

OPS2027-OPS-008**UTHUKELA WATER: HEALTH AND SAFETY**
TERMS OF REFERENCE & REQUEST FOR QUOTATIONS**1. Introduction:**

It is the intention of uThukela Water (Pty) Ltd to obtain services from an Approved Inspection Authority to perform occupational hygiene assessment, monitoring, reporting, training, and refresher training for a period of 24 months on asbestos, hazardous chemical agents, hazardous biological agents, ergonomics, physical agents, and noise, as prescribed by the respective Regulations.

2. Background:

UThukela Water (Pty) Ltd employs 86 employees based at its four (4) work sites comprising of Head Office at 79 Harding Street, Newcastle; the Laboratory at Asiphephe Road in Newcastle, Ngagane Water Treatment Plant in Newcastle, and Biggarsburg Water Treatment Plant in Dundee. The contemplated surveys shall be carried out at these facilities in accordance with Table 1 below.

3. Methodology and Approach:

Employ occupational hygiene methods in accordance with the requirements of the Occupational Health and Safety Act, Asbestos Abatement Regulations, Regulations for Hazardous Chemical Agents, Regulations for Hazardous Biological Agents, Noise Exposure Regulations, Physical Agents Regulations and Ergonomics Regulations

On completion of the assessments comprehensive reports shall be generated prescribing measures required based on the findings for UThukela Water (Pty) Ltd to be compliant with the provisions of the Act and the Regulations

The Specifications and Scope of Works are in Table 1, Bill of Quantities in Table 2, and Adjudication on Table 3, below.

TABLE 1		
ITEM NO	DESCRIPTION OF SERVICE	SPECIFICATIONS
A	Assessment and air monitoring in terms of Regulations for Hazardous Chemical Agents at the Laboratory, Ngagane Water Treatment Plant, and Biggarsberg Water Treatment Plant	The activities shall include, but not limited to: 1. Assessment of Potential and Actual Exposure to Hazardous Chemical Agents at the three work areas, including foetal exposure when an employee is pregnant;

		2. Air Monitoring at the three work areas; 3. Presentation and submission of the comprehensive report with the findings, the executive summary, recommendations, and where applicable prescription of medical surveillance; 4. Examination and testing of engineering control measures; and 5. Training of employees by a competent person in terms of Regulation 4 of the Regulations for Hazardous Chemical Agents.
B	Assessment and monitoring in terms of Regulations for Hazardous Biological Agents at the Laboratory, Ngagane Water Treatment Plant, and Biggarsberg Water Treatment Plant	The services shall include, but not limited to: 1. Assessment of potential and actual exposure to Hazardous Biological Agents at the three work areas, including foetal exposure when an employee is pregnant; 2. Monitoring exposure at the three work areas; 3. Submission and presentation of the comprehensive report with the findings, executive summary, recommendations, and where applicable the prescription of medical surveillance; 4. Examination and testing of engineering control measures; and 5. Training of employees by a competent

		person in terms of Regulation 3 of the Regulations for Hazardous Biological Agents.
C	Assessment and Noise Monitoring in terms of Noise Exposure Regulations at Ngagane Water Treatment Plant and Biggarsberg Water Treatment Plant	The services shall include, but not limited to: 1. Assessment of potential and actual noise exposure at or above the noise rating limit at the two work areas; 2. Noise exposure monitoring at the two work areas, including foetal exposure when an employee is pregnant; 3. Comprehensive report with the findings, executive summary, recommendations, and where applicable the prescription of medical surveillance; and 4. Training of employees by a competent person in terms of Regulation of the Noise Induced Hearing Loss Regulations.
D	Ergonomic Risk Assessment in accordance with the Ergonomics Regulations for Head Office, the Laboratory, Ngagane Water Treatment Plant and Biggarsberg Water Treatment Plant	Services shall include, but not limited to: 1. Ergonomic Risk Assessment at the four work areas, including the risk to a foetus when an employee is pregnant; 2. Submission and presentation of the comprehensive report with the findings,

		executive summary, recommendations, and where applicable the prescription of medical surveillance; and 3. Training of employees by a competent person in terms of Regulation 4 of the Ergonomics Regulations.
E	Asbestos Risk Assessment and Air Monitoring in accordance with Asbestos Abatement Regulations for Ngagane Water Treatment Plant, and Biggarsberg Water Treatment Plant	Services shall include, but not limited to: 1. Asbestos Risk Assessment, including foetal exposure when an employee is pregnant; 2. Air Monitoring 3. Submission and presentation of the comprehensive report(s) to the Client; and 4. Training of personnel by a competent person according to Regulation 7 of the Asbestos Abatement Regulations.
F	Physical Agents Risk Assessment and Exposure Monitoring according to the Physical Agents Regulations for Head Office, the Laboratory, Ngagane Water Treatment Plant and Biggarsberg Water Treatment Plant	1. Physical Agents Risk Assessment, including foetal exposure when an employee is pregnant; 2. Physical Agents exposure monitoring; 3. Training of personnel by a competent person according to Regulation 3 of the Physical Agents Regulations; and 4. Comprehensive report with the findings, executive summary, recommendations,

		and where applicable the prescription of medical surveillance
Notes: 1. The prospective service provider shall be in possession of, and shall attach to the quotation, proof of approval by the Department of Labour as an Approved Inspection Authority for each respective service item i.e. Asbestos, Hazardous Chemical Agents, Hazardous Biological Agents, Noise, Physical Agents and Ergonomics; 2. Proof of competency of the personnel to be engaged in the delivery of service shall be a CV and certificates of competency; 3. Proof of Calibration by SANAS accredited facility for the equipment to be used in the assessment and monitoring; 4. Proof of SANAS accreditation of the laboratory facility to be used for analysis; 5. The methods shall comply with the requirements as prescribed by the Regulations of the OHS Act and SANS; and 6. Failure to produce items 1 to 5 shall render the applicant(s) non-responsive and thus shall be disqualified for this opportunity.		
4. Scope of works: The price quoted shall be inclusive of the following, for each item as shown on table 2, and for a period of 24 months: a. Immediate and biennial assessment, including the risk to a foetus when an employee is pregnant; b. Biennial Monitoring; c. Inventory of Asbestos, Plan of Work and Asbestos Management Plan for Item E; d. Examination and testing of engineering control measures for service items A and B; e. Submission and presentation of the report to the Client post assessment and monitoring; f. Training of employees on requirements of the respective Regulations and findings of the assessments and exposure monitoring; and g. Annal refresher training as prescribed by the respective Regulations.		

