

# **“ The City of Heritage ”**



## **TENDER INVITATION**

**BID NO.08/2020/2021  
DEVELOPMENT OF STRATEGIC ENVIRONMENTAL  
ASSESSMENT (SEA) FOR ULUNDI MUNICIPALITY**

<b>Name of bidder</b>	
<b>Telephone/Cellphone No.:</b>	
<b>Fax No:</b>	
<b>Address:</b>	
<b>Tender sum in rands:</b>	
<b>Tender sum in words:</b>	

# ULUNDI LOCAL MUNICIPALITY

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# **INVITATION TO BID**



**ULUNDI LOCAL MUNICIPALITY  
BID NOTICE AND INVITATION AWARD**

Bids are hereby invited from suitable service providers of the following Ulundi Municipality projects:

<b>Project/BID No.</b>	<b>Project Description</b>	<b>Point System</b>	<b>Closing Date</b>	<b>Time</b>	<b>Technical enquiries</b>	<b>Contact number</b>
08/2020/2021	Development of Strategic Environmental Assessment (SEA) for Ulundi municipality	80/20	11/12/2020	12h00	B.S. Masondo	0358745105
10/2020/2021	Basic assessment as part of the waste management application for the closure and rehabilitation of Babanango landfill site	80/20	11/12/2020	12h00	B.S. Masondo	0358745105
11/2020/2021	Call for Proposal for Animal Pound	80/20	11/12/2020	12h00	M. Zulu	0358745189

**Preference will be given to the local and previously disadvantaged service providers.**

Only service providers registered in the Ulundi Municipality suppliers' database and registered with Central Supplier Database (CSD) will be considered.

Bid documents may be obtained on the **Ulundi Municipal Website at [www.ulundi.gov.za](http://www.ulundi.gov.za)**. Bid documents must be submitted in a sealed envelope clearly marked with the bid number, closing date and, dropped off in the tender box at SCMU, Ulundi Municipality, Corner of Princess Magogo and King Zwelithini Street, Ulundi, 3838 by no later **12H00 of the above stated closing dates**. The bid box is generally open from 07h30 to 16h30 Monday to Thursday and 07h30 to 15h15 Friday. All quotes must be submitted on the official forms – (Not to be retyped). This bid is subject to the general conditions of contract (GCC) and any other special conditions of contract.

**THE FOLLOWING ARE MANDATORY:** CSD summary report, valid tax clearance or SARS login pin, a certified copy of the most recent municipal account in which the business is registered, copies of ID of members of the entity, B-BBEE Certificate and Certified copy of CIPRO e.g. CK certificates. Bidders are requested to sign where necessary and initial each page on the Bid Documents.

This proposal will be evaluated in terms of the 80/20 Preferential Procurement Point system where 80 points are for functionality and price, and 20 points are for BBBEE according to the said legislation.

Late tenders will not be accepted, and the Ulundi Municipality reserved the right not to make an award. Failure to comply with the above conditions will invalidate your offer.

***Pre-qualification conditions for a tenderer (PPPFA) Act 2000: Exempted Micro Enterprise (EME) or Qualifying Small Enterprise (QSE) which is at least 51% owned by black people who are women and 51% owned by black people living in rural or underdeveloped areas or townships.***

**Kindly note that the successful bidder will be subjected to a screening process prior to the bid being awarded, should it be discovered that a successful bidder provided misleading information he/she will be disqualified with immediate effect.**

**NB: Please provide an itemized breakdown (on a separated sheet) of the total “tender sum” shown on the bid document.**

SCM related enquires: Miss B.G. Hadebe (035 874 5120)

**Mr. N.G. Zulu  
MUNICIPAL MANAGER**



## **APPOINTMENT OF A SERVICE PROVIDER FOR DEVELOPMENT OF THE STRATEGIC ENVIRONMENTAL ASSESSMENT FOR ULUNDI MUNICIPALITY**

### **1. PURPOSE OF THE PROJECT**

To obtain the services of suitably qualified service providers for the Development of the Ulundi Municipality's Strategic Environment Assessment

### **2. PROJECT BACKGROUND**

Municipalities are required to compile Strategic Environmental Assessments (SEA) as a core component of their Integrated Development Plans (IDPs) in terms of Section 26(e) of the Local Government: Municipal Systems Act, 2000, (Act 32 of 2000) and the Local Government: Municipal Planning and Performance Management Regulations 2001) as well as the more recent Spatial Planning and Land Use Management Act No 16 of 2013.

South African principles for SEA are contained in the Guideline Document: Strategic Environmental Assessment in South Africa (DEAT and CSIR, 2000), and are listed below:

-SEA is driven by the concept of sustainability; -SEA identifies the opportunities and constraints which the environment places on the development of plans and programmes; -SEA sets the levels of environmental quality or limits of acceptable change; -SEA is a flexible process which is adaptable to the planning and sectoral development cycle; -SEA is a strategic process, which begins with the conceptualisation of the plan or programme; -SEA is part of a tiered approach to environmental assessment and management; The scope of an SEA is defined within the wider context of environmental processes; -SEA is a participative process; -SEA is set within the context of alternative scenarios; and -SEA includes the concepts of precaution and continuous improvement.

