



**ELIAS MOTSOALEDI LOCAL MUNICIPALITY  
EMLM 20/2025**

**MUNICIPAL DATA ENRICHMENT FOR A PERIOD OF 36 MONTHS (3 YEARS)**

|  |                         |                                       |                     |
|--|-------------------------|---------------------------------------|---------------------|
| <b>CLOSING DATE:</b>                       | <b>21 FEBRUARY 2025</b> | <b>TIME</b>                           | <b>11:00</b>        |
| <b>NAME OF TENDERER</b>                    |                         |                                       |                     |
| <b>TOTAL AMOUNT</b>                        |                         |                                       |                     |
| <b>CENTRAL SUPPLIER DATABASE NUMBER</b>    |                         | MAAA                                  |                     |
| <b>SPECIFIC GOALS POINTS</b>               |                         |                                       |                     |
| <b>CONTACT PERSON</b>                      |                         |                                       |                     |
| <b>TELEPHONE NUMBER</b>                    |                         |                                       |                     |
| <b>FAX NUMBER</b>                          |                         |                                       |                     |
| <b>ENQUIRIES REGARDING BID PROCEDURES</b>  |                         | <b>TECHNICAL ENQUIRIES</b>            |                     |
| <b>MANAGER: SUPPLY CHAIN MANAGEMENT</b>    |                         | <b>MANAGER REVENUE</b>                |                     |
| <b>V MASILELA</b>                          |                         | <b>M NAMANE</b>                       |                     |
| <b>TEL. NUMBER</b>                         | <b>TEL.013 262 3056</b> | <b>TEL. NUMBER</b>                    | <b>013 262 3056</b> |
| <b>TENDER ISSUED BY</b>                    |                         |                                       |                     |
| <b>SUPPLY CHAIN MANAGEMENT UNIT</b>        |                         |                                       |                     |
| <b>ELIAS MOTSOALEDI LOCAL MUNICIPALITY</b> |                         | <b>P.O. BOX 48, GROBLERSDAL, 0470</b> |                     |

**ELIAS MOTSOALEDI LOCAL MUNICIPALITY**

| TENDER DETAILS   |   |                                       |                         |     |              |     |     |
|--|---|---------------------------------------|-------------------------|-----|--------------|-----|-----|
| TENDER NUMBER  | <b>EMLM 20/2025</b>   |                                       |                         |     |              |     |     |
| TENDER TITLE   | <b>MUNICIPAL DATA ENRICHMENT FOR A PERIOD OF 36 MONTHS (3 YEARS)</b>  |                                       |                         |     |              |     |     |
| CLOSING DATE   | <b>21 FEBRUARY 2025</b>   |                                       | CLOSING TIME            |     | <b>11H00</b> |     |     |
| SITE MEETING   | DATE  | N/A                                   | TIME                    | N/A | N/A          | N/A | N/A |
| SITE MEETING ADDRESS   | N/A   |                                       |                         |     |              |     |     |
| CIDB GRADING REQUIRED  | <b>NO</b>   |                                       | LEVEL AND CATEGORY      |     | <b>N/A</b>   |     |     |
| TENDER DOCUMENT FEE  | <b>R1,000.00(if collecting from the Municipality)</b><br><b>Free when downloading from e-tender portal</b>    |                                       | PREFERENCE POINT SYSTEM |     | <b>80/20</b> |     |     |
| BID BOX SITUATED AT  | <b>MAIN OFFICES, 2<sup>nd</sup> GROBLER AVENUE</b> , Elias Motsoaledi Local Municipality,                     |                                       |                         |     |              |     |     |
| OPERATING HOURS  | The bid box is open during office hours, Monday to Thursday from 07h30 to 16h30.<br>Friday from 7h30 to 13h30 |                                       |                         |     |              |     |     |
| OFFER TO BE VALID FOR  | 90  | DAYS FROM THE CLOSING DATE OF TENDER. |                         |     |              |     |     |
| <p><b>PLEASE NOTE:</b></p> <ol style="list-style-type: none"> <li>1. Prospective suppliers must be registered on CSD prior to submitting bid (open tender)</li> <li>2. Tenders that are deposited in the incorrect box will not be considered.</li> <li>3. Mailed, telegraphic, telex, or faxed tenders will not be accepted.</li> <li>4. No late bids after closing date and time will be accepted.</li> <li>5. Bids not clearly marked and unamend will not be accepted.</li> <li>6. Bids may only be submitted on the bid documentation provided by the municipality.</li> <li>7. No awards will be made to a person:             <ol style="list-style-type: none"> <li>i. Who is in the service of the state,</li> <li>ii. If that person is not a natural person , of which any director, manager, principal shareholder or stakeholder is a person in the service of the state</li> </ol> </li> </ol> |   |                                       |                         |     |              |     |     |