TABLE 2				
ITEM No.	ITEM DESCRIPTION	QUANTITY	AMOUNT (R)	
			Year 1	Year 2
	A. Hazardous Chemical Agents			
A	Assessment, Air Monitoring, Reporting and Training	2	R	R
	B. Hazardous Biological Agents			
B	Assessment, Monitoring, Reporting and Training	2	R	R
	C. Noise Induced Hearing Loss			
C	Assessment, Noise Monitoring, Reporting and Training	2	R	R
	D. Ergonomics			
D	Ergonomic Risk Assessment, Monitoring, Reporting and Training	2	R	R
	E. Asbestos			
E	Asbestos Risk Assessment, Air Monitoring, Reporting, and Training.	2	R	R
	F. Physical Agents			
F	Physical Agents Risk Assessment, Exposure Monitoring, Submission and Presentation of the Report, and Training.	2	R	R
	Total	12	R	R
	VAT (15 %)		R	R
	TOTAL (VAT INCLUDED)		R	R

TABLE 3			
ITEM (COURSE):			
	Description	Category	Points
1.	Department of Labour Approval	* Approval as an Approved Inspection Authority by the Chief Inspector (Attach Approval Certificate)	20
2.	Competency of Personnel	Years of Experience Less than 10 years score 0 points 10 years score 10 points More than 10 years score 10 points plus 1 for each year up to a maximum of 20 (Attach CVs)	20
		* Relevant Qualification (Attach Copies of Certificates)	20
3.	Equipment Calibration	* Calibration Certificates for equipment to be used in items of A-E (Attach Copies of Certificates)	10
4.	Method	Tentative Programme (Attach Tentative Program for items A-E)	10
5.	Laboratory Services	Proof of SANAS Accreditation of the Laboratory (Attach SANAS certificates, and agreement if the laboratory service is outsourced)	10
6.	References for the Bidding Company	*Table with records not older than 24 months listing the performance of similar work, supported by letters of references from the previous Clients (Attach at least 4 Reference Letters)	10
* Lacking in this category warrants immediate disqualification			

Notes on Adjudication:

- Adjudication for this occupational hygiene services opportunity shall be on both functionality (Table 3) and price (Table 2);
- Tendered price must be submitted according to Table 2, above;
- Price to be fixed for the first 12 months, and escalated in the next 12 months according to the projections of the bidder;
- Provide a tentative programme for the delivery of the required services;
- Evaluation on functionality shall be performed in terms of Table 3 for each item (A-F).

5. For any queries, please contact:

S.D. Ngcobo, Telephone number: 034 328 5075

E-mail address: sabelo.ngcobo@uthukelawater.co.za

SCM queries -Mrs Z Mhlongo 034 328 5000 or
zamantungwa.mhlongo@uthukelawater.co.za

6. Closing Day – 14 August 2026 @ 4pm

7. Submission of the quotation

Service providers are requested to submit a quotation (separately)

Quotes must be email to quotes@uthukelawater.co.za

NB: The email subject must be the RFQ Number “RFQ2027-OPS-008”

8.Important information

Service providers are required to complete the following forms below failure to do so will renders the submission invalid.

MBD4

MBD 6

MBD9

CSD Summary report with a Tax compliant status

Name of the service provider	
Central Database number	
Company registration number	

DECLARATION OF INTREST
MBD 4

1. No bid will be accepted from persons in the service of the state
2. Any person, having a kinship with person in the service of the state, including a blood relationship, may make an offer or offers of this invitation of bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to person connected with or related to person in 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 _____

Item	Question	Yes	No
3.6	Are you presently in the service of the state?		
3.6.1	If so, furnish particulars		
3.7	Have you been in the service of the state of the past twelve months?		
3.7.1	If so, furnish particulars		
3.8	Do you, have any relationship (family, friend, other) with person in the service of the state and who may be involved with the evaluation and or adjudication of this bid?		
3.8.1	If so, furnish particulars		
3.9	Are you, aware of any relationship (family, friend, other) between a bidder and any person in the service of the state who may be involved with the evaluation and or adjudication of this bid		
3.9.1	If so, furnish particulars		
3.10	Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state?		
3.10.1	If so, furnish particulars		
3.11	Are any spouse, child or parent of the company's directors, managers, principal shareholders in service of the state?		
3.11.1	If so, furnish particulars		

CERTIFICATION

I, THE UNDERSIGNED (NAME) _____
(DIRECTOR /SHAREHOLDER MEMBER/TRUSTEE)

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

Date

Capacity

Name

MBD6.1 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**

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) 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
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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 in regard to 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;

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

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

(b) **“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

(c) **“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:

80/20

or

90/10

$$Ps = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right) \quad \text{or} \quad Ps = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Locality : UThukela Water Jurisdiction	10	
KwaZulu Natal Province	5	
Outside KZN	0	
100 % Black owned	5	
Women	5	

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

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 Municipality / Municipal Entity)

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.
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

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

Name of the Bidder	Date	Signature
Capacity		