<table>
<thead>
<tr>
<th>Name of bidder</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone/Cellphone No.</td>
<td></td>
</tr>
<tr>
<td>Fax No:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Tender sum in rands:</td>
<td></td>
</tr>
<tr>
<td>Tender sum in words:</td>
<td></td>
</tr>
</tbody>
</table>
## ULUNDI LOCAL MUNICIPALITY

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</tr>
<tr>
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<td>40</td>
</tr>
</tbody>
</table>
Bids are hereby invited from suitable service providers of the following Ulundi Municipality project:

<table>
<thead>
<tr>
<th>Project/BID No.</th>
<th>Project Description</th>
<th>Point System</th>
<th>Closing Date</th>
<th>Technical enquiries</th>
<th>Contact number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bid No:02/2018/2019</td>
<td>Call for Proposal for Subdivision and layout amendment – Ulundi CBD</td>
<td>80/20</td>
<td>21/08/2018</td>
<td>Mr R. Mazibuko</td>
<td>035 874 5169</td>
</tr>
</tbody>
</table>

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 at the Supply Chain Management Unit, at a non-refundable fee of R500.00. 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. Documents are also obtainable in the Ulundi Municipality website at www.ulundi.gov.za.

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
Call for Proposal for Subdivision and layout amendment – Ulundi CBD

RE- TENDER NOTICE AND INVITATION TO TENDER

Project Name: Subdivision of Land, Registration of subdivisions, and Layout Amendment of properties in Ulundi CBD.
Contract No : 02/2018/2019

Please note
1. All proposals must be on the company’s own letterhead.
2. Proposals must contain references of similar projects undertaken.
3. All proposals must be placed in Councils tender box at the corner of Princess Magogo and King Zwelithini streets, Supply Chain Management Unit.
4. Qualifying women owned companies are encouraged to apply.
5. Enquiries may be directed to Mrs. N.L.H. Buthelezi at 035-8745203.

Quality shall be scored independently in accordance with the following schedules;

<table>
<thead>
<tr>
<th>Evaluation Schedule</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experience of the Bidder</td>
<td>80</td>
</tr>
<tr>
<td>Qualification and experience in Developing Land Use Schemes</td>
<td>20</td>
</tr>
<tr>
<td>Experience on Land Audit</td>
<td>18</td>
</tr>
<tr>
<td>Experience on the Team</td>
<td>16</td>
</tr>
<tr>
<td>Experience on the Team</td>
<td>12</td>
</tr>
<tr>
<td>Experience on the Team</td>
<td>8</td>
</tr>
<tr>
<td>Experience on the Team</td>
<td>6</td>
</tr>
<tr>
<td>Experience on the Team</td>
<td>4</td>
</tr>
<tr>
<td>Experience on the Team</td>
<td>2</td>
</tr>
<tr>
<td>NON-Compliant Contributor</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100</td>
</tr>
</tbody>
</table>

Mr N.G. Zulu
Municipal Manager
Ulundi Local Municipality
**Bid Period**

The Bids shall remain valid for 90 days from the final date for submission of Bids.

Ulundi Local Municipality shall notify the accepted Bidder, if any, of such acceptance by letter, written within the 90 days Validity Period or such extension of the Validity Period as mutually agreed to by Ulundi Local Municipality and Bidders and the said Bidder shall execute the formal contract within fourteen (14) days of the said acceptance letter.

Bids will be adjudicated in terms of the Preferential Procurement Policy Framework Act, 5/2000 and other applicable legislations. Council reserves the right to negotiate further conditions and requirements with the successful bidder.

Ulundi Local Municipality shall not be bound to accept the lowest or any Bid nor to assign any reason for its acceptance or rejection of any Bid and in no case shall any Bidder be paid for any expense incurred in the preparation of a Bid.

