

# “ The City of Heritage ”



BID NO: 08/2021/2022

<p style="text-align: center;"><b>INVITATION TO SUBMIT BID</b></p>
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<p style="text-align: center;"><b>EXPRESSION OF INTEREST FOR A PANEL OF CONSULTANTS IN THE CIVIL ENGINEERING THAT HAVE CAPACITY TO IMPLEMENT CIVIL PROJECTS: FOR 2021/2022 TO 2023/2024 FINANCIAL YEARS</b></p>
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NAME OF .....  
CONSULTING ENGINEERS:

CONSULTANT ADDRESS: .....

CONSULTANT TELEPHONE: .....

EMAIL ADDRESS:.....

<b>Professional fees (Total incl. VAT)</b>	<b>R</b>
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**DOCUMENTS MAY BE COLLECTED AND SUBMITTED TO:**

Ulundi Local Municipality Local Municipality  
Cnr of King Zwelithini & Princess Magogo St

**EXPRESSION OF INTEREST FOR A PANEL OF CONSULTANTS IN THE CIVIL ENVIRONMENT THAT HAVE CAPACITY TO IMPLEMENT IDP AND CAPITAL PROJECTS: FOR 2021/2022 TO 2023/2024 FINANCIAL YEARS**

Private Bag X17

**CLOSING TIME:** 31/05/2021

**CLOSING DATE:** 12h00

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

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

Project/BID No.	Project Description	Point System	Closing Date	Time	Technical enquiries	Contact number
08/2021/2022	Service Providers for Consulting Civil Engineering Services for the financial years 2021/2022 to 2023/2024 (Panel)	80/20	31/05/2021	12h00	Ms P.T Nxumalo	0358 74 5144

**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**

### **NOTICE TO PROSPECTIVE SERVICE PROVIDERS**

Ulundi Local Municipality invites Civil Engineering Professional Service Providers to participate in the establishment of a panel of pre-approved service providers for rendering of services as and when required at Ulundi Local Municipality to implement Capital projects. The closing date for applications is 31 April 2021

The validity period for the panel is **36** months (2021/22 to 2023/24 financial years) from the date of establishment.

Once compiled, all needs for professional services in the civil environment at the Ulundi Local Municipality will be sourced from this list on a rotation basis.

For the Service Provider to be regarded as “responsive”, all the mandatory documents need to be completed and submitted on or before the closing date.

The Functionality evaluation = a maximum of 100 points. Service Providers who score below 60 will not be included in the list.

The successful Service Providers will be informed in writing. If no response is received to you from ULUNDI LOCAL MUNICIPALITY within 120 days after closing, please accept that you were unsuccessful. Service providers will have the opportunity to re-apply for consideration on an annual basis.

Enquiries should be submitted to the following e-mail addresses [ptnxumalo@gmail.com](mailto:ptnxumalo@gmail.com)

## **SPECIFICATIONS FOR CONSULTANT SERVICES FOR THE IMPLEMENTATION OF CIVIL PROJECTS.**

### **A) SCOPE OF WORKS**

It will be expected of the Consultant to supply the full Consulting Engineering design, project management, supervision, quality control, commissioning and other associated services for the provision of Road rehabilitation projects, Sports field projects, Community Hall projects and similar Civil projects within the jurisdiction of the Ulundi Local Municipality.

The works will include the following;

- Establishment of new Community halls
- Rehabilitation of existing Community halls
- Resurfacing of existing roads
- Rehabilitation of gravel roads
- Establishment of new Sports facilities
- Rehabilitation of existing Sports facilities
- Upgrading of existing Sports facilities

### **B) PROJECT SPECIFICATIONS**

#### **1) Consultant Services**

Consulting Services required must include all other work incidental to the construction of the projects that may include but are not necessarily limited to:

- Submission of applications for way leaves and the finalisation thereof (Crossing of railway lines, ESKOM reserves, servitudes, road reserves etc.).
- Community liaison.
- Surveys.
- Identification and protection of existing services.
- All relevant OSH Act requirements.

