



OVERBERG WATER BOARD

Trident Park 2, 1st Floor, 1 Niblick Way, Somerset West

TERMS OF REFERENCE

LEASING OF VACANT OFFICE SPACE (HEAD OFFICE)

AUGUST 2017

OW-254/2017/18 Reference number: 01/23/08/2017

Closing Date: 17 November 2017

16H00

IMPORTANT NOTES TO BIDDERS

- a) Tenders with completed and signed supporting documents must be hand delivered or posted to: The Chief Executive Officer, Marked: Overberg Water Board Head Office/ August 2017, Unit 17, First Floor, Trident Park 2 No 1 Niblick Way, Somerset West, on or before the closing date and before the closing time. No late quotations will be accepted under any circumstances.
- b) Should the bidder opt to submit the tender at the physical address personally or by courier the quotation must be submitted in a sealed envelope clearly reflecting the tender number and description as indicated on page 1.
- c) Suppliers are required to **complete and return all Returnable Schedules**, failing which the supplier's tender may be rejected or declared non-responsive.
- d) For this tender to be **valid** on the closing date, **all six (6) Returnable Schedules** listed below must be fully and properly completed and signed.
- e) Bidders must be registered on the National Treasury Central Supplier Database (CSD) as Overberg Water Board **will not award** any bid for price quotation to any bidder(s) not registered on the CSD. **For more information** of the **Central Supplier Database** please contact the National Treasury helpdesk at **012 – 4069222 or email csd@treasury.gov.za**
- f) Acceptance/Contract Commencement and purchase orders:
The supplier's offer will be accepted by Overberg Water Board when a purchase order and/or letter of appointment is issued to the supplier. The date of issue of the purchase order and/or letter of appointment shall be the commencement date of the contract. The supplier undertakes work and incurs expenses prior to the issuing of a purchase order and/or entirely at its own risk. Overberg Water Board shall only incur liability for payment in terms of this contract if a valid purchase order and/or letter of appointment has been issued to the supplier.

RETURNABLE SCHEDULE 1: INVITATION TO BID AND THE TERMS AND CONDITIONS OF BIDDING (SBD 1)

SBD1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE OVERBERG WATER					
BID NUMBER:	OW-254/2017/18 Reference number: 01/23/08/2017	CLOSING DATE:	17 November 2017	CLOSING TIME:	16H00
DESCRIPTION	LEASING OF VACANT OFFICE SPACE (HEAD OFFICE)				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					
BID RESPONSE DOCUMENTS MUST BE HAND DELIVERED TO THE STREET ADDRESS BELOW OR POSTED					
Overberg Water Board's Head Office					
Unit 17, 1st Floor, Trident Park					
1 Niblick Way, Somerset West, 7130					
Cape Town.					
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:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes			B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes
	<input type="checkbox"/> No				<input type="checkbox"/> No
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
	NAME:				
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
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.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
1.3.	BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4.	WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
2.6	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
<p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID

RETURNABLE SCHEDULE 2 – PRICE SCHEDULE

BIDDER: _____

See page 35.

Pricing Instructions:

2.1 By signing the Price Schedule, a bidder warrants that:

- 2.1.1 the relevant quotation is correct;
- 2.1.2 the rates(s) and prices(s) quoted cover all the work/item(s) specified in the quotation document;
- 2.1.3 the rate(s) and price(s) cover all the supplier's obligations under a resulting contract, including all disbursements;
- 2.1.4 any mistakes and/or omissions regarding rate(s) and price(s) or errors in calculation shall be at the supplier's risk.

2.2 Bidders must show VAT payable separately on the Price Schedule.

SIGNED at _____ (place) on the _____ day of _____ (month),
20_____.

Signature

Date

Print name: _____
On behalf of the Supplier (duly authorised)

RETURNABLE SCHEDULE 3: DECLARATION OF INTEREST (SBD 4)

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

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

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

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

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder²):

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

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

¹"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.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

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

2.7.1 If so, furnish the following particulars:

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

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

Position occupied in the state institution:

Any other particulars:

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

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

2.7.2.1 If yes, did you 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:

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

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

2.8.1 If so, furnish particulars:

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

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

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between **YES/NO**

any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

2.10.1 If so, furnish particulars.

.....

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

2.11.1 If so, furnish particulars:

.....

