were to be rectified.</li> </ul>

	Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.
C.3.13	<p><b>Tender offers will only be accepted if:</b></p> <ul style="list-style-type: none"> <li>(a) Tenderers must be registered on Government's Central Supplier Database (CSD) and include their master registration number (MAAA number) on the cover page of the tender document in order to enable the institution to verify the tenderers tax status on the CSD</li> <li>(b) the Tenderer is registered with the Construction Industry Development Board in an appropriate contractor grading designation is required for this tender and the Tenderder has submitted a CIDB certificate of registration which clearly indicates the status "Active"</li> <li>(c) the Tenderer is not in arrears for more than 3 months with municipal rates and taxes and municipal services charges.</li> <li>(d) the Tenderer has completed the Compulsory Enterprise Questionnaire and there are no conflicts of interest which may impact on the Tenderder's ability to perform to the contract in the best interests of the employer or potentially compromise the Tender process.</li> <li>(e) the tenderer or any of its directors is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004) as a person prohibited from doing business with the public sector; and</li> <li>(f) the Tenderer has not: <ul style="list-style-type: none"> <li>i) abused the Employer's Supply Chain Management System; or</li> <li>ii) failed to perform on any previous contract and has been given a written notice to this effect.</li> </ul> </li> <li>(g) the Tenderer is registered with: <ul style="list-style-type: none"> <li>i) the Unemployment Insurance Fund (UIF); and</li> <li>ii) the Workmen's Compensation Fund</li> </ul> </li> <li>(h) the Tenderer submitted Authority to Sign the tender.</li> <li>(i) the Tenderer submitted Financial standing &amp; other resources of Business Declaration.</li> <li>(j) the Tenderder submitted Equipment Schedules, if applicable.</li> <li>(k) the Tenderer signed the Form of Offer that is part of the Form of Offer and Acceptance.</li> <li>(l) the Tenderer submitted Preference Certificate, if applicable.</li> <li>(m) the Tenderer submit Final Summary of Bill of Quantities at tender closing.</li> <li>(n) the Tenderer submitted Declaration of Interest.</li> <li>(o) the Tenderer submitted Site Inspection Certificate from the Compulsory Briefing Meeting</li> <li>(p) All information required to assess 'Functionality' as per Tender Data scheduled requirements</li> </ul> <p>Providing the form of offer and acceptance does not contain any qualifying statements, it will constitute the formation of a contract between the employer and the successful Tenderder as described in the form of offer and acceptance.</p>
C.3.15	Tenderers are informed that any formal dispute shall be resolved by being referred to Arbitration only.
C.3.17	Provide to the successful Tenderer one copy of the signed contract document and one copy of an unpriced bills of quantities

## **Annex F**

(normative)

### **Standard Conditions of Tender**

#### **F.1 General**

##### **F.1.1 Actions**

**F.1.1.1** The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in F.2 and F.3, timeously and with integrity, and behave equitably, honestly and transparently, comply with all legal obligations and not engage in anticompetitive practices.

**F.1.1.2** The employer and the tenderer and all their agents and employees involved in the tender process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Tenderers shall declare any potential conflict of interest in their tender submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict, and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

*Note: 1) A conflict of interest may arise due to a conflict of roles which might provide an incentive for improper acts in some circumstances. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in his or her position even if no improper acts result.*

*2) Conflicts of interest in respect of those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which would in any way affect any decisions taken.*

**F.1.1.3** The employer shall not seek and a tenderer shall not submit a tender without having a firm intention and the capacity to proceed with the contract.

##### **F.1.2 Tender Documents**

The documents issued by the employer for the purpose of a tender offer are listed in the tender data.

##### **F.1.3 Interpretation**

**F.1.3.1** The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender.

**F.1.3.2** These conditions of tender, the tender data and tender schedules which are only required for tender evaluation purposes, shall not form part of any contract arising from the invitation to tender.

**F.1.3.3** For the purposes of these conditions of tender, the following definitions apply:

- a) **conflict of interest** means any situation in which:
- i) someone in a position of trust has competing professional or personal interests which make it difficult to fulfill his or her duties impartially;
  - ii) an individual or organisation is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit; or



- iii) incompatibility or contradictory interests exist between an employee and the organisation which employs that employee.
- b) **comparative offer** means the price after the factors of a non-firm price and all unconditional discounts it can be utilised to have been taken into consideration;
- c) **corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process;
- d) **fraudulent practice** means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels;
- e) **organization** means a company, firm, enterprise, association or other legal entity, whether incorporated or not, or a public body;
- f) **functionality** means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs.

#### **F.1.4 Communication and employer's agent**

Each communication between the employer and a tenderer shall be to or from the employer's agent only, and in a form that can be readily read, copied and recorded. Communications shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data.

#### **F.1.5 Cancellation and Re-Invitation of Tenders**

F1.5.1 An organ of state may, prior to the award of the tender, cancel a tender if-

- (a) due to changed circumstances, there is no longer a need for the services, works or goods requested; or
- (b) funds are no longer available to cover the total envisaged expenditure; or
- (c) no acceptable tenders are received.

F1.5.2 The decision to cancel a tender must be published in the cidb website and in the government Tender Bulletin for the media in which the original tender invitation was advertised.

#### **F.1.6 Procurement procedures**

##### **F.1.6.1 General**

Unless otherwise stated in the tender data, a contract will, subject to F.3.13, be concluded with the tenderer who in terms of F.3.11 is the highest ranked or the tenderer scoring the highest number of tender evaluation points, as relevant, based on the tender submissions that are received at the closing time for tenders.

##### **F.1.6.2 Competitive negotiation procedure**

**F.1.6.2.1** Where the tender data require that the competitive negotiation procedure is to be followed, tenderers shall submit tender offers in response to the proposed contract in the first round of submissions. Notwithstanding the requirements of F.3.4, the employer shall announce only the names of the tenderers who make a submission. The requirements of

F.3.8 relating to the material deviations or qualifications which affect the competitive position of tenderers shall not apply.

**F.1.6.2.2** All responsive tenderers, or not less than three responsive tenderers that are highest ranked in terms of the evaluation method and evaluation criteria stated in the tender data, shall be invited in each round to enter into competitive negotiations, based on the principle of equal treatment and keeping confidential the proposed solutions and associated information. Notwithstanding the provisions of F.2.17, the employer may request that tenders be clarified, specified and fine-tuned in order to improve a tenderer's competitive position provided that such clarification, specification, fine-tuning or additional information does not alter any fundamental aspects of the offers or impose substantial new requirements which restrict or distort competition or have a discriminatory effect.

**F.1.6.2.3** At the conclusion of each round of negotiations, tenderers shall be invited by the employer to make a fresh tender offer, based on the same evaluation criteria, with or without adjusted weightings. Tenderers shall be advised when they are to submit their best and final offer.

**F.1.6.2.4** The contract shall be awarded in accordance with the provisions of F.3.11 and F.3.13 after tenderers have been requested to submit their best and final offer.

### **F.1.6.3 Proposal procedure using the two stage-system**

#### **F.1.6.3.1 Option 1**

Tenderers shall in the first stage submit technical proposals and, if required, cost parameters around which a contract may be negotiated. The employer shall evaluate each responsive submission in terms of the method of evaluation stated in the tender data, and in the second stage negotiate a contract with the tenderer scoring the highest number of evaluation points and award the contract in terms of these conditions of tender.

#### **F.1.6.3.2 Option 2**

**F.1.6.3.2.1** Tenderers shall submit in the first stage only technical proposals. The employer shall invite all responsive tenderers to submit tender offers in the second stage, following the issuing of procurement documents.

**F.1.6.3.2.2** The employer shall evaluate tenders received during the second stage in terms of the method of evaluation stated in the tender data, and award the contract in terms of these conditions of tender.

## **F.2 Tenderer's obligations**

### **F.2.1 Eligibility**

**F.2.1.1** Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer.

**F.2.1.2** Notify the employer of any proposed material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used by the employer as the basis in a prior process to invite the tenderer to submit a tender offer and obtain the employer's written approval to do so prior to the closing time for tenders.

## **F.2.2 Cost of tendering**

**F2.2.1** Accept that, unless otherwise stated in the tender data, the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer complies with requirements.

**F2.2.2** The cost of the tender documents charged by the employer shall be limited to the actual cost incurred by the employer for printing the documents. Employers must attempt to make available the tender documents on its website so as not to incur any costs pertaining to the printing of the tender documents.

## **F.2.3 Check documents**

Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.

## **F.2.4 Confidentiality and copyright of documents**

Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.

## **F.2.5 Reference documents**

Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.

## **F.2.6 Acknowledge addenda**

Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.

## **F.2.7 Clarification meeting**

Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.

## **F.2.8 Seek clarification**

Request clarification of the tender documents, if necessary, by notifying the employer at least five working days before the closing time stated in the tender data.

## **F.2.9 Insurance**

Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

## **F.2.10 Pricing the tender offer**

**F.2.10.1** Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable 14 days before the closing time stated in the tender data.

**F.2.10.2** Show VAT payable by the employer separately as an addition to the tendered total of the prices.

**F.2.10.3** Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.

**F.2.10.4** State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

### **F.2.11 Alterations to documents**

Do not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations.

### **F.2.12 Alternative tender offers**

**F.2.12.1** Unless otherwise stated in the tender data, submit alternative tender offers only if a main tender offer, strictly in accordance with all the requirements of the tender documents, is also submitted as well as a schedule that compares the requirements of the tender documents with the alternative requirements that are proposed.

**F.2.12.2** Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the employer.

**F.2.12.3** An alternative tender offer may only be considered in the event that the main tender offer is the winning tender.

### **F.2.13 Submitting a tender offer**

**F.2.13.1** Submit one tender offer only, either as a single tendering entity or as a member in a joint venture to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.

**F.2.13.2** Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.

**F.2.13.3** Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.

**F.2.13.4** Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.

**F.2.13.5** Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

**F.2.13.6** Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked —financial proposal and place the remaining returnable documents in an envelope marked —technical proposal. Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

**F.2.13.7** Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.

**F.2.13.8** Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.

**F.2.13.9** Accept that tender offers submitted by facsimile or e-mail will be rejected by the employer, unless stated otherwise in the tender data.

#### **F.2.14 Information and data to be completed in all respects**

Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

#### **F.2.15 Closing time**

**F.2.15.1** Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Accept that proof of posting shall not be accepted as proof of delivery.

**F.2.15.2** Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.

#### **F.2.16 Tender offer validity**

**F.2.16.1** Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.

**F.2.16.2** If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period with or without any conditions attached to such extension.

**F.2.16.3** Accept that a tender submission that has been submitted to the employer may only be withdrawn or substituted by giving the employer's agent written notice before the closing time for tenders that a tender is to be withdrawn or substituted.

**F.2.16.4** Where a tender submission is to be substituted, submit a substitute tender in accordance with the requirements of F.2.13 with the packages clearly marked as —SUBSTITUTE.

### **F.2.17 Clarification of tender offer after submission**

Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.

*Note: Sub-clause F.2.17 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Employer elect to do so.*

### **F.2.18 Provide other material**

**F.2.18.1** Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment. Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.

**F.2.18.2** Dispose of samples of materials provided for evaluation by the employer, where required.

### **F.2.19 Inspections, tests and analysis**

Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.

### **F.2.20 Submit securities, bonds and policies**

If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

### **F.2.21 Check final draft**

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

### **F.2.22 Return of other tender documents**

If so instructed by the employer, return all retained tender documents within 28 days after the expiry of the validity period stated in the tender data.

### **F.2.23 Certificates**

Include in the tender submission or provide the employer with any certificates as stated in the tender data.

## **F.3 The employer's undertakings**

### **F.3.1 Respond to requests from the tenderer**

**F.3.1.1** Unless otherwise stated in the tender Data, respond to a request for clarification received up to five working days before the tender closing time stated in the Tender Data and notify all tenderers who drew procurement documents.

**F.3.1.2** Consider any request to make a material change in the capabilities or formation of the tendering entity (or both) or any other criteria which formed part of the qualifying requirements used to prequalify a tenderer to submit a tender offer in terms of a previous procurement process and deny any such request if as a consequence:

- a) an individual firm, or a joint venture as a whole, or any individual member of the joint venture fails to meet any of the collective or individual qualifying requirements;
- b) the new partners to a joint venture were not prequalified in the first instance, either as individual firms or as another joint venture; or
- c) in the opinion of the Employer, acceptance of the material change would compromise the outcome of the prequalification process.

### **F.3.2 Issue Addenda**

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until three days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify all tenderers who drew documents.

### **F.3.3 Return late tender offers**

Return tender offers received after the closing time stated in the Tender Data, unopened, (unless it is necessary to open a tender submission to obtain a forwarding address), to the tenderer concerned.

### **F.3.4 Opening of tender submissions**

**F.3.4.1** Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

**F.3.4.2** Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened and, where applicable, the total of his prices, number of points claimed for its BBBEE status level and time for completion for the main tender offer only.

**F.3.4.3** Make available the record outlined in F.3.4.2 to all interested persons upon request.

### **F.3.5 Two-envelope system**

**F.3.5.1** Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

**F.3.5.2** Evaluate functionality of the technical proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the functionality evaluation more than the minimum number of points for functionality

stated in the tender data, and announce the score obtained for the technical proposals and the total price and any points claimed on BBBEE status level. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for functionality.

### **F.3.6 Non-disclosure**

Not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer.

### **F.3.7 Grounds for rejection and disqualification**

Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.

### **F.3.8 Test for responsiveness**

**F.3.8.1** Determine, after opening and before detailed evaluation, whether each tender offer properly received:

- a) complies with the requirements of these Conditions of Tender,
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the tender documents.

**F.3.8.2** A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
- b) significantly change the Employer's or the tenderer's risks and responsibilities under the contract, or
- c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified.

Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

### **F.3.9 Arithmetical errors, omissions and discrepancies**

**F.3.9.1** Check the highest ranked tender or tenderer with the highest number of tender evaluation points after the evaluation of tender offers in accordance with F.3.11 for:

- a) the gross misplacement of the decimal point in any unit rate;
- b) omissions made in completing the pricing schedule or bills of quantities; or
- c) arithmetic errors in:
  - i) line item totals resulting from the product of a unit rate and a quantity in bills of quantities or schedules of prices; or
  - ii) the summation of the prices.



F3.9.2 The employer must correct the arithmetical errors in the following manner:

- a) Where there is a discrepancy between the amounts in words and amounts in figures, the amount in words shall govern.
- b) If bills of quantities or pricing schedules apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.
- c) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

Consider the rejection of a tender offer if the tenderer does not correct or accept the correction of the arithmetical error in the manner described above.

### **F.3.10 Clarification of a tender offer**

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.

### **F.3.11 Evaluation of tender offers**

#### **F.3.11.1 General**

Appoint an evaluation panel of not less than three persons. Reduce each responsive tender offer to a comparative offer and evaluate them using the tender evaluation methods and associated evaluation criteria and weightings that are specified in the tender data.

#### **F.3.11.2 Method 1: Price and Preference**

In the case of a price and preference:

- 1) Score tender evaluation points for price
- 2) Score points for BBEE contribution
- 3) Add the points scored for price and BBEE.

#### **F.3.11.3 Method 2: Functionality, Price and Preference**

In the case of a functionality, price and preference:

- 1) Score functionality, rejecting all tender offers that fail to achieve the minimum number of points for functionality as stated in the Tender Data.
- 2) No tender must be regarded as an acceptable tender if it fails to achieve the minimum qualifying score for functionality as indicated in the tender invitation.
- 3) Tenders that have achieved the minimum qualification score for functionality must be evaluated further in terms of the preference points system prescribed in paragraphs 4 and 4 and 5 below.

The 80/20 preference point system for acquisition of services, works or goods up to Rand value of R50 million

- 4) (a)(i) The following formula must be used to calculate the points for price in respect of tenders( including price quotation) with a rand value equal to, or above R 30 000 and up to Rand value of R 50 000 000 ( all applicable taxes included):

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

Where

$P_s$  = Points scored for comparative price of tender or offer under consideration;

$P_t$  = Comparative price of tender or offer under consideration; and

$P_{\min}$  = Comparative price of lowest acceptable tender or offer.

- (4)(a)(ii) An employer of state may apply the formula in paragraph (i) for price quotations with a value less than R30 000, if and when appropriate:

- (4)(b) Subject to subparagraph(4)(c), points must be awarded to a tender for attaining the B-BBEE status level of contributor in accordance with the table below:

B-BBEE status level of contributor	Number of points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- (4)(c) A maximum of 20 points may be allocated in accordance with subparagraph (4)(b)

- (4)(d) The points scored by tender in respect of B-BBEE contribution contemplated in subparagraph (4) (b) must be added to the points scored for price as calculated in accordance with subparagraph (4)(a).

- (4)(e) Subject to paragraph 4.3.8 the contract must be awarded to the tender who scores the highest total number of points.

#### **The 90/ 10 preference points system for acquisition of services, works or goods with a Rand value above R 50 million**

- (5)(a) The following formula must be used to calculate the points for price in respect of tenders with a Rand value above R50 000 000 (all applicable taxes included):

**90/10**

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

Where

*Ps* = Points scored for comparative price of tender or offer under consideration;  
*Pt* = Comparative price of tender or offer under consideration; and  
*Pmin* = Comparative price of lowest acceptable tender or offer.

(5)(b) Subject to subparagraph (5)(c), points must be awarded to a tender for attaining the B-BBEE status level of contributor in accordance with the table below:

B-BBEE status level of contributor	Number of points
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

(5)(c) A maximum of 10 points may be allocated in accordance with subparagraph (5)(b).

(5)(d) The points scored by tender in respect of B-BBEE contribution contemplated in subparagraph (5) (b) must be added to the points scored for price as calculated in accordance with subparagraph (5)(a).

(5)(e) Subject to paragraph 4.3.8 the contract must be awarded to the tender who scores the highest total number of points.

#### **F.3.11.6 Decimal places**

Score price, preference and functionality, as relevant, to two decimal places.

#### **F.3.11.7 Scoring Price**

Score price of remaining responsive tender offers using the following formula:

$$N_{FO} = W_1 \times A$$

where:  $N_{FO}$  is the number of tender evaluation points awarded for price.  
 $W_1$  is the maximum possible number of tender evaluation points awarded for price as stated in the Tender Data.  
 $A$  is a number calculated using the formula and option described in Table F.1 as stated in the Tender Data.

**Table F.1: Formulae for calculating the value of A**

Formula	Comparison aimed at achieving	Option 1 <sup>a</sup>	Option 2 <sup>a</sup>
1	Highest price or discount	$A = (1 + (\frac{P - P_m}{P_m}))$	$A = P / P_m$
2	Lowest price or percentage commission / fee	$A = (1 - (\frac{P - P_m}{P_m}))$	$A = P_m / P$
<sup>a</sup> $P_m$ is the comparative offer of the most favourable comparative offer. $P$ is the comparative offer of the tender offer under consideration.			

### **F.3.11.8 Scoring preferences**

Confirm that tenderers are eligible for the preferences claimed in accordance with the provisions of the tender data and reject all claims for preferences where tenderers are not eligible for such preferences.

Calculate the total number of tender evaluation points for preferences claimed in accordance with the provisions of the tender data.

### **F.3.11.9 Scoring functionality**

Score each of the criteria and subcriteria for quality in accordance with the provisions of the Tender Data.

Calculate the total number of tender evaluation points for quality using the following formula:

$$Nq = W_2 \times S_q / M_s$$

where:  $S_q$  is the score for quality allocated to the submission under consideration;  
 $M_s$  is the maximum possible score for quality in respect of a submission; and  
 $W_2$  is the maximum possible number of tender evaluation points awarded for the quality as stated in the tender data

### **F.3.12 Insurance provided by the employer**

If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide.

### **F.3.13 Acceptance of tender offer**

Accept the tender offer, if in the opinion of the employer, it does not present any risk and only if the tenderer:

- is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement,
- can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,
- has the legal capacity to enter into the contract,
- is not insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by

- a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,
- e) complies with the legal requirements, if any, stated in the tender data, and
  - f) is able, in the opinion of the employer, to perform the contract free of conflicts of interest.

#### **F.3.14 Prepare contract documents**

**F.3.14.1** If necessary, revise documents that shall form part of the contract and that were issued by the employer as part of the tender documents to take account of:

- a) addenda issued during the tender period,
- b) inclusion of some of the returnable documents, and
- c) other revisions agreed between the employer and the successful tenderer.

**F.3.14.2** Complete the schedule of deviations attached to the form of offer and acceptance, if any.

#### **F.3.15 Complete adjudicator's contract**

Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.

#### **F.3.16 Notice to unsuccessful tenderers**

**F.3.16.1** Notify the successful tenderer of the employer's acceptance of his tender offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated in the tender data, or agreed additional period.

**F.3.16.2** After the successful tenderer has been notified of the employer's acceptance of the tender, notify other tenderers that their tender offers have not been accepted.

#### **F.3.17 Provide copies of the contracts**

Provide to the successful tenderer the number of copies stated in the Tender Data of the signed copy of the contract as soon as possible after completion and signing of the form of offer and acceptance.

#### **F.3.18 Provide written reasons for actions taken**

Provide upon request written reasons to tenderers for any action that is taken in applying these conditions of tender, but withhold information which is not in the public interest to be divulged, which is considered to prejudice the legitimate commercial interests of tenderers or might prejudice fair competition between tenderers.

#### **F3.19 Transparency in the procurement process**

**F3.19.1** The cldb prescripts require that tenders must be advertised and be registered on the cldb i.Tender system.

**F3.19.2** The employer must adopt a transparency model that incorporates the disclosure and accountability as transparency requirements in the procurement process.

F3.19.3 The transparency model must identify the criteria for selection of projects, project information template and the threshold value of the projects to be disclosed in the public domain at various intervals of delivery of infrastructure projects.

F3.19.4 The client must publish the information on a quarterly basis which contains the following information:

- Procurement planning process
- Procurement method and evaluation process
- Contract type
- Contract status
- Number of firms tendering
- Cost estimate
- Contract title
- Contract firm(s)
- Contract price
- Contract scope of work
- Contract start date and duration
- Contract evaluation reports

F3.19.5 The employer must establish a Consultative Forum which will conduct a random audit in the implementation of the transparency requirements in the procurement process.

F3.19.6 Consultative Forum must be an independent structure from the bid committees.

F3.19.7 The information must be published on the employer's website.

F 3.19.8 Records of such disclosed information must be retained for audit purposes.



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**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS)  
FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni  
Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's  
Hospital**

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**PART T2 - RETURNABLE DOCUMENTS**



## T2.1 LIST OF RETURNABLE DOCUMENTS

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Project Manager:</b>	<b>Mr. Sandile Ngema</b>	<b>Bid no:</b>	<b>ZNB9940/2021-H</b>

### 1. RETURNABLE SCHEDULES REQUIRED FOR BID EVALUATION PURPOSES

(Bidder to Insert a tick (✓) in the "Returnable document" column to check which documents he/she returned with the bid)

Bid document name	Returnable document	
Declaration of Interest - SBD 4	Yes	
Authority to Sign Bid	Yes	
Authority for Consortia or Joint Venture's to Sign Bid	Yes	
Special Resolution of Consortia or Joint Venture's	Yes	
Schedule of Proposed Sub-Contractors	Yes	
Joint Venture Involvement Declaration	Yes	
Capacity of Bidder	Yes	
Annual Financial Statement for past financial year		No
Site Inspection Certificate as proof for attendance of compulsory site meeting. (Applicable)	Yes	
Preference Certificate	Yes	
Compulsory Enterprise Questionnaire.	Yes	
Financial Standing and other resources of Business Declaration	Yes	
Contractor's Safety, Health and Environmental Declaration.	Yes	
Complete Priced Bill of Quantities	Yes	
Certificate of Independent Bid Determination - SBD 9	Yes	
Proof of CIDB Registration Number	Yes	
Contract Form - Purchase of Goods/Works - Part 1	Yes	
Contract Form - Purchase of Goods/Works - Part 2	Yes	
Quality Criteria	Yes	

### 2. RETURNABLE SCHEDULES REQUIRED FOR BID EVALUATION PURPOSES BUT TO BE SUPPLIED BY THE BIDDER

(Bidder to Insert a tick (✓) in the "Returnable document" column to check which documents he/she returned with the bid)

Bid document name	Returnable document	
Tax Compliance Status (TCS) PIN to verify on line Compliance Supplier Status via e-Filing	Yes	
Proof of Good Standing with the Compensation Commissioner (Attach)	Yes	
Proof of payment of Bid deposit (IF APPLICABLE)	Yes	
Proof of Paid Municipal Rates and Taxes (F3.13.1 - Bid Data)		No
Proof of UIF Registration (F3.13.1 - Bid Data) (Attach)	Yes	

Proof of Registration Number on the Central Suppliers Database	Yes	
Annual Financial Statement for past financial year		No
Entire bid document including returnable and supporting documents, scanned as PDF onto a CD, clearly marked with the Bid information.		No

### 3. RETURNABLE SCHEDULES THAT WILL BE INCORPORATED INTO THE CONTRACT

(Bidder to Insert a tick (✓) in the "Returnable document" column to check which documents he/she returned with the bid)

Bid document name	Returnable document	
Form of Offer and Acceptance (Bound into Section 1 of 2)	Yes	
Record of Addenda to Bid Documents	Yes	
Particulars of Electrical Contractor	Yes	
Schedule of Imported Materials and Equipment	Yes	
Confirm Receipt of Offer and Acceptance	Yes	

### 4. OTHER DOCUMENTS THAT WILL BE INCORPORATED INTO THE CONTRACT

(Bidder to Insert a tick (✓) in the "Returnable document" column to check which documents he/she returned with the bid)

Bid document name	Returnable document	
Bill of Quantities	Yes	
Declaration of Bidders Past SCM Practices - SBD 8	Yes	
The National Industrial Participation Programme		No
Required Structure of Contractor's detailed OHSE Plan	Yes	
Client's specific requirements for the Contractor's detailed OHSE Plan	Yes	
Base line Risk Assessment	Yes	
Declaration Certificate for local production and content for designated sectors - SBD 6.2	Yes	

### 5. DOCUMENTS REQUIRED FOR THE EVALUATION OF FUNCTIONALITY

(Bidder to Insert a tick (✓) in the "Returnable document" column to check which documents he/she returned with the bid)

Bid document name	Returnable	
The submission of all financial requirements stipulated in the tender in a form of a stamped or official letter (with letter head) from the financial institution to be submitted.	Yes	
Tenderer to demonstrate their technical competency, human resource capacity and relevant project experience	Yes	
Submit Award letters and Practical completion certificates		
A tenderer to submit a detailed project organogram that sets out the roles and responsibilities of each proposed team member, which is backed up By their curriculum vitae that demonstrate extensive experience, together with a project implementation structure shall be allocated maximum sub-points. In all other instances zero (0) sub-points shall be allocated.	Yes	
Detailed resource deployment strategy and basic project implementation plan/program to be submitted.	Yes	

## T2.2 AUTHORITY TO SIGN BID

**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 (town) : \_\_\_\_\_ on (date) : \_\_\_\_\_

**RESOLVED that:**

1. The Enterprise submits a Bid to the KZN Department of Health in respect of the following project:  
**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital**

Bid Number: **ZNB 9940/2021-H**

2.

\*Mr./Mrs./Ms: \_\_\_\_\_

in \*his/her capacity as: \_\_\_\_\_ (Position in the Enterprise)

and who will sign as follows: \_\_\_\_\_ (Authorised Signatory)

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

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			

**Note:**

1. \* Delete which is not applicable.
2. NB. This resolution / Power of Attorney must be signed by all the Directors / Members / Partners of the Legal Tendering Enterprise authorising the Representative to make this Offer.
3. Should the number of Directors / Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.
4. In the case of the tendering Enterprise being a Close Corporation, a **certified copy of the Founding Statement** of such corpora - tion must be attached to this tender.

**ENTERPRISE STAMP** (If Any)

## T2.3 AUTHORITY FOR CONSORTIA OR JOINT VENTURES TO SIGN BID

**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 (town) : \_\_\_\_\_ on (date) : \_\_\_\_\_

**RESOLVED that:**

1. The Enterprise submits a Bid, in consortium/Joint Venture with the following Enterprises:

(List all the legally correct full names and registration numbers, if applicable, of the Enterprises forming the Consortium/Joint Venture)

to the KZN Department of Health in respect of the following project:

**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital**

Bid Number: **ZNB 9940/2021-H**

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/joint venture 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/joint venture, in respect of the project described under item 1 above.

3. The Enterprise accepts joint and several liability with the parties listed under item 1 above for the due fulfilment of the obligations of the joint venture deriving from, and in any way connected with, the Contract to be entered into with the Department in respect of the project described under item 1 above.
4. The Enterprise chooses as its *domicilium citandi et executandi* for all purposes arising from this joint venture agreement and the Contract with the Department in respect of the project under item 1 above:

Physical address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Postal Code)

Postal Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Postal Code)

Telephone number: (Dialling Code followed by number) \_\_\_\_\_

Fax number: (Dialling Code followed by number) \_\_\_\_\_

Email Address : \_\_\_\_\_

**\*BOARD OF DIRECTORS / MEMBERS / PARTNERS in Consortium of Joint Venture**

	Name	Capacity	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

**Note:**

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

**ENTERPRISE STAMP (If Any)**

**Deemed to satisfy joint venture arrangements**

Grading 2 + Grading 2 + Grading 2  
Grading 3 + Grading 3 + Grading 3  
Grading 4 + Grading 4  
Grading 4 + Grading 3 + Grading 3  
Grading 5 + Grading 5  
Grading 5 + Grading 4 + Grading 4  
Grading 6 + Grading 6  
Grading 6 + Grading 5 + Grading 5  
Grading 7 + Grading 7 + Grading 7  
Grading 8 + Grading 8 + Grading 8

**Designation**

= 3  
= 4  
= 5  
= 5  
= 6  
= 6  
= 7  
= 7  
= 8  
= 9

Bidders who envisage entering into a Joint Venture shall complete a submit a Joint Venture Agreement (see copy of CIDB's agreement elsewhere in this document) with this bid.

## T2.4 SPECIAL RESOLUTION OF CONSORTIA OR JOINT VENTURES

**RESOLUTION** of a meeting of the duly authorised representatives of the following legal entities who have entered into a consortium/joint venture to jointly bid for the project mentioned below: *(legally correct full names and registration numbers, of the Enterprises forming a Consortium/Joint Venture)*

2.

3.

4.

5.

6.

7.

8.

held at: \_\_\_\_\_ (place) on \_\_\_\_\_ (date)

### RESOLVED that:

- A. The above-mentioned Enterprises submits a Tender in Consortium/Joint Venture to the KZN Department of Health in respect of the following project:  
**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital**

Tender Number: **ZNB9940/2021-H**

Project Code: **310011433**

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/Joint Venture mentioned above.