### **3. AIMS OF THE PROJECT**

The Ulundi Municipality intends on developing (SEA) (a part of the IDP and SDF) that will guide future development. The SEA must have a set of objectives, strategies and policy guidelines that direct development and development options to ensure that the

envisaged long-term urban and rural structure and target deliverables are realised. The SEA should find a balance between Environment and Development especially since the economic base (agriculture, tourism, retail, and manufacturing) are reliant on the natural resources for its existence.

Section 28(1) of the Municipal Systems Act, (Act 32 of 2000) indicates that “each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing to guide the planning, drafting, adoption and review of its integrated development plan”.

## **4. SCOPE OF WORK**

### **4.1 Status Quo Report:**

1. Research, assimilate and consolidate existing information and reports related to the state of the environment within the Ulundi Municipality.
2. Undertake research and data collection to determine the current state of the environment in the study area.
3. Prepare an environmental baseline study report that defines and spatially represent the status quo of the environment in the study area.
4. The baseline status quo report must include mapping at an appropriate scale of the relevant environmental attributes.
5. Sensitive natural environments (such as riparian areas, wetlands, grassland areas and potential red data fauna and flora habitat), must be mapped and verified by ground truthing in areas where this is not already available.
6. The baseline study must include relevant specialist input to support, verify and confirm the status of the receiving environment. This will include updating, collating and reviewing existing information relevant to the study area and its context; and research, investigation and data collection of the study area.
7. Specific attention must be given and provided in terms of air quality, water quality, and biodiversity/ ecosystem goods and services.
8. Report on the current status of services provision/capacity within the Zululand District Municipality, including transportation infrastructure, water and electricity supply, sewerage and waste treatment facilities etc.

### **4.2 Strategic Environmental Assessment:**

1. Identify and evaluate key environmental issues (opportunities and constraints) in the study area.
2. Identify development trends and strategic land use patterns that are influencing the state of environment within the study area.
3. Determine environmental constraints and opportunities to development and development pressures on the environment.
4. Identify social, economic and biophysical resources that should be maintained or enhanced.
5. Evaluate the possible environmental impacts of alternative development scenarios on the current state of environment considering direct, indirect, cumulative and synergetic effects which may be permanent, temporary, positive or negative in the short, medium and long term.
6. Develop prevention and mitigation measures to avoid, reduce or compensate for negative environmental impacts.
7. Based on consultation, determine the desired state of environment and permissible limits to change for the study area.
8. List all uncertainties, technical and/or knowledge gaps and the anticipated consequences thereof.
9. Provide linkage to the ULM 2020/2021 IDP and ULM 2020/2021 SDF and a strong alignment with the IDP/SDF of the neighbouring Local Municipalities

**4.3 The main areas which will need to be addressed in the development of the SEA include, amongst others:**

- (1) Socio-economic marginalisation of some in terms of spatial patterns of development and services. The lack of a socio-economic plan regarding the economic opportunities and constraints in regard to occupations and income levels, job opportunities, markets (periodic), services, wealth in rural areas, migration patterns, growth patterns and constraints
- (2) The preconditions for local and sustainable economic development are not developed.
- (3) A clear position and long-term view of development in the public interest.
- (4) The cumulative impact of facilities and infrastructure tend to erode the unique character of the region.
- (5) Breakdown in the application of strategic intent of policies in daily decision making.
- (6) The absence of a framework for public investment.
- (7) The lack of a policy on retail development.



(8) The absence of an environmental framework plan for the Municipality which considers; the conservation plan, biodiversity plan, ecological dimensions and their elements, core green elements, green space, green movement, protection elements and opportunities and constraints, ecological integrity and landscape characterisation.

(9) The absence of an agricultural plan which identifies opportunities and constraints, valuable agricultural land in urban areas and outside, water, arable land, biodiversity, conservation, livestock carrying capacity, soil capability, irrigation opportunities and constraints.

Matters to be considered include densification, infill development, restructuring, integration, climate change, heritage and conservation, subsidised housing, transport and land use, agriculture and protecting assets, interface development at urban edges, disaster management and development of resorts.

#### **4.4 The scope of the project also includes outputs such as:**

(1) The provision of a 20-year vision (and goals) and 5-year implementation plan, monitoring plan and review plan.

(2) The identification of urban edges/settlement edges for the Ulundi Municipality

(3) The identification of conservation and ecologically sensitive areas in terms of “no development areas” and “development areas with restrictions” defined in a plan

(4) The identification of a range of agricultural areas which are defined in a plan

(5) The identification of and provision of urban design considerations

(6) The identification of socio-economic elements, access to services and mapping access and poverty.

(7) The identification of important views from the roads, sense of place, heritage, cultural and historical elements, and the creation of a plan of opportunities and constraints.

(8) Zululand District Environmental Management Framework - Alignment of the ULM SEA to the Zululand Strategic Environment Assessment (SEA) and EMF.

The service provider/s should ensure that the project takes cognisance of all relevant legislation and guideline documentation, including, but not limited to the following: Generic Environmental Legislation: - The National Environmental Management Act (Act 107 of 1998, ‘NEMA’).

- The NEMA EIA Regulations Government Notices 385, 386 and 387 promulgated in terms of chapter 5 NEMA, 1998. - The Guideline Document developed by the National

Department of Environmental Affairs and Tourism on Strategic Environmental Assessment in South Africa, February 2000.