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

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

4 DECLARATION

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

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

2 I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF

PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

ANNEXTURE 4: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017 (SBD 6.1)

SBD 6.1

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

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

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

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the **...80/20....** preference point system shall be applicable;

1.3 Points for this bid shall be awarded for:

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

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

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

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

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

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. BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

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

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

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

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

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;

- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

RETURNABLE SCHEDULE 5: DECLARATION OF SUPPLIER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (SBD 8)

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		

4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

RETURNABLE SCHEDULE 6: CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD 9)

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.

- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.

 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.

- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

TERMS OF REFERENCE	
PROJECT TITLE	LEASING OF VACANT OFFICE SPACE
BID NUMBER	OW-254/2017/18 reference number:01/23/08/2017

DELIVERABLES	Leasing of office space to Overberg Water (Head Office)
ENQUIRIES	Ms T Rani or Ms C Carolus

1. BACKGROUND TO OVERBERG WATER

Overberg Water was established in 1993. It was established with the amalgamation of the former Duivenhoks and Ruensveld Water Boards. The primary mandate of the Overberg Water is primarily water services in line with the Water Services Act of 1997 as amended. Overberg Water derives its revenue from the sale of bulk potable water to its main customers, namely; municipalities as well as retail sales to the agricultural sector / industry in the region. It is a national Government Public Entity and the Governing Board reports to the Minister of Water and Sanitation. It is a business enterprise. Being a public entity defined in Schedule 3B of the Public Finance Management Act (PFMA), has to comply with the Public Finance Management Act, 1999 and National Treasury Regulation, 2005 (NTR) as amended. The Water Board has its current Head Office in Somerset West, Cape Town.

The intention of this tender is to appoint a Bidder who manages commercial properties or own properties for leasing. It remains Overberg Water's determinant that Bidders must propose buildings that will suit the Business Enterprise's Head Office requirements.

2. SCOPE OF WORK

Term : Five (3-5) years lease contract

Inception date : 1 December 2017 (subject to negotiations)

Business days : Monday to Friday excluding public holidays

Number of employees : Plus twenty (20) people

3. MINIMUM REQUIREMENTS				
	Description	Yes	No	Comment
1.	Location			
1.1	The structure shall be located within a fifty (50) km radius area and shall be easily accessible for the general public. The Overberg Water will not consider office space that is next to any business that has a potential of producing fumes that may be uncomfortable to employees and visitors such as mechanic shop, paint shop, manufacturing shop, scrap yards, beerhalls, etc. In addition, Overberg Water reserves the right to perform visual and quality checks on all sites proposed.			
1.2	The office space must be located in a generally safe area where officials will not be at risk when leaving the office after hours and during public holidays and weekends.			
1.3	The proposed office must afford easy access to public transport so that it is easy for both staff and clients to have access to the premises.			
1.4	The Building must be in close proximity of sufficient public parking facilities to accommodate visitors.			
2.	Accommodation requirements			
2.1	Overberg Water requires office space that can accommodate staff members, meeting facilities / boardroom, kitchen, storage and sufficient ablution facilities.			
2.2	The size of the office space must be approximately 200 square metres to cater for present needs.			
2.3	Building structure specifications: the building must comply with the Department of Public Works specifications on minimum requirements of office space accommodation (DPW-11.1 (LS) as well as generally with the latest SAPOA office grading. It is the requirement that the office should have high quality finishes, air conditioning, adequate on-site parking, good lobby finish, safety /security, and high presentation and maintenance.			

2.4	Parking and outside / exterior areas: A minimum of fifteen (15) freely accessible secured parking bays.			
2.5	The office accommodation must be have adequate trunking for network communication infrastructure			
2.6	<p>Floor ceiling height: a clear floor ceiling height of a close as possible to 2.7m shall be maintained in all general areas of the building.</p> <p>Partitioning and doors: all closed office must have floor ceiling walls, include solid core doors of at least 900mm and be fitted with quality 5 pin cylinder lock sets (or relevant subject Overberg Water approval) with two keys each which shall be handed over to Overberg Water.</p> <p>Age and upgrading: generally 10 to 30 years may be considered. Overberg Water reserves its right regarding the determination of office design within the tendered amount.</p> <p>Public environment: Safe, attractive and clean. The office layout must provide public entrance that is safe. There must also be emergency exits with ease access to the exterior environment.</p> <p>Fire extinguishers: The building must have fire extinguishers in line with the regulations.</p> <p>Alarm and Armed response: The building must have acceptable alarm and armed response equipment as determined by Overberg Water.</p>			
3.	General requirements			
3.1	Compliance: The building must comply with the Occupational Health and Safety Act, Number 85 of 1993 as amended, the National Building Regulations and Building Standards Act of 1997 as amended (SANS 0040), Municipal by-laws and the local fire regulations taking into account 2.6 above. Overberg Water require an appropriate certificate			
	Electrical installations to meet SANS 10142 and Code of Practice-interior lighting SABS.			
	Appearance: The office must be aesthetically acceptable to Overberg Water.			

	A description of security arrangements for the rented space.			
	All offices will require at least 1 15A outlet socket as well as clean power supply unit.			
	Overberg Water shall on finalizing the floor layout design identify additional positions for power outlets.			
	<p>Each office shall be provided with its own light switch in a suitable location near the door. Lighting according to the following: Standards must be provided:</p> <ul style="list-style-type: none"> • General offices 500 lumens • Boardroom 500 lumens dimmable to 50 lumens (at least 4 X 58W 5ft double fittings) • Committee room of approximately 24 square metres • Board room of approximately 50 square metres <p>File room Server room</p>			
	Toilet facilities: Provisioning is to be made in accordance with National Building regulations.			
	2 x Kitchen: Provision is to be made for a small kitchen in which a sink as well as hot and cold water is available. The kitchen must also have power points to accommodate appliances.			
	Space planning: Once the bid has been awarded to the successful bidder, Overberg Water will within seven (7) days require an electronic copy of the building floor layout plan.			
	Air conditioning: All offices must be air-conditioned with a quality modern system.			
	What type of the air conditioning system does the building have? Please elaborate			
	The landlord shall be responsible for the repairs and maintenance of the air conditioning system.			
	Does any ICT infrastructure exist within the building? Please elaborate.			
	Maintenance, Services and repairs: Quality maintenance services must be provided and are to be included in the operating cost. Please provide details of the maintenance services.			

	Proposal rate: The rental rate shall be fully serviced, all inclusive rental rate, including but not limited to security, janitorial services, pest control and repairs.			
	If the proposed space has more square meters than what is requested, then the rental rate shall be based on the requested square meters. In order to provide a fair basis for comparison, list the remaining balance of space available at no cost to the lessee.			
	All improvements to the rented space / premises shall be provided by the lessor, at the lessor expenses.			
	All exterior windows must have a covering allowing the tenant to regulate natural lighting into the leased space. Vertical blinds are in most cases the preferred window covering as well as burglar bars for security purposes, but other alternatives will be specified in the bid proposal.			
	Floor covering must be of an acceptable standard and quality to last for at least ten (10) years under minimum commercial traffic conditions.			
	The proposal must include the description of the finish including paint, trim, floor covering and window covering.			
	The service provider must be accredited with relevant regulatory body in property management. Please attach valid accreditation.			
	The service provider must provide proof of mandate if acting on behalf of the landlord. The service provider must provide a building which has green potential.			
4.	Rentable area available			
	What is the size of the rentable area available for this bid? Please indicate in square meters.			
	What numbers of covered parking bays are available for this bid.			

5 EVALUATION CRITERIA AND METHODOLOGY

5.1 The value of this bid is estimated to be below R500 000 Vat inclusive and therefore the 80/20 preference point system shall apply. The preference point system is in line with the Overberg Water Board Supply Chain Management Policy. The following is the weighting awarded for each element, and the threshold score:-

Evaluation Component	Weighting	Threshold score
Technical proposal functionality	100	75 points

Evaluation Component	Weighting
B-BBEE status level of contribution	20
Price proposal	80
Total	100

5.2 Mandatory requirements

Bidders must meet all the mandatory requirements as stipulated in the bid document. Failure to comply with any of the requirements may lead to the vendor being disqualified. Mandatory Technical Requirements are not subjected to scoring as these are absolute minimum requirements.

Also, all B-BBEE certified copies of certificates must not be older than three (3) months.