**Representation or interpretation of Document**

Ulundi Local Municipality’s representative shall do a representation or interpretation of the Invitation to Bid Documents in writing. If during the Bid period, Ulundi Local Municipality makes any interpretation, clarification or change in the Invitation to Bid Documents, Ulundi Local Municipality will issue a letter to all Bidders explaining the interpretation, clarification or change. The Bidder shall acknowledge the receipt of such letters in its submitted Bid.

**Submission Data**

The conditions applicable to this call for Expressions of Interest of tender are the Standard Conditions for the calling for Expression of interest as contained in Annex H of the uniformity in Construction Procurement as published in Government Gazette No31823, Board Notice 12 of 2009 of 30 January 2009.

The Standard conditions for the calling for Expression of Interest make several references to the submission Data for details that apply to this submission. The submission date shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard conditions for the calling for expression of interest.

Each item of data given below is cross-referenced to the clause in the standard conditions for the calling for Expression of interest.

<table>
<thead>
<tr>
<th>Clause number</th>
<th>Submission Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The employer is Ulundi Local Municipality</td>
</tr>
<tr>
<td>1.1</td>
<td>The documents associated with the calling for expression of interest issued by the employer comprise:</td>
</tr>
<tr>
<td></td>
<td><strong>Part 1 E.1: Submission procedures</strong></td>
</tr>
<tr>
<td></td>
<td>E.1.1 Invitation and notice for submission of expression of interest</td>
</tr>
<tr>
<td></td>
<td>E.1.2 Submission data</td>
</tr>
<tr>
<td></td>
<td>Part E.2: Returnable documents</td>
</tr>
<tr>
<td></td>
<td>E.2.1 List of returnable documents</td>
</tr>
</tbody>
</table>
1.2 The employer is
Name: Ulundi Municipality
Address: Private Bag X17
Ulundi
3838
Tel: 035 874 5100
Fax: 035 8703 941

1.3 Only those respondents, who are Professional Land Surveyors and Professional Planners, are eligible to submit proposals.

1.4 There is no compulsory site meeting arranged, however, interested bidders may contact Ulundi Municipality for further information.

1.6 Visits to Ulundi Municipality for any further information may be arranged on appointment with relevant officials.

2. Returnable Documents

Responsive Bid Criteria
The requests for proposals will only be regarded as responsive if:

2.1 At least the company owners/directors/members are registered as Professional Land Surveyor/s with the South African Geomatics Council (SAGC) and/or registered Professional Town Planner/s with the South African Council for Planners (SACPLAN), and have been allocated as resource to this project as Project Manager/s and duly noted as such in the schedule of key personnel.

2.2 Copies of certificates proving current Professional Registration with SAGC and SACPLAN, including registration numbers of such person is included with the Tender as part of returnable documentation.

2.3 Submission of an Original Valid Tax Clearance Certificate.

2.4 All other forms attached with the Bid document are completed and signed.

2.5 Copy of Joint Venture Agreement if bidder is a joint venture and/or consortium.

2.6 Copy of Professional Indemnity Cover. (Minimum R 2.0 million).

2.7 Letter for signatory for authority.
3. **Bidder fully acquainted with all these requirements**
Submission of a Bid shall be deemed conclusive evidence that the Bidder is fully acquainted with and shall be fully responsible for any requirements, restrictions, constraints or any physical difficulties within or concerning Professional Services to undertake the Subdivision of Land, Registration of subdivisions, Layout Amendment and Rectification of Incorrectly registered properties in Ulundi CBD for Ulundi Local Municipality.

4. **Professional service provider’s representation**
The Professional Service Provider shall designate a representative, in writing (letter for authority for signatory), duly empowering the said representative to bind the Professional Service Provider with regard to all matters involving the submission of the bid.