- Conservation of Agricultural Resources Act (Act 43 of 1983).
- Provincial legislations and ordinances - NEM: Biodiversity Act (Act 10 of 2004) - NEM: Air Quality Act (Act 39 of 2004)
- Provincial, National and Local air quality intervention strategies
- Municipal Systems Act (Act 32 of 2000)
- The Development Facilitation Act (Act 67 of 1995, 'DFA')
- Planning and Development Act (Act 6 of 2008)
- National Water Act (Act 36 of 1998)
- The Water Services Act (Act 108 of 1997)
- The National Forest Act - The National Veld and Forest Fire Act

## **5. DELIVERABLES**

### **General deliverables include:**

5.1 The development of the ULM SEA should respond to the government strategic priorities (NSDP, PGDS, and PSEDS). It shall demonstrate how job creation in the respective municipalities is facilitated through spatial planning. The end product must contribute positively towards local economic development, sustainable livelihoods in rural areas and poverty alleviation.

5.2 A detailed conceptual plan of each biodiversity point and sensitive areas by means of a map as a narrative.

5.3 Proposals and mitigation measures on how to protect endangered species;

5.4 Clarification of zones and their hierarchy, and recommended approach to such zones

5.5 The SEA must be both a vertical and a horizontal alignment tool for government-wide activities, plans, policies, and legislation. It must be a tool to facilitate structured implementation of programmes and be an effective decision-making instrument.

5.6 All objectives of the project as stipulated in this Terms of Reference should be met. A document with clear deliverables is expected. The SEA documents should indicate all cross broader issues, challenges and alignment of programmes shared with neighbouring municipalities, provinces and countries.

5.7 The MEC comments on the 2015-/2016, 2016/2017, 2017-2018, 2018-2019 and 2019-2020 IDP assessments need to be obtained and addressed within the SEA.

**The Inception report must provide detail on the methodology, timelines, and milestones. It should show how the project is going to be managed, and what the outcomes of the project will be and when, including the following:**

1. Project workplan
2. Definition of Roles and Responsibilities
3. Setting up of Steering Committee and other structures
4. Identify key role players to be involved in the formulation of the SEA.
5. Document a Stakeholders database.
6. Public Participation Processes to be followed
7. Consultation with stakeholders as per Public Participation Plan
8. Identification of key issues
9. Budget
10. Progress monitoring mechanism
11. Ensuring support of the project from all relevant stakeholders especially the Municipal Councillors and officials.
12. Establishment of Public participation engagements to ensure that everybody involved has a common spatial vision which will determine the desired future spatial form and to address challenges facing the municipality.
13. Aligned with the IDP/SDF
14. Align with the IDP/SDF Structures to involve the service providers, sector departments and the community at large.
15. Alignment with the District 2018-2019 EMF

**The Interim Report must address the following:**

1. Vision, Spatial Analysis & Synthesis.
2. Identify problems, identify symptoms and causes, define a vision and core concept as well as the performance qualities for the Municipality
3. Identify development pressures and solutions.

4. Identify spatial possibilities for densification.
5. Provide a context (status quo information), environmental aspects and landscape character for the Municipality
6. Clarification of the Ulundi Municipality vision as well as the theme/subject matter in terms of economic development, tourism, and agriculture.
7. Make reference to national and provincial policy issues and legislations (refer to all legislations, policies, documents, and studies conducted, indicated on the objectives of the project which need to be adhered to). Indicate the spatial implication of applicable national, provincial, and local policies, and guidelines in terms of SEA formulation to Municipality
8. Identification of municipal-wide spatial issues and relationship between the spatial issues and the vision of the municipality.
9. Identification and analysis of resources available to enhance the themes and achieve the desired vision.
10. Highlighting urbanization trends & urban edge delineation and their spatial implication.
11. Propose tools to facilitate urbanisation or migration onto the strategic development areas.
12. Formulate Socio-economic plan for economic opportunities and constraints with regards to income levels, job opportunities, periodic markets, services, wealth in rural areas, migration patterns, growth patterns and constraints and socio-economic trends.
13. Analysis of road networks, activity nodes, activity routes and human settlements patterns and spatial access.
14. Indication of environmental conservation and enhancement, sustainable development and equity enhancement.
15. Indicate a clear position and long-term view of development in the public interest.
16. Address the issue of the impact of facilities and infrastructure which tends to erode the unique character of the region.
17. Develop preconditions for local and sustainable economic development in the public interest
18. Determining how the municipality should be shaped from a spatial point of view.
19. Analyse the possibilities for an approach to development of private land and traditional land.
20. Identify access and barriers to services.
21. Accommodate existing planning initiatives within the study area.
22. Consider the following:

22.1 Possible tourism potential.

22.2 Stakeholder needs analysis.

22.3 Existing land uses.

22.4 Landscape and spatial syntax issues.

22.5 Opportunities due to border sharing with municipalities with an emphasis on areas along borders that can be jointly developed.

