



CLUSTER

GOVERNANCE AND INTERNATIONAL RELATIONS

UNIT

COMMUNICATIONS

DEPARTMENT

COMMUNICATIONS

PROCUREMENT DOCUMENT

CALL FOR EXPRESSION OF INTEREST

CONTRACT No: **1A-27030**

TITLE: PANEL OF PROFESSIONAL SERVICE CONSULTANTS FOR PUBLIC RELATIONS AND MARKETING FOR A PERIOD OF 36 MONTHS

CLARIFICATION MEETING AND QUERIES

There will be no clarification Meeting. Bidders are requested to submit email queries related to the bid. All email queries are to be submitted by 18 January 2024. Email questions and answers will be consolidated and posted on eTenders/Municipal website for the benefit of all tenderers by 25 January 2024.

General / Contractual: **Khanyi Mdluli; Tel: 031 – 322 - 9908; eMail: Khanyi.Mdluli@durban.gov.za**

Technical: **Mandla Nsele; Tel: 031-311-4801; eMail: Mandla.Nsele@durban.gov.za**

DELIVERY OF TENDERS

Sealed Tenders, addressed to the City Manager and marked with the Tender Number, are to be placed in the Tender Box **located in the ground floor foyer of the Municipal Buildings, 166 KE Masinga Road (Old Fort Rd), Durban** (and not any other municipal department), no later than:

Closing Date: Friday, 02 February 2024

Time: 11:00am

FACSIMILE, eMAIL or POSTED TENDERS WILL NOT BE ACCEPTED

Issued by: **COMMUNICATIONS UNIT**

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PART E1 : SUBMISSION PROCEDURES**E1.1 : NOTICE AND INVITATION TO SUBMIT AN EXPRESSION OF INTEREST**

eThekwini Municipality (Communications Unit: Communications Department) invites expressions of interest for **public relations and marketing services**.

Only respondents who comply with the following are eligible to have their submissions evaluated.

- Tenderers are required to be registered on the National Treasury Central Supplier Database (CSD) as a service provider. In the case of a Joint Venture, this requirement will apply individually to each party in the Joint Venture. Tenderers not so registered, at time of closing of tenders, will not be eligible to submit tenders.

The Tenderer's CSD Supplier Number (starting with "MAAA") is to be provided in the relevant portions of the tender submission.

Tenderers who wish to register on the CSD may do so via web address <https://secure.csd.gov.za>

Tenders must be submitted on official tender documentation issued by the eThekwini Municipality. Electronically downloaded documentation should be printed in its entirety, and suitably bound by the tenderer.

The tender documentation is available (free of charge) from the National Treasury's eTenders website. Tenderers are to download, print and suitably bind the documentation.

(H.1.4) Queries relating to these documents, up to 14 days prior to the close of tenders, may be addressed to the Employer's agent whose contact details are:

Mandla Nsele
031 311 4801 (t)
Mandla.nsele@durban.gov.za
or
Khanyi Mdluli
031 322 9908 (t)
Khanyi.mdluli@durban.gov.za

(H.2.5) There will be no clarification Meeting. Bidders are requested to submit email queries related to the bid. All email queries are to be submitted by 18 January 2024. Email questions and answers will be consolidated and posted on eTenders/Municipal website for the benefit of all tenderers by 25 January 2024.

(H.2.7) Tender offers shall be delivered to:

Municipal Centre, 166 KE Masinga Road
(formerly, Old Fort Road)
And placed in the tender box located in the
ground floor foyer

(H.2.9) **Tender offers shall be delivered:**

On or before Friday, 02 February 2024
at or before 11:00

Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the Tender Data

PART E1 : SUBMISSION PROCEDURES**E1.2: SUBMISSION DATA****E1.2.1 STANDARD CONDITIONS FOR THE CALLING FOR EXPRESSIONS OF INTEREST**

The conditions applicable to this call for expressions of interest of tender are the Standard Conditions for the calling for Expressions of Interest as contained in Annex H of the CIDB Standard for Uniformity in Construction Procurement (July 2015) (See www.cidb.org.za).

The Standard Conditions for the calling for Expressions of Interest make several references to the Submission Data for details that apply specifically to this submission. The Submission Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions for the calling for Expressions of Interest.

E1.2.2 SUBMISSION DATA

Each item of data given below is cross-referenced to the clause in the Standard Conditions for the calling for Expressions of Interest.

