



DR PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY

TENDER NUMBER: 06/2023

APPOINTMENT OF A SERVICE PROVIDER FOR THE SUPPLY AND DELIVERY OF CHEMICALS FOR WATER AND WASTE WATER PURIFICATION.

Enquiries : Office hours only
Administrative : Mrs. N. Khuzwayo
Tel : 017 734 6163
E-mail : masinan@pixleykaseme.gov.za

Technical : Ms. S. Shikwambana
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E-mail : shikwambana@pixleykaseme.gov.za

BID INFORMATION

Project No : T06/2023

Project Name : **APPOINTMENT OF A SERVICE PROVIDER FOR THE SUPPLY AND DELIVERY OF CHEMICALS FOR WATER AND WASTE WATER PURIFICATION.**

Tenderer's Name : _____

Sub Total : R _____ (Excluding VAT)

VAT @15% : R _____ (VAT Amount)

Total Tender Price : R _____ (Including VAT)

CLOSING DATE: MONDAY, 03 APRIL 2023 AT 12:00

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PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE DR PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY					
TENDER NO	06/2023	CLOSING DATE:	03 April 2023	CLOSING TIME:	12:00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR THE SUPPLY AND DELIVERY OF CHEMICALS FOR WATER AND WASTE WATER PURIFICATION.				
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					
Dr Pixley ka Isaka Seme Local Municipality Offices (Entrance Foyer)					
Cnr Adelaide Tambo Street and Dr Nelson Mandela Drive					
Volksrust					
2470					
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:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]	
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE	R	
SIGNATURE OF BIDDER		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	BUDGET AND TREASURY DEPARTMENT		CONTACT PERSON	Ms. Shavion Shikwambana	
CONTACT PERSON	Mrs. N. Khuzwayo		TELEPHONE NUMBER	017 734 6128	
TELEPHONE NUMBER	017 734 6163		FACSIMILE NUMBER	086 6302209	
FACSIMILE NUMBER	086 6302209		E-MAIL ADDRESS	shikwambana@pixleykaseme.gov.za	
E-MAIL ADDRESS	mpumek@pixleykaseme.gov.za				

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>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.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
<p>3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>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.</p>

**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.**

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

VOLUME ONE

TERMS OF REFERENCE

1.1 Purpose

Dr Pixley ka Isaka Seme Local Municipality is seeking is seeking bids or tenders from suitable qualified suppliers to render the services of supply and deliver chemicals for water and waste water purification chemicals to Volksrust, Vukuzakhe, Amersfoort and Wakkerstroom Water & Volksrust, Vukuzakhe, Amersfoort, Perdekop and Wakkerstroom Waste water treatment works and conduct daily plant optimization to determine the daily dosage. The material to be procured is specified and quantified in the Bill of Quantities or Pricing Schedule contained in this bid document.

1.2 Project Objectives

Dr PKISLM is responsible to ensure that its communities have access to basic services through the provision of the appropriate infrastructure to meet the needs of its communities. The objectives of this project are, therefore, to:

- Deliver services to communities within Dr PKISLM, in the form of fully and efficiently functional water services.
- Ensure that the community derives social and economic benefits from the project.

1.3 Type of Contract

The successful Bidder will be expected to enter into a Service Level of Agreement with Dr Pixley ka Isaka Seme Local Municipality in respect of the services to be rendered under this contract. The Contract shall come into effect immediately after the acceptance of the successful tender by Dr PKISLM and will continue until the works have been completed to the satisfaction of Dr PKISLM. The Contract may be extended at the discretion of Dr PKISLM. Such extension will be subject to agreement that the PSP's tendered rates be fixed for the period of the extension.

Dr Pixley ka Isaka Seme Local Municipality reserves the right to cancel the whole or any part of the contract in the event of undue difficulties being experienced with the Bidder or the Bidder not complying with the Contract in respect of the services after having been notified to comply within a specified time.

The appointment of service provider will be over a period of 36 months as and when required to render the service, subject to the availability of funds.

1.4 General Tender Requirements

- The Bidder must carefully study this invitation to tender and should obtain all other information or independent advice that he may require to enable him to submit his tender. No claims of any nature arising out of or resulting from the Bidder's failure to do so will be considered by Dr PKISLM.
- The Bidder is advised to read this document as a whole and not in isolation. In particular, the Bidder should take care not to split the documentation so that parts may be dealt with by different individuals, who may thus be unaware of important information contained elsewhere in the document.
- Bidders must satisfy themselves before tendering as to the correctness and sufficiency of their tenders to cover all their obligations under any contract that may result from the tender.