**The Draft Report must reflect that the task is substantially finalised and includes the matters below:**

1. Desired conceptual spatial goal and development pattern.
2. Objectives that will translate the space or the environment into the desired spatial form.
3. Development of the conceptual framework to spatially map the desired spatial form and alignment of the conceptual diagram with other relevant plans
4. Recommend and point out strategic development areas and priority areas for investment, human settlements, environmental conservation, tourism and agriculture in terms of potential.
5. Identification of conservation and ecological sensitive areas in terms of 'no development areas' and 'development with restrictions areas' and be defined in a plan.
6. Come up with ways of enhancing the economic drivers for the Municipality.
7. Indication of integration of different transportation networks to enhance development nodes and routes.
8. Provide guidelines for land use management system.
9. Include or design relevant transportation, infrastructure and land use integration policy and plans.
10. Include or formulate relevant strategies and policies and spatial action areas to implement the framework and determine points of intervention by the municipality.
11. Consider or reconfigure the relevant sector plans to facilitate the implementation of the SEA. Sector plans must always be aligned to advance the interests of the SDF and hence the IDP.
12. Development of Socio-economic Plan for economic opportunities and constraints for the municipality
13. Recommend strategies to facilitate the linkage between rural and urban areas

14. Proposals and strategies on how the municipality should be functionally integrated & Link budget with the SDF

15. Monitoring and evaluation and review mechanisms.

15.1.1 Provision of the 20-year vision and 5 year implementation plan, monitoring plan and review plan.

15.1.2 An analysis of the institutional, social, economic, built and ecological environment (SEA analysis) which is essential to the development of a sustainable SEA. This may include a SWOT analysis where appropriate. The SEA guidelines developed by the CSIR should be consulted.

15.1.3 Core Mapping and any model-based analysis that the team may feel will add value to and assist in developing a creative and innovative SEA;

The Final SEA Report should provide the SEA informants, the SEA text, SEA maps and plans and informant maps and includes a presentation of the key elements of the SEA which reflects the comments raise during consultation phase with relevant role players.

**The Close-out report must include:**

- A project overview, including an analysis of problems encountered.
- Report on achievements, including an assessment of the project against the project objectives.
- Report on future recommendations, lessons learnt and better ways to manager the project.
- Executive summary and a schedule of the GIS Data used.

Report on the mapping, overlays, and the final participation

**6. EXPECTED OUTCOMES**

<b>Critical Milestone</b>	<b>Proposed Period</b>
1. Inception Report	30 days
2. 1ST WORKSHOP	
3. Interim report	3 months
4. Draft SEA Report (SEA Text and SEA Map and informant maps and reports)	9 months

5. 2nd WORKSHOP	
6. Final SEA Report (SEA Text and SDF map and informant maps and reports)	12 months
7. 3RD WORKSHOP	
8. Close-out Report	16 months

## 7. FORMAT OF PROPOSAL, DATA FORMAT AND FORMAT OF THE SEA REPORT

The Ulundi Municipality Strategic Environmental Assessment must at least have the following content:

- (1) Executive summary
- (2) Identify the Purpose of SEA.
- (3) A municipal perspective and contextualisation of the problem, with information on regional and municipal level.
- (4) Define the problem.
- (5) Identify a vision.
- (6) Identify a core concept.
- (7) Identify the performance qualities.
- (8) Identify the elements of a Spatial framework: • Role. • Components. • General principles. • Urban design and landscape design considerations. • Proposals. • Implementation issues
- (9) Relation of the SEA to land use management.
- (10) Governance and Administration.
- (11) Implementation.
- (12) Monitoring and evaluation / review.

It is recommended that more visual representation (maps, graphics, and photographs) form the bulk part of the spatial analysis/current reality and the conceptual framework section of the SEA. A text box or other mechanisms may be used to provide an explanation, relevant information, or analysis. A tabular format shall be used for the purpose of summarising the information collected.

Submissions and the reports (Inception Report, Interim Report, Draft SEA Report, Final SEA Report and Close-out report) should be in the form of both hard and electronic versions. Text is to be in Ms Word and PDF format.

Maps are to be in PDF and Shapefile format. The maps (informants and SEA) are to be in digital format and hard copy format and are to be in both A4 and A3 size while the SDF is to be AO. However, if the data is such that AO size plans are necessary for presentation purposes then the Service Provider must accommodate for this. All spatial information collected should be submitted in GIS capable file format (shapefiles, mxd files) for use in a GIS environment.

The shapefiles must have clear attribute information that differentiates each SEA construct and its purpose, for example a service node shapefile should have an attribute called “description” with the value “service node”.

The members of the project steering committee will receive the SEA products one week before the steering committee meeting for comment and are to send their comments to the service provider for amendment purposes the day of the steering committee meeting.

All proposals should be clearly indexed and easy to read.

The required copies of the SEA documentation for consultation purposes shall be prepared by the service provider. The copies shall be distributed a week prior to the meeting taking place as per the project management dates.

The Service provider would be expected to submit 5 hard copies of the reports to the Municipality and a DVD for each member of the Steering Committee.

### **The final consolidated report must consist of:**

- SEA textual document including all maps (including informative plans), tables and figures in both hardcopy (printed) and softcopy (electronic as MS word document), a separate Executive Summary Document and a public participation report. Maps are to be in A3 size unless an A4 is legible, but the SEA is to be in both A3 and AO size and form part of the textual document.
- All maps (including informative maps) contained in SEA textual document must be electronic image files (e.g. JPEG, PDF, windows Bitmap, GIF, etc.) in both A4 and A3 size. An A0 SEA Plan with appropriate transparent overlays at A3.
- All spatial information used to generate the SEA maps in shapefile (GIS) format together with correct and descriptive attribute information as to what each SEA construct represents.

## **8. KEY COMPETENCIES**

An introduction of the multi – disciplinary project team is required. This introduction is to be accompanied by a description of each member’s technical competency in relation to



achieving the project's objectives and the work plan required as well as each person's previous experience relevant hereto.