#### **2) Additional services:**

The following additional services are required:

- Design of services in strict accordance of the national standards.
- Preparation of Tender specifications and documentation to comply with EPWP principles.
- Inputs at the Municipality's respective Tender Specification and Evaluation Committees.
- Supervision during contract work.
- Quality control.
- Commissioning
- Handover and performance evaluation of contractors.
- Contract administration.
- End-of job administration
- Training of personnel.

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- Assist the Client to ensure compliance in all respects with the Occupational Health and Safety (OHS Act).

### **3) Consultant requirements**

The Consulting Civil Engineering Company must comply with the following conditions:

- Registered with SAACE (South African Association of Consulting Engineers)
- Have Professional Indemnity Insurance of a minimum R 1 000 000.00 (One million Rands)
- The works (Including Professional Fees) must be carried out within the funding provided by MIG.
- Fees tendered shall not exceed the latest gazetted fees.
- Consultant firm must have experience of similar Civil projects.

### **4) Preference will be given to the following:**

- Locally based Consulting Engineers within KZN.
- Companies that can furnish proof of experience in the following:

Designing of Civil related projects

Civil Engineering

Construction and Project Management

Previous Municipal Civil projects

## **C FORMAT OF PROPOSAL**

The following should be given as minimum in the proposal:

### **FUNCTIONALITY:**

#### **1) Experience and expertise**

The capacity and resources of the firm to undertake the identified projects should be indicated. (This should include adequate proof of professional and public liability insurance cover).

Information must be given on the firm's experience in successfully completed similar Civil projects undertaken during the past 10 years. This must be done in the form of a detailed list containing the description of the projects, project value and client references.

The current expertise of the firm to undertake the tasks described above should also be given. Details of the firm's Quality Management Plan should also be included.

These aspects should be covered in sufficient detail to assess the consultant's ability to execute the required tasks successfully.

## **2) Project team**

A schedule of all technical personnel proposed for this project is required. Information provided should include involvement in the project, and their availability.

The Curricula Vitae of the key personnel in the project team are also required on two A4 pages per person. The key personnel are regarded as those providing specialist input for the various components of the task. This includes the overall design, quality control, site supervision and the project leader.

## **3) Methodology:**

A brief methodology of how the project will be executed, including proposed timeframes, and processes to be followed.

## **4) Local Labour and transfer of knowledge:**

How will the community and Ulundi Municipality benefit through this project?

## **FINANCIAL PROPOSAL**

The financial proposal for tender purposes shall be based on an estimated R5 million project cost per project. The actual fees will be calculated on the same basis as set out in the proposal, using the actual cost of the works. The financial proposal shall comprise the following:

- (i) The professional fees as a percentage basis for the various components of the works. Professional fees must be calculated in accordance with ECSA Guidelines, Scope of services and Tariff of Fees.
- (ii) The reimbursable costs, which includes transport, surveys, printing, typing etc.
- (iii) Provision for site supervision for the works and contract administration of all contracts. This must include all costs for the provision of accommodation, site offices, communication, traveling, etc.
- (iv) Provision for regular (monthly) site visits for quality control and site meetings for the duration of the project.

All rates, fees and costs given in the proposal shall be quoted inclusive of Value Added Tax.

## **D) TERMS AND CONDITIONS**

### **1) OCCUPATIONAL HEALTH AND SAFETY ACT (ACT 85 OF 1993)**

The Consultant must comply with all relevant regulations pertaining to the Act and shall have on site, a responsible person appointed in writing by him.

### **2) TERMS OF APPOINTMENT**

As per Ulundi Municipality's approved procurement policy, the Consultant must be a registered Vendor. The bid will be evaluated as follows:



**FUNCTIONALITY:**

The following criteria will be used to score the functionality of consultants (Functionality evaluation will be done outside of 80/20 point system):

- 1) Professional Registration of Key Staff for this project - 20 Points
- 2) Quality of Key Staff for this project - 20 Points
- 3) Company Past Experience - 30 Points
- 4) Quality of Methodology - 30 Points

MAXIMUM - 100 Points

Minimum of 60 Points must be scored

**80/20 POINT SYSTEM:**

- 80 Points for Price
- 20 Points for BBBEE

**FUNCTIONALITY EVALUATION AND POINTS ALLOCATION**

**NB – documentary proof is required**

**1. PROFFESIONAL REGISTRATION STATUS OF KEY STAFF**

Key Personnel Staff	Professional Registration Status	Points Awarded
Staff 1	Professional Engineer	10
	Professional Technologist	7
	Professional Technician	5
<b>Maximum Points</b>		<b>10</b>
Staff 2	Professional Engineer	10
	Professional Technologist	7
	Professional Technician	5
<b>Maximum Points</b>		<b>10</b>
<b>Total possible points for Professional Registration</b>		<b>20</b>

**NB – documentary proof is required**

**Business profile showing key personnel staff. CVs indicating years of experience and contactable references, certified copies of IDs, Professional Registration Certificates and Qualifications should be attached.**

## 2. QUALIFICATION OF KEY PERSONNEL STAFF

Key Personnel Staff	Qualifications	Points Awarded
Staff 1	Masters/Honours degree in the required civil environment	10
	Bachelors' degree in the required civil environment	7
	National Diploma in the required civil environment	5
<b>Maximum Points</b>		<b>10</b>
Staff 2	Masters/Honours degree in the required civil environment	10
	Bachelors' degree in the required civil environment	7
	National Diploma in the required civil environment	5
<b>Maximum Points</b>		<b>10</b>
<b>Total possible points for qualifications</b>		<b>20</b>

NB – documentary proof is required

## 3. COMPANY EXPERIENCE

Company Experience	Points Awarded
0 – 5 Traceable successfully concluded projects	15
6 – 10 Traceable successfully concluded projects	20
11 Plus Traceable successfully concluded projects	30
<b>Total possible points for company experience</b>	<b>30</b>

## 4. TECHNICAL APPROACH AND METHODOLOGY

Criteria

	Technical approach and methodology
<b>Score 0</b>	Bidder has submitted insufficient information to score the schedule
<b>Poor (score 5)</b>	The technical approach and / or methodology is poor / is unlikely to satisfy project objectives or requirements. The Bidder has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the project.

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<p><b>Satisfactory (score 15)</b></p>	<p>The approach is generic and not tailored to address the specific project objectives and methodology. The approach does not adequately deal with the critical characteristics of the project. The quality plan, manner in which risk is to be managed etc is too generic.</p>
<p><b>Good (score 20)</b></p>	<p>The approach is specifically tailored to address the specific project objectives and methodology and is sufficiently flexible to accommodate changes that may occur during execution. The quality plan and approach to managing risk etc is specifically tailored to the critical characteristics of the project.</p>
<p><b>Very good (score 30)</b></p>	<p>Besides meeting the “good” rating, the important issues are approached in an innovative and efficient way, indicating that the Bidder has outstanding knowledge of state-of-the- art approaches. The approach paper details ways to improve the project outcomes and the quality of the outputs</p>

**NB – Approach Paper not more than 3 pages to be submitted with this tender**

**4) PAYMENT CERTIFICATES**

As per Ulundi Municipality’s approved procedures.

**5) PRICE VALIDITY**

The Quotation must be a **fixed** price quotation and hold valid for a period of 60 days from date of closing of tenders.

**E) NOTICES TO TENDERERS**

Tenders are invited for Consulting Civil Engineering Services as specified in the Scope of Works.

**1) INSPECTION BY TENDERER**

The Tenderer must carry out an inspection of the site at construction stage, to satisfy himself that he is fully acquainted with the work described.

**2) CHECKING OF DOCUMENTS**

Before the Tenderer submits his/her Tender, he should check the number of pages and if any are found to be missing, or duplicated, or the figures or typing indistinct, or Schedule of Quantities contain any obvious errors, he should refer the matter to the Director at once and have same rectified as no liability whatsoever will be admitted in respect of any error in the tender due to the foregoing. The Director may send a written instruction to all tenderers, which shall thereafter form part of these Conditions of Tender. No alterations shall be made to this document. Any departures, modifications and qualifications should be indicated in a separate letter.

**3) ACCEPTANCE OF TENDER**

The lowest or any tender will not necessarily be accepted and the Ulundi Local Municipality, reserves the right to accept the tender, which he deems to be the best. The whole or any part of a tender may be accepted. The employer is not obliged to state any reason for the rejection of any tender, be it as a whole or in part.

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Bidders are required to:

- Use the official Ulundi Local Municipality's bid documents;
- Correctly complete the bid documents;
- Final submitted prices must be inclusive of VAT;
- Furnish all further information required by the bid documents and to supply pamphlets, brochures and samples, etc, when required to do so;
- Ensure that bid documents are completed and signed in black ink;
- Submit an Original Valid Tax Clearance Certificate;
- Submit the latest Municipal account of the firm;
- Registered on the Supplier Database.

#### **4) SIGNING OF TENDER DOCUMENTS**

Before submitting a tender, tenderers must ensure that this document is completed in every respect in black ink and signed by and authorized signatory in the presence of two witnesses. Said signatory and witnesses must also initial each page. Tenderers must complete the following:

#### **F) RETURNABLE DOCUMENTS**

##### **List of Returnable Documents**

<b>REF</b>	<b>DESCRIPTION</b>	<b>Page</b>
<b>MBD2</b>	TAX CLEARANCE CERTIFICATE REQUIREMENTS	T2.14
<b>MBD4</b>	DECLARATION OF INTEREST	T2.15
<b>MBD6.1</b>	PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011	T2.17
<b>MBD6.2</b>	DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS	
<b>MBD8</b>	DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES	T2.23
<b>MBD9</b>	CERTIFICATE OF INDEPENDENT BID DETERMINATION	T2.25
<b>A</b>	Certificate of Authority for Joint Ventures / Close Corporation/ Partnership/ Company/ Sole Proprietor (Certified copies of Identity Documents in the case of Sole Proprietor)	T2.29
<b>B</b>	Registration Certificates of Entities – Joint Ventures / Close Corporation/ Partnership/ Company/ Sole Proprietor.	T2.32
<b>D</b>	B-BBEE Status Level Verification Certificate	T2.36
<b>E</b>	Declaration of Payment of Municipal Services	T2.37
<b>F</b>	Record Of Addenda To Tender Documents	T2.38
<b>G</b>	Amendments, Qualifications and Alternatives	T2.37
<b>Additional Documentation to be submitted</b>		
<b>H</b>	Schedule of Proposed Sub-Contractors	
<b>I</b>	Curriculum Vitae of Key Personnel	
<b>J</b>	Schedule of previous works carried out by tenderer	
<b>K</b>	BBBEE certificate	

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<b>L</b>	CSD Documentation	
<b>M</b>	ID Copies of Directors of the firm	
<b>N</b>	Financial proposal as explained above	
<b>O</b>	Functionality proposal as explained above	

By submission of tender such a tender shall comprise the whole of this document as well as signed acknowledgment of any circulars or additional information which may be issued during the tender period.

**G) PLACING OF TENDERS IN TENDER BOX**

Sealed tenders marked “**Tender: Panel of Civil Consulting Engineering Services**” and bearing the tenderer’s company name and registration number and addressed to the Municipal Manager, should be placed in the Tender Box situated at the Supply chain management offices at Ulundi Local Municipality at the corner of Princess Magogo and King Zwelithini streets, not later than 31 April 2021 **at 12h00**.

**H) WITHDRAWAL OF TENDERS**

If a tenderer wishes to withdraw his tender without incurring any liability he may do so provided written notice to that effect reaches the Director Technical Services before closing time for tenders.

**I) VALUE ADDED TAX AND TOTAL TENDER PRICE**

Tenderers shall make provision for all taxes and any other levies in their tendered rates and lump sums. Should the rate at which VAT is charged by legislation be increased or decreased in relation to the rate applicable at the tender closing date, the difference in payment of VAT shall be borne by the employer or shall be to his benefit.

**j) COST INCURRED BY TENDERER**

The employer will neither be responsible for nor pay for expenses incurred or losses suffered by any tenderer in preparing and submitting the tender, in visiting the site in connection therewith, or for his attendance at the interview in the office of the engineer, or for any reason whatsoever concerning this tender.