**BIDDER'S TENDER DOCUMENTATION DECLARATION CERTIFICATION**

|   |  |
|---|--|
| I, the undersigned certify that the information furnished on this declaration form is correct, completed and submitted. |  |
| NAME OF REPRESENTATIVE  |  |
| POSITION / DESIGNATION  |  |
| SIGNATURE   |  |
| DATE  |  |

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**T1.1 TENDER NOTICE & INVITATION**  
**ELIAS MOTSOLEDI LOCAL MUNICIPALITY**  
**TENDER NO: EMLM 20/2025**  
**CLOSING DATE: 21 FEBRUARY 2025 AT 11H00**



In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), tenders are hereby invited for:  
**MUNICIPAL DATA ENRICHMENT FOR A PERIOD OF 36 MONTHS (3 YEARS).**

Tender documents and specifications are available and can be obtained from CASHIERS OFFICE IN THE MAIN OFFICES, 2<sup>nd</sup> Grobler Avenue Groblersdal, P.O. Box 48, Groblersdal, 0470 (Tel: [013] 262 3056, at a non-refundable deposit of **R1,000.00** when the bidder request/need a document from the municipality and it is free of charge when downloaded from the e-Tender Portal. Payments can be made through cash payable to the Elias Motsoaledi Local Municipality.

The closing time for receipt of tenders is **21 FEBRUARY 2025 at 11h00**. Telegraphic, telex, facsimile, e-mail, unmarked and **late tenders** will under no circumstances be considered and accepted. The tender box will be emptied just after closing time on the closing date. Hereafter all bids will be opened in public.

Any technical enquiries relating to the tender document may be directed to the **Budget and Treasury Office (Mrs. M Namane)** at 013 262 3056 or at [mnamane@emlm.gov.za](mailto:mnamane@emlm.gov.za) for technical assistance.

Fully completed tender documents, clearly marked **MUNICIPAL DATA ENRICHMENT FOR A PERIOD OF 36 MONTHS (3 YEARS)**, "with **NAME of TENDERER**" must be placed in a sealed envelope and placed in the **tender box no:03** on the **2<sup>nd</sup> Grobler Avenue**, Elias Motsoaledi Local Municipality, Main Offices, Groblersdal, **by no later than 21 FEBRUARY 2025 at 11h00**. The envelope must be endorsed with number, title and closing date as indicated above.

Bidders will be evaluated on functionality whereby **70 points (70%)** has to be attained before Price can be looked at. A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Elias Motsoaledi Local Municipality where 80 points will be allocated in respect of price and 20 points in respect of specific goals.

- Who is not registered on the Central Supplier Database;
- Who is in the service of the state;
- If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; and/or
- Who is an advisor or consultant contracted with the municipality or municipal entity.

The municipality reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it. The municipality does not bind itself to accepting the lowest tender or award a contract to the bidder scoring the highest number of points



**TERMS OF REFERENCE  
FOR  
MUNICIPAL DATA ENRICHMENT FOR A PERIOD OF 36 MONTHS (3 YEARS)**

It is the intention of the Elias Motsoaledi Local Municipality to enter into a service agreement with a service provider that will carry out the services described hereunder. These Terms of Reference and the service provider's proposal will form the basis of the contract.

**SECTION 1: DETAILS**

Province : Limpopo

Municipality : Elias Motsoaledi Local Municipality

Project Name : Municipal Data Enrichment for a period of 3 years

**SECTION 2: SUMMARY BRIEF**

Proposals are requested from service providers who have the necessary stature, extensive experience and qualifications for the Proposals: Municipal Data Enrichment.

**SECTION 3: PROJECT DESCRIPTION**

Tenderers are hereby invited for the proposals in respect of MUNICIPAL DATA ENRICHMENT FOR A PERIOD OF 36 MONTHS (3 YEARS).

#### **4. THE SCOPE OF WORK:**

The project scope and methodology should demonstrate the understanding of the assignment, the capacity, capability and the processes that will be followed to implement the project.

It is therefore anticipated that the project should as a minimum requirement meet but "not limited to" the following:

##### **4.1 SUPPLY CHAIN VERIFICATION AND MANAGEMENT**

- a) Identify possible conflict of interests; in line with MFMA during all procurement processes of individuals in the employ of the state person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months
- b) Report on possible irregular expenditure due to conflict of interest transactions on individuals in the employ of the state
- c) Ongoing enrichment of existing vendor database and improving the new vendor take on process
- d) Service provider must have ability to a reasonable degree to identify all government employees and close relative's conduction business with the municipality
- e) Employee declarations verification authenticate declarations register and highlight irregularities or non-compliance.
- f) Tender adjudication verifications company Statutory and Director verifications.
- g) Request for Quotation process management ensure that only vendors trading legitimately are approached for quotations.
- h) Vendor register management automated monthly reports on changes such as deregistration, liquidation, change of domicillium address etc.
- i) The Service Provider will assist Municipality to verify Directors of the bidding companies, they are State Employees or not.

