



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

PART A COVER INFORMATION

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED

BID NUMBER:	RFR/CON/GB/2024	CLOSING DATE:	13 December 2024	CLOSING TIME:	23h55
DESCRIPTION:	ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS				

BID RESPONSE DOCUMENTS MAY BE SUBMITTED AT:
Tender Box folder for RFR via Microsoft One Drive (Refer to Clause 3)
 FOR ATTENTION: **Zipho Moselakgomo PROCUREMENT & TENDER OFFICER**

SUPPLIER INFORMATION

NAME OF BIDDER:					
POSTAL ADDRESS:					
STREET ADDRESS:					
TELEPHONE NUMBER:	CODE:		NUMBER:		
CELLPHONE NUMBER:					
FACSIMILE NUMBER:	CODE:		NUMBER:		
E-MAIL ADDRESS:					
VAT REGISTRATION NUMBER:					
	TCS PIN:		AND	CSD No:	
	CIDB CRS No.				
SIGNATURE OF BIDDER			DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT/ PUBLIC ENTITY:	DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED				
CONTACT PERSON:	Zipho Moselakgomo				
TELEPHONE NUMBER:	011 313 3852				
FACSIMILE NUMBER:	N/A				
E-MAIL ADDRESS:	IDDProcurement@dbsa.org				



The Development Bank of Southern Africa has a Zero Tolerance on Fraud and Corruption. Report any incidents of Fraud and Corruption to Whistle Blowers on any of the following:

TollFree : 0800 20 49 33
 Email : dbsa@whistleblowing.co.za
 Free Post : Free Post KZN 665 | Musgrave | 4062
 SMS : 33490



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PART B

INVITATION TO REGISTER

1. STRUCTURE OF THE RFR PACK

The Development Bank of Southern Africa (“DBSA”) invites CIDB registered Contractors (“Bidders”) to submit tenders and proposals (“Tenders”) in accordance with the rules set out in this RFR (“Request for Registration”) for the ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

1.1. Table of Contents

This RFR Pack is structured in 10 (ten) sections consisting of several sub-sections.

Section	Description
1	Table of Contents
2	Key Dates and Activities
3	Instructions for Tender Submission:
4	DBSA's Requirements
5	DBSA's Approach to this RFR
6	Bidding Qualification
7	Additional Clauses
8	Evaluation and Selection
9	Geographical Footprint
10	Standard Bidding Documents (SBD's) and Returnables

2. KEY DATES AND ACTIVITIES

2.1 Tender validity is not applicable due to no price inclusion; therefore, the tender will remain valid until concluded. Consequently, bidders undertake to submit proposals that are valid until process conclusion.

The table below lists certain key dates and activities relevant from time of issuance of the RFR up to and until the Closing Date:

No	Description	Date/Time
1.	Advertisement of the Bid in the National Treasury E-Tender portal and DBSA website.	22 November 2024
2.	Non-Compulsory Tender Brief Link to follow: Join the meeting now	28 November 2024 at 11h00
3.	Bidders to submit written questions/ clarifications. <ul style="list-style-type: none"> Each bidder is encouraged to submit one (01) consolidated questions/ clarifications email. No questions will be entertained post the stipulated date, or if sent to other email addresses. 	06 December 2024 by 12h00
4.	DBSA to respond to written questions/ clarifications issued by bidders not prior to this date. <ul style="list-style-type: none"> Such consolidated response will be published in the tender link as advertised on the DBSA website and National Treasury E-Tender portal. Bidders are required to stay regularly updated with these platforms for any additional communications/ addenda being issued. 	09 December 2024 by 16h30
5.	Bidders to <u>request</u> Tender Submission Link by latest this date: <ul style="list-style-type: none"> Request may <u>only</u> be issued to the email address as stipulated under Part A, COVER INFORMATION. Any requests post this date will not be accepted, since this date is the required advertisement lead time. Bidders are required to raise link access concerns well before 12h00 on tender closing date.	13 December 2024 by 12h00 latest
6.	TENDER CLOSE & SUBMISSION via Online (MS OneDrive)	13 December 2024 at 23h55

3. INSTRUCTIONS FOR TENDER SUBMISSION:

- i. All bidders are required to request a Tender submission Link before the deadline stipulated under Tender Clause 2.1 KEY DATES AND ACTIVITIES.
 - o Only bidders who requested a Tender submission Link as per above, will receive the link to submit a bid.
 - o Ensure platform is functional, through prior testing.
- ii. Bidders are required to click on the Tender Submission Link to initiate submission.
- iii. Bidders are required to ensure the documents as correctly named as prescribed.
- iv. Bidders are to ensure the documents being loaded are correct and accurate – once they are loaded, they cannot be accessed again, edited or deleted.
- v. Only Files can be loaded, not folders.
- vi. As such, Folders with all its required content should be created on the Bidders PC, **then be converted to either a Compressed or Zipped Folder**.
- vii. This will allow Bidders to easily load the whole Compressed/Zipped Folder as a file format to the Tender Submission Link.
- viii. Once documents have been loaded, the Bidder will receive a confirmation email of the upload, which should be kept as proof.
- ix. Bidders are requested to not create and submit excessively large files, but rather to break it up into its stipulated components.
- x. Uploading of submission must be **filed in the exact order** as stipulated in the below table and **MUST BE LABELLED CORRECTLY**.
- xi. All forms must be properly completed and signed as required and the document shall not be taken apart or altered in any way whatsoever.
- xii. Each document must be uploaded in an accessible and readable format.
- xiii. **Corrupted or Blank Files:** If any uploaded file is found to be corrupted, blank, or otherwise unreadable, the tender submission will be automatically disqualified.
- xiv. It is the responsibility of the bidder to ensure that all files are properly uploaded and accessible. Bidders are encouraged to verify their submissions before finalizing the upload.

Section	Description Contents & Order for RFR Submission
1-9	This RFR Pack – pages 1 to 16 (inclusive of evidence of Geographical Footprint)
10	Returnables (Responsiveness Evaluation Information)
10.1	Certificate of Authority for Signatory
10.2	Record of Addenda to Tender Document
10.3	Declaration of Default and Termination
10.4	Bidder's Disclosure – SBD 4
10.5	Service Provider Code of Conduct
10.6	RFR Declaration Form
10.7	Enterprise Questionnaire
10.8	Certificate of Acquaintance with Tender Document
10.9	Proof of Registration with CSD & CIDB
10.10	Tax Requirement
10.11	Registration Certificates/ Agreements/ Identity Documents
10.12	Workmen's Compensation Registration (COIDA)
10.13	Unemployment Insurance Fund (UIF) – Registration Certificate (ACT 4 OF 2004)
11	Functionality Evaluation Information
11.1	Experience of Tenderer (Supporting Documentation)
11.2	Quality of Work (Supporting Documentation)
11.3	Project Site Capacitation Methodology (Supporting Documentation)
11.4	Health and Safety (Supporting Documentation)
11.5	Financial Capability (Supporting Documentation)

NB: FAILURE TO SUBMIT IN THE FORMAT/ ORDER REQUIRED MAY RENDER THE BID INVALID.

4. DBSA's REQUIREMENTS

4.1 Introduction

The Infrastructure Delivery Division ("IDD") is a division of DBSA, established to support government in accelerating the implementation of infrastructure programmes through the provision of project management support, in key priority sectors critical to the achievement of various national objectives for economic growth, job creation and infrastructure delivery.

The purpose of IDD is to create a centre of excellence that works with key government stakeholders to improve the speed and quality of infrastructure delivery. To this end, the division aims to be a self-financing business offering implementation support, programme management and/or programme co-ordination services in priority sectors and regions.

To contribute to sustainable livelihoods and economic growth by accelerating the delivery of quality social and economic infrastructure and promoting cost-effective, sustainable, integrated infrastructure planning and delivery.

4.2 Overview of DBSA Requirements

The Infrastructure Delivery Division (IDD) in executing projects uses the services of Professional Services Providers ("PSP's") in various disciplines and the Contractors to achieve completion of such projects. These PSP's and Contractors are sourced from the market through open tenders in the media and government bulletin.

The challenge associated with an open tender is that despite tight criteria, the volume of responses remains very high as every business puts forward its application that has to be evaluated appropriately. The DBSA IDD has experienced high volumes of tender responses in the past and this always surpasses the available resource capacity to evaluate on time and qualitatively. The risk therefore includes the possible compromise on the quality of the bid evaluation, loss of fairness, the lengthened procurement process, delays in project initiation etc.

The DBSA therefore in mitigating for these risks, considers appointing a panel for CIDB Graded Contractors in the following Grades and Classes of Construction Work who will be used on an as-and-when required basis:

- i. General Building Works (GB) – Grading 6-9
 - **Joint Ventures/ Consortiums are not eligible to submit tenders, unless incorporated into a legal entity**
 - **Individuals may not be a director, shareholder or owner of more than one submitting entity**

4.3 Scope of Work

This Request for Registration is an invitation to contractors registered with CIDB to be added to a DBSA Panel of Contractors, to provide work in infrastructure and social infrastructure projects and programmes for various Clients and Client Departments in South Africa.

Extent of the works

- i. The work envisaged will include the following possible Clients and will cover all 9 provinces in South Africa:
 - National Departments
 - Provincial Departments
 - Local Government (metros and municipality) Departments
- ii. Key Areas of Focus: Health, Education, Housing, Water & Sanitation, Transport and Municipalities.

5. DBSA' APPROACH & USE OF THIS RFR

5.1 Objectives

The DBSA in support of its mandate as an Implementing Agent on behalf of various governmental clients, will utilise the Panel of Contractors to source construction services in an accelerated manner. Sourcing through this manner, further supports:

5.1.1 best value for money;

5.1.2 the sustainable supply of Services; and

5.1.3 the meeting of DBSA's current requirements (at a minimum) and providing for flexibility to meet DBSA's future needs related to the scope.

5.2 Establishment and Use of the Panel

- 5.2.1 Bidders that are awarded, will be published on the DBSA tender website (www.dbsa.org) under "Awarded Tenders". Bidders that are not listed as stipulated above, will be deemed to be not awarded and will not receive Letters of Regret.
- 5.2.2 Appointment to the panel is neither a binding contract nor does it place an obligation on the DBSA to procure services from the panel member. The services shall be on an as and when required basis, at the discretion of the DBSA.
- 5.2.3 It is the responsibility of panel members to inform the DBSA on a continuous basis of all changes to contact information, CIDB Grading etc., failing which result in the panel member not being invited.
- 5.2.4 The DBSA will not be held liable if a panel member does not receive a tender invitation due to incorrect contact information, or CIDB Grading.
- 5.2.5 Panel Members will be approached via a RFX ("Request for X") process:
 - i. for specific works, with project specific evaluation and competitive bidding.
 - ii. scope of work is to be provided on a case-by-case basis at the time of requirement.

5.3 Utilisation and Rotation Principles (Standard)

- 5.3.1 Once registered to the Panel, Tender Invites will be issued to the respective panel members, based on these Principles of Rotation.
- 5.3.2 The order of members on the Panel will be based on Alphabetical order and CIDB Level.
- 5.3.3 The DBSA reserves the right to utilise concentration risk as per DBSA's risk appetite, stipulated in the relevant RFP's.
- 5.3.4 Principles may be amended to ensure adherence to updated Procurement Regulations and Legislation.

5.4 Utilisation and Rotation Principles (National Key Points)

- 5.4.1 Once registered to the Panel, Tender Invites will be issued to the respective panel members, based on these Principles of Rotation.
- 5.4.2 The order of members on the Panel will be based on Alphabetical order and CIDB Level.
- 5.4.3 Application of "100% RSA Ownership/Directorship".
- 5.4.4 The DBSA reserves the right to utilise concentration risk as per DBSA's risk appetite, stipulated in the relevant RFP's.
- 5.4.5 Principles may be amended to ensure adherence to updated Procurement Regulations and Legislation.

5.5 Secondary Process post Panel Appointment

- 5.5.5 All Panel members will additionally be assessed, to verify and document **100% Ownership and Directorship by RSA Citizen/s**, with no Foreign Ownership (this is only applicable for use during projects of National Key Points).
- 5.5.6 Having assessed Panel members functional capability, all Panel members are thereby shortlisted to be admitted to the **National Term Contract**, subject to additional terms and conditions to be met through a separate closed tender process.

6 BIDDING QUALIFICATION

6.2 Introduction

DBSA has a detailed evaluation methodology premised on Regulations and Legislations applicable to a Schedule 2 entity. In furtherance of this evaluation methodology, the following bidding qualifications as set out in paragraph 6.3 will apply.

6.3 Central Supplier Database ("CSD")

- 6.2.1 Service Providers and suppliers who wish to render services to DBSA will no longer register at DBSA directly. Suppliers will have to register on National Treasury Central Supplier Database ("CSD") as per National Treasury Circular No 3 of 2015/6 – Central Supplier Database.
- 6.2.2 National Treasury will maintain the database for all suppliers for Government and its institutions.
- 6.2.3 All existing and prospective suppliers are requested to self- register on the CSD by accessing the National Treasury website at www.CSD.gov.za.
- 6.2.4 As part of the bid submission, bidders are required to submit their CSD number with their tender submission.

6.4 Bidding Qualification

- 6.3.1 Prospective Bidders who cannot, or do not, satisfy all of the conditions contained in paragraphs 6.3.1.1 to 6.3.1.4 should not submit Tenders. If a Bidder is found not to meet any one of the requirements listed in paragraphs 6.3.1.1 to 6.3.1.4, then that Bidder's Tender will be rejected without any further consideration, at DBSA's sole discretion.
- 6.3.1.1 DBSA is only interested in organisations that take accountability for service delivery.
- 6.3.1.2 A Bidder must be a South African entity (Company, Close Corporation, Sole Proprietor or individual) or have a local branch office in South Africa.
- 6.3.1.3 The Bidder's attention is further drawn to the requirement that the successful Bidder must ensure that it remains compliant with all South African Tax and Customs laws and regulations throughout the Term, and failure to do so will result in the panel member's registration being suspended until compliant.
- 6.3.1.4 The Bidder must comply with all applicable legislation in the Republic of South Africa in the performance of its daily activities, including but not limited to labour legislation and bargaining council agreements, health and safety regulations and environmental laws.
- 6.3.2 DBSA will disqualify any Bidder who either itself or any of whose members:
- 6.3.2.1 engages in any collusive tendering, anti-competitive conduct, or any other similar conduct, including but not limited to any collusion with any other Bidder in respect of the subject matter of this RFR;
- 6.3.2.2 seeks any assistance, other than assistance officially provided by a Government Entity, from any employee, advisor or other representative of a Government Entity in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- 6.3.2.3 makes or offers any gift, gratuity, anything of value or other inducement, whether lawful or unlawful, to any of DBSA's officers, directors, employees, advisors or other representatives;
- 6.3.2.4 makes or offers any gift, gratuity, anything of any value or other inducement, to any Government Entity's officers, directors, employees, advisors or other representatives in order to obtain any unlawful advantage in relation to procurement or services provided or to be provided to a Government Entity;
- 6.3.2.5 accepts anything of value or an inducement that would or may provide financial gain, advantage or benefit in relation to procurement or services provided or to be provided to a Government Entity;
- 6.3.2.6 pays or agrees to pay to any person any fee, commission, percentage, brokerage fee, gift or any other consideration, that is contingent upon or results from, the award of any tender, contract, right or entitlement which is in any way related to procurement or the rendering of any services to a Government Entity;
- 6.3.2.7 has in the past engaged in any matter referred to in sub-paragraphs 6.3.2.1 - 6.3.2.6 foregoing; or
- 6.3.2.8 has been found guilty in a court of law on charges of fraud and/or forgery, regardless of whether or not a prison term was imposed and despite such Bidder, member or director's name not specifically appearing on the List of Tender Defaulters kept at National Treasury.
- 6.3.3 By submitting a Tender the Bidder represents to DBSA that it does not stand to be disqualified in terms of paragraph 6.3.1 foregoing.
- 6.3.4 DBSA will reject a Bidder's Tender without any further consideration where that Bidder makes culpable misrepresentation to DBSA in its Tender or at any stage during this RFR process.
- 6.3.5 DBSA may **disqualify** a Bidder –
- 6.3.5.1 whose Tender contains a negligent misrepresentation which is materially incorrect or misleading;
- 6.3.5.2 The DBSA reserves the right to make a decision on contract award based solely on the information received in the responses to this RFP. The DBSA also reserves the right to use relevant information not contained in any tender but which, in the ordinary course of business, is within the knowledge of any employee or Board member of DBSA or its advisors, agents or representatives for the purposes of making its decision.
- 6.3.5.3 who had access to any of DBSA's proprietary information or any other matter that may have unfairly placed that Bidder in a preferential position in relation to any of the other Bidders;
- 6.3.5.4 who materially fails to comply with any conditions or requirements of this RFR;
- 6.3.5.5 who in DBSA's opinion has either materially failed to comply with any of the conditions of any existing or past agreement between such Bidder and DBSA or who has performed unsatisfactorily under any such agreement; or

6.3.5.6 who fails to respond as required to written notices given by DBSA in connection with its Tender under this RFR.

6.3.5.7 Where a director of a bidder has directorship in one or more other bidding entities, the bidder will be required to select which one to proceed for evaluation, while the others are to be disqualified. The submission may be disqualified at any other time after appointment, when this information comes to light (to be assessed at Risk and Other Objective Criteria).

6.3.5.8 Any bidder who has had a tender award terminated by the DBSA for any reason (excl. no fault termination) during the 18 months preceding the closing date of this RFR, will be excluded from recommendation under this RFR.

6.3.6 The DBSA reserves the right to require all panel members (with reasonable notification) to acquire Audited Financial Statements in order to remain on the panel.

6.3.7 Contractors can only apply for one CIDB Level.

6.3.8 Contractors below 6GB are not invited to tender e.g. 5GB PE.

6.3.9 The DBSA reserves the right to approach the market to add new contractors to the panel. Any such additions will retain the original panel expiry date.

7 ADDITIONAL CLAUSES

7.2 Acceptance of RFR Conditions

The Bidder's participation in the RFR process is deemed to constitute acknowledgement and acceptance by the Bidder of the terms and conditions contained in this RFR.

7.3 Reservation of Rights

DBSA reserves the right in its discretion to:

7.3.1 make no award;

7.3.3 withdraw, suspend or cancel this RFR or the RFR process at any time and without providing reasons;

7.3.3 not provide reasons for its rejection or the failure of any Bidder or Tender, save on application and in terms of applicable legislation;

7.3.4 change any of its requirements as set out in this RFR by giving Bidders reasonable notice;

7.3.5 change any condition, procedure or rule of the RFR by giving Bidders reasonable notice;

7.3.6 amend, vary, or supplement any of the information, terms or requirements contained in this RFR, any information or requirements delivered pursuant to this RFR, or the structure of the RFR process;

7.3.7 re-advertise for Tenders;

7.3.8 provide further information in respect of, and modify the provisions of, this RFR at any time prior to the Closing Date by notice to all prospective Bidders;

7.3.9 conduct site visits and/or perform audits whenever DBSA deems it prudent to do so during RFR evaluation or post award;

7.3.10 undertake further checks on Bidders, which may include information on public record or in the public domain, information contained in internal DBSA records or information received from other government institutions;

7.3.11 no longer consider a Bidder's Tender where adverse information about the Bidder or its Tender submission has come to the attention of DBSA, provided that such Bidder is informed accordingly and invited to comment;

7.4 RFR not an Offer

This RFR does not constitute an offer to do business with DBSA, but merely serves as an invitation to Bidders to facilitate a requirements-based decision process.

Nothing in this RFR or any other communication made between DBSA (including its officers, directors, employees, advisers and representatives) is a representation that DBSA will offer, award or enter into a contract with the Bidder.

7.5 Preparation Costs

The Bidder will bear all its costs in preparing, submitting and presenting any response or Tender to this RFR and all other costs incurred by it throughout the RFR process. Furthermore, no statement in this RFR will be construed as placing DBSA, its employees or agents under any obligation whatsoever, including in respect of costs, expenses or losses incurred by the Bidders in the preparation of their response to this RFR.

7.6 Conflict of Interest

If at any time the Bidder identifies an actual or potential conflict of interest, the bidder must immediately notify DBSA in writing. DBSA reserves the right to exclude the Tender submitted by such Bidder from further consideration, unless the Bidder is able to resolve the conflict. In addition, if it comes to DBSA's knowledge that there was indeed a conflict of interest or a potential conflict of interest, same will be grounds for the immediate disqualification of the Bidder, whether during the tender process or post appointment if successful.

7.7 Confidentiality

Except as may be required by operation of law, by a court or by a regulatory authority having appropriate jurisdiction, no information contained in or relating to this RFR or a Bidder's Tender(s) will be disclosed by any Bidder or other person not officially involved with DBSA's examination and evaluation of a Tender.

No part of the RFR may be distributed, reproduced, stored or transmitted, in any form or by any means, electronic, photocopying, recording or otherwise, in whole or in part except for the purpose of preparing a Tender. This RFR and any other documents supplied by DBSA remain proprietary to DBSA and must be promptly returned to DBSA upon request together with all copies, electronic versions, excerpts or summaries thereof or work derived therefrom.

Throughout this RFR process and thereafter, Bidders must secure DBSA's written approval prior to the release of any information that pertains to (i) the potential work or activities to which this RFR relates; or (ii) the process which follows this RFR. Failure to adhere to this requirement may result in disqualification from the RFR process and civil action.

After the Closing Date, no confidential information relating to the process of evaluating or adjudicating Tenders or appointing a Bidder will be disclosed to a Bidder or any other person not officially involved with such process.

7.8 Limitation of Liability

A Bidder participates in this RFR process entirely at its own risk and cost. DBSA shall not be liable to compensate a Bidder on any grounds whatsoever for any costs incurred or any damages suffered as a result of the Bidder's participation in this RFR process.

7.9 Defaulters

No tender shall be awarded to a Bidder (or any of its members, directors, partners or trustees) whose names appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers.

DBSA reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a Bidder has been blacklisted with National Treasury by another government institution.

7.10 Screening and Vetting of Service Provider

Acceptance of this tender is subject to the condition that both the contracting firm and its personnel providing the service may be screened and cleared by the appropriate authorities to the grade of clearance in line to classified information, intelligence in the possession of DBSA and areas designated as National Key points that they may have (as and when required per RFR). Obtaining a positive recommendation is the responsibility of the contracting firm concerned. If the principal contractor appoints a subcontractor, the same provisions and measures will apply to the subcontractor.

The Panel Evaluation will entail a PEP Check and ProcureCheck as part of the Risk Analysis.

7.11 Additional Conditions of Contract

- i. Contractors are required to support and develop a SMME through subcontracting min. 30% of Works (if requested).
- ii. All SMME's (subcontractors/ suppliers) need to be from the Local area, i.e. Province of project location and to be approved by the DBSA for use.
- iii. SMME's locality must be prioritized from the immediate locality of the project, i.e. ward/village, expanding to the local municipality, to district and then to province.
- iv. Contractors will be required to adhere to Local Content as per DTIC (if requested).
- v. Contractors will be required to provide a Performance or Construction Guarantee from any South African Banking Institution that amounts to the value of 10% of the Contract Sum for every Task Order Appointment.
- vi. Contractors will be required to provide valid regulatory documents, such as COIDA, applicable Professional Liability and/or Indemnity Insurance, covering all disciplines per respective tender process.
- vii. Contractors must ensure the works/ services are actioned in accordance with the tender conditions.
- viii. Tender Invitations are made to the registered entity name as submitted and approved to the Panel. Any changes that affect the entities legal structure in any way, or if the entity dissolves in any manner, will result in the Contractor being struck off the Panel.
- ix. The DBSA reserves the right to include additional tender and/or risk conditions not listed here, per respective tender process and to ensure adherence to updated Procurement Regulations and Legislation.
- x. Contractors who have been found to have provided fraudulent or misrepresented documents/ information, will be struck from the panel with immediate effect.
- xi. Any Contractor who receives a written notice of non-performance, will be excluded from panel use until the non-performance, or the circumstance giving rise to the non-performance, has been remedied to the satisfaction of the DBSA.
- xii. The DBSA reserves the right to approach the market to add new contractors to the panel. Any such additions will retain the original panel expiry date.

8 EVALUATION AND SELECTION

Tenders will be evaluated in accordance with (no pricing will be required):

- **Stage 1** : Responsiveness Evaluation
- **Stage 2** : Functionality Evaluation
- **Stage 3** : Risk Analysis and Other Objective Criteria

Stage 1: Responsiveness

A. Tenderers who do not adhering to those criteria listed as **PRE-QUALIFIER**, will be **disqualified immediately**:

Responsiveness Criteria		Prequalifying Criteria
1	Completed and signed Declaration of Default and Termination	Pre-Qualifier
2	Any bidder who has had a tender award terminated by the DBSA for any reason (excl. no fault termination) during the 18 months preceding the closing date of this RFR, will be excluded from recommendation under this RFR.	Pre-Qualifier

B. Tenderers who do not adhere to the response time indicated for clarification inquiries by the Employer **will be deemed non-responsive** and not be evaluated further.

Responsiveness Criteria		Clarification Time
1	Adherence to the Standard Conditions of Tender as required (No deviations, qualifications & alternatives).	48 hours from Enquiry
2	Returnable Documents 10.1 to 10.13 completed, signed and provision of supporting documents where requested.	48 hours from Enquiry
3	Submission of Registration with National Treasury Central Supplier Database (CSD) Summary Report : - Bidder must be registered in order to do business with the DBSA.	48 hours from Enquiry
4	Provision of a Tax Pin issued by SARS.	48 hours from Enquiry
5	Valid B-BBEE Certificate/ Affidavit (only Level 1 to 4)	48 hours from Enquiry
6	Provision of the CIDB CRS Number as per specific <u>Level and Classification</u> applied. The DBSA will verify bidders Level and Classification <u>from the live CIDB RoP</u> as at date of bid closure, for reference in evaluation of Functionality. CIDB status (active/ suspended/ expired) will not be assessed at this point, but will be assessed at Stage 3.	48 hours from Enquiry
7	Provision of a Municipal Account reflecting no arrears (not older than 3 months), or a signed Lease Agreement (which has been signed at least 12 months prior to bid closure), is required for every Province selected by the bidder to evidence established provincial footprint.	48 hours from Enquiry

Stage 2 – Functionality

The following evaluation criteria will be applied in the **Functionality Evaluation** of tenders:

- The BEC will do Consensus scoring and the scores will be summarised in a consolidated document.
 - All supporting evidence must be relevant to the tender CIDB Category of **General Building (GB)**.
 - Tenderer must submit proof per tender and may not refer to another submission for proof.
 - The final total score will be rounded off to full nearest whole number.

Category	Functionality Criteria	Point (Maximum)
(i)	Experience of Tenderer	35
(ii)	Quality of Work	35
(iii)	Project Site Capacitation Methodology	10
(iv)	Health and Safety	10
(v)	Financial Capability	10
TOTAL		100

➤ In order to qualify, minimum points out of 100 must be obtained in total for Stage 2.

- ❖ **60 points** minimum for bidders with CIDB **Grade 6 and 7**; and
- ❖ **70 points** minimum for bidders with CIDB **Grade 8 and 9**.

(i) EXPERIENCE OF TENDERER (35 Points)

Bidders to submit requested evidence of at least 2 Infrastructure projects, completed within the last 10 years, where bidder was appointed as a main contractor/ subcontractor (value thresholds per projects as per below tables).

- Bidders should supply **Appointment Letters and Project Completion Certificates or similar if not JBCC Contract** for every contract submitted for reference.
- Where a bidder provides proof of completed projects in greater numbers, but at lower values than those per Score Breakdown, the lower Functional Score will be documented.
- A bidder cannot be scored or recommended to the panel for any level other than the level it is registered for at the CIDB

SCORE	For Grade 6: DESCRIPTION OF EXPERIENCE
Incorrect (0)	Tenderer has submitted no information or inadequate information to determine scoring level.
Poor (7)	Tenderer has successfully completed at <u>least 1 contract</u> of value equal or greater than R3m
Adequate (15)	Tenderer has successfully completed at <u>least 2 contracts, each</u> of value equal or greater than R6m
Good (28)	Tenderer has successfully completed at <u>least 3 contracts, each</u> of value equal or greater than R10m
Very Good (35)	Tenderer has successfully completed at <u>least 3 contracts, each</u> of value equal or greater than R12m

SCORE	For Grade 7: DESCRIPTION OF EXPERIENCE
Incorrect (0)	Tenderer has submitted no information or inadequate information to determine scoring level.
Poor (7)	Tenderer has successfully completed at <u>least 1 contract</u> of value equal or greater than R9m
Adequate (15)	Tenderer has successfully completed at <u>least 2 contracts, each</u> of value equal or greater than R13m
Good (28)	Tenderer has successfully completed at <u>least 3 contracts, each</u> of value equal or greater than R25m
Very Good (35)	Tenderer has successfully completed at <u>least 3 contracts, each</u> of value equal or greater than R30m

SCORE	For Grade 8: DESCRIPTION OF EXPERIENCE
Incorrect (0)	Tenderer has submitted no information or inadequate information to determine scoring level.
Poor (7)	Tenderer has successfully completed at <u>least 1 contract</u> of value equal or greater than R30m
Adequate (15)	Tenderer has successfully completed at <u>least 2 contracts, each</u> of value equal or greater than R50m
Good (28)	Tenderer has successfully completed at <u>least 3 contracts, each</u> of value equal or greater than R70m
Very Good (35)	Tenderer has successfully completed at <u>least 3 contracts, each</u> of value equal or greater than R100m

SCORE	For Grade 9: DESCRIPTION OF EXPERIENCE
Incorrect (0)	Tenderer has submitted no information or inadequate information to determine scoring level.
Poor (7)	Tenderer has successfully completed at <u>least 1 contract</u> of value equal or greater than R90m
Adequate (15)	Tenderer has successfully completed at <u>least 2 contracts, each</u> of value equal or greater than R110m
Good (28)	Tenderer has successfully completed at <u>least 3 contracts, each</u> of value equal or greater than R150m
Very Good (35)	Tenderer has successfully completed at <u>least 3 contracts, each</u> of value equal or greater than R200m

(ii) QUALITY OF WORK (35 points)

Bidders must submit supporting evidence based only relevant to the GB CIDB Category.

The Respondent will be scored on the following:

1. **Quality Management System** in place (3 points)
 - a. The Respondent needs to include an outline of their Quality Control Management System and how quality will be implemented and controlled
 - b. The Respondent needs to include any certificates and registrations regarding quality

2. **References** in terms of **QUALITY OF WORK (20 points)** and regarding **PROJECT COMPLETION** in terms of **TIME and BUDGET (12 points)**
 - a. **Formal Reference Letters on Letterhead** of either **Client, Project Manager, Principal Agent** or **Contract Lead**, fully signed by the authorised individual must be provided – **DBSA generated reference letter as provided, MUST be utilised as format.**
 - Reference letters must include details of **1) Name of Employer/ Client, 2) Project Name 3) Appointment Date, 4) Completion Date, 5) Project Value at Completion, 6) Project Performance Detail Satisfaction according to Quality of Work and Project Completion in terms of Time and Budget and 7) Full Contact Details of client signee.**
 - Preferences for the reference letters for the same projects submitted under Criteria 1.
 - The DBSA reserves the right to verify any reference during Evaluation Stage 3, where if noted contrary to the reference letter information, will be excluded from further evaluation.

The Respondent will be scored on the following:

SCORE	DESCRIPTION OF QUALITY OF WORK
Quality Management System in Place (3 points)	
Score 0	No proof of system provided
Score 1	Provide outline of Quality Management System, but no proof of how it will be implemented and controlled
Score 3	Provide outline of Quality Management System as well as methodology on how it will be implemented and controlled. (Certification will be an added bonus)
Reference in terms of Quality of Work (20 points)	
Score 0	No references provided
Score 4	One positive and more than one negative reference
Score 8	Two positive and one negative reference
Score 12	Three positives and one negative reference
Score 16	Three positive references and no negative reference
Score 20	More than three positive references with no negative reference
References regarding Project Completion in terms of Time and Budget (12 points)	
Score 0	No references provided
Score 2	One positive and more than one negative reference
Score 4	Two positive and one negative reference
Score 7	Three positives and one negative reference
Score 10	Three positive references and no negative reference
Score 12	More than three positive references with no negative reference

(iii) PROJECT SITE CAPACITATION METHODOLOGY (10 points)

In the past the DBSA experienced a lack of proper scheduling, allocation of resources to site, lack of social facilitation and proper agreement in place with SMME's and local labour, which resulted in delays from the onset. Poor management of H&S resulted in findings and further delays.

The Tenderer shall demonstrate a clear methodology of how a site will be capacitated once appointment is awarded. The Capacitation Methodology must describe how each of the following activities will be executed. Details shown on the method statements must include:

a) Construction Programming & Scheduling	b) Site Establishment – Plant and Equipment	c) Site Establishment – Barricading and Hoarding of a site
d) Deployment of Management team	e) Deployment of Construction Teams	f) Social Facilitation
g) Sub-Contracting and SMME Procurement	h) Local Labour Recruitment	i) Health and Safety Compliance

The scoring will be as follows:

SCORE	CAPACITATION METHODOLOGY
0	Failed to provide a detailed submission that covers all the above topics
Poor (score 2)	Less than acceptable response - severely lacks detailed coverage of all topics listed above or some areas listed above have not been addressed lacks detail and coverage of all topics listed above
Satisfactory (score 5)	Acceptable response - Sufficient detail contained across all of the above listed topics and mitigating measures to that the above listed topics basic
Good (score 7)	Above acceptable response – Detailed response contained across all of the above listed topics and identifying of risk and mitigating measures Above topics covered is sufficient detail to determine timeframe required to capacitate a site
Very good (score 10)	Excellent response - Highly comprehensive and detailed responses for each topic listed above identifying of risk and mitigating measures gives confidence that the contractor will capacitate a site with fully defined processes within the shortest timeframe

(iv) HEALTH AND SAFETY (10 points)

The Respondent needs to demonstrate that they have a Health and Safety Management system in place, as well as outline the main items in the submission.

The Respondent needs to demonstrate how Health and Safety is managed on site and what processes and procedures they have in place to comply with legislation, training material.

The CV, qualifications, SACPCMP registration proof and certifications of the Construction Health and Safety Officer need to be included in this section and all Occupational Health and Safety Act requirements.

The scoring of the Tenderer's Health and Safety will be as follows:

SCORE	DESCRIPTION OF AVAILABILITY/ALLOCATION OF RESOURCES
0	Failed to provide any information on a Health and Safety Management system and did not include details of their Construction Health and Safety Officer or any proof of competence and registration. No legal compliance to Occupational Health and Safety Act.
Poor (score 2)	Less than acceptable response - lacks convincing evidence of having an adequate system and resources in place.
Satisfactory (score 5)	Evidence given that basic Health and Safety Management systems is used and implemented. The CV (0–2-year experience), qualifications, SACPCMP valid proof of professional registration as Construction Health and Safety Officer (CHSO) are provided.
Good (score 8)	Demonstrates real understanding of the requirements and evidence of a Health and Safety Management system. Provided a clear outline of their Health and Safety Management system. The CV (3 to below 5 years), qualifications, SACPCMP valid proof of professional registration as Construction Health and Safety Officer (CHSO) are provided.
Very good (score 10)	Gives real confidence that the contractor will add real value and that the contractor operates in a safe environment with all systems and resources in place. All details pertaining to the CV (5+ years' experience), qualifications, SACPCMP valid proof of professional registration as Construction Health and Safety Officer (CHSO) are provided.

(v) FINANCIAL CAPABILITY (10 points)

The Respondent needs to submit the following to support the criteria scoring:

- Access to Funding/ Credit – **max of 10 points**
 - provide certified proof of company/ bidder access to external credit from any FSP registered financial institution (proof of funds from company/ bidder's own accounts are not accepted).; and/or
 - proof of access to build environment suppliers/ retail credit.

SCORE (10)	FINANCIAL CAPABILITY – ACCESS TO CREDIT (6-7GB)	FINANCIAL CAPABILITY – ACCESS TO CREDIT (8-9GB)
Score of 0	No access to credit or less than R2m	No access to credit or less than R10m
Score of 3	Access to credit to the value of up to R2m	Access to credit to the value of up to R10m
Score of 5	Access to credit to the value of up to R3m	Access to credit to the value of up to R12m
Score of 7	Access to credit to the value of up to R4m	Access to credit to the value of up to R14m
Score of 10	Access to credit to the value of up to R5M	Access to credit to the value of up to R16m

Stage 3: Risk Analysis and Other Objective Criteria

- i. Any bidder who has had a tender award terminated by the DBSA for any reason (excl. no fault termination) during the 18 months preceding the closing date of this RFR, will be excluded from recommendation under this RFR.
- ii. Where a director of a bidder has directorship in one or more other bidding entities, the bidder will be required to select which one to proceed for evaluation, while the others are to be disqualified. The submission may be disqualified at any other time after appointment, when this information comes to light.
- iii. Any bidder who does not have a valid and compliant CIDB status as per Level and Classification applied for, will not be added to the Panel. The DBSA will verify bidders online CIDB status as at date of verification.
- iv. A bidder will not be added to the Panel until the CIDB status is rectified. (Bidder to provide CIDB application if in progress of updating expired/suspended status).
- v. The bidder will have 30 calendar days to have an active compliant status with CIDB and communicated to the DBSA tender contract, failing which the bidder will be formally excluded from addition to the panel. The bidder is accountable for its late addition to the panel and will result in a shortened panel period.
- vi. Verification of Reference Letters and where noted contrary to the reference letter information, will be excluded from further evaluation
- vii. PEP Check and ProcureCheck to be initiated.
- viii. Adherence to all requirements under Returnables 10.9, 10.10, 10.11, 10.12 and 10.13.
- ix. All conditions listed under 6.3 may be utilised as Objective Criteria.

9 GEOGRAPHICAL FOOTPRINT

9.2 Bidder Footprint

Bidders are to populate the below table in full, with the required supporting documentation per Province, where it offers its service.

Provision of a **Municipal Account** reflecting no arrears (*not older than 3 months*), or a **signed Lease Agreement** (*which has been signed at least 12 months prior to bid closure*), is required for every Province selected by the bidder to evidence established provincial footprint.

Where a bidder did not check the below geographical location, the supporting documents submitted to prove the provincial footprint will be utilised.

Provinces	Indicate Office/s Location	Documented Evidence submitted?
GAUTENG	<input type="checkbox"/>	<input type="checkbox"/>
NORTH-WEST	<input type="checkbox"/>	<input type="checkbox"/>
LIMPOPO	<input type="checkbox"/>	<input type="checkbox"/>
MPUMALANGA	<input type="checkbox"/>	<input type="checkbox"/>
FREE STATE	<input type="checkbox"/>	<input type="checkbox"/>
KWAZULU-NATAL	<input type="checkbox"/>	<input type="checkbox"/>
EASTERN CAPE	<input type="checkbox"/>	<input type="checkbox"/>
WESTERN CAPE	<input type="checkbox"/>	<input type="checkbox"/>
NORTHERN CAPE	<input type="checkbox"/>	<input type="checkbox"/>

10 STANDARD BIDDING DOCUMENTS (SBD'S) and RETURNABLES

All Returnables 10.1 to 10.13 must be populated, signed in full and provision of supporting documents where requested, as part of your submission.



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

10.1: CERTIFICATE OF AUTHORITY FOR SIGNATORY

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

(I) COMPANY	(II) CLOSE CORPORATION	(III) PARTNERSHIP	(IV) JOINT VENTURE	(V) SOLE PROPRIETOR

Signatories for Companies, Close Corporations, Partnerships, Joint Ventures or Sole Proprietors must establish their authority thereto by attaching a copy of the relevant resolution of their Board of Directors, Members or Partners duly signed and dated. Examples are shown below if tenderer want to create own form.

(I) CERTIFICATE FOR COMPANY

I, chairperson of the Board of Directors/ Company Secretary of, hereby confirm that by resolution of the Board (copy attached) taken on 20....., Mr/Ms, acting in the capacity of, was authorized to sign all documents in connection with the Tender and any contract resulting from it, on behalf of the company.

Chairman:, or;

Company Secretary:.....

As Witness: 1.

2.

Date:



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

(II) CERTIFICATE FOR CLOSE CORPORATION

We, the undersigned, being the key members in the business trading as hereby authorise Mr/Ms..... acting in the capacity of to sign all documents in connection with the Tender and any contract resulting from it, on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

Note: This certificate is to be completed and signed by all the key members upon whom rests the directions of the affairs of the Close Corporation as a whole.



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

(III) CERTIFICATE FOR PARTNERSHIP

We, the undersigned, being the key members in the business trading as
.....hereby authorise Mr/Ms..... acting in
the capacity of to sign all
documents in connection with the Tender and any contract resulting from it, on our behalf.

NAME	ADDRESS	SIGNATURE	DATE
Lead partner			

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

(IV) CERTIFICATE FOR SOLE PROPRIETOR

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

Signature of Sole Owner:

As Witnesses:

1.

2.

Date:



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

(V) CERTIFICATE JOINT VENTURE

We, the undersigned, being the key members in the business trading as
.....hereby authorise Mr/Ms..... acting in
the capacity of to sign all
documents in connection with the Tender and any contract resulting from it, on our behalf.

This authorization is evidenced by the attached power of attorney signed by legally authorized signatories of all
the partners to the Joint Venture.

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead Partner		Signature
		Name
		Designation
CIDB Registration No.		
Lead Partner		Signature
		Name
		Designation
CIDB Registration No.		
Lead Partner		Signature
		Name
		Designation
CIDB Registration No.		

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



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

10.2: RECORD OF ADDENDA TO TENDER DOCUMENT

I/We confirm that the following communications amending the Tender documents, received from the Employer or his representative before the closing date of submission of this Tender offer, have been considered in this Tender offer.

ADD NO.	DATE	TITLE OR DETAILS
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable and warrant that the documents submitted are true and accurate copies of the originals.

(Signature)

(Date)



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

10.3: DECLARATION OF DEFAULT AND TERMINATION

It is a condition of this tender that bidders declare all project, default and/ or terminations in full with the DBSA within the last 5 years.

This declaration MUST be signed, whether any declaration is applicable or not.

If no declaration is applicable, tenderers MUST either strikethrough or indicate Not Applicable.

The DBSA will disqualify the tenderers bid, should this declaration prove to be false.

NAME OF PUBLIC ENTITY	PROJECT DESCRIPTION & VALUE	DATE OF AWARD	DOCUMENTED DEFAULT AND/ OR TERMINATION



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

❖ Bidders may recreate the above table and submit if insufficient space is available (This Declaration must however be signed in full).

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable and confirm that the information provided is accurate and complete.

(Signature)

(Date)



10.4: BIDDER'S DISCLOSURE – SBD 4

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. BIDDER'S DECLARATION

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise, employed by the state? YES/NO

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Table with 3 columns: Full Name, Identity Number, Name of State institution. The table contains 8 empty rows for data entry.

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? YES/NO

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium¹ will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

¹ 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.



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature Date

.....
Position Name of bidder

10.5: SERVICE PROVIDER CODE OF CONDUCT

DBSA aims to achieve the best value for money when buying or selling goods and obtaining services. This however must be done in an open and fair manner that supports and drives a competitive economy. Underpinning our process are several acts and policies that any service provider dealing with DBSA must understand and support. These are:

- The DBSA Procurement Policy – A guide for Tenderers;
- Section 217 of the Constitution of the Republic of South Africa, 1996 - the five pillars of Public Procurement and Supply Chain Management: fair, equitable, transparent, competitive, and cost effective;
- The Public Finance Management Act, Act 1 of 1999 (PFMA);
- The Broad Based Black Economic Empowerment Act, Act 53 of 2003 (B-BBEE);
- The Companies Act, Act 71 of 2008;
- The Prevention and Combating of Corrupt Activities Act, Act 12 of 2004 (PRECCA);
- The Protected Disclosures Act, Act 26 of 2000;
- The Construction Industry Development Board Act, Act 38 of 2000(CIDB Act);
- The Preferential Procurement Policy Framework Act, Act 5 of 2000; and
- The Protection of Personal Information Act 4 of 2013 (“POPIA”), regulates the processing, management, storage, and protection of personal information in order to protect an individual's right to privacy. Please refer to the DBSA website for the Privacy Statement (Contractors, Consultants and Service Providers).

The Privacy Statement sets out:

- Information which we may collect from you.
- How we collect information.
- How we may use, transfer and disclose your information.

The DBSA takes your privacy and the protection of your personal information very seriously, and we will only use your personal information in accordance with the Privacy Statement and applicable laws. We have implemented reasonable technical and operational measures to keep your personal information secure. It is important that you read the Privacy Statement carefully before submitting any personal information to the DBSA.

By submitting any personal information or documentation requested or any other information that may be requested pursuant to this RFR, you provide consent to the processing of your personal information as set out in the Privacy Statement .You also consent that any information, either written or verbal, may be made available to third parties strictly for the purpose of oversight to this tenders' appointment. Further, you declare that you have obtained all consents required by the POPIA or any other applicable laws.

Thus, you hereby indemnify and hold the DBSA harmless from any loss, damages or injury that you may incur as a result of any unintentional disclosures of your personal information to unauthorized persons or the provision of incorrect or incomplete personal information to the DBSA.

This code of conduct has been included in this contract to formally appraise DBSA Service providers of DBSA's expectations regarding behaviour and conduct of its Service providers. The tenderer will share this code of conduct with its subcontractor(s) prior to submitting the tender and ensure adherence to it by the subcontractor(s).

Prohibition of Bribes, Kickbacks, Unlawful Payments, and Other Corrupt Practices

DBSA's aim is to become a world class, profitable and sustainable organisation. As such, our transformation is focused on adopting a performance culture and to adopt behaviours that will enable this transformation.

1. DBSA will not participate in corrupt practices in any form or guise. Therefore, it expects its service providers to act in the same manner.

- DBSA and its employees will adhere the laws of this country and keep accurate business records that reflect actual transactions with, and payments to, our service providers.
- DBSA Employees must not accept or request, agree or promise to accept, money, or anything of value, or any form of gratification, either directly or indirectly, from service providers or anyone linked to them in return for a benefit or other advantage to accrue to a service provider or other linked 3rd party;
- Employees may not receive anything that is intended to:
 - In an irregular or untoward manner, influence their judgement or conduct to ensure a specific or pre-conceived desired outcome of a sourcing activity;
 - In an irregular or untoward manner, win or retain business or influence any act or decision of any person involved in sourcing decisions; or
 - Gain an improper advantage.
- There may be times when a service provider is confronted with fraudulent or corrupt behaviour of DBSA employees. We expect our Service providers to use our “Tip-offs Anonymous” Hot line to report these acts – 0800 204 933 or email dbsa@tip-offs.com.

2. DBSA is firmly committed to the concept of free and competitive enterprise.

- Service providers are expected to comply with all applicable laws and regulations regarding fair competition and antitrust practices.
- DBSA does not engage with non-value adding agents or representatives solely for the purpose of increasing BBBEE spend (fronting).

3. DBSA's relationship with service providers requires us to clearly define requirements, to exchange information and share mutual benefits.

- Generally, service providers have their own business standards and regulations. Although DBSA cannot control the actions of our service providers, we will not tolerate any illegal activities. These include, but are not limited to:
 - Misrepresentation of their product (origin of manufacture, specifications, intellectual property rights, etc.);
 - Collusion in whatever form that is intended to influence procurement decisions;
 - Failure to disclose accurate information required during the sourcing activity (ownership, financial situation, BBBEE status, etc.);
 - Corrupt activities listed above; and
 - Harassment, intimidation, or other aggressive actions towards DBSA employees.
- Service providers will be evaluated and approved before any materials, components, products, or services are purchased from them. A rigorous due diligence is conducted, and the service provider is expected to participate in an honest and straight forward manner.
- Service providers must record and report facts accurately, honestly, and objectively. Financial records must be accurate in all material respects.

4. Conflicts of Interest

A conflict of interest arises when personal interests or activities influence (or appear to influence) the ability to act in the best interests of DBSA.

- Doing business with family members or close associates.
- Having a financial or beneficial interest in another company in our industry or environment

Where possible, contracts will be negotiated to include the above in the terms of such contracts. To the extent such terms are not included in contractual obligations and any of the above code is breached, then DBSA reserves its right to review doing business with these service providers.

I, _____ of _____,
(Authorised Signatory) (Company Name)

hereby acknowledge having read, understood, and agree to the terms and conditions set out in the "DBSA Service Provider Code of Conduct."

(Signature)

(Date)



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

10.6: RFR DECLARATION FORM

We do hereby certify that:

1. DBSA has supplied and we have received appropriate responses to any/all questions (as applicable) which were submitted by us for bid clarification purposes;
2. we have received all information we deemed necessary for the completion of this Request for Registration (RFR);
3. at no stage have we received additional information relating to the subject matter of this RFR from DBSA sources, other than information formally received from the designated DBSA contact(s) as nominated in the RFR documents;
4. we are satisfied, insofar as our company is concerned, that the processes and procedures adopted by DBSA in issuing this RFR and the requirements requested from bidders in responding to this RFR have been conducted in a fair and transparent manner; and
5. furthermore, we acknowledge that a direct relationship exists between a family member and/or an owner / member / director / partner / shareholder (unlisted companies) of our company and an employee or board member of the DBSA as indicated below: *[Respondent to indicate if this section is not applicable]*

FULL NAME OF OWNER/MEMBER/DIRECTOR/ PARTNER/SHAREHOLDER:

ADDRESS:



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

Indicate nature of relationship with DBSA:

[Failure to furnish complete and accurate information in this regard may lead to the disqualification of your response and may preclude a Respondent from doing future business with DBSA]

We declare, to the extent that we are aware or become aware of any relationship between ourselves and DBSA (other than any existing and appropriate business relationship with DBSA) which could unfairly advantage our company in the forthcoming adjudication process, we shall notify DBSA immediately in writing of such circumstances.

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable and warrant that the documents submitted are true and accurate copies of the originals.

(Signature)

(Date)

10.7: ENTERPRISE QUESTIONNAIRE

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

Section 1: Name of enterprise:

Section 2: VAT registration number, if any:

Section 3: CIDB registration number, if any:

Section 4: Particulars of sole proprietors and partners in partnerships

Name	Identity number	Personal income tax number

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

Section 5: Particulars of companies and close corporations

Company registration number Close corporation number reference number

Section 6: Record in the 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:

- a member of any municipal council
- a member of any provincial legislature
- a member of the National Assembly or the National Council of Province
- a member of the board of directors of any municipal entity
- an official of any municipality or municipal entity
- 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)
- a member of an accounting authority of any national or provincial public entity
- an employee of Parliament or a provincial legislature



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

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

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

*insert separate page if necessary.

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

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

- a member of any municipal council
- a member of any provincial legislature
- a member of the National Assembly or the National Council of Province
- a member of the board of directors of any municipal entity
- an official of any municipality or municipal entity
- 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)
- a member of an accounting authority of any national or provincial public entity
- an employee of Parliament or a provincial legislature

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

*insert separate page if necessary.

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

- i) 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 the 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, No 12 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; and
- v) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable and warrant that the information submitted are true and accurate.

(Signature)

(Date)

10.8: CERTIFICATE OF ACQUAINTANCE WITH TENDER DOCUMENT

1. I/we do hereby certify that I/we acquainted myself/ourselves with all the documentation comprising this RFR and all conditions contained therein, as laid down by DBSA for the carrying out of the proposed supply/service/works for which I/we submitted my/our Proposal.
2. I/we furthermore agree that DBSA shall recognise no claim from me/us for relief based on an allegation that I/we overlooked any RFR/contract condition or failed to take it into account for the purpose of calculating my/our offered prices or otherwise.
3. I/we understand that the accompanying Tender will be disqualified if this Certificate is found not to be true and complete in every respect.
4. For the purposes of this Certificate and the accompanying Tender, I/we understand that the word "competitor" shall include any individual or organisation, other than the Tenderer, whether affiliated with the Tenderer, who:
 - a) has been requested to submit a Tender in response to this Tender invitation;
 - b) could potentially submit a Tender in response to this Tender invitation, based on their qualifications, abilities, or experience; and
 - c) provides the same Services as the Tenderer and/or is in the same line of business as the Tenderer.
5. The Tenderer has arrived at the accompanying Tender independently from, and without consultation, communication, agreement, or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive tendering.
6. In particular, without limiting the generality of paragraph 5 above, there has been no consultation, communication, agreement, or arrangement with any competitor regarding:
 - a) prices;
 - b) geographical area where Services 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 Tender;
 - e) the submission of a Tender which does not meet the specifications and conditions of the RFR; or
 - f) tendering with the intention not winning the Tender.

7. 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 Services to which this RFR relates.
8. The terms of the accompanying Tender have not been, and will not be, disclosed by the Tenderer, directly or indirectly, to any competitor, prior to the date and time of the official Tender opening or of the awarding of the contract.
9. I/We am/are aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to tenders and contracts, Tenders 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 South African Police Services, or National Prosecuting Authority [NPA] for criminal investigation and/or may be restricted from conducting business with the public sector for a period not exceeding 10 [ten] years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I, _____ of _____,
(Authorised Signatory) (Company Name)

hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable

(Signature)

(Date)



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

10.9: PROOF OF REGISTRATION WITH CSD & CIDB

IT IS A CONDITION OF THIS TENDER THAT THE TENDERER MUST BE REGISTERED WITH CSD AND WITH CIDB AT TENDER CLOSURE AND FURTHER;

THE SUCCESSFUL TENDERER MUST BE IN COMPLIANT STANDING WITH CIDB AND CSD PRIOR TO CONDITIONAL APPOINTMENT.

The Tenderer shall attach hereto its:

- i. Registration of the National Treasury Central Supplier Database (CSD).
- ii. Registration Certificate of the Construction Industry Development Board (CIDB).

Failure to submit the above will result in the **invalidation/ disqualification** of the tender submission as per stipulated criteria in the Evaluation Criteria.

Registration on the Central Supplier Database (CSD) site of the National Treasury is a compulsory requirement for a tenderer to conduct business with the DBSA. The onus is on each tenderer to register on the CSD site and provide proof of registration on the CSD site in the form of a report as prescribed in this returnable.

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable and warrant that the documents submitted are true and accurate copies of the originals.

(Signature)

(Date)



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

10.10: TAX REQUIREMENT

IT IS A CONDITION OF THIS TENDER THAT THE TAXES OF THE SUCCESSFUL TENDERER MUST BE IN ORDER PRIOR TO CONDITIONAL APPOINTMENT.

1. The Tax Pin issued by the South African Revenue Services must be submitted together with this tender and appended to this page. Failure to submit the Tax Pin will result in the **invalidation/ disqualification** of the tender submission as per stipulated criteria in the Responsiveness Evaluation.
2. Valid Tax Compliance is a mandatory requirement for the successful bidder prior to appointment to the panel in terms of this tender.
3. Bidders are expected to have their tax affairs in order, to be able to do business with the DBSA.

I, _____ of _____,
 (Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable and warrant that the documents submitted are true and accurate copies of the originals.

 (Signature)

 (Date)



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

10.11: REGISTRATION CERTIFICATES/ AGREEMENTS/ IDENTITY DOCUMENTS

The DBSA reserves the right to request the following documents, and shall be retained as per the POPIA Act:

- i. Certified copies of **Identity Documents** for Partnerships, Sole proprietors etc.;
- ii. Signed **Agreements and Powers of Attorney** for Joint Venture / Consortium/ Partnership if applicable.
- iii. Complete disclosure of **Shareholding** of the tenderer.
- iv. Any other relevant information to risk mitigation.

If the above documentation is not included in the tender submission, the tenderer will not be disqualified.

Utilisation thereof forms part of the **Risk Analysis and Other Objective Criteria**.

Therefore applicable bidders will be required to provide such within 48 hours of request.

Non-submission hereof will deem your tender non-responsive at **Risk Analysis and Other Objective Criteria**.

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable and warrant that the documents submitted are true and accurate copies of the originals.

(Signature)

(Date)

10.12: WORKMEN'S COMPENSATION REGISTRATION (COIDA)

IT IS A CONDITION OF THIS TENDER THAT THE SUCCESSFUL TENDERER MUST HAVE A VALID AND COMPLIANT COIDA PRIOR TO CONDITIONAL APPOINTMENT.

Attach hereto copy of:

- i. Proof of **Workmen's Compensation Registration**;
- ii. Note that proof of **payment of contributions in terms of the Compensation of Occupational Injuries and Diseases Act, No. 130 of 1993** is not an acceptable form of proof for COIDA registration.

If the above documentation is not included in the tender submission, the tenderer will not be disqualified.

Utilisation thereof forms part of the Risk Analysis and Other Objective Criteria (if applicable).

Therefore applicable bidders will be required to provide such within 48 hours of request.

Non-submission hereof will deem your tender non-responsive at ***Risk Analysis and Other Objective Criteria***

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable and warrant that the documents submitted are true and accurate copies of the originals.

(Signature)

(Date)



Tender No. RFR/CON/GB/2024

ESTABLISHMENT OF A PANEL OF CIDB GRADED (LEVEL6-9 GB) CONTRACTORS FOR A PERIOD OF FIVE YEARS.

10.13: UNEMPLOYMENT INSURANCE FUND (UIF) – REGISTRATION CERTIFICATE (ACT 4 OF 2004)

IT IS A CONDITION OF THIS TENDER THAT THE SUCCESSFUL TENDERER MUST HAVE A VALID UIF REGISTRATION CERTIFICATE PRIOR TO CONDITIONAL APPOINTMENT.

Attach hereto copy of:

- i. Proof of Tenderer’s **Unemployment Insurance Fund (UIF) Registration Certificate**; or

If the above documentation is not included in the tender submission, the tenderer will not be disqualified.

Utilisation thereof forms part of the Risk Analysis and Other Objective Criteria (if applicable).

Therefore applicable bidders will be required to provide such within 48 hours of request.

Non-submission hereof will deem your tender non-responsive at ***Risk Analysis and Other Objective Criteria***

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable and warrant that the documents submitted are true and accurate copies of the originals.

(Signature)

(Date)