**K) AWARDING OF BID**

Ulundi Local Municipality will not award bids to consultants :

- Who have been convicted for fraud or corruption with any organ of state in the past five years;
- Who wilfully neglected, reneged on or failed to comply with government contracting during the past five years;
- Whose tax matter, or that of its directors / members are not cleared with the South African Revenue Services.
- All bid prices that are 10% above or 10% below the estimated value will not be considered as acceptable in terms of price.

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- A tender that does not comply with the requirements in the tender documents and the instructions in the official tender advertisement may be rejected as being invalid.

**L) CONDITIONS PERTAINING TO PREFERENTIAL PROCUREMENT**

Preferential procurement aims to pursue socio-economic objectives through enabling procurement processes and may therefore award preference points when adjudicating bids.

All bids will be adjudicated using the Preferred Procurement Policy scorecard as a measure for BBBEE compliance.

**Process to be Confidential**

- Information supplied by Tenderers to the examination, clarification, evaluation and adjudication of tenders and recommendations for the award of the contract will not be disclosed to Tenderers or any other persons not officially concerned with such processes.
- Any effort by the Tenderer to influence the Employer's processing of tenders or award decisions may result in the rejection of this Tender.

**Specific Goals**

- The promotion of South African-owned and managed enterprises;
- The promotion of export-oriented production to create jobs;
- The promotion of SMME's and enterprise development;
- The creation of new jobs or the intensification of labour absorption particularly the employment of local labour;
- The promotion of enterprises located in the municipal area where work needs to be done or services to be rendered;
- The promotion of enterprises located in rural area;
- The empowerment of the work force by standardizing the level of skill and knowledge of workers;
- To promote sector partnerships particularly in communities;
- The development of human resources, in line with key indicators such as percentage of wage bill spent on education and training and improvement of management skills;
- The promotion employment equity; and
- The promotion of preferential procurement.

## MBD 2 TAX CLEARANCE CERTIFICATE REQUIREMENTS

**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 the attached 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 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.
- 3 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.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 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).
- 6 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).

### TAX CLEARANCE CERTIFICATE

***[Tax Clearance Certificate obtained from SARS to be attached to this page]***

**DECLARATION OF INTEREST**

**MBD 4**

The following particulars must be furnished. In the case of a joint venture, **separate** enterprise questionnaires in respect of each partner must be completed and submitted.

- o No bid will be accepted from persons in the service of the state\*.
- o 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 favoritism, 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 authorized 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 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  
.....  
.....

\*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 of 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);



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- (e) a member of the accounting authority of any National or Provincial Public Entity; or
- (f) an employee of Parliament or a Provincial Legislature.

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? **YES/NO**

3.8.1 If so, furnish particulars  
.....

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

3.9.1 If so, furnish particulars  
.....

3.10 Are any of the company's Directors, Managers, Principle Shareholders or Stakeholders in service of the State? **YES/NO**

3.10.1 If so, furnish particulars  
.....

3.11 Are any spouse, child or parent of the company's Directors, Managers, Principle Shareholders or Stakeholders in service of the State? **YES/NO**

3.11.1 If so, furnish particulars  
.....

**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 THE DECLARATION PROVE TO BE FALSE.**

.....  
**SIGNATURE**

.....  
**DATE**

.....  
**POSITION**

.....  
**NAME OF BIDDER**

**MBD 6.1 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011**

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, 2011.**

**1. GENERAL CONDITIONS**

The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included);
- and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

The value of this bid is estimated to exceed/not exceed R1 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

Preference points for this bid shall be awarded for:

Price; and  
B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:  
**POINTS**

1.3.1.1 **PRICE** .....

1.3.1.2 **B-BBEE STATUS LEVEL OF CONTRIBUTION** .....