		Comply	Not Comply
5.2.1	<p>The bidder must confirm that they have read and understood the terms and conditions set out in the attached Special Conditions of Contract and mandatory clauses to be incorporated into the lease agreement (See Annexure A) which terms and conditions the bidder accepts, in the event that the Overberg Water awards the contracts to the bidder pursuant to this bid. The bidder must submit with the bid:</p> <p>A. A proposed Lease Agreement; and B. A proposed Pricing Schedule C. Special Conditions of Contract D. Tender document is free of charge</p>		

	Substantiate / Comments (use separate type page if necessary and make reference to 5.2.1		
5.2.2	The bidder must provide proof of mandate if acting on behalf of the owner / landlord or company. The Overberg Water does not pay commission agent fees.	Comply	Not Comply
	Substantiate / Comments (use separate type page if necessary and make reference to 5.2.2		
5.2.3	The bidder must have been established, experienced and operational for a period of at least three (3) years or more. Provide Company Profile.	Comply	Not Comply
	Substantiate / Comments (use separate type page if necessary and make reference to 5.2.3		
5.2.4	The bidder confirms that they have read the attached Special Conditions of Contract attached hereto (See Annexure A) and the bidder confirms that they understand that they shall form part of the agreement to be concluded between the parties.	Comply	Not Comply

	Substantiate / Comments (use separate type page if necessary and make reference to 5.2.4)		
--	---	--	--

5.3 Evaluation process

- 5.3.1 Following the Closing Time and date, the Overberg Water intends to evaluate the Tenders received.
- 5.3.2 Tenders will be evaluated against the Evaluation Criteria specified under the section “Evaluation Criteria Format”.
- 5.3.3 Without limiting the Overberg Water’s rights in the Request for Proposals (FRP), the Overberg Water may at any time during the Tendering Process choose to:
 - (a) shortlist one or more bidders; and
 - (b) accept one or more tenders
- 5.3.4 Unless the Evaluation Criteria explicitly require, the Overberg Water may, but it is not in any way bound to, shortlist, to select as successful, or to accept the Tender offering the lowest price.
- 5.3.5 Should the Overberg Water choose to include a short listing stage in its evaluation process, the Overberg Water is not, at any time, required to notify bidders or any other person or organization interested in submitting a Tender.
- 5.3.6 A bidder’s response will not be deemed to be unsuccessful until such time as the bidder is formally notified of that fact by the Overberg Water.

5.4 Evaluation criteria format

- 5.4.1 The evaluation criteria are weighted to reflect the importance of project requirements noted in the Specifications.
- 5.4.2 In evaluating bidders responses, the Overberg Water will have regard to:
 - (a) specific evaluation criteria identified in the list below;
 - (b) the overall value for money proposition presented in the bidder’s response; and
 - (c) particular weighting assigned to any or all of the evaluation criteria specified below.
- 5.4.3 For the purposes of this RFP, ‘value for money’ is a measurement of financial and non-financial factors, including:
 - (a) quality levels; and
 - (b) performance standards

- 5.4.4 Value for money will be assessed on a 'whole of life' (including the transitioning-in, the contract term and the transitioning-out phases of the relationship between the Overberg Water and a bidder), with a view to long-term sustainability of the value for money proposition and with a focus on ensuring that value for money outcomes are promoted and protected following the conclusion of any contract that may result from this RFP.
- 5.4.5 Administrative compliance will be determined in accordance with the conditions listed in this RFP.
- 5.4.6 The evaluation criteria will be in line with the PPPFA, Number 5 of 2000 and Preferential Procurement Regulations 2011.
- 5.4.7 Evaluation will be based on a point system and two-stage evaluation process. As a pre-requisite, a bid must comply with the requirements of the bid solicitation and meet the minimum threshold of the functionality evaluation criteria to be declared responsive and qualify to the next evaluation stage.