H.1.1 The employer: The Employer is the eThekweni Municipality as represented by the Deputy Head : Communications Department **Error! Reference source not found..**

H.1.2 Tender documents

1) The documents associated with the calling for expressions of interest issued by the employer comprise:

E1 SUBMISSION PROCEDURES

E1.1 Notice and invitation to submit an expression of interest.

E1.2 Submission Data

E2 RETURNABLE DOCUMENTS

E2.1 List of Returnable Documents

E2.2 Submission Schedules

E3 INDICATIVE SCOPE OF WORK

E3.1 Indicative scope of work

2) In addition Respondents are advised, in their own interest, to obtain their own copies of the following acts, regulations, and standards referred to in the this document as they are essential for the Tenderer to get acquainted with the basics of public procurement management, the implementation of preferential procurement policies and participation of targeted enterprise and labour.

- The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, and the Construction Regulations 2014.
- The Preferential Procurement Policy Framework Act No 5 of 2000, and the Preferential Procurement Policy Framework Act Regulations (2022).

The Submission Document shall be obtained from the Employer or his authorized representative as stated in the **Notice and invitation to submit an expression of interest**.

H.1.4 The employer's agent : The Employer's agent is: **Mandla Nsele; Tel: 031-311-4801; eMail: Mandla.nsele@durban.gov.za**

- H.2.1 Eligibility:** A Respondent will not be eligible to make a submission if:
- (a) The Respondent does not comply with the legal requirements stated in the Employer's current SCM Policy.
 - (b) The Respondent cannot provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the contract.
 - (c) Respondents are required to be registered on the National Treasury Central Supplier Database (CSD) as a service provider. In the case of a Joint Venture, this requirement will apply individually to each party in the Joint Venture. Respondents not so registered, at time of closing of submissions, will not be eligible to submit tenders.

H.2.5 Clarification meeting : There will be no clarification Meeting. Bidders are requested to submit email queries related to the bid. All email queries are to be submitted by 18 January 2024. Email questions and answers will be consolidated and posted on eTenders/Municipal website for the benefit of all tenderers by 25 January 2024.

H.2.7 Making a submission: The Employer's address for delivery of submissions is contained in the Notice and invitation to submit an expression of interest.

Identification details to be shown on each submission package are:

Contract No. : 1A-27030

Contract Title : Panel of professional service consultants for public relations and marketing for a period of 36 months

H.2.9 H.2.9 Closing time : The closing date and time for submissions is: on or before Friday, 02 February 2024 at or before 11:00.

Telephonic, telegraphic, telex, facsimile or e-mailed submissions will not be accepted.

H.3.9 Evaluation of submissions

The procedure for the evaluation of responsive tenders to form a panel is functionality

14.1. Functionality Evaluation

Functionality is to be used as a threshold. Tender offers that fail to score the minimum number of 70 evaluation points for Functionality will be rejected as non-responsive.

The evaluation criteria for measuring functionality are:

Functionality Criteria / Sub Criteria	Maximum Points Score
Company experience	50
Expertise and Experience of Key Personnel	50
Total/Maximum Score	100

H.3.9 **Evaluation of responsive submissions:** All respondents who submit responsive submissions and:

- 1)
 - a) are registered at time of closing of submissions on the National Treasury Central Supplier Database (CSD) as a service provider (in the case of a Joint Venture, this requirement will apply individually to each party in the Joint Venture).
 - b) submit a valid Tax Clearance Certificate or a Tax Compliance Status PIN, issued by the TCS System of the South African Revenue Services, or have made arrangements to meet outstanding tax obligations;
 - c) do not have any of their directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector;
 - d) have not abused the Employer's Supply Chain Management System or have failed to perform on any previous contract and have been given a written notice to this effect;
 - e) have completed the Compulsory Enterprise Questionnaire and who are considered by the Employer not to have any conflicts of interest which may impact on their ability to perform the proposed contract in the best interests of the Employer or potentially compromise the tender process and are free of persons in the state who are not permitted to submit tenders or to participate in the contract; and
 - e) are registered and in good standing with the compensation fund or with a licensed compensation insurer; and
- 2) bidders must demonstrate that they possess the necessary professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel to perform the contract;

will be invited to submit tender offers as and when required over a 36 month period.

