



K O U G A
local municipality
Prosperity through vision

TERMS OF REFERENCE DOCUMENT

NOTICE 229 OF 2010	
MAINTENANCE OF PHILLIPS TUNNEL , HANKEY	
Name of tendering firm:	
Contact Person (<i>Full Names</i>):	
Tel No.:	Cell No.:
Fax No.:	
Supplier Database No.:	
Signature of Tenderer:	
Issued By:	
KOUGA LOCAL MUNICIPALITY	
PO Box 21	
JEFFREYS BAY , 6330	

NB: PLEASE TAKE OF THE LISTED INSTRUCTIONS OR COMMENTS.

- PLEASE ENSURE THAT YOU FAMILIARIZE YOURSELF WITH THE COMPLETE DOCUMENT AND INITIAL ALL THE PAGES OF THE DOCUMENT AS WELL AS SIGN ALL PAGES WHERE IT IS REQUIRED TO DO SO.
- ALL FORMS IN THIS DOCUMENT MUST BE COMPLETED AND SUBMITTED WITH THE RELEVANT DOCUMENTATION REQUIRED.
- HAND IN THIS TERMS OF REFERENCE DOCUMENT WITH THE COMPULSORY REQUIRED DOCUMENTATION.
- DO NOT RE-TYPE THE PRICING SCHEDULE.
- **IF YOU HAVE ENSURED THAT YOUR DATABASE REGISTRATION IS CURRENTLY VALID AND UP TO DATE YOU NEED NOT SUBMIT THE REQUIRED DOCUMENTATION.**

N.B. THE LISTED DOCUMENTS (IF APPLICABLE TO YOUR ENTITY) MUST BE ADDED TO EACH CONTRACT SUBMITTED.

FAILURE TO COMPLY WILL RESULT IN NON ACCEPTANCE OF QUOTATION

<input type="checkbox"/>	COMPANY REGISTRATION NO/ FORMAL REGISTRATION DOCUMENTS/JV AGREEMENTS
<input type="checkbox"/>	V.A.T REGISTRATION NO.
<input type="checkbox"/>	ORIGINAL AND VALID SARS TAX CLEARANCE CERTIFICICATE
<input type="checkbox"/>	CERTIFIED IDENTIFICATION DOCUMENTS OF SHAREHOLDING ATTACHED
<input type="checkbox"/>	HAVE ALL PAGES BEEN INITIALED AND SIGNED

SPECIAL CONDITIONS OF CONTRACT

REQUEST FOR QUOTATIONS FOR MAINTENANCE OF PHILLIPS TUNNEL, HANKEY

Background of Phillips Tunnel

Phillips Tunnel was an irrigation tunnel scheme, now a national monument, built in 1844, used for 125 years.

The realization of the tunnel was the brain child of William Enowy Phillip, the son of the Superintendent of the London Missionary Station, Dr John Phillip. His inspiration for the sight was the window or the hole in the hill between Backhousehoek and Vensterhoek which has majestic views over Hankey on the one side, and valleys and the Gamtoos River on the other side. The tunnel was dug using pick and shovel and wheelbarrows.

The length of the tunnel is 228 meters and the speed of construction was very slow – about 1 to 2 feet a day. It was started in April 1843 and completed in August 1844 – 15 months later. It was in use from April 1845 to 1970 – a period of 125 years. This was the first ever irrigation scheme in South Africa.

Tragically Phillip and his niece, drowned on the Tunnel's opening day, 1 June 1845, when their small boat overturned at the Milton drift on the Gamtoos River.

SPECIFICATIONS AND SPECIAL REQUIREMENTS

Various quotations/tenders to be requested with development proposals for the upgrade of Phillips Tunnel and Vensterhoek.

Detailed descriptions must be given to:

- Company background and history
- What is proposed to be planned of upgrade
- Which materials are to be used for each upgrade
- Cost breakdown
- Making use of local labour
- Time frames for completion
- Management procedures
- Meetings with Municipality and tourism role players

The following is a rough outline of what is required:

1. Repairs of trail from bottom of the Tunnel to Vensterhoek , including:
 - Planning, strengthening and stabilizing stairways to Vensterhoek.
 - Planning and erecting strong banisters ,
 - Safety banisters around the Window area , Vensterhoek .(Banisters should preferably be from wood or recycled plastic)
 - Sign boards indicating the trail going up to Vensterhoek and “use at own risk”.

2. Replacement of signboard with the background at Phillips Tunnel.
3. Repair and maintenance of toilets and other public facilities at the area.
4. Delivery and installation of signboards from Hankey to Phillips Tunnel.
5. Cleaning of the area.

DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state*. (See definition for 'in the service of the state' at end of this section)

- 2. Any legal person, 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. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in the service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

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

3.1 Full Name

3.2 Identity number.....

3.3 Company Registration Number.....

3.4 Tax Reference Number.....

3.5 VAT Registration Number.....

3.6 CIDB Registration NumberGrading:.....

3.7 Are you presently in service of the state* **YES / NO**

3.7.1 If so, furnish particulars.
.....
.....

3.8 Have you been in the service of the state for the past **YES / NO**
twelve months?

3.8.1 If so, furnish particulars
.....
.....

3.9 Are you connected with any persons in the service of the state? **YES / NO**

3.9.1 If so, state particulars.
.....
.....

3.10 Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the adjudication of this bid? **YES / NO**

3.10.1 If so, state particulars.
.....
.....

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

3.11.1 If so, state particulars.
.....
.....

3.12 Are any of the company's directors, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If so, furnish particulars.
.....
.....

3.13 Are any spouse, child or parent of the company's **YES / NO**

directors, managers, principle shareholders or stakeholders in service of the state?

3.13.1 If so, furnish particulars.

.....
.....

DECLARATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM
IS CORRECT.

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

.....

Signature

.....

Position

.....

Date

.....

Name of bidder

* Definition: In the service of the state means to be ;
a) A member of any municipal council , any provincial legislature or the National Assembly or the National council of Provinces.
b) A member of the board of directors of any municipal entity
c) An official of any municipality or municipal entity
d) An employee of any national or provincial department

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) 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 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:

- a. take all reasonable steps to prevent such abuse;
- b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
- c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

4 This MBD 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 (MBD 9) 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.

(e) the submission of a bid which does not meet the specifications and conditions of the bid;
or

(f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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.