**Total points for Price and B-BBEE must not exceed 100**

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. 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**

2.1 “all applicable taxes” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad -Based Black Economic Empowerment Act;

2.3 “B-BBEE status level of contributor” means the B-BBEE status received by a measured entity

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- based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 “**bid**” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 “**Broad-Based Black Economic Empowerment Act**” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 “**comparative price**” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 “**consortium or joint venture**” 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;
- 2.8 “**contract**” means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 “**EME**” means any enterprise with a annual total revenue of R5 million or less.
- 2.10 “**Firm price**” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 “**functionality**” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 “**non-firm prices**” means all prices other than “firm” prices;
- 2.13 “**person**” includes a juristic person;
- 2.14 “**rand value**” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 “**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;
- 2.16 “**total revenue**” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 “**trust**” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 “**trustee**” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

**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

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \text{ or } P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- Ps = Points scored for comparative price of bid under consideration
- Pt = Comparative price of bid under consideration
- Pmin = Comparative price of lowest acceptable bid

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**5. Points awarded for B-BBEE Status Level of Contribution**

5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-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	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs 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 Registered Auditor approved by IRBA or 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 B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any

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other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

**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 1.3.1.2 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 B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).**

**8 SUB-CONTRACTING**

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

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? YES / NO (delete which is not applicable)

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

9.1 Name of 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

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- 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 conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) 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

**WITNESSES:**

- 1. ....
- 2. ....

.....  
**SIGNATURE(S) OF BIDDER(S)**

DATE:.....ADDRESS:.....

MBD 6.2

**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_development/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).

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- 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		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](http://www.reservebank.co.za).

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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		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/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

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- (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:** \_\_\_\_\_

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<b>WITNESS No. 1</b> _____	<b>DATE:</b> _____
<b>WITNESS No. 2</b> _____	<b>DATE:</b> _____

**MBD 8 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.**

Item	Question	Yes	No
4.1	<p><b>Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</b></p> <p><i>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the audi alteram partem rule was applied).</i></p> <p><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></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p><b>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></p> <p>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p><b>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?</b></p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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4.3.1	If so, furnish particulars:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
4.4	<b>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?</b>	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"/>
4.7.1	If so, furnish particulars:		

**CERTIFICATION**

I, THE UNDERSIGNED (FULL NAME) .....  
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM 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 (MBD 9) must be completed and submitted with the bid:

<sup>1</sup> 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:

\_\_\_\_\_  
(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:  
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

MBD 9

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.

<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.**

MBD 9

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

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Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

**A: CERTIFICATE OF AUTHORITY OF AN ENTITY**

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

(I) Company	(II) Close Corporation	(III) Partnership	(IV) Joint Venture	(V) Sole Proprietor

**(I) CERTIFICATE FOR COMPANY**

I ....., chairperson of the Board of Directors of ..... hereby confirm by resolution of the Board (copy attached) taken on ..... 20....., that Mr/Ms ..... acting in the capacity of ..... was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

**Signature of Chairman:** .....

**Signature of Signatory:** .....

**As Witnesses:**

1..... Name in Block Letters.....

2..... Name in Block Letters.....

**Date:** .....

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**(II) CERTIFICATE FOR CLOSE CORPORATION**

We, the undersigned, being the key members in the business trading as

.....hereby authorise

Mr/Ms.....

acting in the capacity of ....., to sign all documents

in connection with the tender for Contract No ..... and any contract resulting from it on our behalf.

**Signature of Signatory:** .....

**As Witnesses:**

1..... Name in Block Letters.....

2..... Name in Block Letters.....

**Date:** .....

NAME	ADDRESS	SIGNATURE	DATE
	.....		
	.....		
	.....		
	.....		

**Note:** *This certificate is to be completed and signed by all of the key members upon whom rests the direction of the affairs of the Close Corporation as a whole.*

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**(III) CERTIFICATE FOR PARTNERSHIP**

We, the undersigned, being the key partners in the business trading as,

.....hereby authorise

Mr/Ms..... acting in the capacity of

....., to sign all documents in connection

with the tender for Contract No ..... and any contract resulting from it on our behalf.

**Signature of Signatory:** .....

**As Witnesses:**

1..... Name in Block Letters.....

2..... Name in Block Letters.....

**Date:** .....

NAME	ADDRESS	SIGNATURE	DATE

**Note:** *This certificate is to be completed and signed by all of the key partners upon who rests the direction of the affairs of the Partnership as a whole.*

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**(IV) CERTIFICATE FOR JOINT VENTURE**

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorize Mr/Ms....., authorized signatory of the company, .....acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract No .....and any contract resulting from it on our behalf.