H.3.9 **Evaluation of responsive submissions :** All respondents who submit responsive submissions and:

- a) are registered at time of closing of submissions on the National Treasury Central Supplier Database (CSD) as a service provider (in the case of a Joint Venture, this requirement will apply individually to each party in the Joint Venture).
- b) submit a valid Tax Clearance Certificate OR Tax Compliance Status PIN, issued by the TCS System of the South African Revenue Services, or has made arrangements to meet outstanding tax obligations;
- c) do not have any of their directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector;
- d) have not abused the Employer's Supply Chain Management System or have failed to perform on any previous contract and have been given a written notice to this effect;
- e) have completed the Compulsory Enterprise Questionnaire and who are considered by the Employer not to have any conflicts of interest which may impact on their ability to perform the proposed contract in the best interests of the Employer or potentially compromise the tender process and are free of persons in the state who are not permitted to submit tenders or to participate in the contract

will have their submissions scored.

The evaluation criteria that are to be scored and the maximum score assigned to each of such criteria are as follows:

Functionality criteria	Subcriteria	Points	Evaluation Schedule(s)
Tenderer's experience	Experience of service provider in executing work of similar scope	50	
Expertise and Experience of Key Resources in executing work of similar nature	Relevant qualifications	50	
	Experience in relation to similar type Projects /Discipline		
Maximum possible score for Functionality (M_s)		100	

The scores of each of the evaluators will be averaged, weighted, and then totalled to obtain the final evaluation score.

The 5 highest ranked responsive respondents, or all responsive respondents should there be less than this number, will be invited to submit tender offers provided that they score above 70 points.

Each evaluation criteria will be assessed in terms of five indicators – no response, poor, satisfactory, good and very good. Scores of 0, 40, 70, 90 or 100 will be allocated to no response, poor, satisfactory, good and very good, respectively.

The prompts for judgment and the associated scores used in the evaluation of quality shall be as follows:

Level	Score	Prompt for judgement
0	0	Failed to address the question / issue
1	40	Less than acceptable – response / answer / solution lacks convincing evidence of skill / experience sought or medium risk that relevant skills will not be available.
2	70	Acceptable response / answer / solution to the particular aspect of the requirements and evidence given of skill / experience sought
3	90	Above acceptable – response / answer / solution demonstrating real understanding of requirements and evidence of ability to meet it.
4	100	Excellent – response / answer / solution gives real confidence that the tenderer will add real value.

Level	pts	Criterion: Tenderer's Experience
0	0	No Submission or Submission of no substance / irrelevant information provided
1	40	To have successfully completed less than 3 <u>projects</u> of a similar nature within the past 5 years. Bidders must provide reference letter to substantiate the number of projects claimed.
2	70	To have successfully completed 3 to 7 <u>projects</u> of a similar nature within the past 5 years. . Bidders must provide reference letter to substantiate the number of projects claimed.
3	90	To have successfully completed 8 to 10 <u>projects</u> of a similar nature within the past 5 years. Bidders must provide reference letter to substantiate the number of projects claimed.
4	100	To have successfully completed 11+ <u>projects</u> of a similar nature within the past 5 years. Bidders must provide reference letter to substantiate the number of projects claimed.

Level	pts	Criterion: Qualifications of staff
0	0	No Submission or Submission of no substance / irrelevant information provided
1	40	Bidder met the minimum educational qualification and has less than acceptable number of years' experience.
2	70	Bidder met the minimum educational qualification and has acceptable number of years' experience.
3	90	Bidder met the minimum educational qualification and has more than the acceptable number of years' experience.
4	100	Bidder met the minimum educational qualification and the team members has exceptional number of years' experience.

Experience of Key Resources in executing work of similar nature							
Job Title		Number of Years' Relevant Experience on projects of a similar nature					Total Points
		Level 0 0 pts	Level 1 40 pts	Level 2 70 pts	Level 3 90 pts	Level 4 100 pts	
PR & Marketing Specialist		No Submission	≤ 3	> 3 ≤ 7	> 7 ≤ 10	> 10	5
Graphic Design Specialist		No Submission	≤ 3	> 3 ≤ 7	> 7 ≤ 10	> 10	5
Media Specialist		No Submission	≤ 3	> 3 ≤ 7	> 7 ≤ 10	> 10	5
Events Manager		No Submission	≤ 3	> 3 ≤ 7	> 7 ≤ 10	> 10	5
Note 1: "experience" implies experience on projects of a similar nature with respect to the Scope. Note 2: "accredited degree / diploma" implies a minimum 3 yr qualification within the relevant field, from a registered University or Institute of Technology.							