9.1. Project leader must hold a tertiary qualification Postgraduate Degree in environmental management / sciences which is recognized for registration in the category of Professional Scientist Environmental Assessment Practitioners Association of South Africa (EAPASA Environmental Management Act (Act 107 of 1998, 'NEMA').respectively (a Copy of valid certificate and proof of professional registration is to be attached).

Skills and abilities required in the team to execute the project include the following:

- Town and Regional / Development Planning;
- Thorough understanding of SEA, strategic planning process.
- Proven 5 years SEA, experience in compiling Environmental Management Tools such as EMPs, SEA, EMFs compilation experience;
- Understanding of the interrelationship amongst the following: social, economic, land use, transport and environmental issues;
- Geography and hands on GIS (at least at Technician Level);
- Project Management;
- Facilitation;
- Research, analytical, writing and communication skills;
- Ability to think strategically;
- Strategic planning; and
- Buffer zone Planning. These skills and abilities will need to be motivated for in the Service provider's proposal.

It is therefore recommended that the service provider ensures that people with relevant skills are part of the project.

A list of people containing, among other things, names, qualifications, and experience who will be directly involved in the project must be submitted.

This should clearly indicate what roles each team member will play.

A company / team profile containing, among other things, names, qualifications, and experience of persons who will be directly involved in the project must be included

## 9. PROJECT MANAGEMENT

Given the requirements of the Project set out above, proposals should provide an exact and detailed work plan that specifies the:

- respective activities to be undertaken together with clearly set out milestones;
- Project milestones linking to the budget.
- timeframe allocated to each activity;
- members of the project team allocated to each activity;
- number of hours each person is allocated to successfully execute each activity; and
- Associated disbursements to successfully execute and complete each activity.

The following broad roles and responsibilities apply:

<b>Funder</b>	<b>Steering Committee</b>	<b>Service Provider</b>
<ul style="list-style-type: none"> <li>• Selection of consultant.</li> <li>• Contractual and financial control;</li> <li>• Final acceptance of final product in the form of a Report and Maps; and</li> </ul>	<ul style="list-style-type: none"> <li>• Technical management of project through to its conclusion;</li> <li>• Provide recommendations on whether or not the terms of reference have been met by the service provider for each phase of the project;</li> <li>• Provide recommendations to Ulundi Municipality on the approval of all payments to the service provider; and,</li> <li>• In respect to the final product, provide recommendations to the relevant approval structures (Executive Committee and Council) on whether it has achieved its goal.</li> </ul>	Inception Report; <ul style="list-style-type: none"> <li>• Provide Gantt Chart;</li> <li>• Organisation of all meetings and workshops and inviting all participants;</li> <li>• Copying of all documents as may be necessary prior to and after meetings and any workshop;</li> <li>• Accurate minute-taking at meetings and workshops, clearly recording their resolutions, and the supply of a copy of the minutes to the Steering Committee members within one week;</li> <li>• Communication of venue and time of meetings and workshops; and,</li> </ul>

		<ul style="list-style-type: none"> <li>• Proof reading, editing, and copying of report material after the acceptance of the final report.</li> <li>• Printing and publishing after acceptance of the final report</li> </ul>
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## 10. PROJECT MANAGEMENT TEAM

The Project Management Team to meet on a monthly basis with the Service provider.

The team shall comprise of the following:

- Representation from the Ulundi Municipality
- Representation from Ezemvelo KZN Wildlife
- Representation from COGTA: Directorate: Spatial Planning
- Representation from the Representative Forum.
- Department of Economic Development, Tourism and Environmental Affairs

Dates of scheduled meetings must be agreed upon at the first meeting.

## 11. STEERING COMMITTEES

**Project Steering Committee:** The Project Steering Committee (Working Committee) to meet on a monthly basis and progress reports including spending/costs are to be submitted monthly by the Service provider.

The committee shall comprise of the following:

- Ulundi Municipality (Municipal Manager and all relevant officials in the Departments)
- Zululand District Municipality
- Department of Transport
- Department of Agriculture, Environmental Affairs & Rural Development
- Department of Rural Development and Land Reform
- Department of Water Affairs & Forestry
- Any other relevant stakeholders decided by the Project Management team

## 12. PROJECT TIMEFRAME

- It is expected that the project be completed in 16 months.
- The target dates for each milestone (as well as the associated deliverable) and the amount of financial compensation for the work done is scheduled in page 9 as per the scope of work.
- Timeframes are to be strictly adhered to.
- Financial penalties will be imposed for any delay or non-compliance with time and quality requirements.

## 13. EVALUATION CRITERIA

This bid will be evaluated in two stages: Assessment on Functionality and Price Scoring.

- Stage 1 – Functionality
- Stage 2 – Price and BBEE

### 13.1 FUNCTIONALITY

Key aspects of criterion	Basis for points allocation	Max. points	Verification
Relevant experience of the bidder	Three completed contracts	20	List of appointment letters
	Two completed contracts as per scope of work	10	List of appointment letters
	One completed contract as per scope of work	05	List of appointment letters
	None of completed project	0	No submission
Qualification and experience of the project manager	Environmental Management post graduate qualification with 5 years relevant experience	20	Certified copy of qualification

	Relevant post graduate certificate with two years relevant experience	10	Certified copy of qualification
	Relevant post graduate certificate with one-year relevant experience	05	Certified copy of qualification
	None of completed project	0	No submission
Methodology in relation to proposal execution the method statement must include the following subheadings Approach method, Activities time frames, staff and equipment	Method statement met all the requirements	20	Detailed summary
	Acceptable method statement Only provided limited information	10	Brief summary
	No submission	0	No submission
<b>STAGE 2</b>			
	<b>BBBEEE POINTS</b>	<b>20</b>	
	<b>PRICE</b>	<b>80</b>	
	<b>TOTAL</b>	<b>100</b>	

CV with Certified qualification certificates, professional of registration certificates and ID copies of all key personnel must be attached and are required to claim any points.