5. **Description of the Project (Scope of Work)**
**APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE SUBDIVISION OF LAND, REGISTRATION OF SUBDIVISIONS AND LAYOUT AMENDMENT OFPERTIES IN ULUNDI CBD.**

**Background and the objectives of the project**

5.1 The following list below of properties for the “Subdivision of Properties in CBD” Project.
5.2 The project relates to undertaking investigations into ownership status of properties in the CBD, and thereafter commence with the necessary subdivisions, consolidations and road closures.
5.3 The current size of the properties in question are not suitable to accommodate for a wide range of business land uses.
5.4 The aim of the project therefore includes increasing site sizes of these properties, whilst creating a sustainable neighborhood.
5.5 SPLUMA Section 35 provides for a Municipality to authorise a Municipal Official to consider some Development Applications and other Development applications to be considered by the Municipal Planning Tribunal as categorised in that Municipality’s By-Law.
5.6 Various pieces of legislation and policies including National Environmental Management Act, SDF’s and Town Planning Scheme are guiding legislation aligned to subdivision of land which should be considered during the process.
5.7 Ulundi Municipality will not compromise legislation compliance and thorough consultation during the process. To this end, Ulundi Municipality requires professionals with proven record of successful performance of similar projects.
5.8 At all cost, avoid community conflict through proper and efficient consultation processes and involvement of Local Authority structures.

6. **Location – Local Context**
Ulundi CBD, formally registered as Ulundi BA, is the central business district and the most developed area in terms of infrastructure and services within Ulundi Municipality. Ulundi Town is one of 5 major towns within the Zululand District Municipality. It is located in the southern part of the Zululand District and Ulundi Municipalities (as depicted below on Map 1).
Ulundi Town is surrounded by Provincial Road R66 (King Dinizulu Highway) in the west, the railway line to Richards Bay and Vryheid in the south, Mbilane River in the east, and Ulundi Unit C is to the north.

Ulundi Town is positioned within a radius of 5 kilometres to the formal townships in Ulundi. It is located approximately 58 kilometres south west of Nongoma Town, about 125 kilometres south east of Vryheid, and 47 kilometres north of Melmoth Town.

A map showing Ulundi CBD layout plan in relation to some of the townships of Ulundi is shown below as Map 2.
7. **LIST OF SITES FOR SUBDIVISION OF LAND IN CBD / LAYOUT AMENDMENT (RE-LAYOUT OF A PORTION OF GENERAL PLAN):**

1. BA185
2. BA186
3. BA187
4. BA188
5. BA189
6. BA190
7. BA191
8. BA192
9. BA193
10. BA194
35. BA219
36. BA220
37. BA221
38. BA222
39. BA223
40. BA224
41. BA225
42. BA226
43. BA227
44. BA228
45. BA229
46. BA230
47. BA231
48. BA232
49. BA233
50. BA234
51. BA235
52. BA236
53. BA237
54. BA238
55. BA239
56. BA240
57. BA241
58. BA242
59. BA243
60. BA244
61. BA245
62. BA246
63. BA247
64. BA248
65. BA249
66. BA250
67. BA251
68. BA252
69. BA253
70. BA254
71. BA255
72. BA256
73. BA257
74. BA258
75. BA259
76. BA260
77. BA261
78. BA262
79. BA263
80. BA264
81. BA265
82. BA266
The service provider is expected to outline a clear process to follow that considers legislative requirements in this regard. It should be noted that the first phase will have to be the development of project initiation and work plan in keeping with the Terms of References.

**SCOPE OF WORK AND CRITICAL MILESTONES**

The project entails subdivision of 161 sites or properties in Ulundi CBD with the aim of obtaining ownership and occupation records for the properties, survey of same land to investigate possible encroachments, provision of clarity on what may or may not occur in terms of subdivision and consolidation where necessary, subdivide and consolidate land where appropriate as agreed with stakeholders, subdivisions and amend Ulundi CBD Layout Plan Layout/General Plan Amendment (Re-layout of a portion of General Plan) accordingly.

The service provider is expected to outline a clear process to follow that considers legislative requirements in this regard. It should be noted that the first phase will have to be the development of project initiation and work plan in keeping with the Terms of References.