The additional conditions of submission are:

H.2.4 Acknowledge addenda

Add the following paragraphs to the clause:

"Acknowledgement of receipt will be by the return of the relevant completed and signed portion of the addenda, to the address / fax number / email address as specified on the addenda. Failure of the tenderer to comply with the requirements of the addenda may result in the tender submission being made non-responsive."

- H.3.11 Prohibition on awards to persons in the service of the state:** Clause 44 of the Supply Chain Management Regulations states that the Municipality or Municipal Entity may not make any award to a person:
- Who is in the service of the State.
 - If that person is not a natural person, of which a director, manager, principal shareholder, or stakeholder is a person in the service of the state; or
 - Who is an advisor or consultant contracted with the municipality or a municipal entity.

Should a contract be awarded, and it is subsequently established that Clause 44 has been breached, the Employer shall have the right to terminate the contract with immediate effect.

H.3.12 Appeals

In terms of Regulation 49 of the Municipal Supply Chain Management Regulations persons aggrieved by decisions or actions taken by the Municipality, may lodge an appeal within 14 days of the decision or action, in writing to the Municipality. All appeals (clearly setting out the reasons for the appeal) and queries regarding the decision of award are to be directed to:

The City Manager

Attention Ms S. Pillay

eMail: Simone.Pillay@durban.gov.za

P O Box 1394

DURBAN

4000

PART E2 : RETURNABLE DOCUMENTS**E2.1 : LIST OF RETURNABLE DOCUMENTS****E2.1.1 General**

The submission document must be submitted as a whole. All forms must be properly completed as required, and the document shall not be taken apart or altered in any way whatsoever.

The respondent is required to complete each and every Schedule and Form listed below to the best of his / her ability as the evaluation of submissions will be based on the information provided by the respondent. Failure to complete the Schedules and Forms to the satisfaction of the Employer will inevitably prejudice the tender and may lead to rejection on the grounds that the submission is not responsive

E2.1.2 Returnable Schedules, Forms and Certificates

Record of Addenda to tender documents

- 1) Authority of Signatory
- 2) Tax Compliance Status PIN / Tax Clearance Certificate
- 3) Declaration of Municipal Fees
- 4) Declaration with respect to The Occupational Health and Safety Act
- 5(a) MBD 4: Declaration of Interest
- 5(b) MBD 5: Declaration for Procurement Above R10 Million
- 5(c) MBD 6.1: Preference Points Claim
- 5(d) MBD 8: Declaration of Bidder's Past Supply Chain Management Practices
- 5(e) MBD 9: Certificate of Independent Bid Determination

Evaluation Schedule: Evidence of completed similar works

Evaluation Schedule: CVs of key personnel

Joint Venture Agreements (if applicable)

E2.1.3 Preferential Procurement Schedules and Affidavits

In the event of the Tenderer not being registered with the eThekweni Municipality the following documents, available from **Room 613, 6th Floor, 166 KE Masinga Road, Durban** or on the internet, must be completed and submitted prior to the submission of tenders:

- Application for Registration on the eThekweni Municipality Procurement Directory.
- Application for Targeted Enterprise Status.
- Women Equity Declaration Affidavit.
- Declaration for Black Business Enterprise / Woman Business Enterprise / SMME Status.

PART E2 : RETURNABLE DOCUMENTS**E2.2 : SUBMISSION SCHEDULES**

The submission schedules as listed in E2.1.2 can be found on pages 11 to 28.

RECORD OF ADDENDA TO TENDER DOCUMENTS

I / We confirm that the following communications received from the Employer or his representative 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		
6		
7		
8		
9		
10		

NAME : (Block Capitals)

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

1) AUTHORITY OF SIGNATORY

Reference is made to the Conditions of Tender: [Clause 4\(5\)\(c\)](#).

Indicate the status of the tenderer by ticking the appropriate box hereunder.

COMPANY		CLOSE CORPORATION		PARTNERSHIP		JOINT VENTURE		SOLE PROPRIETOR	
Refer to Notes at the bottom of the page									

I / We, the undersigned, being the Chairperson (Company), Member(s) (Close Corporation), Partners (Partnership), Sole Owner (Sole Proprietor), Lead Partner (JV), in the company / business trading as:

.....
..

hereby authorise Mr/Mrs/Ms

.....

acting in the capacity of

.....

to sign all documents in connection with the tender for Contract No. **1A-27030** and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

Notes

Tenderers are to include, at the back of their tender submission document, a printout of the following documents:

If a Company : a "Resolution of the Board" in this regard.