The submitted CVs must be signed by the proposed personnel, as well as the Tenderer's authorized signatory, to claim points.

**CERTIFICATION ON DOCUMENTS MUST NOT BE OLDER THAN 6 MONTHS**

**CERTIFICATION OF A PREVIOUSLY CERTIFIED DOCUMENT WILL NOT BE ACCEPTED.**

**A COPY OF A PREVIOUSLY CERTIFIED DOCUMENT WILL NOT BE ACCEPTED. FAILURE TO CERTIFY WILL RESULT IN LOSS OF POINTS.**

## TAX CLEARANCE CERTIFICATE

**It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.**

- 1 In order to meet this requirement bidders are required to complete in full form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
- 3 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).
- 4 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 5 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 6 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 7 Copies of the TCC 001 "Application for a Tax Clearance" form are available from any SARS branch office nationally or on the website: [www.sars.gov.za](http://www.sars.gov.za).

**MBD 4**

**DECLARATION OF INTEREST**

1.	No bid will be accepted from persons in the service of the state*.
2.	Any person, having a kinship with persons in the service of 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/adjudging authority.
3.	In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.
3.1	Full Name of bidder or his / her representative: .....
3.2	Identity number: .....
3.3	Position occupied in the Company (director, trustee, shareholder <sup>2</sup> ): .....
3.4	Company Registration Number: .....
3.5	Tax Reference Number: .....
3.6	VAT Registration Number: .....
3.7	The names of all directors / trustees / shareholders / members, their individual identity numbers and state employee numbers (where applicable) must be indicated in paragraph 4 below.

<p>3.8</p> <p>3.8.1</p>	<p>Are you presently in the service of the state?*</p> <p>If yes, furnish the following particulars:</p> <p>Name of person / director / trustee / shareholder member:</p> <p>.....</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution:</p> <p>.....</p> <p>Any other particulars: .....</p> <p>.....</p>	<p><b>YES / NO</b></p>
<p>3.9</p>	<p>Have you been in the service of the state for the past twelve</p>	<p><b>YES / NO</b></p>
<p>3.9.1</p>	<p>months?</p> <p>If so, furnish particulars.</p> <p>.....</p> <p>.....</p>	



<p>3.10</p> <p>3.10.1</p>	<p>Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?</p> <p>If yes, furnish the following particulars:</p> <p>Name of person: .....</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution:</p> <p>.....</p> <p>Any other particulars: .....</p> <p>.....</p>	<p><b>YES / NO</b></p>
<p>3.11</p> <p>3.11.1</p>	<p>Are you aware of any relationship (family, friend, other) between the bidder and any person in the service of the state who may be involved with the evaluation and or adjudication of this bid?</p> <p>If yes, furnish the following particulars:</p> <p>Name of person: .....</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution: .....</p> <p>Any other particulars: .....</p> <p>.....</p>	<p><b>YES / NO</b></p>
<p>3.12</p> <p>3.12.1</p>	<p>Are any of the company's directors, managers, principal shareholders or stakeholders in the service of the state?</p> <p>If yes, furnish the following particulars:</p> <p>Name of person / director / trustee / shareholder / member:</p>	<p><b>YES / NO</b></p>

	<p>.....</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution: .....</p> <p>Any other particulars: .....</p> <p>.....</p>	
<p>3.13</p> <p>3.13.1</p>	<p>Is any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in the service of the state?</p> <p>If yes, furnish the following particulars:</p> <p>Name of person / director / trustee / shareholder / member:</p> <p>.....</p> <p>Name of state institution at which you or the person connected to the bidder is employed:</p> <p>.....</p> <p>Position occupied in the state institution: .....</p> <p>Any other particulars: .....</p> <p>.....</p>	<p><b>YES / NO</b></p>

3.14	Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract?	<b>YES / NO</b>
3.14.1	If yes, furnish particulars:  .....  .....	

4. Full details of directors / trustees / members / shareholders:  
  
**THE FOLLOWING INFORMATION IS COMPULSORY TO COMPLETE:**

Full Name	Identity Number	Individual Tax Number for each Director	State Employee Number (where applicable)

**5. The contract will be automatically cancelled if there is a conflict of interest which is not disclosed by the bidder.**

.....  
Signature

.....  
Date

.....  
Capacity

.....  
Name of Bidder

<sup>1</sup>MSCM Regulations: “in the service of the state” means to be -

- (a) a member of –
  - (i) any municipal council;
  - (ii) any provincial legislature; or
  - (iii) the National Assembly or the National Council of Provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official or any Municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (e) a member of the accounting authority of any national or provincial entity; or
- (f) an employee of Parliament or a provincial legislature.

<sup>2</sup>“Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercise control over the company.