##### **4.2 DATA CLEANSING**

- a) Profiling of each debtor in the debtor's book;
  - b) Debtor profiling and segmentation checking for and Allocation of debtors correctly to respective portfolios i.e. Indigents, residential, business etc.
  - c) Ongoing enrichment of the quality of data i.e. provide latest contact details in full
  - d) Update the database and advise debtors confirmed deceased
  - e) Serving provider must have the ability to access debtor records despite lack of accurate ID numbers and Company registration number
  - f) Provide comprehensive reports on segmentation, status, various portfolios on a regular basis.
  - g) Provide specific fiscal year end reports e.g. debt impairments/provision for bad debts.
  - h) Direct access to home affairs to verify municipal debtors
  - i) Advisory services in terms of reviewing the existing revenue management policy
  - j) Correctly identify properties in line with Deeds office data
  - k) Additional Advisory services within the credit management space for the betterment of revenue collections
  - l) Advisory services to improve overall collectability of outstanding debts
  - m) All reports must be provided online and evidence of secure transmission of data must be provided
-

- n) Be in a position to furnish the Municipality on a monthly basis with critical data sets which highlight the risk elements within the debtor's book, including but not limited to Deceased debtors, liquidated businesses etc.
- o) Address issues of return mail and contact ability by providing updated contact information inclusive of physical addresses, telephone and cell phone numbers, emails addresses will be required on a monthly basis.

### **4.3 INDIGENT VERIFICATION AND MANAGEMENT**

#### 4.3.1 Implementation of the mobile apps and web based electronic system used for indigent management.

- a) The bidder must make use of indigent management system to manage the indigent registrations and verification process on behalf of the Municipality. The bidder must provide the Municipality with viewing rights as well as rights to execute functions on the system.
- b) Conventional Electricity Meters on Indigents Accounts should be changed to Prepaid and/or Smart Electricity Meters.
- c) Water and Electricity Meters on Indigents Accounts should be inspected to ensure no leakages and to be replaced if leakages are found and detected.

#### 4.3.2 The indigent management system must be able to perform the following functions:

Smart and/or mobile Indigent registrations.

- a) Mobile Scanning of all supporting documents.
  - b) The system must have a declaration by the applicant.
  - c) Digitalised applicant signature through mobile app and web panel.
  - d) Mobile App must be downloadable from google play and App Store etc. in the name of the App and description.
  - e) Send SMSs notifications upon registration and approval stages.
  - f) Download and print form submitted, reviewed and verified form in pdf format.
  - g) The completed form must have date of capturing, time and date of the download and printing.
  - h) Print supporting documents.
  - i) The system must be in a South African currency.
  - j) Mobile app should be able to create user accounts.
  - k) Verify employment status of an applicant, spouse and occupant(s) (if application).
  - l) Provide current and historic physical address of an applicant household.
  - m) Provide employers address of an applicant or that of occupant(s) (if applicable).
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- n) Provide information about applicant business connection (if applicable).
- o) Provide bank information of an applicant, spouse and occupant(s) (if application).
- p) The system must be able to capture services linked to the applicant stand number.
- q) Inform the municipality if there is a change to the employment status of the applicant.
- r) The system must be able export files in formats required by the municipality.
- s) The system will be able to execute the whole Indigent management process.
- t) Verify the occupant(s) status (if applicable).
- u) Verification of information provided by applicants for indigent subsidy for municipal services which include but is not limited to identity number, employment details, lifestyle audit, residential and property ownership, person tracing, contact details, income indicator, credit status and any other information disclosed on the application form that may have a bearing on the outcome of the application.
- v) The system must be able to perform third party verifications at least once quarterly.
- w) Re- assessments of existing indigent beneficiaries.
- x) Generate management reports (Indigent applications, indigent verifications, indigent register/listing etc).

## **5. The System must be a mobile App and web based indigent management solution.**

### 5.1 Expected Benefits

- a) The implementation of the Indigent management system must assist in addressing audit findings and maintaining a credible indigent register in line with the policy; which will assist in:
  - b) Mobile App registration, verifying and approving indigent applicants;
  - c) Establishing and maintaining credible indigent register;
  - d) Providing technical support and assistance in maintaining the municipality's indigent register.
  - e) Conducting quality control and monitoring
-

- f) Addressing an overstatement of the Indigent debtor which will enable us to confirm the accuracy of the reported amounts of Indigent debtors. Proactively identify indigent citizens and accelerate the registration process through data-driven indigency status verification, as a precursor to tabling applications to Council for approval;
- g) Better enable the provision of free basic services to indigent citizens, thereby uplifting the poorest of the poor;
- h) Verify the validity of all information provided by application;
- i) Verify the indigence status of indigents on the current indigent register thereby reducing the risk of citizens enjoying indigent status when they do not qualify for it anymore.
- j) Create a verifiable Indigent Register which reduces performance audit risk through the provision of monthly controls and credible, third party, data-driven evidence to support the validity of households registered as indigent.
- k) Utilise the insight provided regarding indigents to possibly make any necessary amendments to current Indigent Policy;
- l) Replacement of indigent Households conventional electricity meters to prepaid and/or smart meters; and
- m) Inspect, audit indigent households water and electricity meters to ensure accuracy and replace if found damaged and/or leaking.

## SECTION 5: PURPOSE / OBJECTIVES OF THE PROJECT

### PURPOSE

The purpose of this bid is to source a service provider who has the capacity and capability to provide a Municipal Data Enrichment services to the municipality.

### THE OBJECTIVES

The objectives of the project involve the following but not limited to:

- Verify existing register for deserving recipients, identify possible fraud elements.
- Service provider must have ability, to a reasonable degree to identify all government employees and close relative's conducting business with the municipality.

## SECTION 6: TERMINATION AND PENALTIES

The service provider is expected to deliver all equipment's and material as required, failure to do so will result in penalties imposed or termination of the contract.

## SECTION 7: PROJECT COSTS / PRICING SCHEDULE AND PAYMENT MILESTONES

Service providers are expected to provide an estimate of disbursements in their proposal and indicate payment at specific milestones successfully completed. The project cost must be inclusive of all chargeable costs to the municipality. The municipality will not pay any amount outside the projected/quoted amount.

The proposal must be fixed cost and remain valid for **90 days** after the closing date of the tender submissions. The rate of exchange of this bid is not subject to any foreign currency and the prize must be firm.

## PRICING SCHEDULE

### ***PRICING INSTRUCTIONS***

- a) These pricing instructions provide the tenderer with guidelines and requirements with regard to the completion of the pricing schedule. These pricing instructions also describe the criteria and assumptions which will be assumed in the contract to have been taken into account by the tenderer when developing his prices.
- b) The pricing schedule shall be read with all the documents which form part of this contract.
- c) The rates to be inserted in the pricing schedule are to be full inclusive for the work described under the specification. Such rates shall cover all costs and expenses that may be required in and for the execution of the work described, and shall cover the cost of all general risks, liabilities, and obligations set forth or implied in the documents on which the tender is based, as well as overhead charges and profit.
- d) A rate is to be entered against each item in the Schedule of Fees and Disbursements. An item against which no rate is entered will be accepted as a rate of nil having been entered against such items and covered by the other prices or rates in the schedule.
- e) All rates and sums of money quoted in the pricing schedule shall be in Rands and whole cents.
- f) All travelling costs, accommodation, meals and other incidental costs are to be included in the time based costs.
- g) Provisional amounts shall only be expended on the specific instruction of the Employer.
- h) All prices and rates entered in the pricing schedule must be **inclusive of Value Added Tax (VAT)**.
- i) If VAT registered, then should be added below the schedule. If not VAT registered indicate zero or N/A
- j) Only firm prices will be accepted. Non-firm prices (including prices subject to rates of exchange variations) will not be considered.
- k) In cases of contract periods longer than 12 months and price adjustments is applicable, it will be based on CPI. If higher inflation is required indicate CPI + and number %.

### PRICING SCHEDULE (BOQ)

The successful bidder must provide a detailed breakdown of its prices, costs and fees: **All rates must be VAT inclusive.**

The Municipality will make payment in respect of services provided only when instructions to perform a specific action are successfully completed.

| Description  | Rate | Year 1 | Year 2         | Year 3 |
|--|------|--------|----------------|--------|
| <b>A. System/administration setup and installation fees.</b>   |      |        |                |        |
| <input type="checkbox"/> Setup and installation (once off)   |      |        | Not Applicable |        |
| <input type="checkbox"/> Fixed monthly/annual management/service fee   |      |        |                |        |
| <input type="checkbox"/> Annual licence fee  |      |        |                |        |
| <b>B. Data Cleansing</b>   |      |        |                |        |
| <input type="checkbox"/> Data cleansing per entry  |      |        |                |        |
| <input type="checkbox"/> Confirmation of deceased debtors  |      |        |                |        |
| <b>C. Indigent management:</b>   |      |        |                |        |
| <input type="checkbox"/> Data capturing and updating of the database   |      |        |                |        |
| <input type="checkbox"/> Indigent application support  |      |        |                |        |
| <input type="checkbox"/> Household audits  |      |        |                |        |
| <input type="checkbox"/> Beneficiary vetting per household   |      |        |                |        |
| <input type="checkbox"/> Ad hoc investigations during working hours per household                              |      |        |                |        |
| <input type="checkbox"/> Ad Hoc after-hours visits in wards to assist with indigent applications per household |      |        |                |        |
| <b>SUB -TOTAL PRICE</b>  |      |        |                |        |
| <b>VAT@15%</b>   |      |        |                |        |
| <b>TOTAL PRICE</b>   |      |        |                |        |

**TOTAL BID PRICE FOR 3 YEARS = \_\_\_\_\_**

## SECTION 8: REPORTING

The successful supplier will be expected to submit a detailed quarterly report to Elias Motsoaledi Local Municipality on an annual basis (1 copy to Project Manager and another copy to Supply Chain Management Unit). Elias Motsoaledi Local Municipality's Project Manager shall conduct yearly performance assessment to the appointed Service Provider.