If a Joint Venture : a "Power of Attorney" signed by the legally authorised signatories of all the partners to the Joint venture.

2) TAX COMPLIANCE STATUS PIN / TAX CLEARANCE CERTIFICATE

SARS has introduced a new Tax Compliance Status System. Tenderers can submit a Tax Compliance Status PIN (TCS PIN) instead of an original Tax Clearance Certificate. This TCS PIN can be used by third parties to certify the taxpayer's real-time compliance status.

Separate Tax Clearance Certificates / TCS PINs are required for each entity in a Joint Venture.

The TCS PIN(s) are to be entered on the information table in **SECTION 1: GENERAL INFORMATION**.

Tenderers are to include, at the back of their tender submission document, a printout of their Tax Compliance Status PIN (TCS PIN) OR an original Tax Clearance Certificate.

Failure to include the required document will make the tender submission non-responsive.

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

**NAME (Block
Capitals):**

Date

SIGNATURE:

3) DECLARATION OF MUNICIPAL FEES

I, the undersigned, do hereby declare that the Municipal fees of

(full name of Company / Close Corporation / partnership / sole proprietary/Joint Venture)

(hereinafter referred to as the TENDERER) are, as at the date hereunder, fully paid or an Acknowledgement of Debt has been concluded with the Municipality to pay the said charges in instalments.

The following account details relate to property of the said TENDERER:

Account

Account Number: to be completed by tenderer.

Consolidated Account No.

[illegible]

Electricity

[illegible]

Water

[illegible]

Rates

[illegible]

Other

[illegible]

I acknowledge that should the aforesaid Municipal charges fall into arrears, the Municipality may take such remedial action as is required, including termination of any contract, and any payments due to the Contractor by the Municipality shall be first set off against such arrears.

- Where the TENDERER'S place of business or business interests are outside the jurisdiction of eThekweni Municipality, a copy of the accounts/agreements from the relevant municipality must be attached (to the back inside cover of this document).
- Where the tenderer's Municipal Accounts are part of their lease agreement, then a copy of the agreement, or official letter to that effect is to be attached (to the back inside cover of this document).

Tenderers are to include, at the back of their tender submission document, a printout of the above account's and or agreements signed with the municipality.

Failure to include the required document will make the tender submission non-responsive.

NAME (Block Capitals):

Date _____

SIGNATURE:

4) DECLARATION WITH RESPECT TO THE OCCUPATIONAL HEALTH AND SAFETY ACT**Definitions**

The Act: The Occupational Health and Safety Act No 85 of 1993 (as amended by the Occupational Health and Safety Amendment Act No 181 of 1993), and any associated / applicable Regulations.

Declaration by Tenderer

1. I, the undersigned, hereby declare and confirm that I am fully conversant with the Act.
2. I hereby declare that my company has the competence and the necessary resources to safely carry out the work / supply / services under this contract in compliance with the Act, and the Employer's / Purchaser's / Client's Health and Safety Specifications.
3. I hereby undertake, if my tender is accepted, to provide on request a suitable and sufficiently documented Health and Safety Plan which plan shall be subject to approval by the Employer / Purchaser / Client.
4. I hereby confirm that adequate provision has been made in my tendered rates to cover the cost of all resources, actions, training and all health and safety measures envisaged in the Act, and that I will be liable for any penalties that may be applied by the Employer / Purchaser / Client for failure to comply with the provisions of the Act.
5. I agree that my failure to complete and execute this declaration to the satisfaction of the Employer / Purchaser / Client will mean that I am unable to comply with the requirements of the Act and accept that my tender will be prejudiced and may be rejected at the discretion of the Employer / Purchaser / Client.

NAME (Block Capitals):

Date

SIGNATURE:

5(a) MBD 4: DECLARATION OF INTEREST**NOTES**

MSCM Regulations: "in the service of the state" means to be:

- (a) a member of:
 - (i) any municipal council.
 - (ii) any provincial legislature.
 - (iii) the national Assembly or the national Council of provinces.
- (b) a member of the board of directors of any municipal enterprise.
- (c) an official of any municipality or municipal enterprise.
- (d) an employee of any national or provincial department, national or provincial public enterprise or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999).
- (e) a member of the accounting authority of any national or provincial public enterprise.
- (f) 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 exercises control over the company.

- 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 Name of enterprise

Name of enterprise's representative

3.2 ID Number of enterprise's representative

3.3 Position enterprise's representative occupies in the enterprise

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 / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted.