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

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

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

### 1. GENERAL CONDITIONS

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

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

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

1.3 Preference points for this bid shall be awarded for:

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

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

	POINTS
<b>PRICE</b>	<b>80</b>
<b>B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	<b>20</b>
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

## 2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“black designated groups”** has the meaning assigned to it in the codes of good practice issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (d) **“black people”** has the meaning assigned to it in section 1 of the Broad-Based Black Economic Empowerment Act;
- (e) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **“co-operative”** means a co-operative registered in terms of section 7 of the Cooperatives Act, 2005 (Act No. 14 of 2005);
- (g) **“designated group”** means:
  - 1. black designated groups;
  - 2. black people;
  - 3. women;
  - 4. people with disabilities; or
  - 5. small enterprises, as defined in section 1 of the National Small Enterprise Act, 1996 (Act No. 102 of 1996);
- (h) **“designated sector”** means a sector, sub-sector or industry or product designated in terms of regulation 8(1)(a);
- (i) **“EME”** means an exempted micro enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents;
- (k) **“military veteran”** has the meaning assigned to it in section 1 of the Military Veterans Act, 2011 (Act No. 18 of 2011);
- (l) **“National Treasury”** has the meaning assigned to it in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (m) **“people with disabilities”** has the meaning assigned to it in section 1 of the Employment Equity Act, 1998 (Act No. 55 of 1998);
- (n) **“price”** includes all applicable taxes less all unconditional discounts;
- (o) **“proof of B-BBEE status level of contributor”** means:
  - (i) the B-BBEE status level certificate issued by an authorised body or person;
  - (ii) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or
  - (iii) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;
- (p) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (q) **“Rand value”** means the total estimated value of a contract in Rand, calculated at the time of the tender invitation;

- (r) **“rural area”** means:
  - (i) a sparsely populated area in which people farm or depend on natural resources, including villages and small towns that are dispersed through the area; or
  - (ii) an area including a large settlement which depends on migratory labour and remittances and government social grants for survival, and may have a traditional land tenure system;
- (s) **“stipulated minimum threshold”** means the minimum threshold stipulated in terms of regulation 8(1)(b);
- (t) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000);
- (u) **“township”** means an urban living area that any time from the late 19th century until 27 April 1994, was reserved for black people, including areas developed for historically disadvantaged individuals post 27 April 1994;
- (v) **“treasury”** has the meaning assigned to it in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999); and
- (w) **“youth”** has the meaning assigned to it in section 1 of the National Youth Development Agency Act, 2008 (Act No. 54 of 2008).

### 3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;.
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

### 4. POINTS AWARDED FOR PRICE

#### 4.1 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**

$$P_s \square 80 \square 1 \square \frac{P_t \square P_{\min}}{P_{\min}} \square \square \text{ or } P_s \square 90 \square 1 \square \frac{P_t \square P_{\min}}{P_{\min}} \square \square$$

Where

P<sub>s</sub> = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

**5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION**

5.1 In terms of Regulation 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the BBEE status level of contribution in accordance with the table below:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (90/10 system)</b>	<b>Number of points (80/20 system)</b>
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 A bidder who qualifies as an EME in terms of the B-BBEE Act must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership.
- 5.3 A Bidder other than EME or QSE must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the BBEE Codes of Good Practice.
- 5.7 A tenderer may not be awarded points for B-BBEE status level of contributor if the tender documents indicate that the tenderer intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for,



unless the intended subcontractor is an EME that has the capability to execute the subcontract.

- 5.7 The points scored by a tenderer for B-BBEE in terms of sub regulation (2) must be added to the points scored for price under sub regulation (1).
  - 5.8 The points scored must be rounded off to the nearest two decimal places.
  - 5.9 Subject to sub regulation (9) and regulation 11, the contract must be awarded to the tenderer scoring the highest points.
  - 5.10 (a) If the price offered by a tenderer scoring the highest points is not market related, the organ of state may not award the contract to that tenderer.
- (b) The organs of state may
- (i) negotiate a market-related price with the tenderer scoring the highest points or cancel the tender;
  - (ii) if the tenderer does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the second highest points or cancel the tender;
  - (iii) if the tenderer scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the tenderer scoring the third highest points or cancel the tender.
- (c) If a market-related price is not agreed as envisaged in paragraph (b)(iii), the organ of state must cancel the tender.

**6. BID DECLARATION**

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

**7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1**

7.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a BBEE certificate issued by a Verification Agency accredited by SANAS or a sworn affidavit.

**8. SUB-CONTRACTING**

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

*(Tick applicable box)*

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

8.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....% ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME.

*(Tick applicable box)*

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

**9. DECLARATION WITH REGARD TO COMPANY/FIRM**

9.1 Name of company/firm:.....

9.2 VAT registration number:.....

9.3 Company registration number:.....

**9.4 TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

**9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**9.6 COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

**9.7 MUNICIPAL INFORMATION**

Municipality where business is situated: .....

Registered Account Number: .....

Stand Number:.....

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

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form; iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's PERFORM;
- (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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, 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.

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p>
<p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>

**MBD 6.1(a)**

**SWORN AFFIDAVIT – BBBEE EXEMPTED MICRO ENTERPRISE**

**SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE**

I, the undersigned,

<b>Full name &amp; Surname</b>	
<b>Identity number</b>	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf:

<b>Enterprise Name</b>	
<b>Trading Name</b>	
<b>Registration Number</b>	
<b>Enterprise Address</b>	

3. I hereby declare under oath that:
  - The enterprise is \_\_\_\_\_ % black owned;
  - The enterprise is \_\_\_\_\_ % black woman owned;
  - Based on the management accounts and other information available on the \_\_\_\_\_ financial year, the income did not exceed R10,000,000.00 (ten million rands);
  - Please confirm on the table below the B-BBEE level contributor, **by ticking the applicable box.**

100% black owned	<b>Level One</b> (135% B-BBEE procurement recognition)	
More than 51% black owned	<b>Level Two</b> (125% B-BBEE procurement recognition)	
Less than 51% black owned	<b>Level Four</b> (100% B-BBEE procurement recognition)	

4. The entity is an empowering supplier in terms of **the dti** Codes of Good Practice.
5. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.
6. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
 Commissioner of Oaths  
 Signature & stamp

## **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### **1. General Conditions**

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

- x is the imported content in Rand  
y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as required in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

1.6. A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

## 2. Definitions

- 2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour and intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

## 3. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

4. Does any portion of the services, works or goods offered have any imported content?

(Tick applicable box)

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

4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

<b>Currency</b>	<b>Rates of exchange</b>
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

(Tick applicable box)

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

5.1. If yes, provide the following particulars:

- (a) Full name of auditor: .....
- (b) Practice number: .....
- (c) Telephone and cell number: .....
- (d) Email address: .....

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the Accounting Officer / Accounting Authority provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO.** .....

**ISSUED BY:** (Procurement Authority / Name of Municipality / Municipal Entity):  
.....

NB

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thedti.gov.za/industrial-development/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),  
do hereby declare, in my capacity as .....  
of .....(name of bidder  
entity), the following:

(a) The facts contained herein are within my own personal knowledge.

(b) I have satisfied myself that



- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (ii) the declaration templates have been audited and certified to be correct.

(c) The local content percentages (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C;

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

(d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**MBD 7.1**

**CONTRACT FORM - PURCHASE OF GOODS/WORKS**

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

**PART 1 (TO BE FILLED IN BY THE BIDDER)**

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:

- (i) Bidding documents, viz - Invitation to bid; - Tax clearance certificate; - Pricing schedule(s); - Technical Specification(s); - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011; - Declaration of interest; - Declaration of bidder's past SCM practices; - Certificate of Independent Bid Determination; - Special Conditions of Contract;
- (ii) General Conditions of Contract; and (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

WITNESSES

1 .....

2 .....

DATE: .....

2

**MBD 7.1**

**CONTRACT FORM - PURCHASE OF GOODS/WORKS      PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I..... in my capacity  
as..... accept your bid under reference  
number .....dated.....for the supply of goods/works indicated  
hereunder and/or further specified in the annexure(s).

2. An official order indicating delivery instructions is forthcoming.

3. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

ITEM NO.

PRICE (ALL APPLICABLE TAXES INCLUDED)

BRAND

DELIVERY PERIOD

B-BBEE STATUS LEVEL OF CONTRIBUTION

MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP WITNESSES

1. ....

2. ....

DATE .....

## MBD 7.2

### CONTRACT FORM - RENDERING OF SERVICES

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

#### PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:

(i) Bidding documents, viz - Invitation to bid; - Tax clearance certificate; - Pricing schedule(s); - Filled in task directive/proposal; - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011; - Declaration of interest; - Declaration of Bidder's past SCM practices; - Certificate of Independent Bid Determination; - Special Conditions of Contract; (ii) General Conditions of Contract; and (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

## DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities 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 rejected if that bidder, or any of its directors have:
  - a. abused the municipality’s / municipal entity’s supply chain management system or committed any improper conduct in relation to such system;
  - b. been convicted for fraud or corruption during the past five years;
  - c. wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 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 as a company or person 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 National Treasury after the <i>audi alteram partem</i> rule was applied).  <b>The Database of Restricted Suppliers now resides on the National Treasury’s website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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)?  <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.5.1	If so, furnish particulars:		



**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**

## MBD 9

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> 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 (MBD9) must be completed and submitted with the bid:
  - 1 Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.

**MBD 9**

**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:

**ULINDI LOCAL MUNICIPALITY**

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 consortium<sup>3</sup> 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.

.....  
Signature

.....  
Date

.....

.....

Position

Name of Bidder

<sup>3</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.

## DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state\*.
2. Any person, having a kinship with persons in the service of 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 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  
Number:..... Registration

3.4 Tax  
Number:..... Reference

3.5 VAT  
Number:..... Registration

3.6 Cell  
Number:.....

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

3.6.1 If so, furnish particulars.

\_\_\_\_\_

.....

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

3.7.1 If so, furnish particulars.

..... **YES/ NO**

.....

3.8 Do you, have any relationship (family, friend, other) with persons 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.

..... **YES /NO**

.....

3.9 Are you, aware of any relationship (family, friend, other) between a bidder and any persons 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

..... **YES /NO**

.....

.10 Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state?

**CERTIFICATION**

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

.....  
Date

.....  
Position

.....  
Name of Bidder



# 9. CHECKLIST

## CHECK LIST

No	Description	Ticked by Bidder	Ticked by Municipal Representative
1	Initial/ Sign of all pages		
2	Form of bid completed		
3	Original Tax Clearance Certificate attached		
4	Preferential Points Claimed		
5	Preferential % Calculated and claimed		
6	All witnesses signed where it required		
7	Bid Declaration with regard to Equity completed		
8	Particulars of Bidders Completed		
9	Bid Declaration of interest Completed		
10	Declaration of Bidders Past SCM Practice MBD Form 8 completed		
11	Certificate of Independent Bid Determination MBD Form 9 completed		