## SECTION 9: PROJECT TEAM

CV's of the project team must be included in the proposal. Project team must be available for the whole implementation of the project. Declaration letters of availability of the team members must be attached, and in case of resignation of the member the service provider must inform the municipality in writing. The resigned member must be replaced by team member of the same stature e.g., Qualification and experience in consultation with the municipality.

## SECTION 10: EVALUATION CRITERIA

**RETURNABLE TENDER DOCUMENTS MUST BE COMPILED WITH CLEAR FILES DIVIDERS IN A NUMERICAL ORDER AS PER THE BELOW MINIMUM REQUIREMENTS**

### **Minimum Qualifying Requirements /Compulsory Returnable Documents:**

1. Fully completed and signed MBD Forms with a black ink **(1; 4; 6.1; 8 & 9)**.
2. Attach CSD registration report **(detailed report not summary report)**.
3. Valid copy Entity / Company registration certificate.
4. Sign any alteration on the tender document. **(NB: Not Initialed)**.
5. Sign every page on the tender document. **(NB: Not Initialed)**.
6. Forms must be completed and signed in Black ink.
7. CIPC Abridged Certificate Annual returns **(Figures / Amount page) (NB applicable to entities that are in business for more than 12 months and must be paid before the closing date of the tender)**.
8. Company Profile **(Detailing; Name of Client; Service Provided; Award Amount; Contact Person and Contact Number)**
9. Proof of Municipal rates and taxes or services charges:
  - Of the company and all of its directors not in arrears for more than 90 days or
  - Confirmation from the municipality if municipal rates and taxes are not levied (for the company and all its director(s)) as per CK/Company form of address on the registration certificate or
  - if leasing, a signed lease agreement by the lessor and the lessee and the Municipal rates in the name of the lessor for both company and director(s).
10. Original Certified copies of ID's of the Director(s) **(Certification not older than 6 months before the closing date)**.
11. **In case of a Joint Venture**, Association or Consortium a formal contract agreement must be signed by both parties and be attached, and the following must be adhered to:
  - a. All of the above requirements must be for both entities.

**NB: FAILURE TO MEET ANY OF THE ABOVE REQUIREMENTS WILL LEAD TO IMMEDIATE DISQUALIFICATION,**

## FUNCTIONALITY CRITERIA:

### PHASE 1: FUNCTIONALITY EVALUATION

1. Service providers must meet the minimum threshold. Failure to meet the threshold in any of the deliverables will result in disqualification and the service provider not being considered for Phase 2 evaluation.
2. Technical evaluation will be allocated 100 points. Minimum qualifying is 70 points (70%).

| NO | EVALUATION CRITERIA  | MAXIMUM POINTS |
|----|--|----------------|
| 1  | <b>COMPANY EXPERIENCE ON MUNICIPAL DATA ENRICHMENT:<br/>(APPOINTMENT LETTER AND STAMPED &amp; SIGNED REFERENCE LETTERS)</b> <ul style="list-style-type: none"><li>• 10 points per letter.</li></ul>  | 50             |
| 2  | <b>KEY PERSONNEL:</b> <ul style="list-style-type: none"><li>• <b>Project Leader:</b><ul style="list-style-type: none"><li>○ 5 years' experience in similar projects <b>20 Points</b></li><li>○ National Diploma Data Analytics or Higher</li></ul></li><li>• <b>System Developer</b><ul style="list-style-type: none"><li>○ 3 years' experience in similar projects <b>10 Points</b></li><li>○ National Diploma Information Technology or Higher</li></ul></li></ul> | 30             |
| 3  | <b>SOFTWARE LICENSE:</b><br>Electronic Mobile App and Web based Indigent Management system, Data storage and verification: <ul style="list-style-type: none"><li>• Own software/re-seller License/Certificate/letter of confirmation <b>10 Points</b></li></ul>  | 10             |
| 4  | <b>ONLINE VERIFICATION SYSTEM BROCHURE / MANUAL</b> <ul style="list-style-type: none"><li>• Detailed Brochure / Manual</li><li>• Indigent Modules</li><li>• SCM Modules</li><li>• Data Cleansing Modules <b>10 Points</b></li></ul>  | 10             |
|    | <b>TOTAL POINTS</b>  | <b>100</b>     |
|    | <b>MINIMUM FUNCTIONALITY QUALIFYING SCORE (70%)</b>  | <b>70</b>      |