6. Functionality evaluation

The evaluation criteria for measuring functionality, and the weighting attached to each criterion is listed in the table below:

Sub-criteria	Description	Weighting
The bidder must provide requirements and not limited to the following for the building		
Capacity and Capability of the company	Capacity in respect of management of leases: Reference letters from the renters, agreements with sub-contractors	5
Location	Located within a 50 km radius	5
Site accessibility	1. Easy access to both staff and clients 2. Close proximity to public transport 3. Access for people with disability	15
Building type	Graded office Approximately 200 square metres Adequate lighting Adequate air-conditioning and ventilation Green rating option added advantage Exterior signage and branding allowable Existing fire detection and prevention service General condition of the building	20

Lease option	3- 5 years lease contract (subject to further determination by Overberg Water) Availability (occupancy) 01 November 2017 of the office space of approximately 200 square metres accommodating all employees Extension of lease if required Termination option First right of refusal A signed and endorsed lease proposal to be included with each lease bid submitted for perusal and consideration by the Overberg Water.	10
Security	The building must be secured, please provide crime statistic of the area The building must have on-site security guards The building must be alarmed with armed response and in a safe neighbourhood	5
Amenities	The building must have good, clean and conditioned rest rooms The building must have air conditioned offices Air condition remains the responsibility of the landlord Existing ICT infrastructure	10
Compliance to statutory regulations	Health and Safety Act number 85 of 1993 Municipal bylaws Registration with professional bodies	5
Total		75

A minimum threshold for functionality of fifty six (56) out of seventy five (75) points is required. Bids that do not meet this threshold will automatically be disqualified and will not be taken for further consideration.

Sub-criteria	Description	Weighting
Site visit	1. Condition of the building 2. Accessibility 3. Security 4. Distribution board 5. Parking	25
Total		25

6.1 A minimum threshold for functionality of seventy-five (75) including points for site visits is required. Bids that do not meet this threshold will automatically be disqualified from further evaluation.

6.2 Thereafter, only the qualifying bids will be evaluated in terms of the 80/20 preference point system, where a maximum of 80 points are allocated for price and a maximum of 20 points are allocated in respect of the level of B-BBEE contribution of the bidder.

7 Price evaluation

7.1 Relative competitiveness of the proposed price

8 Cost proposal content

8.1 The cost proposal will be used in the evaluation of the RFP and will be used as a basis for the negotiated agreement. Each cost proposal should contain the following as a minimum:

- (a) Describe how Overberg Water will be charged for the service required by providing a price structure. All charges must be specified and priced separately.
- (b) Describe how Overberg Water will benefit from cost saving by accepting the service Provider's pricing structure, including discounts, waivers, etc.
- (c) Provide various types of service providers or options, discounts and additional information that will allow cost savings towards Overberg Water
- (d) Provide direct costs, discounts, benefits, availability of service, for example 24 hours per day, including a toll free number or any other contact method to access these services.
- (e) Describe and provide any direct costs.
- (f) Describe any daily, weekly, monthly rates applicable to providing the service.

8.2 As part of the financial proposal the following must be added to the final proposal in the prescribed format **(See Annexure A)**

9 B-BBEE evaluation

9.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution.

10 Disclaimer

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

10.2 Overberg Water reserves the right to:

- (a) Award contract to a service provider
- (b) Reject all bids
- (c) Decline to consider any bids that do not conform to any aspect of the bidding requirements
- (d) Cancel this tender or any part thereof at any time.

For enquiries contact : Ms Thozama Rani

Telephone number: (021) 850 - 0372

Email: hrmanager@overbergwater.co.za

ANNEXURE A

SPECIAL CONDITIONS OF CONTRACT

11. SPECIAL CONDITIONS OF CONTRACT

REFERENCE NUMBER: OVERBERG WATER BOARD HEAD OFFICE / AUGUST 2017

ENTERED INTO BY AND BETWEEN

.....

Herein represented by

.....

In his / her capacity asof

.....

Duly authorised thereto (hereafter referred to as the Landlord)

AND

OVERBERG WATER BOARD

Herein represented by

PHAKAMANI BUTHELEZI

In his capacity as the Chief Executive Officer (Acting)

(hereafter referred to as the Water Board)

Whereas Request for Proposal Number OVERBERG WATER BOARD HEAD OFFICE / AUGUST 2017 contract regarding the appointment of a service provider for the provision of approximately 200 square meters of office accommodation for a period of THREE to FIVE (5) years within the area of Somerset West or surrounding was awarded by the Overberg Water accepted the awarded contract.

THE PARTIES FURTHER AGREE AS FOLLOWS IN ADDITION TO THE GENERAL CONDITIONS OF CONTRACT:

1. The terms of reference which being part of the tender documents issued for the Request for Proposal Number OVERBERG WATER BOARD HEAD OFFICE / AUGUST 2017 is part of the condition of contract for the tender under mentioned.