Circle Applicable

3.8 Are you presently in the service of the state?

YES

NO

If yes, furnish particulars:

.....

.....

3.9 Have you been in the service of the state for the past twelve months?

YES

NO

If yes, furnish particulars:

.....

.....

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

If yes, furnish particulars:

.....

.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

YES

NO

If yes, furnish particulars:

.....

.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?

YES

NO

If yes, furnish particulars:

.....

.....

3.13 Are any spouse, child or parent of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?

YES

NO

If yes, furnish particulars:

.....

.....

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

If yes, furnish particulars:

.....

.....

- 4 The names of all directors / trustees / shareholders / members / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted

Full Name	Identity No.	State Employee No.	Personal income tax No.
Use additional pages if necessary			

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct.

NAME (Block Capitals):

Date

SIGNATURE:

5(b) **MBD 5: DECLARATION FOR PROCUREMENT ABOVE R10 MILLION**
(ALL APPLICABLE TAXES INCLUDED)

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire.

		Circle Applicable	
		YES	NO
1.0	Are you by law required to prepare annual financial statements for auditing?		
1.1	If YES, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.		
2.0	Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?	YES	NO
2.1	If NO, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.		
2.2	If YES, provide particulars.		
3.0	Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?	YES	NO
3.1	If YES, provide particulars.		
4.0	Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?	YES	NO
4.1	If YES, provide particulars.		

If required by 1.1 above, tenderers are to include, at the back of their tender submission document, a printout of their audited annual financial statements.

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and, if required, that the requested documentation has been included in the tender submission.***

NAME (Block Capitals):

Date

SIGNATURE:

5(c) MBD 6.1: PREFERENCE POINTS CLAIM
In terms of THE PREFERENTIAL PROCUREMENT REGULATIONS (2022)

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1.0 GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

1.2 The applicable preference point system for this tender is the **80/20 preference point system**.

1.3 Preference Points for this tender shall be awarded for:

- **Price and Specific Goals:** Either 80 or 90 (price) and 20 or 10 (specific goals), in terms of 1.2 above.
- The total Preference Points, for Price and Specific Goals, is 100.

1.4 Failure on the part of the tenderer to submit the required proof or documentation, in terms of the requirements in the (Special) Conditions of Tender for claiming **Specific Goal** preference points, will be interpreted that preference points for **Specific Goals** are not claimed.

1.5 The Municipality reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard of preferences, in any manner required by the Municipality.

2.0 DEFINITIONS

2.1 **"tender"** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation.

2.2 **"price"** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts.

2.3 **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes.

2.4 **"tender for income-generating contracts"** means a written offer in the form determined by Municipality in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the Municipality and a third party that produces revenue for the Municipality, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions.

2.5 **"the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3.0 FORMULA FOR CALCULATION OF PREFERENCE PRICE POINTS

3.1 PROCUREMENT OF GOODS AND SERVICES

PRICE POINTS: A maximum of 80 or 90 points is allocated for price on the following basis:

<u>80 / 20 Points System</u>	OR	<u>90 / 10 Points System</u>
$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$		$P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$

Where:

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

3.2 DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

PRICE POINTS: A maximum of 80 or 90 points is allocated for price on the following basis:

<u>80 / 20 Points System</u>	OR	<u>90 / 10 Points System</u>
$P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$		$P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$

Where:

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = Price of highest acceptable tender

4.0 POINTS AWARDED FOR SPECIFIC GOALS

- 4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the **points claimed** for the goal(s) stated in **Table 1** below, as supported by proof/ documentation stated in the **Conditions of Tender**:
- 4.2 In cases where the municipality intends to use Regulation 3(2) of the Regulations, which states that if it is unclear whether the 80/20 or 90/10 preference point system applies, the municipality must, in the tender documents, stipulate in the case of:
 - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system, or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the municipality must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

TABLE 1: Specific Goals for the tender and points claimed are indicated per the table below.

Tenderers are to indicate their points claim for each of the Specific Goals.

The Specific Goals to be allocated points in terms of this tender	Number of points ALLOCATED (80/20 system)	Number of points ALLOCATED (90/10 system)	Number of points CLAIMED (80/20 system)	Number of points CLAIMED (90/10 system)
Ownership Goal: Black	10	n/a?		n/a?
RDP Goal: The promotion of South African owned enterprises.	10	n/a?		n/a?
Should the municipality apply a combination of Specific Goals, the points for the individual goals will be weighted according to the Goal Weightings specified in the Tender Data to arrive at the final points for Preferential Points for Specific Goals .				