**PHASE 2: PRICE AND PREFERENTIAL POINTS ALLOCATIONS**

For quotes with a Rand value up to R50 000 000, the preference point system of 80/20 will apply, where 80 points will be for **(Price)** and 20 points will be for **Specific Goals** (Black, Women, Disability & people living in rural underdeveloped areas) in terms of section 2(1)(d) of the Preferential Procurement Policy Framework Act, 2000, (Act No 5 Of 2000)

|                       |   |                   |
|-----------------------|---|-------------------|
| <b>Price</b>          | = | <b>80 Points</b>  |
| <b>Specific Goals</b> | = | <b>20 Points</b>  |
| <b>Total</b>          | = | <b>100 Points</b> |

| The specific goals allocated points in terms of this tender | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|---|---|
| ▪ 51% Black owned Company                                   | 10  |   |
| ▪ Company which is at least 51% owned by women              | 10  |   |
| <b>TOTAL</b>  | <b>20</b>   |   |

## SECTION 11: SUBMISSION OF INFORMATION

The proposals must be received by EMLM no later than **21 February 2025 @ 11h00** on the closing date at EMLM premises:

02 Grobler Avenue Groblersdal  
0470

Further information regarding technical queries can be sent via email to:

[mnamane@emlm.gov.za](mailto:mnamane@emlm.gov.za)

### CONCLUSION

Any false information given by the Prospective Service Provider and not meeting the minimum qualifying requirement, will lead to automatic disqualification of the PSP.

The council reserves the right to either accept the whole or part of any Bid, or not to appoint at all. **Faxes or e-mail are not acceptable.**

Bidders will be required to show compliance with the New Preferential Procurement policy Framework Act of 2022.

### COMPULSORY MUNICIPAL BID DOCUMENTATION

- |    |         |   |  |
|----|---------|---|--|
| a) | MBD 1   | : | Invitation to tender   |
| b) | MBD 4   | : | Declaration of interest  |
| c) | MBD 6.1 | : | Preference certificate   |
| d) | MBD 8   | : | Declaration of bidder's past supply chain management practices |
| e) | MBD 9   | : | Certificate of Independent Bid Determine                       |

**Ms. NR Makgata Pr Tech Eng**  
**Municipal Manager**

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**PART A  
INVITATION TO BID**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ELIAS MOTSOALEDI LOCAL MUNICIPALITY)**

|             |  |               |  |               |  |
|-------------|--|---------------|--|---------------|--|
| BID NUMBER: |  | CLOSING DATE: |  | CLOSING TIME: |  |
| DESCRIPTION |  |               |  |               |  |

**THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).**

BID RESPONSE DOCUMENTS MAY BE DEPOSITED  
IN THE BID BOX SITUATED AT (STREET ADDRESS

**02 GROBLER AVENUE**

**GROBLERSDAL**

**0470**

**SUPPLIER INFORMATION**

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER      CODE      NUMBER

CELLPHONE NUMBER

FACSIMILE NUMBER      CODE      NUMBER

E-MAIL ADDRESS

VAT REGISTRATION NUMBER

TAX COMPLIANCE STATUS      TCS PIN:      OR      CSD No:

|  |  |   |  |
|--|--|---|--|
| <i>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</i> | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF] | <i>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</i> | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER PART B:3 ] |
|--|--|---|--|

|                                      |  |                        |          |
|--------------------------------------|--|------------------------|----------|
| <i>TOTAL NUMBER OF ITEMS OFFERED</i> |  | <i>TOTAL BID PRICE</i> | <b>R</b> |
|--------------------------------------|--|------------------------|----------|

|                            |       |             |  |
|----------------------------|-------|-------------|--|
| <i>SIGNATURE OF BIDDER</i> | ..... | <i>DATE</i> |  |
|----------------------------|-------|-------------|--|

*CAPACITY UNDER WHICH THIS BID IS SIGNED*

|                                       |                         |  |
|---------------------------------------|-------------------------|--|
| <b>BIDDING PROCEDURE DIRECTED TO:</b> | <b>ENQUIRIES MAY BE</b> | <b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b> |
|---------------------------------------|-------------------------|--|

|                |            |                |           |
|----------------|------------|----------------|-----------|
| CONTACT PERSON | V MASILELA | CONTACT PERSON | M. Namane |
|----------------|------------|----------------|-----------|

|                  |              |                  |              |
|------------------|--------------|------------------|--------------|
| TELEPHONE NUMBER | 013 262 3056 | TELEPHONE NUMBER | 013 262 3056 |
|------------------|--------------|------------------|--------------|

|                |  |                |  |
|----------------|--|----------------|--|
| E-MAIL ADDRESS | <a href="mailto:vmasilela@emlm.gov.za">vmasilela@emlm.gov.za</a> | E-MAIL ADDRESS | <a href="mailto:mnamane@emlm.gov.za">mnamane@emlm.gov.za</a> |
|----------------|--|----------------|--|

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

## 1. BID SUBMISSION:

1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.

1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE**

1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

## 2. TAX COMPLIANCE REQUIREMENTS

2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.

2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.

2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

## 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- |  |                          |                          |     |    |
|--|--------------------------|--------------------------|-----|----|
| 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> | <input type="checkbox"/> | YES | NO |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?                       | <input type="checkbox"/> | <input type="checkbox"/> | YES | NO |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?      | <input type="checkbox"/> | <input type="checkbox"/> | YES | NO |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?           | <input type="checkbox"/> | <input type="checkbox"/> | YES | NO |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?       | <input type="checkbox"/> | <input type="checkbox"/> | YES | NO |

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

## 3. Service Providers Declaration and Privacy Notice

3.1 I declare that I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.

3.2 I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,

3.2.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality;

3.2.2 conducting service provider vetting; and

3.2.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.

3.3 I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.

3.4 I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which

may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.

3.5 I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.

3.6 I confirm that I have read the notice and understand the contents.

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

4. I, the undersigned certify that the information furnished on this declaration form is correct.

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

DATE: .....

**DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
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.
3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

| No.   | Information   | Please provide detail |    |
|-------|---|-----------------------|----|
| 3.1   | Full name of bidder or his or her representative  |                       |    |
| 3.2   | Identity number   |                       |    |
| 3.3   | Position occupied in the company (director, trustee, hareholder <sup>2</sup> )  |                       |    |
| 3.4   | Company registration number   |                       |    |
| 3.5   | Tax reference number  |                       |    |
| 3.6   | VAT registration number   |                       |    |
| Note  | <i>(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)</i> |                       |    |
| 3.7   | Are you presently in the service of the state?<br><br>If yes, please furnish particulars :  | Yes                   | No |
| 3.7.1 | Name of director  |                       |    |
| 3.7.2 | Service of state organization   |                       |    |

|        |  |     |    |
|--------|--|-----|----|
| 3.8    | Have you been in the service of the state for the past twelve months?<br><br>If yes, please furnish particulars :  | Yes | No |
| 3.8.1  | Name of director   |     |    |
| 3.8.2  | Service of state organization  |     |    |
| 3.9    | 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?<br><br>If yes, please furnish particulars:                                | Yes | No |
| 3.9.1  | Name of person in the service of state   |     |    |
| 3.9.2  | Relationship   |     |    |
| 3.10   | 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?<br><br>If yes, please furnish particulars : | Yes | No |
| 3.10.1 | Name of person in the service of state   |     |    |
| 3.10.2 | Relationship   |     |    |
| 3.11   | <i>Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?</i><br><br>If yes, please furnish particulars :   | Yes | No |
| 3.11.1 | Name of director   |     |    |
| 3.11.2 | Service of state organization  |     |    |
| 3.12   | Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state?<br><br>If yes, please furnish particulars:  | Yes | No |
| 3.12.1 | Name of director   |     |    |
| 3.12.2 | Name of relative   |     |    |
| 3.12.3 | Relationship   |     |    |

|        |   |     |    |
|--------|---|-----|----|
| 3.13   | 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?<br><br>If yes, please furnish particulars:  | Yes | No |
| 3.13.1 | Name of director  |     |    |
| 3.13.2 | Related company   |     |    |
| Note:  | <p>SCM Regulations:</p> <p>“In the service of the state” means to be –</p> <ul style="list-style-type: none"> <li>(a) a member of – <ul style="list-style-type: none"> <li>(i) any municipal council;</li> <li>(ii) any provincial legislature; or</li> <li>(iii) the national Assembly or the national Council of provinces;</li> </ul> </li> <li>(b) a member of the board of directors of any municipal entity;</li> <li>(c) an official of any municipality or municipal entity;</li> <li>(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);</li> <li>(e) a member of the accounting authority of any national or provincial public entity; or</li> <li>(f) an employee of Parliament or a provincial legislature.</li> </ul> <p>“<sup>2</sup> Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.</p> |     |    |

4. **Full details of directors / trustees / members / shareholders**

| Full Name | Identity Number | State Employee Number |
|-----------|-----------------|-----------------------|
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |

**5. Service Providers Declaration and Privacy Notice**

- 5.1 I declare that all the personal information furnished by me on this form is true and correct, and I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.
- 5.2 I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,
  - 5.2.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality.
  - 5.2.2 conducting service provider vetting; and
  - 5.2.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.
- 5.3 I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.
- 5.4 I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.
- 5.5 I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.
- 5.6 I confirm that I have read the notice and understand the contents.

6. I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.

|                           |                         |
|---------------------------|-------------------------|
| <b>NAME OF REP:</b> _____ | <b>SIGNATURE:</b> _____ |
| <b>DATE:</b> _____        | <b>CAPACITY:</b> _____  |

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022**

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

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

**1. GENERAL CONDITIONS**

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

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

**1.2 To be completed by the organ of state**

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) The 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

**1.4 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

|   | POINTS |
|---|--------|
| PRICE                                     | 80     |
| SPECIFIC GOALS                            | 20     |
| Total points for Price and SPECIFIC GOALS | 100    |

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

**2. DEFINITIONS**

- (a) “**tender**” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less

all unconditional discounts;

- (c) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) “**tender for income-generating contracts**” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1. POINTS AWARDED FOR PRICE

##### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

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

#### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

##### 3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

- Ps = Points scored for price of tender under consideration  
Pt = Price of tender under consideration  
Pmax = Price of highest acceptable tender

### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points

based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

*(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.*

*Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)*

| The specific goals allocated points in terms of this tender | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|---|---|
| Company which at least 51% is owned by Black                | 10  |   |
| Company which is at least 51% owned by women                | 10  |   |
| <b>TOTAL POINTS</b>   | <b>20</b>   |   |

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

---

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the tenderer or 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

|                           |   |
|---------------------------|---|
|                           | .....<br><b>SIGNATURE(S) OF TENDERER(S)</b> |
| <b>SURNAME AND NAME :</b> | .....                                       |
| <b>DATE</b>               | : .....                                     |
| <b>ADDRESS</b>            | : .....                                     |
|                           | : .....                                     |
|                           | : .....                                     |
|                           | : .....                                     |

**DECLARATION OF BIDDERS 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:
  - 3.1 abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - 3.2 been convicted for fraud or corruption during the past five years;
  - 3.3 willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - 3.4 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>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?</p> <p>(Companies or persons who are listed on this database were informed in writing of this restriction by the accounting officer / authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</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 | No |
| 4.1.1 | If so, furnish particulars:  |     |    |
| 4.2   | <p>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)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> by clicking on its link at the bottom of the home page.</b></p>  | Yes | No |
| 4.2.1 | If so, furnish particulars:  |     |    |

| Item  | Question  | 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 so, furnish particulars:   |     |    |
| 4.4   | Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?  | Yes | No |
| 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 | No |
| 4.5.1 | If so, furnish particulars:   |     |    |
| 5.    | <p><b>Service Providers Declaration and Privacy Notice</b></p> <p>5.1 I declare that I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.</p> <p>5.2 I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,</p> <p>5.2.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality;</p> <p>5.2.2 conducting service provider vetting; and</p> <p>5.2.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.</p> <p>5.3 I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.</p> <p>5.4 I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.</p> <p>5.5 I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.</p> <p>5.6 I confirm that I have read the notice and understand the contents.</p> |     |    |

5.7 I, the undersigned certify that the information furnished on this declaration form is correct.

**CERTIFICATION**

I, the undersigned 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.

|                           |                         |
|---------------------------|-------------------------|
| <b>NAME OF REP:</b> _____ | <b>SIGNATURE:</b> _____ |
| <b>DATE:</b> _____        | <b>CAPACITY:</b> _____  |

**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:
  - 3.1. take all reasonable steps to prevent such abuse;
  - 3.2. 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
  - 3.3. 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.**

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**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

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**(Tender Number and Description)**

in response to the invitation for the bid made by:

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**(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
  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.
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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.

### **Service Providers Declaration and Privacy Notice**

10. I declare that I undertake to inform Elias Motsoaledi Local Municipality of any changes in my personal information.
11. I, as a Service Provider of the Municipality hereby consent that the Municipality may collect, use, distribute, process my personal information for its business purposes, which may include, but is not limited to,
  - 11.1 internal administrative processes pertaining to services rendered or goods provided to the Municipality;
  - 11.2 conducting service provider vetting; and
  - 11.3 rendering services or providing goods to Elias Motsoaledi Local Municipality.
12. I also consent that the Municipality may share my personal information with the South African Revenue Service, Companies and Intellectual Property Commission, Department of Trade and Industry, Provincial Treasury, Black Economic Empowerment Commission, Competition Commission, South African Police Service, Banks, External Auditors, Suppliers Vetting Agencies, relevant governance structures, relevant government institutions and legal entities which may lawfully require such information for legal obligations.
13. I understand that in terms of the Protection of Personal Information Act (POPIA) and other laws of the country, there are instances where my express consent is not necessary to permit the processing of personal information, which may be related to investigations, litigation, compliance with legislative requirements or when personal information is publicly available.
14. I will not hold the Municipality responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.
15. I confirm that I have read the notice and understand the contents.
16. I, the undersigned certify that the information furnished on this declaration form is correct.

**<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.**

17. 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

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**Signature**

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**Date**

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**Position**

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**Name of Bidder**

### **GENERAL CONDITIONS OF CONTRACT**

The General Conditions of Contract are not included in this document and may be downloaded from the following website – [www.treasury.gov.za/legislation](http://www.treasury.gov.za/legislation)