**Outcomes and Deliverables**

- The final documentation should be in the form of both hard and electronic versions of core documents and maps. Mapping should be submitted in ArcGIS format (i.e. shape-files, layer files, mxd files) for use in the Ulundi Municipality. The Service Provider should ensure that all GIS data and metadata is
fully compatible with Ulundi Municipality and Zululand District Municipality GIS for each phase of the project before invoices are submitted for payment.

- The documents and communication media should be prepared well in advance and the stakeholder engagement process should be to the satisfaction of the Steering Committee.
- The Service Provider will be expected to submit draft reports and associated Development Communication Media and appropriate mapping for each phase of the project.

**The Final Consolidated Report must consist of:**

- Three copies of the Consolidated Report encompassing the relevant aspects of the previous phase outcomes including all maps, tables, registers and figures in both hardcopy (printed) and softcopy (electronic such as MS word and PDF documents);
- Maps at A0 level with appropriate transparent overlays;
- Three copies of the Public Participation Report & associated comments; and
- CD’s with all data sets and consolidated reports.

**Project Duration and Budget**

It is expected that the project be completed in a period of about 12 months effective from the date of appointment. The service provider is expected to prepare a clear work-plan illustrating how the twelve months target will be met as well as budget split over milestones within the project period.

The budget should be in keeping with the phases of the project. All costs such as travel, accommodation, workshop catering and disbursements, should be consolidated into single project budget estimates for each phase. The Steering Committee will assume that all expenditure relating to the project is anticipated by the Service Provider and is consolidated into the budget estimates for each phase. Only the consolidated budget for each phase should be shown in the proposal submitted and in subsequent invoices submitted to the Municipality.

**RELEVANT SKILLS AND EXPERIENCE**

*Below is a summary of Mandatory requirements:*

The Project leader must hold a tertiary qualification in Land Surveying and/ Town Planning and must be registered as a Professional Land Surveyor or Town Planner with the relevant professional body, i.e. the South African Geomatics Council (SAGC) or the South African Council for Planners (SACPLAN)
respectively, in terms of relevant legislations. A Copy of a valid registration certificate is to be attached for each proposal.

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

- Proven record of experience in Land Surveying
- Town and Regional / Development Planning;
- Sound GIS proficiency.
- Urban and Rural Planning experience;
- Sound Participatory Planning experience;
- Proven extensive experience on Subdivision, Consolidation, Layout Amendment and Registration of properties.
- Sound understanding of land legal issues, social, land use, transport and environmental issues;
- Project Management;
- Facilitation and translation skills;
- Research, analytical, writing and communication skills; and
- Ability to think strategically and
- Use of Development Communication Media and innovative approaches to land management in local contexts.

❖ It is 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 each phase of the project must be submitted. The phased listing should clearly indicate what work each team member will undertake in each phase of the project and the associated time allocation and budget allocated to each team member, per phase.

❖ The Team Leader, Land Surveyor, Town Planner, Land Legal Expert, Indigenous/Local Knowledge Team Member and the Team Secretary will be attending all the Steering Committee Meetings. Relevant team members that are directly involved in the particular project phase will be expected to attend progress report meetings. The selected team members shall stay the same for the duration of the project and cannot be changed without prior discussions with and approval from the Steering Committee.
Mandatory Capacity Building and Skills Transfer

Skills development is an integral part of the project. The process should ensure that skills development and skills transfer occurs within the project and is to be achieved with Municipal Planning staff. Proposals should indicate how skills development and transfer will be achieved, monitored and evaluated within each phase of the project. Skills transfer is not to be seen as being made up of Councillor and stakeholder meetings and feedback sessions within the project.