This authorization is evidenced by the attached power of attorney signed by legally authorized signatories of all the partners to the Joint Venture.

**Signature of Signatory:** .....

**As Witnesses:**

1..... Name in Block Letters.....

2..... Name in Block Letters.....

**Date:** .....

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME AND CAPACITY
Lead partner	.....	
	.....	
	.....	

**Note:** *This certificate is to be completed and signed by all of the key partners upon who rests the direction of the affairs of the Partnership as a whole.*



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**(V) CERTIFICATE FOR SOLE PROPRIETOR**

I....., hereby confirm that I am the sole owner of the business trading as:.....

**Signature of Sole owner:** .....

**As Witnesses:**

1..... Name in Block Letters.....

2..... Name in Block Letters.....

**Date:** .....

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**B: REGISTRATION CERTIFICATE OF AN ENTITY**

*[Important note to Tenderer: Registration Certificates for Companies, Close Corporations and Partnerships and ID documents for Sole Proprietors, must be inserted here. In the case of a Joint Venture, a copy of a duly signed Joint Venture Agreement clearly setting out the roles and responsibilities of the parties must be included with particular reference to the guarantees required in terms of the Contract Data. The Joint Venture Agreement must also clearly indicate how payment is to be effected to the entity and distributed to the parties]*

Tenderer's must also indicate in the space provided whether they are registered with the CIDB and if so what the registration details are:

*(If not registered, attach proof that the enterprise can be registered with the CIDB within 10 days)*

Registered Name	Registration Number

**EXPRESSION OF INTEREST FOR A PANEL OF CONSULTANTS IN THE CIVIL ENVIRONMENT THAT HAVE CAPACITY TO IMPLEMENT IDP AND CAPITAL PROJECTS: FOR 2021/2022 TO 2023/2024 FINANCIAL YEARS**

**C: BANKING DETAILS**

Tenderers financial capacity to finance and undertake a contract of this nature will also be checked and consequently it is a requirement that the details below be provided.

NAME OF TENDERER						
NAME OF ACCOUNT HOLDER AT BANK						
TYPE OF ACCOUNT (Please tick)	CURRENT/CHEQUE	<input type="checkbox"/>	SAVINGS	<input type="checkbox"/>	TRANSMISSION	<input type="checkbox"/>
BANK						
BRANCH NAME						
ACCOUNT NUMBER						
BRANCH CODE						
BANK TELEPHONE NO						
BANK ADDRESS						
NAME OF BANK MANAGER						
TELEPHONE NUMBER						
FAX NUMBER						
NO OF YEARS ABOVE ACCOUNT HAS BEEN WITH BANK						
CREDIT FACILITIES AVAILABLE (State Amount)						

SIGNATURE: .....  
 (of person authorised to sign on behalf of the Tenderer)

DATE: .....

**D: B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE**

**B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE ATTACHED TO THIS PAGE IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE**

Failure on the part of a bidder to submit a **certified** B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

**E: DECLARATION OF PAYMENT OF MUNICIPAL SERVICES**

**DECLARATION TO CERTIFY THAT:**

**THE TENDERER HAS NO UNDISPUTED COMMITMENTS FOR MUNICIPAL SERVICES TOWARDS A MUNICIPALITY OF WHICH PAYMENT IS OVERDUE FOR MORE THAN 30 DAYS**

*[Proof of Payment to be attached to this page]*

**DECLARATION**

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the firm, confirms that there are no undisputed commitments for municipal services towards a municipality of which payment is overdue for more than 30 days to my personal knowledge, and save where stated otherwise to the best of my belief both true and correct.

Signature: .....

Duly authorized to sign on behalf of : .....

Address: .....

.....

.....

Telephone: .....

Date: .....

**F: RECORD OF ADDENDA TO TENDER DOCUMENTS**

We confirm that the following communications received from the Employer before the date of submission of this tender offer, amending the tender documents, have been taken into account in this tender offer.

ADD. No.	DATE	TITLE OR DETAILS
1		
2		
3		
4		
5		

SIGNATURE: .....  
(of person authorised to sign on behalf of the Tenderer)

DATE: .....

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**CHECK LIST**

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