- C. The Enterprises constituting the Consortium/Joint Venture, notwithstanding its composition, shall conduct all business under the name and style of:
- \_\_\_\_\_
- D. The Enterprises to the Consortium/Joint Venture accept joint and several liability for the due fulfilment of the obligations of the Consortium/Joint Venture deriving from, and in any way connected with, the Contract entered into with the Department in respect of the project described under item A above.
- E. Any of the Enterprises to the Consortium/Joint Venture intending to terminate the consortium/joint venture agreement, for whatever reason, shall give the Department 30 days written notice of such intention. Notwithstanding such decision to terminate, the Enterprises shall remain jointly and severally liable to the Department for the due fulfilment of the obligations of the Consortium/Joint Venture as mentioned under item D above.
- F. No Enterprise to the Consortium/Joint venture shall, without the prior written consent of the other Enterprises to the Consortium/Joint Venture and of the Department, cede any of its rights or assign any of its obligations under the consortium/joint Venture and of the Department, cede any of its rights or assign any of its obligations under the consortium/joint venture agreement in relation to the Contract with the Department referred to herein.
- G. The Enterprises choose as the *domicilium citandi et executandi* of the consortium/joint venture for all purposes arising from the consortium/joint venture agreement and the Contract with the Department in respect of the project under item A above:

Physical address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Postal Code)

Postal Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Postal Code)

Telephone number: (Dialling Code followed by number) \_\_\_\_\_

Fax number: (Dialling Code followed by number) \_\_\_\_\_

Email Address : \_\_\_\_\_

**\*BOARD OF DIRECTORS / MEMBERS / PARTNERS in Consortium of Joint Venture**

	Name	Capacity	Signature
1			
2			
3			

4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

**Note:**

1. \* Delete which is not applicable.
2. **NB.** This resolution / Power of Attorney must be signed by all the Duly Authorised Representatives of the Legal Entities to the Consortium/Joint Venture submitting this Bid.
3. Should the number of Duly Authorised Representatives of the Legal Entities joining forces in this Bid exceed the space available above, additional names and signatures must be supplied on a separate page.
4. Resolutions, duly completed and signed, from the separate Enterprises who participate in this Consortium/Joint Venture must be attached to the Special Resolution.



## T2.5 JOINT VENTURES INVOLVEMENT DECLARATION

<b>Project title:</b>	ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital		
<b>Bid no:</b>	ZNb 9940/2021-H	<b>Project Code:</b>	310011433

### DECLARATION RELATING TO A BID SUBMITTED BY A JOINT VENTURE :

I/We the undersigned parties do hereby declare that our respective involvement in the Works, of which I/we tender by Joint Venture, would be as follows :-

<b>Party No. 1</b>			
<b>CENTRAL SUPPLIERS DATABASE REGISTRATION NO:</b>			
<b>BIDDERS CIDB REGISTRATION NUMBER:</b>			
Name			
Address			
Percentage involvement	%		

<b>Party No. 2</b>			
<b>CENTRAL SUPPLIERS DATABASE REGISTRATION NO:</b>			
<b>BIDDERS CIDB REGISTRATION NUMBER:</b>			
Name			
Address			
Percentage involvement	%		

<b>Party No. 3</b>			
<b>CENTRAL SUPPLIERS DATABASE REGISTRATION NO:</b>			
<b>BIDDERS CIDB REGISTRATION NUMBER:</b>			
Name			
Address			
Percentage involvement	%		



## T2.6 SCHEDULE OF PROPOSED SUBCONTRACTORS

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNB9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

We notify you that it is our intention to employ the following Subcontractors for work in this contract. The Subcontractors will all be CIDB registered and their CIDB Registration number shall be submitted below.

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

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

No	Name and address of proposed Subcontractor	Nature and extent of work	Year Completed	Value (R):	Contact Tel No:	Previous experience with Subcontractor
1						
	CIDB Registration Number:					
2						
	CIDB Registration Number:					
3						
	CIDB Registration Number:					
4						
	CIDB Registration Number:					
5						
	CIDB Registration Number:					
Name of authorised representative		Signature		Capacity		Date
Name of Enterprise:						

T2.7 CAPACITY OF BIDDER			
Project title:	ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital		
Bid no:	ZNB 9940/2021-H	Project Code:	311009071

1. **WORK CAPACITY:** (The Bidder is requested to furnish the following capacity particulars and to attach additional pages if more space is required. Failure to furnish the particulars may result in the Bid being disregarded.)

1.1. **Artisans and Employees:** (Artisans and Employees to be, or are, employed for this project)

Categories of Employee - Key Personnel (part of Business Enterprise)	Professional Registration No.	Date of Employment	Number
Contracts Manager			
Project Manager			
Trade tested Electrical Artisans			
Semi-skilled employees			
Unskilled employees			
Sub-Contractor for the plant rooms refurbishments			
Professional Engineer			

1.2. **Provide full particulars of the following Assets:** (Assets owned and to be hired - Indicate owned assets)

Machinery	Plant	Equipment	Vehicles

1.3. **Workshops:**

Address of Main Workshop:	Address of Regional Workshop (If Applicable):

**1.4. Other offers submitted at time of this tender for which results are pending:**  
(Any other client's tender must also be included)

[illegible]

**2. PARTICULARS OF THE BIDDERS CURRENT AND PREVIOUSLY COMPLETED COMMITMENTS:**

**2.1. Current private sector projects:** *(List the 5 projects closest to the contractor grading designation of this project)*

2.1. Current private sector projects (continued)			2.2. Public sector projects	
1	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Scheduled date of completion	
2	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Scheduled date of completion	
3	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Scheduled date of completion	
4	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Scheduled date of completion	
5	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Scheduled date of completion	

**2.2. Current Government sector projects: (List the 5 projects closest to the contractor grading designation of this project)**

1	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Scheduled date of completion	
2	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Scheduled date of completion	
3	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Scheduled date of completion	
4	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Scheduled date of completion	
5	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Scheduled date of completion	

**2.3. Previously completed projects:** *(List the 5 projects closest to the contractor grading designation of this project)*

1	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Date completed	
2	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Date completed	
3	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Date completed	
4	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Date completed	
5	Project Name		Date of commencement	
	Place (town)		Contract Amount (R)	
	Reference / Contact person		Contract period	
	Contact Tel. No.		Date completed	

Name of Bidder	Signature of authorised representative	Date

## T2.8 FINANCIAL STANDING AND OTHER RESOURCES OF BUSINESS DECLARATION

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNB 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

- (a) Based on the track record determined on the Minimum Average Annual Turnover coupled to the assessed Works Capabilities of Contracting Enterprises, the Construction Industry Development Board (CIDB) awards Grading Designations and accordingly registers it on the system.

This confirms that a Contractor has, at the time of registration, in the absence of any supply side interventions, sufficient working capital to commence the Works for a single contract and render due performance.

- (b) However, it regularly occurs that a Contractor will at the same time submit tenders for a number of projects that are advertised during an overlapping period. Moreover, the Contractor may be busy with a Contract that is of the registered CIDB Grading Designation (value) or is even attending to a number of smaller valued Contracts.
- (c) It therefore becomes the prerogative of a Bidder in such instances to prove to the Department that the Enterprise has the capacity in every respect to attend to more than one (1) contract at a time.
- (d) A Bidder who wishes to be considered for this tender Contract award, over and above other tenders that they have submitted, shall submit when requested by the DoH the necessary proof that:
- (i) he/she has access to additional finance (inclusive of a PERFORMANCE GUARANTEE BY A REGISTERED FINANCIAL INSTITUTION),
  - (ii) he/she has additional Human Resources available to successfully complete this project.
  - (iii) he/she has adequate Equipment, Plant and Machinery that all of the above can, undoubtedly, be sourced for this tender. (Please submit to the DoPW the name and contact details of the supplier if the Bidder is going to hire Equipment, Plant or Machinery, when requested.)
- (e) Bidder to submit their latest 12 months audited financial statements with the returnable documents.

I, the undersigned, \_\_\_\_\_

(name of person authorized to sign on behalf of the Bidder)

understand that it is the responsibility of the Bidder to prove and provide when requested by the DoH, evidence of the good Financial Standing of the Business to complete the Contract successfully.

Furthermore, it is understood that failure to provide when requested by DoH, at least the information as stated in paragraphs (d)(i)(ii) AND (iii) above will not enable the Evaluation Team to assess the CURRENT financial standing of the Business and the failure to provide said information when requested will, therefore, invalidate the Tender.

I accept and understand that the KZN Department of Health, as representative of the Provincial Administration of KwaZulu-Natal in this tender, may act against me and the Bidder, jointly and severally, should this declaration and/or any information provided be found to be false.

Duly signed at..... on this the..... day of..... 201.....

Full Name of Signatory \_\_\_\_\_

Name of Enterprise \_\_\_\_\_

Capacity of Signatory \_\_\_\_\_

Signature of authorised representative \_\_\_\_\_



## T2.9 PREFERENCE CERTIFICATE

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNB 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

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.

**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 R 50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R 50 000 000 (all applicable taxes included).

1.2 For this project the 80% preference point system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price points and
- (b) Quality points

80
70

- (c) B-BBEE Status Level of Contribution

1.3.1	<b>PRICE</b>		80
1.3.2	<b>SPECIFIC CONTRACT PARTICIPATION GOALS</b>		
1.3.3	<b>1.3.3.1 Broad-Based Black Economic Empowerment (B-BBEE)</b>		
	(i) Level 1		20
	(ii) Level 2		18
	(iii) Level 3		14
	(iv) Level 4		12
	(v) Level 5		8
	(vi) Level 6		6
	(vii) Level 7		4
	(viii) Level 8		2
	(ix) Non-compliant contributor		0
	<b>1.3.3.2 Other Specific Goals (as prescribed in the PPPFA regulations)</b>		
	(i) <i>[insert specific goal]</i>		0
	(ii) <i>[insert specific goal]</i>		0
	(iii) <i>[insert specific goal]</i>		0
	(iv) <i>[insert specific goal]</i>		0
	<b>TOTAL POINTS FOR PRICE, HDI and OTHER SPECIFIC GOALS</b>		<b>100</b>

Total points for Price and B-BBEE Status Level of Contribution **must not exceed 100**

- 1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Construction Sector Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.5 The bidder shall be a Value Adding Enterprise. A Value Adding Enterprise is defined in the BBBEE Code of good practice as an organisation that is VAT registered and whose net profit before tax summed with its total labour cost exceeds 25% of the value of its total revenue.
- 1.6 The Department 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 Department.

## 2 GENERAL DEFINITIONS

- 2.1 **"All applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.
- 2.2 **"B-BBEE"** means broad-based black empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **"proof of B-BBEE status level of contributor" means-**
  - a) the B-BBEE status level certificate issued by an authorised body or person;
  - b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or
  - c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act
- 2.5 **"black designated groups"** has the meaning assigned to it in the codes of good practice issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act.
- 2.6 **"black people"** has the meaning assigned to it in section 1 of the Broad-Based Black Economic Empowerment Act.
- 2.7 **"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, works or services, through price quotations, advertised competitive bidding process or proposals.
- 2.8 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003);
- 2.9 **"co-operative"** means a co-operative registered in terms of section 7 of the Co-Operatives Act, 2005 (Act No 14 of 2005)
- 2.10 **"designated group" means**
  - a) black designated groups;
  - b) black people;
  - c) women;
  - d) people with disabilities; or
  - e) small enterprises, as defined in section 1 of the National Small Enterprise Act, 1996 (Act No 102 of 1996)

- 2.11 **"designated sector"** means a sector, sub-sector or industry or product designated in terms of regulation 8(1)(a).
- 2.12 **"Comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration.
- 2.13 **"functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- 2.14 **"Consortium or joint venture"** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.
- 2.15 **"military veteran"** has the meaning assigned to it in section 1 of the Military Veterans Act, 2011 (Act No 18 of 2011).
- 2.16 **"Contract"** means the agreement that results from the acceptance of a bid by an organ of state.
- 2.17 **"National Treasury"** has the meaning assigned to it in section 1 of the Public Finance Management Act, 1999 (Act No 1 of 1999)
- 2.18 **"EME"** means any enterprise with an annual total revenue of **R10 million or less**;
- 2.19 **"QSE"** means any enterprise with an annual total revenue between **R10 million and R50 million**;
- 2.20 **"people with disabilities"** has the meaning assigned to it in section 1 of the Employment Equity Act, 1998 (Act No 55 of 1998).
- 2.21 **"Firm Price"** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from change, imposition or abolition of customs or excise duty and any other duty, levy or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.22 **"price"** includes all applicable taxes less all unconditional discounts.
- 2.23 **"Quality"** shall mean totality of features and characteristics of a product or service that bears on the ability of the product or service to satisfy stated or implied needs.
- 2.24 **"Non-firm prices"** means all prices other than "firm" prices;
- 2.25 **"Person"** includes reference to a juristic person.
- 2.26 **"Rand value"** means the total estimated value of a contract in Rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.
- 2.27 **"stipulated minimum threshold"** means the minimum threshold stipulated in terms of regulation 8(1)(b).
- 2.28 **"Sub-contract"** means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.29 **"Total revenue"** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the Government Gazette on 9 February 2007:
- 2.30 **"trust"** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.31 **"trustee"** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.
- 2.32 **"rural area" means-**
- a) a sparsely populated area in which people farm or depend on natural resources, including villages and small towns that are dispersed through the area; or

- 2.33 **"township"** means an urban living area that anytime from the late 19th century until 27 April 1994, was reserved for black people, including areas developed for historically disadvantaged individuals post 27 April 1994.
- 2.34 **"treasury"** has the meaning assigned to it in section 1 of the Public Finance Management Act, 1999 (Act No 1 of 1999)
- 2.35 **"youth"** has the meaning assigned to it in section 1 of the National Youth Development Agency Act, 2008 (Act No 54 of 2008)

### 3 ADJUDICATING USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

#### 4 POINTS AWARDED FOR PRICE

#### 4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where:

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

$$P_i = \text{Comparative price of bid under consideration}$$
$$P_{\min} = \text{Comparative price of lowest acceptable bid}$$

**5 POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

- 5.1 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-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
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

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a sworn affidavit confirming their annual total revenue of R10 million or less and level of black ownership or a B-BBEE level verification certificate to claim points as prescribed by regulation 6 and 7 of the Preferential Procurement Regulations 2017.

- 5.3 Bidders who qualify as QSEs in terms of the B-BBEE Act must submit a sworn affidavit confirming their annual total revenue of between R10 million and R50 million and level of black ownership or a B-BBEE level verification certificate to claim points as prescribed by regulation 6 and 7 of the Preferential Procurement Regulations 2017.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

## 6 BID DECLARATION

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

## 7 B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.3.1 AND 5.1 ABOVE

7.1 B-BBEE Status Level of Contribution:  =   
[ B-BBEE Status level of Contribution] [Max of points 10 or 20]

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS)

## 8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? Yes ☐ No ☐

8.1. If yes, indicate:

- 1
- (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? Yes ☐ No ☐

## 9 DECLARATION WITH REGARD TO COMPANY/FIRM

- 9.1 Name of company/firm: \_\_\_\_\_
- 9.2 VAT registration number: \_\_\_\_\_
- 9.3 Company registration number: \_\_\_\_\_
- 9.4 Type of company/firm: (insert a X in the applicable box)

Partnership/  
Joint Venture/  
Consortium

☐

One person  
business/Sole  
Proprietor

☐

Close Corporation

☐

Company

☐

(Pty) Ltd

☐

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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9.6 COMPANY CLASSIFICATION

Manufacturer

☐

Contractor and/or Supplier

☐

Professional service  
provider

☐

Other service  
providers,

☐

9.7 Total number of years the company/firm has been in business? \_\_\_\_\_

9.8 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 contribution indicated in paragraph 7 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 paragraph 7, the
- (iv) If the B-BBEE status level of contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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. \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

SIGNATURE(S) OF BIDDER(S)

## T2.10 SITE INSPECTION MEETING CERTIFICATE

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNB9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>
<b>Site Inspection Date:</b>		<b>28 June 2021</b> – Prince Mshiyeni Memorial (8am), RK Khan (10am) and then King Edward VIII (12h30) and if possible, St Aidans (14h00) <b>02 July 2021</b> – Mahatma Ghandi (8am), Osindisweni (10;30am), St. Aidans (12h30) and then St. Marys (14h30).	

This is to certify that I, \_\_\_\_\_ (Name of authorised Representative)  
 representing \_\_\_\_\_ (Name of Enterprise)  
 visited the site on: \_\_\_\_\_ (Date)

I have made myself familiar with all local conditions likely to influence the work and the cost thereof. I further certify that I am satisfied with the description of the work and explanations given at the site inspection meeting and that I understand the work to be done, as specified and implied, in the execution of this contract.

I declare that the representative, named above, is my authorised representative and **not** a third party agent and that my representative's attending of this site meeting, shall be deemed conclusive proof that my Enterprise are fully aware of what was said and discussed at this meeting.

Name of Bidder	Signature	Date

Name of DOH Representative	Signature	Date

**This form is only to be completed when applicable to the tender and if a Compulsory Site meeting has been called.**

Departmental Stamp:

## T2.11 DECLARATION OF INTEREST - SBD 4

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNb 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

<sup>1</sup> Any legal person, including persons employed by the state<sup>1</sup>, or persons having 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 a price quotation, advertised competitive bid, limited bid or proposal). In view of the possible allegations of favouritism, should the resulting bid/quotation, 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/their authorized representative declare his/her/their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her/their interest, where-

- 1.1 the bidder is employed by the state; and/or
- 1.2 the legal person on whose behalf the quotation/bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the quotation(s)/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 quotation/bid.

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

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>): \_\_\_\_\_

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 number, tax reference number and, if applicable, employee / persal number 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>"Shareholders" 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 state?

YES / NO



2.7.1 If so, furnish the following particulars:

Name or person / director / shareholder / member: \_\_\_\_\_

Name of state institution to which the person is connected: \_\_\_\_\_

Position occupied in the state institution: \_\_\_\_\_

Any other particulars:

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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 attached 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:

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

2.8.1 If so, furnish particulars:

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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 quotation/bid?

2.9.1 If so, furnish particulars: YES / NO

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2.10 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 state who may be involved with the evaluation and or adjudication of this quotation/bid? YES / NO

2.10.1 If so, furnish particulars:

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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:

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### 3 Full details of directors / trustees / members / shareholders

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

### DECLARATION

I, THE UNDERSIGNED (NAME) : \_\_\_\_\_  
CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 AND 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position

\_\_\_\_\_  
Name of bidder

## T2.12 RECORD OF ADDENDA TO BID DOCUMENTS

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Gandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNb 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

1. I / We confirm that the following communications received from the Department of Health before the submission of this tender offer, amending the tender documents, have been taken into account in this bid offer: (Attach additional pages if more space is required)

	<b>Date</b>	<b>Title or Details</b>	<b>No. of Pages</b>
a.			
b.			
c.			
d.			
e.			
f.			
g.			
h.			
i.			
j.			
k.			
l.			
m.			

Name of authorised representative	Signature	Date

OR

2. I / We confirm that no communications were received from the Department of Health before the submission of this tender offer, amending the tender documents.

Name of authorised representative	Signature	Date

## T2.13 PARTICULARS OF ELECTRICAL CONTRACTOR

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNB 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

**Name of Contractor:**

\_\_\_\_\_

**Address:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Telephone Number:**

(Area Code)(Number)

**Fax Number:**

(Area Code)(Number)

**Registration number at the Electrical Contracting Board of S.A.:**

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<b>Name of authorised representative</b>	<b>Signature</b>	<b>Date</b>

## T2.14 SCHEDULE FOR IMPORTED MATERIALS AND EQUIPMENT

<b>Project title:</b>	ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Gandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital		
<b>Bid no:</b>	ZNb 9940/2021-H	<b>Project Code:</b>	310011433

This schedule should be completed by the bidder. (Attach additional page(s) if more space is required)

Item	Material / Equipment	Quotation (Excluding VAT)
1		R
2		R
3		R
4		R
5		R
6		R

The Contractor shall list imported items, materials and/or equipment which shall be excluded from the Contract Price Adjustment Provisions (if applicable) and shall be adjusted in terms of currency fluctuations only. Copies of the supplier's quotations for the items, materials or equipment (provided that such costs shall not be higher than the relevant contract rate as listed above) should be lodged with the Principal Agent / Engineer of the Department of Health within 60 (sixty) days from the date of acceptance of the tender. No adjustment of the local VAT amount, nor the contractor's profit, discount, mark-up, handling costs, etc. shall be allowed. (See P&G E16)

These net amounts will be adjusted as follows:

### FORMULA:

The net amount to be added to or deducted from the contract sum:

$$A = V \left( \frac{Z}{Y} - 1 \right)$$

A = the amount (R) of adjustment

V = the net amount (supplier's quotation) (R) of the imported item

Y = exchange rate 14 days prior to closing date of tender submission

Z = exchange rate on the date of the Bill of Lading\* of exporters invoice.

\* A bill of lading (sometimes abbreviated as B/L or BoL) is a document issued by a carrier which details a shipment of merchandise and gives title of that shipment to a specified party. Bills of lading are one of three important documents used in international trade to help guarantee that exporters receive payment and importers receive merchandise. A straight bill of lading, which is referred to above, is used when payment has been made in advance of shipment and requires a carrier to deliver the merchandise to the appropriate party. It is therefore the date of the paid up invoice when the shipment leaves the exporter's location. [http://en.wikipedia.org/wiki/Bill\_of\_lading]

Name of authorised representative	Signature	Date

## T2.15 DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES - SBD 8

- 1 This Standard Bidding Document must form part of all bid's 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:
  - abused the institution's supply chain management system;
  - committed fraud or any other improper conduct in relation to such system;
  - or 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		
4.1	<p><i>Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector?</i></p> <p><b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	<p><i>If so, furnish particulars:</i></p> <hr/> <hr/> <hr/> <hr/>		
4.2	<p><i>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)?</i></p> <p><i>To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.</i></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	<p><i>If so, furnish particulars:</i></p> <hr/> <hr/> <hr/> <hr/>		
4.3	<p><i>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?</i></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	<p><i>If so, furnish particulars:</i></p> <hr/> <hr/> <hr/> <hr/>		
4.4	<p><i>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?</i></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	<p><i>If so, furnish particulars:</i></p> <hr/> <hr/> <hr/> <hr/>		

5 **CERTIFICATION**

I the undersigned (*full name*) \_\_\_\_\_

certify that the information furnished on this declaration 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.

Name of authorised representative	Signature	Date	Position

## **T2.15a LATEST 12 MONTH ANNUAL FINANCIAL STATEMENT**

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNB 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

**ATTACH A COPY OF THE ANNUAL FINANCIAL STATEMENT OF THE COMPANY FOR THE PAST FINANCIAL YEAR TO THIS PAGE FOR ADJUDICATION PURPOSES**

**NOTE**

In the case of a Tender by a Joint Venture, copies of the annual financial statements of the past financial year in respect of each party to the Joint Venture must be attached to this page

**ATTACH COMPANY LATEST 12 MONTHS ANNUAL FINANCIAL STATEMENTS TO THIS PAGE**



## T2.16 EQUIPMENT SCHEDULES

<b>Project title:</b>	ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St Aidan's Hospital and St Mary's Hospital		
<b>Bid no:</b>	ZNB 9940/2021-H	<b>Project Code:</b>	310011433

The Bidder shall complete the following equipment schedule.

**TECHNICAL DATA: Uninterruptible Power Supplies (UPS)**

Manufacturer:	
Make and Model	
Country of Origin	
Voltage	
KVA	
Frequency	
Overall diemnsuion of the battery cabinet	
Overall dimensions of the UPS	
Amps Hours	
Battery Type and number of batteries	
Deviation from specifications	
Guarantee period offered	
Additional Features Not Specified	
Agent	
Telephone no of Agent	
Brochure enclosed? Yes/No	Yes/No

## T2.17 CONTRACTOR'S SAFETY, HEALTH AND ENVIRONMENTAL DECLARATION

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Gandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNB 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

In terms of Regulation 5(1)(h) of the Construction Regulations of February 2014 a Contractor may only be appointed to perform construction work if the Client is satisfied that the Contractor has the necessary competencies and resources to carry out the work safely in accordance with the Occupational Health and Safety Act, Act 85 of 1993 and the Construction Regulations of February 2014. In line with this requirement the Contractor is required to read through this document carefully, sign it and submit it with his/her Bid.

### DECLARATION

1. I, the undersigned hereby declare and confirm that I am fully conversant with the Occupational Health and Safety Act, Act 85 of 1993 and the Construction Regulations of February 2014 and the Construction Safety, Health and Environmental Specifications attached to this document.
2. I hereby declare that my company and its employees has the necessary competency and resources to safely carry out the construction works under this contract in compliance with the Occupational Health and Safety Act, Act 85 of 1993, the Construction Regulations of February 2014 and the Construction Safety, Health and Environmental Specifications.
3. I hereby confirm that adequate provisions has been made in my Bid to cover the cost of all Safety, Health and Environmental duties and responsibilities imposed on me by the Occupational Health and Safety Act, Act 85 of 1993, the Construction Regulations of February 2014 and the Construction Safety, Health and Environmental Specifications.
4. I hereby undertake that if my Bid is accepted, to provide before commencement of the Works under the contract or as required by the Conditions of the Contract, a suitable and sufficiently documented Construction Safety, Health and Environmental Management Plan in accordance with Regulation 7(1)(a) of the Construction Regulations of February 2014, which shall be subject for approval by the Client.
5. I confirm that I may not commence with any part of construction work under the contract until my Construction Safety Health and Environmental Management Plan has been approved in writing by the Client.
6. I hereby confirm that copies of the following documentation will be kept on site for viewing and inspection purposes for the duration of the construction work:
  - a) Client's Construction Safety, Health and Environmental Specification.
  - b) Approved Construction Safety, Health and Environmental Plan.
  - c) Occupational Health and Safety Act, Act 85 of 1993.
  - d) Construction Regulations of February 2014.
7. I agree that my failure to complete and execute this declaration to the satisfaction of the Client will mean that I am unable to comply with the requirements of the Occupational Health and Safety Act, Act 85 of 1993 and the Construction Regulations of February 2014, and accept that my Bid will be rejected.

Duly signed at..... on this the..... day of..... 20.....

Full Name of Signatory

Name of Enterprise

Capacity of Signatory

Signature of authorised representative of Bidder

## T2.18 Compulsory Enterprise Questionnaire

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNB 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

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

**Section 1: Name of enterprise:**

**Section 2: VAT registration number, if any:**

**Section 3: CIDB registration number, if any:**

**Section 4: Particulars of sole proprietors and partners in partnerships**

Name*	Identity number*	Personal income tax number*

\* Complete only if sole proprietor or partnership and attach separate page if more than 6 partners

**Section 5: Particulars of companies and close corporations**

Company registration number	
Close corporation number	
Tax reference number	

**Section 6: Record of service of the state**

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

<input type="checkbox"/> a member of any municipal council	<input type="checkbox"/> an employee of any provincial department, National or Provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999)
<input type="checkbox"/> a member of any Provincial Legislature	<input type="checkbox"/> a member of an accounting authority of any National or Provincial public entity
<input type="checkbox"/> a member of the National Assembly or the National Council of Province	<input type="checkbox"/> an employee of Parliament or a Provincial Legislature
<input type="checkbox"/> a member of the board of directors of any municipal entity	
<input type="checkbox"/> an official of any municipality or municipal entity	

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

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

\*insert separate page if necessary

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

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

<input type="checkbox"/> a member of any municipal council	<input type="checkbox"/> an employee of any Provincial department, National or Provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999)
<input type="checkbox"/> a member of any Provincial Legislature	<input type="checkbox"/> a member of an accounting authority of any National or Provincial public entity
<input type="checkbox"/> a member of the National Assembly or the National Council of Province	<input type="checkbox"/> an employee of Parliament or a Provincial Legislature
<input type="checkbox"/> a member of the board of directors of any municipal entity	
<input type="checkbox"/> an official of any municipality or municipal entity	

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

\*Insert separate page if necessary

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

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- ii) confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest;
- iv) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

<b>Position of authorised representative</b>		<b>Date</b>	
<b>Signature of authorised representative</b>			
<b>Name of authorised representative</b>			
<b>Enterprise name</b>			

## **T2.19 TAX COMPLIANCE STATUS (TCS) PIN TO VERIFY ON LINE COMPLIANCE SUPPLIER STATUS VIA SARS e-FILING**

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K.</b>		
<b>Bid no:</b>	<b>ZNB 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

### **TAX CLEARANCE REQUIREMENTS**

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations. It is a condition of this Offer of Commission that your practice remains in good standing with SARS (South African Revenue Services) in terms of its tax clearance, during the project, which is required to process your payment certificates.

1. In order to meet this requirement bidders are required to apply via e-filing at any SARS branch office nationally. The Tax Compliance Status (TCS) requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Compliance Status (TCS) **PIN** that will be valid for a period of 1 (one) year from the date of approval.
3. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Compliance Status (TCS) PIN.
4. Application for Tax Compliance Status (TCS) PIN can be done via e-filing at any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
5. Tax Clearance Certificates may be printed via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).

### **IMPORTANT NOTICE**

1. The South African Revenue Services (SARS) has phased out the issuing of paper Tax Clearance Certificates.
2. From 18 April 2016 SARS introduced an enhanced Tax Compliance (TCS) system.
3. The new system allows taxpayers to obtain a Tax Compliance Status (PIN), which can be utilised by authorised third parties to verify taxpayers compliance status online via SARS e-filing.
4. Bidders are required to fill in clearly, legibly, in bold print and black ink the SARS (TCS) PIN number and Tax Reference number in the space hereunder:

<b>Tax Compliance Status(TCS) PIN Number</b>	
<b>Company / Bidding Entity Tax Reference Number</b>	

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

**Signature of bidder:** .....

**Date:** .....

**T2.20 PROOF OF GOOD STANDING WITH THE COMPENSATION  
COMMISSIONER**

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTURRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan</b>		
<b>Bid no:</b>	<b>ZNB 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

**ATTACH A COPY OF PROOF, THAT THE TENDERER IS IN  
GOOD STANDING WITH THE COMPENSATION  
COMMISSIONER, TO THIS PAGE FOR ADJUDICATION  
PURPOSES**

**NOTE**

In the case of a Bid by a Joint Venture, copies of proof of Good Standing with the Compensation Commissioner in respect of each party to the Joint Venture must be attached to this page

## T2.21 - FORM OF OFFER AND ACCEPTANCE

Agreement

**Bid no: ZNB 9940/2021-H**

### OFFER

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract in respect of the following works:

**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital**

The Bidder, identified in the Offer signature block, has examined the documents listed in the Tender Data and Addenda thereto as listed in the Returnable Schedules, and by submitting this Offer has accepted the Conditions of Tender and complies fully with the requirements of Clause F.3.13 in the Bid Data.

By the representative of the Bidder, deemed to be duly authorized, signing this part of this Form of Offer and Acceptance, the Bidder offers to perform all of the obligations and liabilities of the Contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the Conditions of Contract identified in the Contract Data.

**THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:**

<b>Amount (in words):</b>	
<b>Amount in figures:</b>	R

This Offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document to the Bidder before the end of the period of validity stated in the Tender Data, whereupon the Bidder becomes the party named as the Contractor in the Conditions of Contract identified in the Contract Data.

**THIS OFFER IS MADE BY THE FOLLOWING LEGAL ENTITY:** (cross out block which is not applicable)

Company or Close Corporation:  <hr/> And: Whose Registration Number is:  <hr/> And: Whose Income Tax Reference Number is:  <hr/>	<b>OR</b>	Natural Person or Partnership:  <hr/> Whose Identity Number(s) is/are:  <hr/> Whose Income Tax Reference Number is/are:  <hr/>
--	-----------	--

**AND WHO IS (if applicable):**

Trading under the name and style of:
--------------------------------------

**AND WHO IS:**

Represented herein, and who is duly authorised to do so, by:  Mr/Mrs/Ms:  <hr/> In his/her capacity as:  <hr/>	<b>Note:</b> <b>A Resolution / Power of Attorney, signed by all the Directors / Members / Partners of the Legal Entity must accompany this Offer, authorising the Representative to make this offer.</b>
--	---

**SIGNED FOR THE BIDDER:**

<b>Name of authorised representative</b>	<b>Signature</b>	<b>Date</b>

**WITNESSED BY:**

<b>Name of authorised representative</b>	<b>Signature</b>	<b>Date</b>

**Bid no: ZNB 9940/2021-H**

This Offer is in respect of the official documentation.

**GUARANTEE OPTIONS:**

The Tenderer agrees to provide a bank or insurance guarantee in accordance with clause 6.2.3 of the Conditions of the GCC2010 Contract within the period stated in the Contract Data. This guarantee shall be for a sum equal to an amount stated in the Contract Data.

Guarantees submitted must be issued by either an insurance company duly registered in terms of the Insurance Act (Long Term Insurance Act No 52 of 1998 or Short Term Insurance Act No 53 of 1998) or by a bank duly registered in terms of the Banks Act No 94 of 1990, on the pro-forma referred to above. No alterations or amendments of the wording of the pro-forma will be accepted.

(a) the tenderer accepts that in respect of contracts up to R1 million, a payment reduction of 5% of the contact value will be applicable and will be reduced by the Employer in terms of the applicable conditions of contract.

(b) in respect of contracts above R1 million, the Tenderer offers to provide security as indicated below: select one option

(i) cash deposit of 10 % of the Contract Price

(ii) bank or insurance Performance Guarantee of 10 % of the Contract Price

(iii) cash deposit of 5% of the Contract Price and a payment reduction of 5% of the value certified in the payment certificate (excluding VAT)

(iv) bank or insurance guarantee of 5% of the Contract Price and a payment reduction of 5% of the value certified in the payment certificate (excluding VAT)


NOTE: Where the Tenderer has not selected one of the guarantee options above, the default option will be as if the Tenderer has selected a security of a bank or insurance guarantee of 5% of the value of the Works and a payment reduction of 5% of the value certified in the payment certificate excluding value added tax. - See GCC2010 clause 6.2.2 as amended in Contract Data.

NB. Guarantees submitted must be issued by either an insurance company duly registered in terms of the Short-Term Insurance Act, 1998 (Act 35 of 1998) or by a bank duly registered in terms of the Banks Act, 1990 (Act 94 of 1990) on the pro-forma referred to above. No alterations or amendments of the wording of the pro-forma will be accepted.

*The Bidder elects as its domicilium citandi et executandi in the Republic of South Africa, where any and all legal notices may be served, as (physical address):*

**Other Contact Details of the Bidder are:**

Telephone No: \_\_\_\_\_ Cell Phone No: \_\_\_\_\_

Fax No: \_\_\_\_\_ Email Address : \_\_\_\_\_

Postal address: \_\_\_\_\_

Banker : \_\_\_\_\_ Branch : \_\_\_\_\_

UIF Registration Number: \_\_\_\_\_ CIDB Registration Number: \_\_\_\_\_

Central Suppliers Database  
Registration Number:

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EODP Number:

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## ACCEPTANCE (For Official use only)

**Bid no: ZNB 9940/2021-H**

By signing this part of this Form of Offer and Acceptance, the Employer identified below, accepts the Bidder's offer. In consideration thereof, the Employer shall pay the Contractor the amount due in accordance with the Conditions of Contract identified in the Contract Data. Acceptance of the Bidder's offer shall form an agreement between the Employer and the Bidder upon the terms and conditions contained in this Agreement and in the contract that is the subject of this Agreement.

**The terms of the contract, are contained in:**

Part 1	Agreement and Contract Data, (which includes this agreement)
Part 2	Pricing data
Part 3	Scope of work.
Part 4	Site information

and drawings and documents or parts thereof, which may be incorporated by reference into Parts 1 to 4 above.

Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto as listed in the tender schedules as well as any changes to the terms of the Offer agreed by the Bidder and the Employer during this process of Offer and Acceptance, are contained in the schedule of deviations attached to and forming part of this Agreement. No amendments to or deviations from said documents are valid unless contained in this Schedule, which must be duly signed by the authorised representative(s) of both parties.

The Bidder shall within 10 days after receiving a completed copy of this Agreement, including the Schedule of Deviations (if any), contact the Employer's agent (whose details are given in the contract data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the Conditions of Contract identified in the Contract Data at, or just after, the date this **Agreement comes into effect**. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this Agreement.

Notwithstanding anything contained herein, this Agreement comes into effect on the date when the Bidder receives one fully completed original copy of this document, including the Schedule of Deviations (if any). Unless the Bidder (now Contractor) within five days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this Agreement, this Agreement shall constitute a binding contract between the parties.

**For the Employer:**

Name of delegated signatory	Signature	Rank	Date

<b>Name of Organisation:</b>	Department of Health
<b>Address of Departmental Office:</b>	KZN DoH Townhill Office Park Townhill Hospital Hyslop Road Pietermaritzburg, PIETERMARITZBURG, 3201

**WITNESSED BY:**

Name of witness	Signature	Rank	Date

**Bid no: ZNB 9940/2021-H**

**Schedule of Deviations**

**Notes:**

1. The extent of deviations from the bid documents issued by the Employer prior to the bid closing date is limited to those permitted in terms of the Conditions of Bid.
2. A Bidder's covering letter shall not be included in the final contract document. Should any matter in such letter, which constitutes a deviation as aforesaid become the subject of agreement reached during the process of, offer and acceptance, the outcome of such agreement shall be recorded here.
3. Any other matter arising from the process of offer and acceptance either as a confirmation, clarification or change to the bid document and which it is agreed by the Parties becomes an obligation of the contract shall also be recorded here.
4. Any change or addition to the bid documents arising from the above agreements and recorded here, shall also be incorporated into the final draft of the Contract.

**1.1.1. Subject:**

**Detail:**

**1.1.2. Subject:**

**Detail:**

**1.1.3. Subject:**

**Detail:**

**1.1.4. Subject:**

**Detail:**

**1.1.5. Subject:**

**Detail:**

**1.1.6. Subject:**

**Detail:**

By the duly authorised representatives signing this Schedule of Deviation, the Employer and the Bidder agree to and accept the foregoing Schedule of Deviations as the only deviations from and amendments to the documents listed in the Tender Data and addenda thereto as listed in the Bid Schedules, as well as any confirmation, clarification or changes to the terms of the offer agreed by the Bidder and the Employer during this process of offer and acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the Bid documents and the receipt by the Bidder of a completed signed copy of this Agreement shall have any meaning or effect in the contract between the parties arising from this agreement.

**For the Contractor:**

Name of delegated signatory	Signature	Position in Entity	Date

**For the Employer:**

Name of delegated signatory	Signature	Rank	Date

**WITNESSED BY:**

Name of witness	Signature	Rank	Date

## T2.21a CONFIRMATION OF RECEIPT

**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Gandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital**

<b>Bid no.:</b>	ZNB 940/2021-H	<b>Project Code:</b>	310011433
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The Bidder (now Contractor), identified in the Offer part of this Agreement hereby confirms receipt from the Employer, identified in the Acceptance part of this Agreement, of one fully completed original copy of this Agreement, including the Schedule of Deviations (if any) today:

the \_\_\_\_\_ (day)

of \_\_\_\_\_ (month)

\_\_\_\_\_ (year)

at \_\_\_\_\_ (Place)

For the Contractor:

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Capacity*

Signature and name of witness:

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name*

## **T2.22 - FINAL BILL OF QUANTITY SUMMARY**

<b>Project title:</b>	ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital		
<b>Bid no:</b>	<b>ZNB 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

**ATTACH SUMMARY PAGE OF THE BILL OF QUANTITIES**

**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES  
(UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital,  
Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's  
Hospital and St Mary's Hospital**

**BILL OF QUANTITIES**

**PREAMBLE TO BILL OF QUANTITIES**

**Items and Pricing**

The Department reserves the right to place an order for any quantities of items included in the Schedules. The Bill of Quantities must also not be assumed to include and describe every detail of the supply requirement, but must be taken and read in conjunction with the other parts of the document. Thus the supplier shall not have claim for further payment in respect of any order which may be described or implied in the contract, although apparently no corresponding items are given in the Bill of Quantities. The supplier shall be deemed to have satisfied himself before tendering as to the correctness and sufficiency of his tender for the contract and of the rates and prices stated in the Bill of Quantities.

**Tax and Duties**

Prices, tendered and paid, must include all customs, excise and import duties, and any other tariffs or taxes levied by the government or statutory body having jurisdiction on the goods provided under this contract, **including Value Added Tax (applicable to the current rate).**

**Rates**

Except where provision is made in the Bill of Quantities, the rates and prices inserted shall be the full rates and prices for the service delivered described under the respective items and shall cover all labour, transport, overhead charges and profit, etc. as well as the general liabilities, obligations and risks arising out of the Conditions of Contract, the overhead charges and profit being spread proportionately over the rates of the relative items in the Bill of Quantities.







**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES  
Edward VIII Hospital, Mahatma Gandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial  
Hospital and St Mary's Hospital**

**PRICE PAGE**

**N.B.: This form must be completed in detail signed by the Bidder and bears**

**Failure to comply with these requirements may result in the bid being**

**CLOSING DATE AND TIME: \_\_\_\_\_ at 11:00.**

**VALIDITY PERIOD: 12 WEEKS**

**BID/CONTRACT NO: ZNB \_\_\_\_\_ PERIOD: \_\_\_\_\_**

**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES  
(UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Gandhi Hospital,  
Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's  
Hospital and St Mary's Hospital**

**DOES OFFER COMPLY WITH THE SPECIFICATION?**

*If not, furnish details of deviation in space provided for "Remarks"*

**CONTRACT EXECUTION PERIOD**

CARRIED OVER FROM SCHEDULE OF PRICES PS 1

PS 2

**Subtotal : PS 1 to PS 2**

**VALUE ADDED TAX @ 15%** (Rate applicable on date of submission of Bidder)

**TOTAL BID PRICE**

**REMARKS (If any):**

Version: 4

being disregarded.

NAME AND ADDRESS OF BIDDER(FIRM)

.....

.....

.....

TEL: .....

FAX: .....

YES/NO  
(Delete which is not applicable)

.....weeks/months

R .....

R .....

R .....

.....  
(Signature of Bidder)

DATE: .....

.....  
(Signature of Witness)

DATE: .....

## **T2.24 - PROOF OF VALID UIF REGISTRATION**

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNb 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

**ATTACH A COPY OF PROOF, THAT THE BIDDER IS IN GOOD  
STANDING WITH THE UIF TO THIS PAGE FOR  
ADJUDICATION PURPOSES**

### **NOTE**

In the case of a Tender by a Joint Venture, copies of proof of Good Standing with the **UIF** in respect of each party to the Joint Venture must be attached to this page

The contractor must submit proof of UIF Contributions made to the fund to the Principal Agent on a monthly basis for the duration of the contract.

Should the contractor default on his monthly payments, the Employer will pay the outstanding payments due and the contractor will be liable for payments made by the Employer on behalf of the contractor, plus any additional cost associated with this process.

## T2.26 CERTIFICATE OF INDEPENDENT BID DETERMINATION - SBD 9

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Gandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNB 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

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 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:

<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:

**ZNB 9940/2021-H - ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Gandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital**

*(Bid Number and Description)*

in response to the invitation for the bid made by:

**KZN Department of Health**

*(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**

## **T2.28 - PROOF OF CIDB REGISTRATION NUMBER**

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNb 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

**ATTACH A COPY OF PROOF, THAT THE BIDDER IS REGISTERED WITH THE CONSTRUCTION INDUSTRY DEVELOPMENT BOARD (CIDB) TO THIS PAGE FOR ADJUDICATION PURPOSES**

### **NOTE**

In the case of a Tender by a Joint Venture, copies of proof of registration with the CIDB in respect of each party to the Joint Venture must be attached to this page



**T2.29 - PROOF OF PAYMENT OF BID DEPOSIT**

<b>Project title:</b>	ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital		
<b>Bid no:</b>	ZNB 9940/2021-H	<b>Project Code:</b>	310011433

**ATTACH A COPY OF PROOF OF PAYMENT WHERE AVAILABLE OF THE BID DEPOSIT BY THE BIDDER, TO THIS PAGE FOR ADJUDICATION PURPOSES**

**NOTE**

In the case of a Tender by a Joint Venture a copy of proof of payment where available of the bid deposit is only necessary in respect of any one party to the Joint Venture and must be attached to this page

## T2.30 CONTRACT FORM - PURCHASE OF GOODS/WORKS-Part 1

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

### PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to Head: Health (Department of Health: Province of KwaZulu-Natal) in accordance with the requirements and specifications stipulated in bid number ZNB 9940/2021-H at the price/s quoted.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax Compliance Status (TCS) **PIN**;
    - Pricing schedule(s);
    - Technical Specification(s);
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of bidder's past SCM practices;
    - Certificate of Independent Bid Determination
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract for construction works Edition 2 - GCC2010; and
  - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT): \_\_\_\_\_

CAPACITY: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NAME OF FIRM: \_\_\_\_\_

DATE: \_\_\_\_\_

Witnesses:

1. \_\_\_\_\_

2. \_\_\_\_\_

Date: \_\_\_\_\_

## T2.31 CONTRACT FORM - PURCHASE OF GOODS/WORKS-Part 2

### PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I \_\_\_\_\_ in my capacity as \_\_\_\_\_

accepts your bid under reference ZNB 9940/2021-H dated \_\_\_\_\_ for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).

2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT \_\_\_\_\_ ON \_\_\_\_\_  
[Place] [Date]

NAME (PRINT): \_\_\_\_\_

SIGNATURE: \_\_\_\_\_



OFFICIAL STAMP:

<b>Witnesses:</b>	
1. _____	
2. _____	
Date: _____	

## T2.32 - OHSE PLAN STRUCTURE

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Gandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>		
<b>Bid no:</b>	<b>ZNB 9940/2021-H</b>	<b>Project Code:</b>	<b>310011433</b>

A detailed OHSE Plan is to be submitted by the successful tenderer as per Construction Regulation 7(1)(a). The following are the minimum standard legal documentation that must form part of the OHSE Plan based on the risks attached in executing this project titled;

**ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Gandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital**

## **T2.33 - OHSE CLIENT SPECIFIC REQUIREMENTS**

<b>Project title:</b>	<b>ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTURRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital</b>
<b>Bid no:</b>	<b>ZNB 9940/2021-H</b>
<b>Project Code:</b>	<b>310011433</b>

See Annexure

## **T2.35 - DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS - SBD 6.2**

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### **1. General Conditions**

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) makes provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where;

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00, on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp) at no cost.**

- 1.6. A bid may be disqualified if –
  - (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

### **2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

Description of services, works or goods

Stipulated minimum threshold

_____	_____ %
_____	_____ %
_____	_____ %

**3. Does any portion of the services, works or goods offered have any imported content?**

Yes		No	
-----	--	----	--

(Tick applicable box)

- 3.1. If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00, on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY**

**IN RESPECT OF BID NO.**

**ZNB 9940/2021-H**

**ISSUED BY:**

\_\_\_\_\_  
(Procurement Authority / Name of Institution):

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thdti.gov.za/industrial development/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below. Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, \_\_\_\_\_ (full names),

do hereby declare, in my capacity as \_\_\_\_\_

of \_\_\_\_\_ (name of bidder entity),

the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011;
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:



Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

WITNESS No. 1 \_\_\_\_\_

DATE: \_\_\_\_\_

WITNESS No. 2 \_\_\_\_\_

DATE: \_\_\_\_\_

### T2.36 - Quality Criteria

Project title:	ETHEKWINI DISTRICT HOSPITAL INSTALLATION OF UNINTERRUPTIBLE POWER SUPPLIES (UPS) FOR THEATRES AND ICUs - King Edward VIII Hospital, Mahatma Ghandhi Hospital, Osindisweni Hospital, Prince Mshiyeni Memorial Hospital, R.K. Khan Hospital, St. Aidan's Hospital and St Mary's Hospital		
Bid no:	ZNB 9940/2021-H	Project Code:	310011433

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# KWAZULU-NATAL PROVINCE

HEALTH  
REPUBLIC OF SOUTH AFRICA

## Quality Evaluation

The minimum threshold required from the bidder is 60 points in this section

Quality Criteria		Deliverables	Points		Sub-Points		Sub-Criteria
1.	Financial Standing  <i>0 Points for this criteria will lead in no further adjudication</i>	The submission of all financial requirements stipulated in the tender  Stamped or official letter (with letter head) from the financial institution to be submitted.	20	Points	20	Sub-points	Proof of available funds from an approved financial institution and (or) Letters of credit suppliers with credit limits stipulated in supporting documents showing a minimum of 20% of the project value will award full points.
					15	Sub-points	Proof of available funds from an approved financial institution and (or) Letters of credit suppliers with credit limits stipulated in supporting documents showing a minimum of 15% of the project value will award full points.
					10	Sub-points	Proof of available funds from an approved financial institution and (or) Letters of credit suppliers with credit limits stipulated in supporting documents showing a minimum between 10% and 15% of the project value will award full points.
					0	Sub-points	Proof of available funds from an approved financial institution and (or) Letters of credit suppliers with credit



# KWAZULU-NATAL PROVINCE

HEALTH  
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							limits stipulated in supporting documents showing a less than 5% of the project value will lead to elimination from the bid.
2.	Competency, Experience and Resource Capacity	Tenderer to demonstrate their technical competency, human resource capacity and relevant project experience	30	Points	30	Sub-points	Organization (Contractor) number of projects on similar projects (UPS supply, delivery, installation and commissioning) is three (3) successfully completed projects.
	<i>Schedule of Similar projects completed to be furnished with traceable references</i>				20	Sub-points	Organizational number of projects on similar projects (UPS supply, delivery, installation and commissioning) is two (2) successfully completed projects.
	<i>Submit Award letters and Practical completion certificates</i>	<i>Submit Award letters and Practical completion certificates</i>			10	Sub-points	Organizational number of projects on similar projects (UPS supply, delivery, installation and commissioning) is one (1) successfully completed projects.
					0		No organizational experience (no project completed) with UPS supply, delivery, installation and commissioning
3.	Tenderer's Project Management Structure and Organogram and Experience of Resources Proposed for the Project	A tenderer that submits a detailed project organogram that sets out the roles and responsibilities of each proposed	20	Points	20	Sub-points	Submission of a detailed organogram with key project resources and attach the CVs with relevant qualifications  0 points for no submission



# KWAZULU-NATAL PROVINCE

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	<b>Key Project Resources:</b> 1. Professional (Electrical) Engineer, 2. Works Supervisor or Foreman, 3. Qualified Technician/Trade Tested Artisan (Electrical)	team member, which is backed up By their curriculum vitae that demonstrate extensive experience, together with a project implementation structure shall be allocated maximum sub-points. In all other instances zero (0) sub-points shall be allocated.	20 Points	20	Sub-points	All key project resources have more than (3 years) experience in their relevant scope.  Attach the CVs with relevant qualifications and certificates. Professional certificates of the professional engineer to be attached as well
				10	Sub-points	Some (3 out of 3) of the key project resources have less than (3 years) experience in their relevant scope.  Attach the CVs with relevant qualifications. Professional certificates of the professional engineer to be attached as well
				0		Most (1 out of 3) technical resources (being the Trade Tested Artisans/Technician, Professional Engineer and Works Supervisor) have less than 3 years relevant experience
4.	Methodology and Approach	Detailed resource deployment strategy and basic project implementation plan/program to be submitted.	10 Points	10	Sub-points	Resourcing strategy for the various work breakdown structures including resource deployment plan (PS) showing how the work will be planned and executed for minimum disruption to the operations and minimum construction time.



# KWAZULU-NATAL PROVINCE

HEALTH  
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			0	Sub-points	No resources deployment strategy and programme plan
--	--	--	---	------------	---

TENDER EVALUATION CRITERIA AND SCORING PRICE AND BBBEE			
Evaluation Criteria	Deliverables	Points	
Price	The lowest responsive and responsible priced offer shall be allocated 80 points. All other responsive and responsible offers shall be allocated a prorated point value based on the lowest responsive and responsible priced offer.	80	Points
Broad Based Black Economic Empowerment (BBBEE)	The points allocated to each tenderer for Broad Based Black Economic Empowerment shall be based on the Broad Based Black Economic Empowerment Scorecard. In this regard, the points score for this criteria for each tenderer, shall be determined as follows:	20	Points
	• Level 1 Contributor	20	Points
	• Level 2 Contributor	18	Points
	• Level 3 Contributor	14	Points
	• Level 4 Contributor	12	Points
	• Level 5 Contributor	8	Points
	• Level 6 Contributor	6	Points
	• Level 7 Contributor	4	Points
	• Level 8 Contributor	2	Points
	• Non-Compliant Contributor	0	Points