*Genuine, hands on planning work within the project is an essential aspect of this process. Service providers who omit this section of the proposal will automatically be disqualified from consideration.*

Information Gathering, Provincial and National Guidelines

The successful Service Provider is expected to make contact with all the relevant Surveyor General officials, Deeds office, GIS, Planning and other officials and units within the various spheres of government to obtain information that is required for the project.

The Service Provider will be supplied with a letter from the Ulundi Municipality confirming the appointment.

The responsibility for specifying and collecting the information necessary for the successful execution of the project remains entirely with the Service Provider.
TERMS AND CONDITIONS OF THE PROPOSAL

General

• Awarding of the proposal will be subject to the Service Provider’s express acceptance of Ulundi Municipal Supply Chain Management general contract conditions.

• The Service Provider will sign a Memorandum of Agreement with Ulundi Municipality upon appointment.

• Staff allocations will be confirmed during project initiation and shall remain unchanged for the duration of the project, unless prior written consent has been granted by the Steering Committee.

• All secretarial services such as arranging meetings, setting of agenda’s and minute taking shall be the responsibility of the Service Provider.

• No material or information derived from the provision of the services under the contract may be used for any other purposes except for those of Ulundi Municipality except where duly authorised to do so in writing by the Municipality.

• The successful Service Provider agrees to keep all records and information of, or related to the project confidential and not disclose such records or information to any third party without the prior written consent of Ulundi Municipality.

• Ulundi Municipality reserves the right to terminate the contract in the event that there is clear evidence of non-performance and non-compliance with the contract.

• The short-listed service providers may be required to do a presentation in person and at their own cost should it be deemed necessary to do so.
**REMUNERATION**

Ulundi Municipality shall remunerate the Service Provider in respect of its services in accordance with the following conditions:

- The Service Provider agrees hereto that responsibility of payment for services rendered to the Municipality shall vest in the Service Provider, who shall submit a tax invoice for work completed and invoices in accordance with the items set out in the project work-plan.
- The Municipality shall pay to the Service Provider the amount of such invoice within 30 days of receipt of an agreed invoice. All supporting documents must be attached to all invoices submitted.
- In the event that the Municipality is not satisfied with the performance of the Service Provider, the Municipality shall give written notice to this effect to the Service Provider providing sufficient detail and a reasonable period to enable the Service Provider to rectify such performance.
- In the event of the entire amount or a portion of the invoice being disputed by the Municipality, only that portion in dispute shall be withheld from payment, until the dispute is resolved. The undisputed portion shall be paid to the Service Provider within the stipulated time frames.
- The Service Provider shall immediately give notice of any circumstances preventing it from completing its obligations in terms of the contract.

**FEES AND DISBURSEMENTS**

- Claims for recoverable costs will not be reimbursed;
- The Municipality will not reimburse the successful tenderer for claims of costs associated with travel and related matters;
- Because the basis of payment is on a phase based product system, as set out in the project work-plan. All costs that may arise must be built into the proposal price per phase and be set out as per project work-plan. All claims in respect of disbursements, incidental expenditure, workshop and travelling costs will not be reimbursed.

**CONTRACT CONDITIONS**

**Memorandum of Agreement:**

The successful Service Provider will be required to enter into a contract with Ulundi Local Municipality in the form of a Memorandum of Agreement (MOA). A pro-forma MOA is attached as Appendix 1, and the details specific to the project will be finalised in the MOA on appointment.
**Budget**

The Municipality has a limited budget for this project. It is estimated that the project will require in the order of 12 months of professional time in accordance with Supply Chain policy and criteria for invitations to Service Providers submitting proposals.

The charge out rates and budget for the project must be set down by the Pricing Schedule as per project work-plan to be prepared by the Service Provider.

**JOINT VENTURE/CONSORTIUM**

Service providers who submit quotations as a Joint Venture or Consortium must include the following documentation as part of the Proposal Documentation:

(i) An agreement entered into between all parties confirming the joint venture or consortium;
(ii) Proof of mandate of signatories to the agreement above;
(iii) Details of the percentage interest and participation held by members of the joint venture or consortium;
(iv) A mandate to the principal tenderer leading the joint venture or consortium; and
(v) A valid original Tax Clearance Certificate in respect of each party in the joint venture or consortium.

The failure to submit any of the above-mentioned documentation will lead to a disqualification of the quotation.
MBD 2

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.

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.

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.

8 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.
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/adjudicating authority.  

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

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| 3.1 | Full Name of bidder or his / her representative:  
|     | ..........................................................  
| 3.2 | Identity number: ..........................................................  
| 3.3 | Position occupied in the Company (director, trustee, shareholder²):  
|     | ........................................................................  
| 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.  

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

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

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

**YES / NO**

### 3.14.1
If yes, furnish particulars:

| …………………………………………………………………………….. |
| …………………………………………………………………………….. |

### 4. Full details of directors / trustees / members / shareholders:

**THE FOLLOWING INFORMATION IS COMPULSORY TO COMPLETE:**

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Identity Number</th>
<th>Individual Tax Number for each Director</th>
<th>State Employee Number (where applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>

### 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                     |
MSCM Regulations: “in the service of the state” means to be:

1. a member of –
   - (i) any municipal council;
   - (ii) any provincial legislature; or
   - (iii) the National Assembly or the National Council of Provinces;
2. a member of the board of directors of any municipal entity;
3. an official or any Municipality or municipal entity;
4. 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);
5. a member of the accounting authority of any national or provincial entity; or
6. an employee of Parliament or a provincial legislature.

“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.
MBD 6.1

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.


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:

<table>
<thead>
<tr>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRICE</strong></td>
</tr>
<tr>
<td><strong>80</strong></td>
</tr>
<tr>
<td><strong>B-BBEE STATUS LEVEL OF CONTRIBUTION</strong></td>
</tr>
<tr>
<td><strong>20</strong></td>
</tr>
<tr>
<td><strong>Total points for Price and B-BBEE must not exceed</strong></td>
</tr>
<tr>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

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 BroadBased Black Economic Empowerment Act;

(e) “Broad-Based Black Economic Empowerment Act” means the BroadBased 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:

\[
\begin{align*}
\text{80/20} & \quad \text{or} \quad \text{90/10} \\
\end{align*}
\]

\[
P_s^{80/20} = \frac{P_t}{P_{min}} \quad \text{or} \quad P_s^{90/10} = \frac{P_t}{P_{min}}
\]

Where

\[
\begin{align*}
P_s &= \text{Points scored for comparative price of bid under consideration} \\
P_t &= \text{Comparative price of bid under consideration} \\
P_{min} &= \text{Comparative price of lowest acceptable bid}
\end{align*}
\]

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 BBBEE status level of contribution in accordance with the table below:

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

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 BBBEE 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 subregulation (2) must be added to the points scored for price under subregulation (1).

5.8 The points scored must be rounded off to the nearest two decimal places.

5.9 Subject to subregulation (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 BBBEE 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 ☐ NO ☐

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 ☐ NO ☐
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.

<table>
<thead>
<tr>
<th>WITNESSES</th>
<th>SIGNATURE(S) OF BIDDERS(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
</tbody>
</table>

DATE:  
ADDRESS:  

………………………………….
SWORN AFFIDAVIT – BBBEE EXEMPTED MICRO ENTERPRISE

I, the undersigned,

<table>
<thead>
<tr>
<th>Full name &amp; Surname</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identity number</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Enterprise Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trading Name</td>
</tr>
<tr>
<td>Registration Number</td>
</tr>
<tr>
<td>Enterprise Address</td>
</tr>
</tbody>
</table>

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 BBBEE level contributor, by ticking the applicable box.