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, certify that the points claimed, based on the specific goals as specified in the tender, qualifies the tendering entity for the preference(s) shown.

I acknowledge that:

- 1) The information furnished is true and correct.
- 2) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- 3) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct.
- 4) If the specific goals have been claimed or obtained on a fraudulent basis, or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have:
 - (a) disqualify the person from the tendering process.
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct.
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation.
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

NAME (Block Capitals):

Date

SIGNATURE:

5(d) MBD 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1.0 This Municipal Bidding Document must form part of all bids invited.
- 2.0 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.
- 3.0 The bid of any bidder may be rejected if that bidder, or any of its directors have:
- abused the municipal entity's supply chain management system or committed any improper conduct in relation to such system.
 - been convicted for fraud or corruption during the past five years.
 - wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years.
 - 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).
- 4.0 In order to give effect to the above, the following questions must be completed and submitted with the bid.

- 4.1 Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?

(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer / Authority of the institution that imposed the restriction after the audi alteram partem rule was applied.)

The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.

- 4.1.1 If YES, provide particulars.

.....

.....

- 4.2 Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?

The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.

- 4.2.1 If YES, provide particulars.

.....

.....

Circle Applicable	
YES	NO

- 4.3 Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?

YES

NO

4.3.1 If YES, provide 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?

YES

NO

4.4.1 If YES, provide 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

NO

4.5.1 If YES, provide particulars.

.....

.....

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both 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.

**NAME (Block
Capitals):**

Date

SIGNATURE:

5(e) MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION**NOTES**

- 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.
- 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.

- 1.0 This Municipal Bidding Document (MBD) must form part of all **bids**¹ invited.
- 2.0 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.
- 3.0 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.
- 4.0 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**.
- 5.0 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid.

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:

(Name of Bidder)

that:

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.
 - (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.
 - (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.

**NAME (Block
Capitals):**

Date

SIGNATURE:

EVALUATION SCHEDULE: COMPANY EXPERIENCE

Use the template below to provide **ONLY relevant information** on previous experience of the Tendering Entity. Indicate comparable projects/work assignments of similar nature and magnitude. This information will be used in evaluation of the Tenderer's Experience and is material in the selection of the service providers that will make up the panel.

Bidders are to print additional copies of this page as necessary:

No.	Client & Representative's details	Project Description	Duration of involvement (Years)	Role & Brief description of relevant responsibilities	Project Completed (Yes/No)	Reference Letter Attached (Yes/No)
Example	Client: EThekweni Municipality Unit: SCM Project Manager: Mbuyi Mhlanga Email: mabuyi.mhlanga@durban.gov.za	Media monitoring	2013 to 2018 (5 years)	Daily media monitoring	Yes	Yes
1.						
2.						
3.						

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

NAME : (Block Capitals)

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

EVALUATION SCHEDULE : KEY PERSONNEL EXPERTISE & EXPERIENCE

Bidders are to print additional copies of this page for each key personnel.

QUALIFICATIONS OF KEY PERSONS				
Outline qualifications that have a bearing on the Service Area and Scope of Work				
Title, Name:				Age:
Company Name and Position currently held:				
No.	Qualification	Academic Institution	Year obtained	Proof attached (Yes/No)

<u>Company/Institution</u>	Experience obtained / position held	<u>Period</u>

The undersigned, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

NAME : (Block Capitals)

SIGNATURE : DATE:
(of Key staff member)

JOINT VENTURES AGREEMENTS

Joint Venture agreement and Power of Attorney Agreements to be attached here.

PART E3 : INDICATIVE SCOPE OF WORK

PAGE

E3.1 STANDARD SPECIFICATIONS

E3.1 STANDARD SPECIFICATIONS

BACKGROUND

The Municipality wishes to establish a panel of public relations and marketing agencies to provide specialised public relations and marketing services for Municipal campaigns. The scope of work to be covered by the appointed agencies includes, among others, the services below.

SCOPE OF WORK

- Develop marketing ideas for campaigns.
- Activations and events management
- Multimedia production
- Design and production of communication materials
- Coordinate exhibitions
- Writing and editorial services
- Placing of advertisement
- Develop social media content plan.
- Promotion of digital content
- Develop marketing ideas for campaigns.
- Photographic and video services

OPERATIONAL PROCEDURE

Once the agencies have been appointed, the following procedure will apply:

When service is required, the Municipality will brief three or more agencies depending on the size of the campaign, relevance, and timeline.

