



**REQUEST FOR PROPOSAL:**

Professional service provider for the provision of legal advisory and litigation services in accordance with the given scope for a period of 36 months

**BID NUMBER – RFP 0W-473/2021/22**

**CLOSING DATE: 10<sup>th</sup> OF MARCH 2023**

**DOCUMENT INFORMATION SHEET**

<b>Title of Document</b>	<b>Professional service provider for the provision of legal advisory and litigation services in accordance with the given scope for a period of 36 months.</b>
<b>Type of Document</b>	<b>Request for Proposal</b>
<b>Document Number</b>	<b>RFP OW-473/2021/22</b>
<b>Technical Specifications</b>	<b>Mr. Brian Mokhele</b>
<b>Department</b>	<b>Corporate Office</b>
<b>Prepared for</b>	<b>Overberg Water Board</b>
<b>Date of Issue</b>	<b>15 February 2023</b>

**DOCUMENT CONTROL SHEET**

We, the undersigned, accept this document as a stable work product.

<b>ORIGINAL</b>	<b>Technical Specifications Prepared by</b>	<b>Technical Specifications Reviewed by</b>	<b>Technical Specifications Approved by</b>
Date:	Name: <b>Brain Mokhele</b>	Name: <b>BSC Chairperson</b>	Name: <b>Accounting Officer</b>

<b>Distribution:</b>	<b><i>Potential Bidders</i></b>
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## REQUEST FOR PROPOSAL

Professional service provider for the provision of legal advisory and litigation services in accordance with the given scope for Overberg Water Board for period of 36 months.  
Procurement Number: RFP OW – 043/2021/22

Overberg Water Board is a Schedule 3B Public Entity established in terms accordance with the Water Services Act, Act No 108 of 1997 and owns several Water treatment schemes within the Overberg Region covering the areas of Caledon, Swellendam, Heidelberg and Head Office which is situated in Somerset West.

### **INVITATION AND SCOPE OF SERVICES**

Professional service provider for the provision of legal advisory and litigation services in accordance with the given scope for Overberg Water Board for period of 36 months.

### **CONDITIONS**

- (a) Preference will be given to respondents who comply with the Overberg Water Supply Chain Management Policy & Procedures.
- (b) Preferential Procurement Policy Framework Act (PPPFA) principles and its Regulations, as updated, shall apply, whereby submissions will be evaluated according to the provisions of that Act, its Regulations and the Public Finance Management Act (PFMA).
- (c) Bidders must submit a valid BBBEE Verification Certificate from SANAS Accredited Verification Agency in order to be eligible for empowerment points. The Exempted Micro Enterprises (EME) may submit a sworn affidavit from the Commissioner of Oath confirming its and turnover and black shareholding.
- (d) The following scores will be applied:
  - (e) Price - 80,
  - (f) BBBEE Status - 20.

Request for Proposal (RFP) documents can be downloaded on e-Tender Portal and Overberg Water Board website ([www.overbergwater.co.za](http://www.overbergwater.co.za)). Documents will be available from **12H00 on the 16<sup>th</sup> of February 2023.**

One original completed bid document shall be placed in a sealed envelope clearly marked: **“Appointment of a Professional service provider for the provision of legal advisory and litigation services in accordance with the given scope for Overberg Water Board for period of 36 months.”**

The closing date and time for the receipt of completed bids is **10<sup>th</sup> of March 2023 at 12h00** at the reception desk of the **Overberg Water Board's Corporate Office, Trident Park3, 1st Floor, 1 Niblick Way, Somerset West, Cape Town**. Bids will not be opened in public and no late submissions will be considered.

Failure to provide any mandatory information required in this Bid will result in the submissions being deemed null and void and shall be considered non-responsive. Respondents must include their Tax Compliance Pin Number and/ or CSD Registration printout with their submissions in order to be considered.

Telegraphic, telexed, facsimiled or e-mail submissions will not be accepted. All enquiries regarding this bid must be in writing only, and must be directed to: Mrs. Thozama Rani(technical) at 021 – 851 2155 or email [trani@overbergwater.co.za](mailto:trani@overbergwater.co.za), or Edward Nwamafela/ Nompumelelo Khumalo (SCM official) at 0218512155 or email [enwamafela@overbergwater.co.za](mailto:enwamafela@overbergwater.co.za) /[nkhumalo@overbergwater.co.za](mailto:nkhumalo@overbergwater.co.za). Any enquiry send other email address other than the ones indicated above will not be considered. All enquiries relating to the RFP must be send on or before **24<sup>th</sup> of February 2023 at 17H00**.

*The OW reserves the right not to accept the lowest proposal in part or in whole or any proposal.*

## **1 BACKGROUND**

The Overberg Water Board was established in 1993 with the amalgamation of Duivenhoks and Ruensveld water boards. The Overberg Water Board is one of the national water public entities under the Department of Water and Sanitation (DWS). It exists to complement the work of the department and primarily supports the Minister as the shareholder. It is a water board providing bulk water services in terms of the Water Services Act 108 of 1997 and is subjected to a number of applicable laws such as the Constitution, the National Water Act 36 of 1998, Public Finance Management Act 1 of 1999. Overberg Water discharges its services by placing its customers ahead of the delivery menu. It has a long history of service delivery and placing customers in the forefront since its inception. Overberg Water has been a pillar of hope to its customers in terms of the quality of drinking water. The Head Office of OW is situated in Somerset West which is approximately 40 km from the Cape Town CBD and 30 km from Cape Town International Airport. It also has three water schemes functioning as satellite offices and these are Ruensveld West, Caledon; Ruensveld East Swellendam and Duivenhoks in Heidelberg.

The Overberg Water's area of jurisdiction is the south-western Cape in the west to the Heidelberg/Riversdale districts in the east and bounded by the Langeberg Mountains in the north and by the Indian Ocean in the south. Its area includes the following towns: Caledon, Napier, Bredasdorp, Riviersonderend, Swellendam, Heidelberg, Riversdale and a number of other smaller areas. It is situated in one of the water management areas, namely, the Breede-Gouritz Water Management Area (BGCMA) which measures approximately 72 000 square kilometres. The BGCMA is the sole water resource authority in the catchment. The BGCMA "gives effect to its function to investigate and advise water users on the protection, conservation, management and control of water resources in a cooperative manner" (BGCMA, 2015).

The Water Board is also responsible for the Wastewater Treatment Plant for the various prison in the Western Cape.

## **2.PURPOSE**

The primary function of Overberg Water is mainly the provision of bulk drinking water to its customers. Viewing the location of OW schemes within the BGCMA area of jurisdiction naturally creates a symbiotic relation with the BGCMA in managing the water use.

## **3.VISION**

To become the leading regional water utility providing sustainable and competitive water and sanitation services for the region

#### **4.MISSION**

To supply and maintain reliable, affordable, and good quality water and sanitation services for the region

#### **5 SCOPE OF THE REQUIRED SERVICE**

The successful bidders shall be required to assist the CEO's Office, The Secretariat and Human Resource Department with the following services;

##### **5.1 Commercial and Contract Law**

- Commercial and Civil Litigation
- Labour and Employment Law
- Constitutional Law
- Debt Collection Law
- Administrative Law
- Corporate Law
- Customary Law
- Corporate Governance Law
- Supply Chain Management Law
- Any other specialized field of law that the firm of attorneys has expertise in and that is relevant to the working environment of Overberg Water Board

5.1.1 The services that may be required from the service provider include but not are not limited to the following;

5.1.2 Drafting of legal opinions on various legal aspects pertaining to the mandate of the OWB, performance and other related matters.

5.1.3 Advising and representing the OWB in industrial relations matters which may include, inter alia the appearance at CCMA, Labour Appeal Court and handling disciplinary actions and proceedings.

5.1.4 Advising and representing the OWB on any litigious matter that may be brought against or initiated by the OWB in the execution of its mandate, protection of its goodwill and Drafting pleadings, notices and legal documents.

5.1.5 Attending to any other matters related to legal issues relevant to the execution of the mandate of the OWB.

##### **5.2 ESSENTIAL SPECIALIZED FIELD OF LAW**

Attorneys will attend to Civil Litigation on behalf of the OWB, either in the court of law or through arbitrations. Attorneys are required to have an in-depth practical knowledge of civil litigation procedures through arbitration or in the High Court and Magistrates' Court.

##### **5.3 Commercial and Litigation Law**

###### **5.3.1 Attorneys are required to have practical knowledge of:**

The entire spectrum of Public Sector law, and the related regulatory environment, but not limited to the knowledge of relevant legislation, including the constitution of the Republic of South Africa, Water Boards legislation and conventions, Promotion of Administrative Justice Act, Preferential Procurement Policy Framework Act and Public Finance Management Act (Including all relevant practice notes and regulations).