2. The General Conditions of Contract that were issued as part of the Tender Document are part of the conditions of contract for the project and where there is conflict between the Special Conditions of contract and the General Conditions of Contract, the provisions of these Special Conditions of Contract shall prevail.

3. The description of the property being the subject of the lease is as follows:

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

4. The lease period shall commence on 01 November 2017 or as determined by the Overberg Water Board and shall be for a period of three to five (5) years on the same conditions as set out in these conditions of contract subject to the escalation of the rent and related costs specified.

5. The annual escalation of the rent on the anniversary of the lease every year shall be %.

6. The amount of lease deposit or bank guarantee to be provided to the Landlord is R and shall be adjusted when the Overberg Water exercises its right of the option to extend the lease agreement.

7. Stamp duty due on this lease agreement, if any is payable by the Overberg Water.

8. The permitted use of the leased property is for administrative offices and related activities.

9. The monthly lease and related costs for the duration of the term of lease of these Special Conditions of Contract, payable without deduction of set off at the domicilium of the Landlord or other address directed by the Landlord in writing to the Landlord by not later than the first business day of every calendar month are as follows:

PART A – BASE RENTAL

Amount excluding VAT	VAT at 14%	Amount including VAT	From	To

PART B – OPERATING INCLUDING MAINTENANCE

Amount excluding VAT	VAT at 14%	Amount including VAT	From	To

PART C - PARKING

Amount excluding VAT	VAT at 14%	Amount including VAT	From	To

10. The operating costs that include the maintenance costs referred to PART – B in clause 9 shall be fixed amount as reflected in the schedule in PART – B in clause 9.

11. The Overberg Water shall be liable for payment of all declared and agreed to payments on the leased property and if the leased property is part of a larger property and there are no separate meters for water and electricity consumption the Landlord shall provide an invoice based on proportional consumption according to the ratio of the rentable floor space of the leased property to the total rentable floor space of the larger property.

12. The landlord may levy interest at the prime interest rate on an overdraft advance at the bank of the landlord on late payments of any amount payable in terms of these special conditions of contract. Such interest rate must be certified by the bank manager as correct.

13. The landlord shall allow the Overberg Water to move into and occupy the leased property at least on (1) week prior to the commencement of the lease term.
14. Alterations and improvements to the leased property may be made only with the prior written consent of the landlord subject to the conditions agreed to in writing at that stage.
15. The Overberg Water shall at the termination of the leased hand over the leased property to the landlord in the same condition received from the landlord save for normal wear and tear, subject to the obligation of the landlord to maintain the leased property and the maintenance cost is payable as part of the rent as specified in PART – B of clause 9 above.
16. The Overberg Water shall comply with all relevant legislation applicable to the use of the leased property and the business of the Overberg Water.
17. The Overberg Water may not affix or display any signage in or about the leased property without the prior consent of the landlord and all such signage shall be removed by the Overberg Water upon termination of the lease and the Overberg Water shall make good all damage occasioned by such removal.
18. The Overberg Water shall comply with the provisions of the insurance policy taken out by the landlord in respect of the leased property of which a copy shall be provided to the Overberg Water.
19. The landlord may from time to time impose fair and reasonable management rules in respect of the leased property to be complied with by the Overberg Water.
20. The Overberg Water may not cede, assign, transfer, alienate or dispose otherwise any of its rights or obligations under this lease.
21. In the case of breach of contract the party not in default must claim from the party in default specific performance within seven (7) days in writing to be complied with within seven (7) days from the date of receipt of the notice. Failure by the party in default to comply with such notice shall give the party not in default to claim damages and or to terminate the lease without waiving any rights the parties may have in terms of the lease agreement.
22. No building or major renovation of the leased property shall be done during the term of lease except by means of written agreement properly signed by the parties.
23. The lease shall only become binding once signed by both parties.
24. The conditions of contract as per the tender, including these special conditions of contract are the whole of the lease agreement and may be amended only by means of a written addendum properly signed by both parties.

THUS ENTERED INTO AND SIGNED AT..... ON THE
..... OF2017.

.....

LANDLORD

WITNESS: 1.

2.

THUS ENTERED INTO AND SIGNED AT..... ON THE
..... DAY OF2017.

.....

OVERBERG WATER BOARD

WITNESS: 1.

2.