<table>
<thead>
<tr>
<th>100% black owned</th>
<th>Level One (135% BBBEE procurement recognition)</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 51% black owned</td>
<td>Level Two (125% BBBEE procurement recognition)</td>
</tr>
<tr>
<td>Less than 51% black owned</td>
<td>Level Four (100% BBBEE procurement recognition)</td>
</tr>
</tbody>
</table>

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:

\[ LC = \left[ 1 - \frac{x}{y} \right] \times 100 \]

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.

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:

<table>
<thead>
<tr>
<th>Description of services, works or goods</th>
<th>Stipulated minimum threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

%
4. Does any portion of the services, works or goods offered have any imported content? 
(Tick applicable box)  

| YES | NO |

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.

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

<table>
<thead>
<tr>
<th>Currency</th>
<th>Rates of exchange</th>
</tr>
</thead>
<tbody>
<tr>
<td>US Dollar</td>
<td></td>
</tr>
<tr>
<td>Pound Sterling</td>
<td></td>
</tr>
<tr>
<td>Euro</td>
<td></td>
</tr>
<tr>
<td>Yen</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

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 | NO |

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/PERSO-N 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;
<table>
<thead>
<tr>
<th>Bid price, excluding VAT (y)</th>
<th>R</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imported content (x), as calculated in terms of SATS 1286:2011</td>
<td>R</td>
</tr>
<tr>
<td>Stipulated minimum threshold for local content (paragraph 3 above)</td>
<td></td>
</tr>
<tr>
<td>Local content %, as calculated in terms of SATS 1286:2011</td>
<td></td>
</tr>
</tbody>
</table>

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: ..............................
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.

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>PRICE (ALL APPLICABLE TAXES INCLUDED)</th>
<th>BRAND</th>
<th>DELIVERY PERIOD</th>
<th>B-BBEE STATUS LEVEL OF CONTRIBUTION</th>
<th>MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)</th>
</tr>
</thead>
</table>

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

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

NAME (PRINT) ……………………………………….

SIGNATURE ……………………………………….

OFFICIAL STAMP WITNESSES

1. …………………………

2. …………………………

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. willfully 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.

<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>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 <em>audi alteram partem</em> rule was applied).</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4.1.1</td>
<td>If so, furnish particulars:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

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?

<p>| | | |</p>
<table>
<thead>
<tr>
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<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

4.3.1 If so, furnish particulars:

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?

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

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?

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

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
CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a pe se prohibition meaning that it cannot be justified under any grounds.

3 Municipal Supply Regulation 38(1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
   a. take all reasonable steps to prevent such abuse;
   b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
   c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD9) 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.
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 consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

(a) prices;
(b) geographical area where product or service will be rendered (market allocation)
(c) methods, factors or formulas used to calculate prices;
(d) the intention or decision to submit or not to submit, a bid;
(e) the submission of a bid which does not meet the specifications and conditions of the bid; or
(f) bidding with the intention not to win the bid.

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

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

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

.................................................................................................................. ........................................
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.
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 Registration Number:........................................................................................................

3.4 Tax Reference Number:....................................................................................................................

3.5 VAT Registration Number:................................................................................................................

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.

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

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

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.

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

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

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.

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

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

3.10.1 If so, furnish particulars.

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

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

3.11 Are any spouse, child or parent of the company’s directors, managers, principal shareholders or stakeholders in service of the state?

3.11.1 If so, furnish particulars.  YES / NO

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

..............................................................................................................
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**

<table>
<thead>
<tr>
<th>No</th>
<th>Description</th>
<th>Ticked by Bidder</th>
<th>Ticked by Municipal Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Initial/ Sign of all pages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Form of bid completed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Original Tax Clearance Certificate attached</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Preferential Points Claimed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Preferential % Calculated and claimed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>All witnesses signed where it required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Bid Declaration with regard to Equity completed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Particulars of Bidders Completed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Bid Declaration of interest Completed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Contract Form MBD Form 7.2 completed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Declaration of Bidders Past SCM Practice MBD Form 8 completed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Certificate of Independent Bid Determination MBD Form 9 completed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>