###### **5.3.2 Commercial Contract Drafting**

Practical knowledge is required of all spheres of commercial and public law including but not limited to knowledge and application of the standard forms of contract, including the Government Procurement General Conditions of Contract and Special Conditions of Contract. Over and above the above mentioned standard forms of contract, Attorneys may be required to attend to drafting, negotiation and interpretation of commercial agreements more specifically but not limited to;

- Service Level Agreements
- Employment Agreements
- Memorandum of Understandings

### **5.3.3 Labour And Employment Law**

Expertise in labour and employment law matters is required, more specifically;

- Ability to prosecute employees law in disciplinary hearings
- Ability to chair disciplinary hearings
- Advise on procedural and substantive issues relating to disciplinary hearings conducted
- Representation at the CCMA, Labour Court, and Labour Appeal Court
- Advise and assist in process and compliance with South African Labour Law
- Negotiation and settlement of labour disputes whether with individual employees or the bargaining unit represented by a union.
- Provision of legal opinions
- Investigation of alleged misconduct and other labour relations disputes

### **5.3.4 DEBT COLLECTION**

Overberg water is expected the service provider to perform the following duties:

- Call center phone calls, text messages and emails to debtors
- Default listing on credit bureau of debtors
- With your prior consent, initiate legal procedure where summons is issued from the local Magistrates Court giving regards to jurisdiction and type of debt
- Ensure that local Sheriff are sent to the debtor for enforcement, including warrant of execution or emoluments attachment order
- If contact details are no longer valid, trace the bad debtor and trace alert must also be uploaded to the credit bureaus.
- Send section 129 and 130 letter or final notice in accordance to the National Credit Act

## **6. PERIOD OF PERFORMANCE**

The period of performance of the contract resulting from this solicitation is expected to commence as soon as the process of evaluating the tender is concluded.

## **7. ADVANCE PAYMENT**

Please note that Overberg Water Board will not be making any advance payments to the potential service provider.



### **ADMINISTRATIVE MANDATORY REQUIREMENTS**

The information contained in the Table below is mandatory and will be used in assessing the responsiveness of bidders. Failure to submit and complete all mandatory information will result in submissions being deemed null and void and shall be considered “non – responsive” and therefore not considered.

DESCRIPTION	MINIMUM PROOF REQUIRED	TICK SUPPLIED	
		YES	NO
Tax Compliance Status	Tax compliance on CSD / Tax pin (Valid)		
Central Supplier Database Registration	Proof of CSD registration number/CSD Report		
SBD 1	Completed and signed		
SBD 4	Completed and signed		
SBD 3.3	Completed and signed		
SBD 6.1	Completed and signed <b>To claim preference points bidders must submit copy of their BBEE</b>		
COIDA	Valid Certificate		
Certified copy of B-BBEE certificate/Sworn affidavit	<b>To claim preference points bidders must submit copy of their BBEE</b>		
Company's registration certificate from CIPRO			
ID Copies of the Directors			
Letter of good standing for the firm with Law Practice Council	<b>Valid Certificate</b>		
Legal Practitioner Fidelity Fund for the Firm	<b>Valid Certificate</b>		
Organogram for the Team (Failure to submit will be regarded as non-responsive)	Organogram that clearly state the name and position of the person to be evaluated on functionality		
Project Director/Partner	CV, LLB, Admission Certificate issued by High Court or Letter from Legal Practice Council		
Project Manager	CV, LLB, Admission Certificate issued by High Court or Letter from Legal Practice Council		
Senior Consultant	CV, LLB, Admission Certificate issued by High Court or Letter from Legal Practice Council		
Consultant	CV, LLB, Admission Certificate issued by High Court or Letter from Legal Practice Council		
Proof of Office within the Western Cape (300km within any OWB operating office)	Lease agreement or Municipal Account in the name of the bidder		

**N.B: Failure of bidders to meet all the above mandatory requirements will result in submissions being deemed null and void and shall be considered “non – responsive” and therefore not considered.**

- Evaluation Method 2, which entails the balance between Functionality, Financial offer and Price & Preferences 80/20 points system, will be adopted as follows;
- Functionality Points = max 100 points (Minimum threshold=75%)
- Price=80 points (tenders will be awarded a maximum of 80 points for price)
- Preference (B-BBEE) = 20 points

**8.Evaluation criteria**

The 80/20 preference points system as prescribed in the Preferential Procurement Regulations, 2011 Pertaining to the Preferential Procurement Policy Framework Act, (ACT NO 5 OF 2000) (PPPFA) will be applied to evaluate this bid. The lowest acceptable bid will score 80 points for price and a maximum of 20 points will be awarded for attaining the Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution.

Bids received will be evaluated on the three (3) phases namely **Mandatory Requirements, Functionality Compliance / Specification Compliance and Price and Preference.**

The service Provider who fails to meet 75 out of 100 will automatically be disqualified.

No.	Functionality	Criteria/ Guide	Max Weight	Score Claimed
1	<b>Company Experience</b>			
	Bidders must provide written contactable references letters from the public sector clients from whom legal services provided to in past 60 (5 years) months or less. The aforesaid references must be on the client’s letterhead and include: - The name of the company – A contact name – Business address – Phone numbers The duration of such specific attorney/client relationship  Each reference letter must include - A Case Study of the legal services that are/were being rendered by the Bidder related to the scope of work stipulated section 5.1 of the RFP document, to such client, filing sheet(s) of specific pleadings and one opinion personally drafted by the Director of the Law Firm will be sufficient.  (Reference letters for work done before January 2018 will not be considered)	0 to 1 reference letters	1	50
		2 to 5 reference letters	2	
		6 to 7 reference letters	3	
		8 to 9 reference letters	4	
		10 reference letter	5	
<b>Demonstrable Relevant Experience of the Bidder’s Team</b>				
2	The firm’s legal team members must as a minimum be admitted attorneys with at least 10 years of post-admission years of experience in the public sector dealing with matters related to the scope of work stipulated in section 5.1 of the RFP document.  Proof of qualification(s) (admitted attorney, at least 10 years’ experience with contactable references.			30
		<b>2.1 Project Director/partner, 10 Points</b>		
	<b>Project Director/Partner:</b> post admission years’ experience in overseeing in overseeing projects in respect of legal services	<1yr experience	1	
		2 to 3yrs experience	2	
		4 to 5yrs experience	3	

No.	Functionality	Criteria/ Guide	Max Weight	Score Claimed
	relevant to the scope of work in the water sector and/or public sector. <b>(Number of years will be based on a completed period of 12 months.)</b>	6 to 10yrs experience	4	
		>10yrs experience	5	
	<b>2.2 Project Manager, 10 Points</b>			
	<b>Senior Manager/junior partner:</b> post admission years' experience in managing projects in respect of performing legal services relevant to the scope of work in the water sector and/or public sector. <b>(Number of years will be based on a completed period of 12 months.)</b>	<1yr experience	1	
		2 to 3yrs experience	2	
		4 to 5yrs experience	3	
		6 to 10yrs experience	4	
		>10yrs experience	5	
	<b>2.3 Senior Consultant, 5 Points</b>			
	<b>Senior Associate:</b> post admission years' experience in managing projects in respect of performing legal services relevant to the scope of work in the water sector and/or public sector. <b>(Number of years will be based on a completed period of 12 months.)</b>	<1yr experience	1	
		2 to 3yrs experience	2	
		4 to 5yrs experience	3	
		6 to 10yrs experience	4	
		>10yrs experience	5	
	<b>2.4 Consultant, 5 Points</b>			
	<b>Associate:</b> post admission years' experience in managing projects in respect of performing legal services relevant to the scope of work in the water sector and/or public sector. <b>(Number of years will be based on a completed period of 12 months.)</b>	<1yr experience	1	
		2 to 3yrs experience	2	
		4 to 5yrs experience	3	
		6 to 10yrs experience	4	
		>10yrs experience	5	
	Attach organogram which clearly outline the role of the team and the indication staff that will be allocated to OWB. Bidders to include comprehensive CVs.			
	<b>Debt collection.</b> Bidder must provide reference letters relevant to rendering debt collection services on behalf of public sector/government clients	1 reference letter	1	
		2 reference letters	2	
		3 reference letters	3	
		4 reference letters	4	
		5 reference letters	5	
	<b>All documents in support of the various sections above must be submitted to claim the maximum. Missing or incomplete documentation will result in a zero score for the relevant section.</b>			
	<b>TOTAL</b>		<b>100</b>	

## 9. Quantitative Assessment

Bids that achieve the minimum technical requirement will be further adjudicated on Price and BEE status. The method of scoring Financial Proposals and the BEE Verification Certificate is described in the attached Preference Points Claim document (SBD 6.1).

The allocation of tender adjudication points for this Contract shall be as follows:

### Phase 2: Pricing and BEE Evaluation

The following 80/20 criteria will be used for the evaluation of the proposals:

Area of Adjudication	Maximum Points
Tendered Price (S <sub>P</sub> )	80
Empowerment Objectives (S <sub>E</sub> )	20
<b>Total Points (S)</b>	<b>100</b>

## 10. Team Composition mix

It is recognised that it is difficult for a prospective bidder to be firm about the extent of the work based solely on the terms of reference. However, to assist with assessments, a firm must provide a typical distribution of time for members of the Legal team on a job of this nature. This should be expressed in percentages of the total person-hours billed on a typical job (see table below, which is indicative only and not binding on the firm).

<b>Item (where applicable)</b>	<b>Typical Percentage of Total Hours on Project</b>
Engagement Partner	%
Partner	%
Senior Manager	%
Manager	%
Assistant Manager	%
Director	%
Senior Associate	%
Junior Associate	%
Specialists	%
<b>TOTAL</b>	<b>100</b>

### SPECIFIC CONDITIONS

Respondents should complete all the returnable SCHEDULEs/SBD forms listed below.

#### RETURNABLE SCHEDULES

(All ANNEXUREs must be completed and returned by the supplier when submitting the bid.)

<b>RETURNABLE SCHEDULE 1:</b> Invitation to Bid (SBD 1)
<b>RETURNABLE SCHEDULE 2:</b> Pricing Schedule (SBD 3.2)
<b>RETURNABLE SCHEDULE 3:</b> Declaration of Interest (SBD 4)
<b>RETURNABLE SCHEDULE E 4:</b> Preference Points Claim Form (SBD 6.1)
<b>RETURNABLE SCHEDULE 5:</b> Contract Form (SBD 7.1)

### TERMS AND GENERAL CONDITIONS

- (a) All submissions must be received by the OVERBERG WATER no later than **Friday 10<sup>th</sup> March 2023 at 12h00**. Respondents must submit their proposals before the closing date and time. No late submissions will be considered.
- (b) All submissions and subsequent information received will become the property of the Overberg Water and will not be returned.
- (c) Failure to complete all supplementary information will result in submissions being deemed null and void and shall be considered “non-responsive” and therefore not considered;
- (d) Telegraphic, telexed, faxed or e-mailed submissions will not be accepted; One original document shall be placed in sealed envelopes clearly marked. “RFP OW 043/2021/2022 – “Appointment of a Service Provider to supply, deliver, install, configure and maintain a hosted PABX in various offices for Overberg Water Board for period of 36 months” at the Reception desk of Overberg Water Board’s Corporate Office, Trident Park 3, Ground Floor, 1 Niblick Way,

Somerset West, Cape Town;

- (e) Respondents or their representatives (including the courier services) must ensure that they register their submissions in the Lodging Sheet at the Reception Desk of the above-mentioned Overberg Water offices, wherein they will indicate the name of the person delivering the submission, the number of copies submitted, the time and date of submission and sign the document;
- (f) All enquiries and submissions regarding this Request for Proposal (RFP) must be directed to:
  - Mr. Edward Nwamafela/Ms. Nompumelelo Khumalo: Supply Chain Management Unit ContactNumber:028512155;Email:[enwamafela@overbergwater.co.za](mailto:enwamafela@overbergwater.co.za)/[nkhumalo@overbergwater.co.za](mailto:nkhumalo@overbergwater.co.za) and/or Mrs. Thozama Rani (Technical Queries) Contact Number: 021 851 2155; Email:[trani@overbergwater.co.za](mailto:trani@overbergwater.co.za);
- (g) The contact persons reflected above shall be the only point of contact for this contract. Failure to observe this requirement might lead to immediate disqualification of the respondent.
- (h) The Overberg Water reserves the right not to accept any submission.
- (i) Bidders must comply with Regulation 13(c) of the Public Service Regulations, 2016 which states that “an employee in the public service shall not conduct business with any organ of state or be a director of a public or private company conducting business with an organ of state, unless such employee is in an official capacity a director of a company listed in ANNEXURE 2 and 3 of the PFMA”.
- (j) Submission of a Request for Proposal and its subsequent receipt by the Overberg Water does not represent a commitment on the part of the Overberg Water to proceed further with any Respondent or any project;
- (k) No costs incurred by the Respondents in the preparation of their submission will be reimbursed;
- (l) Public Liability - Overberg Water shall not be liable in respect of any claims, damages, accidents, etc. to persons, properties, vehicle rights, etc. that may arise from the carrying out of this contract.
- (m) Tender prices must remain valid for a period of 120 days (calculated from closing date of the bid).

#### **DISQUALIFICATION**

- (a) It must be stressed that any queries relating to this request must be addressed only to **Mr. Edward Nwamafela/ Ms. Nompumelelo Khumalo and/or Mrs. Thozama Rani** who are identified as a contact person for this contract; Mr. Edward Nwamafela/ Sikhona Mpandeni: Supply Chain Management Unit Contact Number: 021 – 851 2155;Email: [enwamafela@overbergwater.co.za](mailto:enwamafela@overbergwater.co.za)/[nkhumalo@overbergwater.co.za](mailto:nkhumalo@overbergwater.co.za) and/or **Mrs. Thozama Rani** (Technical Queries) Contact Number: 021 851 2155; Email: [trani@overbergwater.co.za](mailto:trani@overbergwater.co.za). The queries must be in writing addressed to the above mentioned officials.
- (b) Respondents are not to communicate in any manner or form whatsoever with members of Overberg Water personnel about the RFP until the preferred Service Provider has been

selected and the procurement process completed;

- (c) Respondents are advised that should there be any contact with Overberg Water staff and the Adjudication Team which could in any way be seen or deemed to constitute a conflict of interest, bribe or otherwise influence the process and the outcome thereof, will result in immediate disqualification;
- (d) Misrepresentation of information presented to the Overberg Water, be it on capability statement or empowerment credentials will also lead to disqualification of the respondent.

**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:	RFP OW-473/2021/22	CLOSING DATE:	10 <sup>th</sup> of March 2022	CLOSING TIME:	12H00
DESCRIPTION	Professional service provider for the provision of legal advisory and litigation services in accordance with the given scope for a period of 36 months				

**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

BID RESPONSE DOCUMENTS BE DEPOSITED IN THE BID BOX SITUATED AT

Overberg Water Board's Corporate Office
Trident Park 3, Ground Floor
1 Niblick Way, Somerset West
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:		<b>OR</b>	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <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]**

<b>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	<b>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW ]
<b>SIGNATURE OF BIDDER</b> .....	<b>DATE</b>		
<b>CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)</b>			
<b>TOTAL NUMBER OF ITEMS OFFERED</b>		<b>TOTAL BID PRICE (ALL INCLUSIVE)</b>	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
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)?  YES  NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?  YES  NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES  NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? YES  NO

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.

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

## SBD 3.3 Professional Services

### PRICING SCHEDULE

**BIDDER:** \_\_\_\_\_

**The financial proposal should be submitted in a separate sealed envelope, with the documents as stated below.**

#### FINANCIAL PROPOSAL

It is understood that Legal Firms are based on hourly rates and that budgets are compiled once the appointed Service Provider has assessed the likely extent of the work. Financial proposals will be compared on the basis of hourly rates. Firms are required to submit a table of hourly rates as per the table below. Rates should be **inclusive** of overheads and **Excl. VAT** (but exclusive of disbursements and related VAT). If a particular category does not exist for the firm, it can be omitted.

Item (where applicable)	Hourly Rate (including overheads and Excl VAT)
Project Director/Partner	R
Project Manager	R
Senior Consultant	R
Consultant	R
Subtotal	R
VAT at 15% (if applicable)	R
Total	R

**The preferred service provider to provide Overberg Water rates to fulfill the scope of works listed above. All prices must be exclusive of VAT. All costs to include travel costs and accommodation if applicable.**

#### Pricing Instructions:

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.
- 2.1.5 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)

## BIDDER'S DISCLOSURE

### 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<sup>1</sup> 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.

Full Name	Identity Number	Name of State institution

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:  
.....  
.....

---

1 the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

**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 consortium<sup>2</sup> 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.
- 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

<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 To be completed by the organ of state

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

#### 1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
<b>PRICE</b>	10
<b>SPECIFIC GOALS</b>	10
<b>BEE POINTS</b>	10
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim regarding preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

(a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

(b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

(c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

(d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{min}$  = Price of lowest acceptable tender

### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

#### 3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

Pmax = Price of highest acceptable tender

#### 4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

***(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.***

***Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)***

**Regarding paragraph 4.2(a) 50% of the 20/10 points will be allocated to promote this goal and points will be allocated in terms of the B-BBEE scorecard as follows**

<b>B-BBEE Status Level of Contributor</b>	<b>Number of Points for Preference (80/20)</b>	<b>Number of Points for Preference (90/10)</b>
1	10	5
2	9	4.5
3	7	3
4	6	2.5
5	4	2
6	3	1.5
7	2	1
8	1	0.5
Non-compliant contributor	0	0

**Regarding paragraph 4.2(b) 50% of the 20/10 points will be allocated to promote this goal. Points will be allocated as follows:**

*A tenderer failing to submit proof of required evidence to claim preferences for other specified goals, which is in line with section 2 (1) (d) (ii) of the Act. may only score in terms of the 80/90-point formula for price; and scores 0 points for the relevant specific goals where the supplier or service provider did not stipulate locality.*

Specific Goal	Number of Points for Preference (80/20)	Number of Points for Preference (90/10)
100% Women Group owned	5	2.5
100% Black Designated Group owned	3	1.5
Within the boundaries of the Western Cape	2	1

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

..... <b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....
	.....
	.....
	.....

## QUOTATION CONDITIONS

### ALL QUOTATION CONDITIONS MUST BE STRICTLY ADHERED TO, FAILING WHICH THE QUOTATION MAYBE REJECTED OR DECLARED NON-RESPONSIVE.

1. No quotation will be considered unless submitted on the official Contract Form together with all Returnable Schedules duly completed and signed.
2. Quotations can deposited in the tender box on or before the stipulated closing date and before the closing time at the Overberg Water Board's Corporate Office, situated at Ground Floor, Trident Park 3, 1 Niblick Street, Somerset West, 7137, Cape Town.
3. Overberg Water reserves the right to accept the whole quotation or part thereof, or any item or part of any item, or to accept more than one quotation (in the event of a number of items being offered).
4. Overberg Water reserves the right to accept a quotation which is not substantially or materially different from the Specification.
5. Overberg Water is not obliged to accept the lowest or any quotation.
6. Overberg Water shall not consider quotations which are received after the closing date and time for such quotations.
7. Overberg Water will not be held responsible for any expenses incurred by suppliers in preparing and submitting quotations.
8. Overberg Water may, after the closing date, request additional information or clarification from suppliers, in writing.  
All enquiries regarding this bid must be in writing only, and must be directed to Edward Nwamafela/Nompumelelo Khumalo– Supply Chain Management Unit, e-mail address [:enwamafela@overbergwater.co.za/ nkhumalo@overbergwater.co.za](mailto:enwamafela@overbergwater.co.za).
9. Any quotation submitted shall remain valid, irrevocable and open for acceptance by Overberg Water for a period of 120 days from the closing date.
10. A supplier may request in writing, and after the closing date, that his or her quotation be withdrawn, which withdrawal will be permitted or refused at the sole discretion of Overberg Water after consideration of the reasons for the withdrawal, which shall be set out by the supplier in such a written request for withdrawal.
11. All suppliers submitting quotations must be registered on National Treasury Central Supplier Database (CSD) as Overberg Water will not award any bid for price quotation to a bidder(s) not registered on the CSD. For more information of the Central Supplier Database please contact the helpdesk at 012 – 4069222 or email [csd@treasury.gov.za](mailto:csd@treasury.gov.za)
12. If the supplier is an employer as defined in the Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993 (COIDA), the supplier shall submit either a Letter of Good Standing issued by the Compensation Commissioner in terms of the COIDA, confirming that the supplier is registered as an employer in terms of the COIDA; or confirmation of cover with a licensed compensation insurer for the full extent of the supplier's potential liability as contemplated in terms of Section 84 of the COIDA.
13. No person who is a provider or prospective provider of goods or services, or a recipient or prospective recipient of goods disposed of or to be disposed of may directly or indirectly influence or interfere with the work of any Overberg Water officials involved in the procurement process in order, *inter alia*, to:
  - a) influence the process and/or outcome of a bid;
  - b) incite breach of confidentiality and/or the offering of bribes;
  - c) cause over-or under-invoicing;
  - d) influence the choice of procurement method or technical standards;
  - e) influence any Overberg Water Official in any way which may secure an unfair advantage during or at any stage of the procurement process.
14. Abuse of the supply chain management system is not permitted and may result in the quotation being rejected, cancellation of the contract, 'blacklisting', and/or any such remedies as set out in Overberg Water's SCM Policy.
15. Suppliers are required to complete all declarations in the Returnable Schedules attached hereto, failing which the quotation may be declared non-responsive.
16. An 80/20 price/preference points system will be applied to the evaluation of responsive quotations, whereby the order(s) will be placed with the supplier(s) scoring the highest total number of adjudication points.

16.1 Price shall be scored as follows:

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

Where:  $P_s$  is the number of points scored for price;  
 $P_t$  is the comparative price of the quotation under consideration;  
 $P_{min}$  is the comparative price of the lowest responsive quotation.

16.2 Preference points shall be scored as follows:

- a) Points will be awarded to tenderers who are eligible for preferences in respect of B-BBEE contribution in terms of Returnable Schedule 3: Preferencing Schedule.
- b) The terms and conditions of Schedule 3 shall apply in all respects to the quotation evaluation process and to any subsequent contract.
- c) A maximum of 20 quotation evaluation points will be awarded for preference to suppliers with responsive quotations who are eligible for such preference, in accordance with the criteria listed below.

**Exempted Micro Enterprise or B-BBEE Status Level of Contributor**

The Tenderer shall indicate on Schedule 3 his or her company/firm/entity's B-BBEE status level of contributor, in accordance with one of the following:

- Exempted Micro Enterprise (>50% black-owned)
- Exempted Micro Enterprise (≤50% black-owned)
- Verified B-BBEE status level of contributor in terms of the Construction Sector Charter on Black Economic Empowerment (Board Notice 111 of 2007 published in Government Gazette No. 29616 of 9 February 2007)
- Non-compliant contributor<sup>1</sup>

Up to **10** tender evaluation points ( $N_p$ ) will be awarded for the level of B-BBEE contribution, in accordance with the tables below:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of Points for Preference (80/20)</b>	<b>Number of Points for Preference (90/10)</b>
1	10	5
2	9	4.5
3	7	3
4	6	2.5
5	4	2
6	3	1.5
7	2	1
8	1	0.5
Non-compliant contributor	0	0

<sup>1</sup>

A non-compliant contributor is one who does not meet the minimum score for a level 8 contributor, or who is not verified in terms of the Construction Sector Charter.

## GENERAL & SPECIAL CONDITIONS OF CONTRACT

**THESE SPECIAL CONDITIONS OF CONTRACT (SCC) SUPPLEMENT AND MUST BE READ WITH THE CORRESPONDING PROVISIONS OF THE GENERAL CONDITIONS OF CONTRACT (GCC) (download at <http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions>) WHICH SHALL CONSTITUTE THE AGREEMENT BETWEEN OVERBERG WATER AND THE SUPPLIER.**

### **1. Acceptance/Contract Commencement and purchase orders**

The supplier's offer will be accepted by Overberg Water 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 letter of appointment entirely at its own risk. Overberg Water 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.

### **2. Standards**

Failure to comply with the Specification and standards as set out in the quotation document shall constitute a material breach, and Overberg Water reserves the right to cancel the contract in terms of Clause 23 of the GCC.

### **3. Payment– Clause 16 of the GCC**

3.1 A monthly payment cycle will be the norm. All invoices received for goods and services dated on or before the 20th of a particular month will typically be paid between the 23rd and the 26th of the ensuing month.

3.2 More frequent payment to suppliers is not a right. Requests for such payments will be considered at the sole discretion of Overberg Water.

3.3 In order to give effect to a more frequent payment cycle (if approved), an additional mid-month payment run will be effected as necessary. The additional payment run dates will be between the 10th and the 13th of the month.

3.4 The actual payment run dates will be dependent on the number of days of the month and the influence of public holidays. Suppliers on a 14-day cycle who submit invoices by the 25th of a particular month will be paid between the 10th and the 13th of the next month.

### **4. Applicable Law – Clause 30 of GCC**

4.1 The supplier must comply with the Basic Conditions of Employment Act, Act 75 of 1997 and Amendments including all laws relating to wages and conditions governing the employment of labour and Bargaining Council agreements.

### **5. Insurance – Clause 11 of GCC**

5.1 Without limiting the obligations of the supplier in terms of this contract, the supplier shall effect and maintain the following insurances:

a) Any goods supplied to Overberg Water by the supplier in terms of this Agreement shall be fully and adequately insured by the supplier against any loss or damage incidental to manufacture or acquisition, transportation, storage and delivery.

5.2 The supplier shall be obliged to furnish Overberg Water with proof of such insurance.