Calls for quotations for a task order shall be invited and evaluated in accordance with the SCM policies and other applicable legislations.

Task orders will provide details of the precise nature of the services required and any task specific requirements.

Task orders will provide details of the precise nature of the services required and any task specific requirements.

The Municipality will decide on the most responsive proposal received for each campaign on the bases of functionality and price.

Fees will be determined per assignment and will be payable based on proven hours and/ or measurable task deliverables.

The Municipality reserves the right to go through a competitive open tender process where it considers it to be the best sourcing option for that specific work.

The Employer reserves the right at any time to audit qualifications/experience claimed by the Service Provider. Should it be discovered that there has been any misrepresentation, the Employer shall have the right to remove the Service Provider from the panel, and should any contract have been awarded, the employer shall have the right to terminate the contract with immediate effect.

Service Providers appointed for a specific task order, will sign a service level agreement service providers with live commitments (task order) will not be eligible for award of new work, unless they have achieved key milestones of their current commitments.

The 80/20 preference points system will be used where the financial value (incl. VAT) of one or more responsive tender offers have a value that equals or is less than R 50,000,000.

SKILLS TRANSFER

Skills transfer to Communication is an essential requirement of this enquiry and respondents will be required to demonstrate their experience of skills transfer and how this will be done for the benefit of eThekweni Municipality personnel.

Skills transfer plan will not be considered as qualifying criteria but at task award stage, entities will be required to provide a clear plan to achieving the skills transfer objectives.

E4 GENERAL CONDITIONS OF CONTRACT

- E4.1 The *Conditions of Contract* are the *General Conditions of Contract* as published by the National Treasury titled "Government Procurement: General Conditions of Contract (July 2010), as amended by National Treasury Circular 52 dated 30 July 2010, hereinafter referred to as *GCC*.

GCC will be applicable to each Task Order that the EThekweni Municipality will be issuing. The EThekweni Municipality reserves the right to add special conditions of contract in the Task Orders.

The duration of the expression of interest will be for a period of 3 years.

E5 OFFICIAL BID FORM

Part A: OFFER BY TENDERER - In response to **Tender Number : 1A 27030** I / we hereby offer to supply the goods / services detailed hereunder in accordance with the Technical Specification, and subject to the Standard and Special Conditions of Tender (Goods/Services), and General and Special Conditions of Contract, which will be accompanied by the Task Orders (with which I / we acknowledge myself / ourselves to be fully acquainted).

I / We hereby agree that this tender will hold good and remain open for acceptance as specified in the Conditions of Submission or during such other period as may be specified in the Special Conditions of Tender.

eThekweni Vendor Portal Registration Number:

PR

C.S.D Registration Number:

MAAA

S.A.R.S Pin Number:

Completion of the following is compulsory. Failure to declare the following will invalidate your offer.

Declaration of Interest

Are any of the entity's directors, managers, principle shareholder or stakeholders currently in the service of the state or have been in the service of the state in the past twelve (12) months?					<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is any spouse, child or parent of the entity's directors, managers, principle shareholder or stakeholder currently in the service of the state or have been in the service of the state in the past twelve (12) months?					<input type="checkbox"/> Yes	<input type="checkbox"/> No
Name of entity's member	Position in Entity	Name of Relative (if applicable)	Name of State Institution	Nature of Relationship		
Do you or any other directors, managers, principle shareholder or stakeholder of your entity have any relationship (spouse, family, friend, associate) with persons in the service of the state and/or who may be involved with the evaluation of this quotation? If yes please furnish particulars below					<input type="checkbox"/> Yes	<input type="checkbox"/> No
Name of entity's member	Position in Entity	Name of Relative (if applicable)	Name of State Institution	Nature of Relationship		

Refer to the Consolidated MBD Documents in Section 4(d) for the definition of "in service of the State"

* Signature :

* Name (*capitals*):

Date:

Capacity:

* Name of Business:

Tel:

Address:

Fax:

* Denotes Mandatory Information

Failure to complete the Mandatory Information and sign this Tender Form will invalidate the tender

Part B: ACCEPTANCE BY PURCHASER - The Purchaser, as represented by the following Official, hereby accepts the Tenderer's offer in terms of the Conditions of Tender, Specifications, and Conditions of Contract.

Signature:

Name (*capitals*):

Date:

Capacity: