



TERMS OF REFERENCE

PROVISION OF THE 5th STATUTORY DAM SAFETY EVALUATION OF DRIEKOPPIES DAM

TENDER NO. KOB/DD/10/2026

CLOSING DATE OF SUBMISSIONS: 14 August 2026, 12:00 Noon

TENDERS MUST BE HAND DEPOSITED AS FOLLOWS:

Komati Basin Water Authority

Maguga Dam

Pigg's Peak

ESWATINI

Telephone 013 591 2644 or (268)2437 1463/4

Komati Basin Water Authority

R570 Driekoppies Dam Offices

Schoemansdal

Republic of South Africa

Telephone 013 591 2633

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SECTION 1: REQUEST FOR PROPOSALS

PROVISION OF THE 5th STATUTORY DAM SAFETY EVALUATION OF DRIEKOPPIES DAM

1. Interested experienced Professional Service Providers (PSPs) are invited to submit a **technical proposal (Marked A) and, in another separately sealed envelope, a financial proposal (Marked B)** for the provision of the 5th Statutory Dam Safety Evaluation of Driekoppies Dam. Proposals would form the basis for negotiations and an agreement between the successful bidder and the Komati Basin Water Authority (KOBWA). **Failure to comply with this clause may lead to automatic disqualification.**
2. The appointment shall be made in accordance with the National Water Act, 1998 (Act No. 36 of 1998), and the Regulations Regarding the Safety of Dams (GN R.139 of 2012), including all applicable provisions governing the appointment of an Approved Professional Person (APP) and the undertaking of the statutory Dam Safety Evaluation.
3. The objective of the services required is to conduct and report on the Statutory 5th Dam Safety Evaluation of Driekoppies Dam. The Dam is located in the Nkomazi Local Municipality, Ehlanzeni District within the Mpumalanga Province and sits on the Lomati River, approximately 25 km South of Malelane town and 5km away from the Jeppes Reef Border Gate, (*Latitude: 25°42'29.81"S Longitude: 31°31'1.66"E*).
4. Any prospective bidder requiring additional information for the preparation of this proposal shall submit a written request to KOBWA, clearly specifying the information required. KOBWA will make available the relevant information, where appropriate, to ensure that all bidders have equitable access to information necessary for the preparation of responsive proposals.
5. Interested bidders shall provide proof that the proposed lead professional is registered as an Approved Professional Person (APP). The successful bidder shall obtain any required written approval from the Department of Water and Sanitation (DWS): Dam Safety Office.
6. To assist bidders in preparing proposals, the following are enclosed:
 - a. Supplementary Information (Section 2),
 - b. Appendix A - Scope of Services (Section 3),
 - Proposals should be submitted in the format provided for in Section 2 to be evaluated in two stages. Initially the services proposal will be evaluated and rated. **Should a**

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rating of less than 70 points be achieved the proposal will not be acceptable and the financial proposal will not be opened.

- Weighting.

- i. Technical Proposal 80%,
- ii. Financial Proposal 20%

7. Mandatory Bid Requirements - the following are ALL mandatory attributes to qualify to make the bid and should form part of the technical proposal.

Republic of South Africa	Kingdom of Eswatini
Proof of company registration CIPC (Companies and Intellectual Property Commission) Certificate	Valid form J or C registration (Certificate of Incorporation) or equivalent company registration documents.
Proof of valid registration on the Central Supplier Database (CSD)	Proof of Valid Trading License
Original Bid and a Copy – (both hard copies clearly marked as either original and copy and one ELECTRONIC COPY – USB).	Original Bid and a Copy – (both hard copies clearly marked as either original and copy and one ELECTRONIC COPY – USB).
Proof of valid Tax Clearance Status Pin or Tax Compliance Status (TCS) issued by SARS	Proof of valid Tax Clearance Certificate issued by the Eswatini Revenue Service (ERS).
Proof of registration of the proposed Lead Professional as an Approved Professional Person (APP) with the South African Department of Water and Sanitation (DWS).	Proof of registration of the proposed Lead Professional as an Approved Professional Person (APP) with the South African Department of Water and Sanitation (DWS).

Any contract awarded on false information furnished by the bidder, may, without derogating from other remedies available to Komati Basin Water Authority, be cancelled at the sole discretion of Komati Basin Water Authority.

8. Proposal Evaluation - the services proposal will be evaluated using the two stages bidding process as follows:

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- 8.1. Functionality Criteria; and
- 8.2. The 80/20 preference point system.

A maximum of 80 points representing price and 20 points representing Broad-Based Black Economic Empowerment for South Africa. Only bidders who meet the minimum requirements of the functionality criteria will be considered in this phase. The following formula will be used for the preference point system.

9. Functionality Proposal Evaluation

CRITERIA FOR FUNCTIONALITY	RATINGS	WEIGHT
Company Experience in the industry.	Minimum of 5 year's verifiable experience in similar projects. Bidders must provide a list of all relevant projects with project durations. - Between 0-4: 0 points - Between 5-10: 2 Points per year Max (10)	10
Qualifications & Experience: Proposed professional personnel should have at least a combination of the following skills / expertise: - Project Management - Hydraulics - Hydrology - Dam Instrumentation - Geotechnical - Engineering - Structural Engineering - Mechanical Engineering	Proof of Registration as an Approved Professional Person (APP) with the Department of Water and Sanitation: 15 points Proposed Professional Team (2 members): 10 points Max (25)	25

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CRITERIA FOR FUNCTIONALITY	RATINGS	WEIGHT
Proposed Operational Plan	Technical Aspect Bidders shall submit a comprehensive technical proposal outlining their understanding of the assignment, proposed methodology, work plan, and approach for undertaking the 5th Statutory Dam Safety Evaluation of Driekoppies Dam in accordance with the requirements of the National Water Act (Act No. 36 of 1998), the Dam Safety Regulations, and recognised dam engineering best practices. • Structure of the proposal indicating understanding of the scope of works (10) • Extent of meeting objectives (10) • Dam safety inspection methodology (10) • Proposed project deliverables and timelines (10) Max (40)	40
Safety, Health, Environment and Quality Compliance.	Provide policy statement and manual signed by top management – 10 • Statement: (4) • Manual:(6) Max (10)	10
References / Testimonials/ Completion certificate	Provide of 5 company references, completion certificate or brief testimonials. 2 points per letter. Max (10)	10
Bank Rate of Transactability	Bank Rating of transactability: C or better: 5 D: 3 E or Lower :0 (Max 5)	5

Should a rating of less than 70 points be achieved, the Technical Proposal will not be acceptable, and the financial proposal will not be opened. The financial proposal will only be considered and evaluated should a rating of 70 points or higher be achieved for the services proposal.

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PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE NATIONAL CONSUMER COMMISSION							
BID NUMBER:	KOB/DD/10/2026	CLOSING DATE:	14 AUGUST 2026		CLOSING TIME:	12:00	
DESCRIPTION	PROVISION OF THE 5 TH STATUTORY DAM SAFETY EVALUATION OF DRIEKOPPIES DAM						
BID RESPONSE DOCUMENTS MUST BE DEPOSITED IN THE TENDER BOX AT:							
KOMATI BASIN WATER AUTHORITY: SCHOEMANSDAL MAGUGA DAM, PIGGS PEAK							
REPUBLIC OF SOUTH AFRICA							
OR							
KOMATI BASIN WATER AUTHORITY: R570 DRIEKOPPIES DAM OFFICES,							
ESWATINI							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	Mr. Siyanda Zembe			CONTACT PERSON	Mr. Thabo Mahlobo		
TELEPHONE NUMBER	+2713 591 2644/33			TELEPHONE NUMBER	+2713 591 2644/33		
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	siyanda.zembe@kobwa.co.za			E-MAIL ADDRESS	thabo.mahlobo@kobwa.co.za		
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							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA		
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]		B-BBEE STATUS LEVEL SWORN AFFIDAVIT			[TICK APPLICABLE BOX]	

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	☐ Yes ☐ No		☐ Yes ☐ No
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[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

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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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
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 VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

DATE:

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. FOR THE KINGDOM OF ESWATINI SERVICE PROVIDERS, PROVIDE PROOF OF 51% OR MORE SWAZI OWNERSHIP AS PER THE PROCUREMENT ACT 7 OF 2011 AS AN EQUIVALENT OF THE ATTACHED SBD1 DOCUMENT.

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SBD 3.3

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.:
CLOSING TIME 12:00	CLOSING DATE.....

OFFER TO BE VALID FORDAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
------------	-------------	--

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. R.....
3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)
4. PERSON AND POSITION

	HOURLY RATE	DAILY RATE
.....	R.....	
.....	R.....	
.....	R.....	
.....	R.....	
.....	R.....	
5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

.....	R.....	 days
.....	R.....	 days
.....	R.....	 days
.....	R.....	 days
- 5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....			R.....
.....			R.....
.....			R.....
.....			R.....

TOTAL: R.....

** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance contributions and skills development levies.

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- 5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....			R.....
.....			R.....
.....			R.....
.....			R.....

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid
.....
7. Estimated man-days for completion of project
.....
8. Are the rates quoted firm for the full period of contract? *YES/NO
9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.
.....
.....
.....
.....

***[DELETE IF NOT APPLICABLE]**

Any enquiries regarding bidding procedures may be directed to the –

Mr. Siyanda Zembe – Procurement and Asset Management Accountant

Tel: Tel: +2713 591 2644/44

Or for technical information –

Mr. Thabo Mahlobo – Infrastructure Maintenance Technologist

Tel: +2713 591 2644/44

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SBD 4

DECLARATION OF INTEREST

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 an advertised competitive bid, a limited bid, a proposal or written price quotation). 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:

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

.....

- Registration number of company, enterprise, close corporation, partnership agreement or trust:

.....

- Tax Reference Number:

- 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 –

- 2.6.2 any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance

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Management Act, 1999 (Act No. 1 of 1999);

- 2.6.3 any municipality or municipal entity;
a) provincial legislature;
b) national Assembly or the national Council of provinces; or
c) 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 / shareholder/ member:

Name of state institution to which the person is connected:
.....

Position occupied in the state institution:

Any other particulars

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

- 2.8 Did you or your spouse, or any of the company's directors / 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**

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

YES/NO

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:

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

Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Income Tax Reference Number	State Employee Number / Peral Number

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DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

.....

Date

.....

Position

.....

Name of bidder

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SBD 6.1

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

(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
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

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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;
- (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:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} \\
 \text{Where} & &
 \end{array}$$

Ps = Points scored for price of tender under consideration
 Pt = Price of tender under consideration
 Pmin = Price of lowest acceptable tender

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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:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) & \text{or} & Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = 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.

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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 (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

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:

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- 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 bidder 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 bidder, 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.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

.....

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SBD 8

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 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	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? (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). 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.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	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)? 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.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	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?	Yes ☐	No ☐
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 ☐	No ☐
4.4.1	If so, furnish particulars:		

NB: KOE Suppliers will be vetted against Eswatini Revenue Services for tax related compliance matters.

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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

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SBD9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 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 (SBD 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.

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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.

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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

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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.**

11. The financial proposal will be evaluated as follows:

The financial proposal with the lowest Total Designated Cost (TDC) will be assigned the maximum of 100. The TDC is defined as the total of all costs directly related to personnel allowances (salary, social benefits, transport of personnel and effects), fees and directly reimbursable expenses for project items such as vehicles, computers etc. The financial proposals will be scored as:

$$Px = 100Cm/Cx$$

Where:

Px = Rating assigned to a financial proposal,

Cm = Cost of the lowest TDC

Cx = TDC of proposal being assessed.

12. The 80/20 preference point system

13. The financial proposal will be evaluated as follows:

The financial proposal with the lowest Total Designated Cost (TDC) will be assigned the maximum of 100. The TDC is defined as the total of all costs directly related to personnel allowances (salary, social benefits, transport of personnel and effects), fees and directly

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reimbursable expenses for project items such as vehicles, computers etc. The financial proposals will be scored as:

$$Px = 100Cm/Cx$$

Where:

Px = Rating assigned to a financial proposal,

Cm = Cost of the lowest TDC

Cx = TDC of proposal being assessed.

Costs for preparing the proposal and for any negotiations are not reimbursable

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Categories of people Historically disadvantaged individuals	Requirements	Number of points (80/20 system)
Blacks and people who had no franchise on national elections before 1994 constitution (more than 51% ownership)	Certified ID copy and CIPC registration or CSD report or Form J, Form C, Trading License Certified ID copy and CIPC registration/ CSD report or Form J	3
Women (more than 50% ownership) Or Youth (more than 30% ownership) Or People with disabilities (more than 10% ownership)	Commissioned company letter declaring ownership Medical report sanctioned by qualified professional	1 1
Located in a specific Local Area of Supply for work to be done at either of the two Countries.	Official Municipal Rates Statement which is in the name of the bidder Or Valid Lease agreement which is in the name of the bidder (accompanied by owners Official Municipal Rates Statement)	10

CATEGORIES OF RDP GOALS

Promotion of BBBEE companies	Sworn affidavits/ CIPC/BBBEE certificate	5	BBBEE level	1	2	3	4+
			Points (80/20)	5	2	0	0

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Eswatini Companies	Number of points
51% or more Swazi Ownership	20
Below 51% Swazi Ownership	0

Kingdom of Eswatini: Public Procurement Act 7 of 2011.

14. Proposals including costs should be valid for a period of at least 150 days from the closing date for submissions.
15. Proposals must be physically submitted and signed for on the register on or before 12h00 noon on the 14 August 2026 into a tender box at the following address.

Komati Basin Water Authority
Maguga Dam Offices
P. O. Box 678
Pigg's peak
H108

Komati Basin Water Authority
Driekoppies Dam Offices
P. O. Box 518
Malelane
1320

16. Proposals should be submitted in two separate, sealed envelopes as follows:

Technical Proposal – Ref: **KOB/DD/10/2026a**; and

Financial Proposal – Ref: **KOB/DD/10/2026b**

Any request for more information or clarifications should be made in writing, no later than five (5) days before the tender closing date at the following contact details:

Mr. Thabo Mahlobo – Infrastructure Maintenance Technologist

Mr. Siyanda Zembe – Procurement and Asset Management Accountant

Tel: (+27) 13 591 2633/44

Email: thabo.mahlobo@kobwa.co.za copy to: receptiondd@kobwa.co.za

siyanda.zembe@kobwa.co.za

maguga.office@koba.co.za

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SECTION 2: SUPPLEMENTARY INFORMATION

Supplementary Information to include, but not limited to the following:

1. General

1.1 Preparation and submission of proposal

1.1.1. Submission of Qualifications: Proposers should submit abridged Curriculum Vitae's (CV's) of the proposed personnel with certified certificates not older than 3 months in the evaluation criteria.

1.1.2. Compliance with Laws: In connection with the furnishing of supplies or performance of work under the contract, the Consultant agrees to comply with the relevant state laws applicable.

1.2 Proposed schedule for submission and commencement of services:

- Closing Date: **14 August 2026, 12:00 Noon**
- Commence services: **01 September 2026**

1.3 Negotiations

The required negotiations to reach agreement on all components of the required services will result in a contract. Negotiations will commence with the services proposal and proceed to the financial proposal focusing on underlying or unit cost rates. This TOR along with the bidder's application forms part of the Service Level Agreement.

1.4 Specialist support

You may propose the use of specialist support from outside your institution or to form a consortium with other firms. If your proposal is accepted, you will be expected to contract with that support directly, and to be fully responsible for the services provided by that specialist support.

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2. Implementation:

KOBWA wishes to conduct the 5th Statutory Dam Safety Evaluation in strict compliance with the Department of Water and Sanitation (DWS) Dam Safety Regulations as prescribed under the National Water Act, 1998 (Act No. 36 of 1998), to ensure continued regulatory compliance and the safe operation of the dam.

The successful bidder is expected to commence with the project on the 01 October 2026

3. Expected Outputs / Deliverables

The successful bidder will be expected to cover all the stages of the project. The expected deliverables from this tender are as follows:

- a. Statutory Dam safety evaluation report to Management and DWS.
- b. Final report inclusive of DWS comments and implementation plan.
- c. Statutory Dam safety evaluation report acceptance/ approval by the DWS.

4. Institutional Experience

Describe in detail the qualifications of the firm and the company personnel to whom the task would be assigned as well as any back up personnel.

Details should include:

- 4.1 Familiarity and years of service to similar institutions.
- 4.2 Detail of past work performance including the value of the contract.
- 4.3 Names of assigned personnel and their function with relation to this proposal. The personnel sent by the PSP to perform the work shall be as per the submitted bid documentation, any changes to personnel shall be reviewed and approved by KOBWA.
- 4.4 Experience, education and training of assigned personnel with particular regard to public entity experience.
- 4.5 Professional affiliations / credentials of assigned personnel as well as any pertinent publications.
- 4.6 Availability of personnel for consultation from other locations / specialties within the company.

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4.7 References with names, addresses, and phone numbers of current clients who can be contacted by KOBWA for discussion of services provided to that client.

4.8 How the institution proposes to help KOBWA save costs.

4.9 Any additional remarks/ comments the company wishes to make to elaborate their proposal and qualifications.

5. Overall Approach

5.1 Work Approach

- (i) Bidders should specify their work approach, referring specifically to components of the services requested, including timeliness for both delivery and service.
- (ii) Tasks and subtasks by components should be specified.
- (iii) Involvement of key personnel should clearly be indicated and required resources.

5.2 Work program and manpower schedule

Proposals should include a project plan indicating the timing and duration of tasks and subtasks.

5.3 Facilities and accommodation

Appointed PSPs are expected to cater for their own accommodation and transport

6. Financial Proposal

6.1 General - Please indicate clearly the costs of service, breaking it down into components, as the need arises for clarity. This should be split by phases clearly indicating the cost of implementing each phase.

6.2 Staff Costs - KOBWA is not liable for any other costs other than the actual cost of implementing the said maintenance.

6.3 The project will be implemented as a lump-sum turnkey contract. Payment will be based on milestone completion, tied to approval of deliverables.

6.4 Annex 1 Consultancy information (To be included in the Technical Proposal)

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6.4.1 Name of Institution.

6.4.2 Address, telephone and fax numbers, e-mail.

6.4.3 Name and designation of contact persons to whom KOBWA can refer:

- (i) During proposal evaluation;
- (ii) To represent the institution, if requested, to negotiate for the proposed work.

6.4.4 Organizational chart showing designation and reporting relationships of staff proposed for this assignment.

7 Contractual & Legal Requirements

7.1. The Consultancy shall maintain adequate Professional Indemnity Insurance, Public Liability Insurance, and COIDA registration.

7.2. All intellectual property rights for data, models, reports, and outputs shall remain vested in KOBWA.

7.3. Any disputes arising shall be resolved through arbitration under the rules of the Arbitration Foundation of Southern Africa (AFSA), unless otherwise agreed by both governments.

7.4. Compliance with both RSA or Eswatini legal frameworks is mandatory.

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SECTION 3: APPENDIX A - SCOPE OF SERVICES

1. BACKGROUND

Driekoppies Dam is a zoned earth fill embankment dam with a central clay core, a height of approximately 50m, a crest length of about 360m, and a full supply storage capacity of about 251 million cubic metres. The dam is situated on the Lomati River near Malelane, Mpumalanga Province, South Africa, and was completed in 1998 as part of the Lomati River Basin Development Project. Its primary purposes are irrigation supply, environmental flow regulation, and transboundary water management between the Republic of South Africa and the Kingdom of Eswatini.

Driekoppies Dam is classified as a Category III high-hazard structure under the National Water Act (Act No. 36 of 1998) of South Africa . In line with these requirements, the dam undergoes a statutory Dam Safety Evaluation (DSE) every five years by an Approved Professional Person (APP).

2. OBJECTIVES

The objective of this project is to undertake the 5th Statutory Dam Safety Evaluation (DSE) of Driekoppies Dam in accordance with the Dam Safety Regulations under the National Water Act (Act No. 36 of 1998).

2.1. Methodology/ Scope

The scope of this project covers the complete execution of the Statutory Dam Safety Evaluation, including project management, fieldwork, data collection and processing, analysis, and reporting. The appointed Service Provider shall ensure that all work is undertaken in full compliance with the requirements of the Department of Water and Sanitation (DWS), the Dam Safety Regulations, and all other applicable legislation, standards, guidelines, and best practices governing statutory dam safety evaluations.

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APPENDIX B

RATES

The following table to be used as guide for the pricing schedule for all the 6 stages of the project:

PRICING SCHEDULE

ITEM	Unit	Rate	Cost
5th Statutory Dam Safety Inspection			
1. Full Dam Safety Evaluation for all the phases in accordance with Section 2, Sub-section 3 above.			
SUB-TOTAL (A)			
10% CONTIGENCY			
SUB-TOTAL (B)			
VAT (15%)			
TOTALS			

The rates indicated on the above pricing schedule will be deemed to be the final bidding price.

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3. MANAGEMENT AND ADMINISTRATION PROCESS

The KOBWA Board will be responsible for the final approval.

4. INFORMATION NEEDS.

The Service Provider will consult Management to ensure that desired objectives are met.

5. IRREVOCABILITY OF BIDS & ADDITIONAL CRITERIA

5.1 All bids submitted are irrevocable after the due submission date until the expiry of the bid validity period indicated below, and as such the bidder binds himself that he will enter negotiations with KOBWA based on the submitted bid.

6. BIDDING COSTS

6.1 All bidding costs relating to the preparation of the bid are for the bidder's account and are not recoverable under any circumstances.

7. BID VALIDITY AND PRICING

Bids will be valid for at least 150 days after the closing date and prices will be firm for the entire implementation period.

8. CURRENCY AND TAXES

Prices quoted in South African Rands or Eswatini Emalangeni.

9. ADDITIONAL INFORMATION

9.1 Acceptance of Bids

This Invitation to Bid should not be construed as an agreement to supply the required solution. KOBWA is not bound to enter a contract with the bidder who submits the lowest priced bid. Bids will only be assessed in terms of the evaluation criteria. KOBWA may at her sole discretion choose to award the phases to different organisations or to award only one phase without consulting the bidders.

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9.2 Modification of Terms

KOBWA reserves the right to modify the terms of this Invitation to Bid at any time in its sole discretion. This includes the right to cancel this Invitation to Bid at any time prior to entering into a contract with the successful bidder; notice to that effect shall be given to all bidders. Further information requests and clarifications will be closed five (5) days before the submission deadline.

9.3 Ownership of Bids

All documents, including bids, submitted become the property of the KOBWA.

9.4 Confidentiality of Information

All bids submitted by bidders shall be held in strict confidence and will not be revealed to any other party. All Information pertaining to this bid obtained by the bidder as a result of participation in this project is confidential and must not be disclosed without written authorisation from KOBWA.

9.5 Acceptance of Terms

All terms and conditions of this Invitation to Bid are deemed to be accepted by the bidders and incorporated by reference in their bids, except such conditions and provisions that are expressly excluded. There will be an opportunity to review these conditions upon selection of the successful bidder and during subsequent negotiations. The proposal or sections thereof of the successful bidder will form part of the final contract.

10. Damage to the works

10.1 Without any way limiting the bidder's obligations in terms of the contract, the bidder shall bear the full risk of damage to and/or destruction of the works by whatever cause during the course of the project and hereby indemnifies and holds harmless the employer against any such damage. The bidder shall take such precautions and security measures and other steps for the protection and security of the works as the bidder may deem necessary.

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- (i) The bidder shall always proceed immediately to remove or dispose of any debris arising from damage or destruction of the works and to rebuild, restore, replace and/or repair the works.
- (ii) The employer shall carry the risk of damage to, or destruction of the works and materials paid for by the employer that is the result of the expected risks.
- (iii) Where the employer bears the risk in terms of this contract, the bidder shall, if requested to do so, reinstate any damage or destroyed portions of the works and the costs of such reinstatement shall be measured and valued.

10.2 Injury to Persons or loss of or damage to Properties

- (i) The bidder shall be liable for and hereby indemnifies the employer against any liability, loss, claim or proceeding whether arising in common law or by statute, consequent upon personal injuries to or the death of any person whomsoever arising out of or in the course of or caused by the execution of the works unless due to any act or negligence of any person for whose actions the employer is legally liable.
- (ii) The bidder shall be liable for and hereby indemnifies the employer against any liability, loss, claim or proceeding consequent upon loss of or damage or to any moveable, or immovable property or personal property or property contiguous to the site, whether belonging to or under the control of the employer or any other body or person, arising out of or in the course of or by reason of the execution of the works unless due to any act or negligence of any person for whose actions the employer is legally liable.
- (iii) The bidder shall upon receiving a contract instruction from the principal agent cause the same to be made good in a perfect and workmanlike manner at his own cost and in default thereof the employer shall be entitled to cause it to be made good and to recover the cost therefore from the bidder or to deduct the same from amounts due to the bidder.
- (iv) The bidder shall be responsible for the protection and safety of such portions of the premises placed under his control by the employer for the purpose of executing the works until the issue of the certificate of practical completion.

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- (v) Where the execution of the works involves the risk of removal of or interference with support to adjoining properties including land or structures or any structures to be altered or added to, the bidder shall obtain adequate insurance and will remain adequately insured or insured to the specific limit stated in the contract against the death of or injury to persons or damage to such property consequent on such removal or interference with the support until such portion of the works has been completed.
- (vi) The bidder shall at all times proceed immediately at his own cost to remove or dispose of any debris and to rebuild, restore, replace and / or repair such property and to execute the works.

10.3 High risk insurance

In the event of the project being executed in a geological area classified as a “High Risk Area”, that is an area which is subject to highly unstable subsurface conditions which might result in catastrophic ground movement evident by sinkhole or doline formation the following will apply:

10.3.1 Damage to the works

The bidder shall, from the commencement date of the works until the date of the certificate of practical completion, bear the full risk of and hereby indemnifies and hold harmless the employer against any damage to and/or destruction of the works consequent upon a catastrophic ground movement as mentioned above. The bidder shall take such precautions and security measures and other steps for the protection of the works as he may deem necessary.

When so instructed to do so by the principal agent, the bidder shall proceed immediately to remove and/or dispose of any debris arising from damage to or destruction of the works and to rebuild, replace and/or repair the works, at the bidder’s own costs.

10.3.2 Injury to persons or loss of or damage to property

The bidder shall be liable for and hereby indemnifies and holds harmless the employer against any liability, loss, claim or proceeding arising at any time during the period of the

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contract whether arising in common law or by statute, consequent upon personal injuries to or the death of any person whomsoever resulting from, arising out of or caused by a catastrophic ground movement as mentioned above.

The bidder shall be liable for and hereby indemnifies the employer against any and all liability, loss, claim or proceeding consequent upon loss of or damage to any moveable, or immovable property or property contiguous to the site, whether belonging to or under the control of the employer or any other body or person whomsoever arising out of or caused by a catastrophic ground movement, as mentioned above, which occurred during the period of project.

10.4 It is the responsibility of the bidder to ensure that he has adequate insurance to cover his risk and liability as mentioned in 10.2 and 10.3 Without limiting the bidder's obligations in terms of the contract, the bidder shall, within 21 (twenty one) calendar days of the commencement date but before commencement of the works submit to the employer proof of such insurance policy, if requested to do so.

10.5 The employer shall be entitled to recover any and all losses and/or damages of whatever nature suffered or incurred subsequent upon the bidder's default of his obligations. Such losses or damages may be recovered from the bidder or by deducting the same from any amounts still due under this contract or under any other contract presently or hereafter existing between the employer and the bidder and for this purpose all these contracts shall be considered on indivisible whole.