- This Bid document must be completed in full. All information and documentary proof as required must be attached by way of annexures. Should the Bidder not comply with these requirements and format, it may deem the Bidder to be non-compliant with these requirements and his bid may be disqualified.
- All costs and expenses resulting from the Bidder's attendance of compulsory briefing meetings and site inspections, as well as the preparation of the tender, shall be borne by Bidder.
- Tenders to be evaluated according to the 80/20 point system.
- The cost of the tender documentation is R563.50 which is non-refundable or may be downloadable free of charge from www.etenders.gov.za
- Original tenders must be signed by the Bidder or his/her duly authorised representative/s. All corrections must be readably crossed out and signed. No correction fluid may be used. Each and every page of this Bid document must be initialled.
- Dr PKISLM does not bind itself to accept the lowest or highest tender as the case may be, or any tender, but reserves the right to take all information pertaining to the various aspects of the tender into account and to accept or reject any tender in whole or part.
- Bidders will be advised telephonically or per fax of their success in securing the tender.
- The Bidder understands and accepts that Dr PKISLM has the right, after tenders are opened, and before a contract is awarded, to enter into negotiations and discussions with one or more Bidders with a view to clarify, improve or amend any particular tender.
- Bidders are advised to ensure that the tender submitted in first response to this invitation contains their best possible offer to Dr PKISLM and that Dr PKISLM reserves the right to disregard any subsequent variations to the said tender.
- The decision of Dr PKISLM on the award of this tender is final and binding.

1.5 Submission of Proposals

Bids must be submitted in a sealed envelope clearly marked "**MUNICIPAL MANAGER, DR PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY, TENDER NUMBER: 06/2023, SUPPLY AND DELIVERY OF CHEMICALS FOR WATER AND WASTE WATER PURIFICATION.**" and must be deposited in the Tender Box situated at Dr PKISLM Offices, c/o Adelaide Tambo Street & Dr Nelson Mandela Drive, VOLKSRUST on or before the closing date of **Monday, 03 April 2023 at 12:00**, whereafter they will be opened in public. Late bids and bids submitted via facsimile or email will not be accepted.

Tenderers are required to submit the following:

- A completed tender documents and the attachments as indicated below;
Annexure A – Company / Business Profile with traceable references of similar projects done
Annexure B – Copy of Company Registration Certificate not older than 3 months
Annexure C – Certified ID copies of the company's shareholders, members, trustees, not older than 3 months
Annexure D – Valid Tax Clearance Certificate (original)
Annexure E – Letter of Authority for Signatory (original)
Annexure F – Joint Venture (JV) agreement (only if applicable)
Annexure G – Audited Annual Financial Statements for the past three years
Annexure H - Latest Municipal statement (rates and taxes) not older than 3 months or a copy of a valid

Bids must be signed by a duly authorised agent to bind the service provider to its provisions.

PRICING SCHEDULE

Description	Plant	Quantity	Unit Price (Excl. VAT)	Total Price per month (Excl. VAT)
Chlorine gas Cl ₂	Wakkerstroom WTW, Wakkerstroom WWTW, Volksrust WTW, Volksrust WWTW & Vukuzakhe WTW, Vukuzakhe WWTW	30x 70kg chlorine cylinders) 2100 kg per month		
Floculant - liquid cationic	(Amersfoort) WTW	45000 kg per month		
Floculant - liquid cationic	(Wakkerstroom) WTW	12000 kg per month		
Floculant - liquid cationic	(Volksrust) WTW	10000 kg per month		
Floculant - liquid cationic	Vukuzakhe WTW	10000 kg per month		
Sodium Hypo Chloride	Amersfoort and Perdekop WWTW	2000kg per month		
Chlorine gas (925kg)	Amersfoort WTW	925 kg per month		
Lime	Volksrust, Vukuzakhe, Amersfoort & Wakkerstroom WTW	1000 kg per month		
SUB- TOTAL (Excl. VAT)				
VAT				
GRAND TOTAL PER MONTH				
GRAND TOTAL FOR 36 MONTHS (Excl. VAT)				
GRAND TOTAL FOR 36 MONTHS (Incl. VAT)				

NB: Bidders may attach a detail costs breakdown as an Annexure to the tender document.

Signature of the Bidder _____

Date _____

1. EVALUATION CRITERIA

Responsive bids will be evaluated in two stages as follows:

Stage 1: Functionality

Stage 2: Price and specific goals

Bidders who score less than 60% (60 points) on Stage 1 will not be evaluated further. Only bidders who score 60% (60 points) or more will be evaluated further and therefore eligible for the award of the contract.

FUNCTIONALITY	SCORE
Previous experience with similar projects (six projects implemented within the last five years). Please attach appointment letters issued. 6 appointment letters attached = 30 maximum points 5-3 appointment letters attached = 15 points 2-1 appointment letters attached = 5 points 0 appointment letters = 0 points	30 max
Expertise and experience of proposed team in similar projects; Chemical Engineering Degree 30 Max <ul style="list-style-type: none"> • Proof of qualifications • Experience minimum of 5 years Chemical Engineering Diploma 15 Max <ul style="list-style-type: none"> • Proof of qualifications • Experience minimum of 5 years 	30 max
Methodology with delivery time frames	25 max
Locality	
Within Dr Pixley Ka Isaka Seme Local Municipality	5
Within Gert Sibande District Municipality	5
Within Mpumalanga Province	5
Total	100

Stage 2: Price and Preferential Points

The 80/20 system for requirements with a Rand value of less than R50 000 000.00 (all applicable taxes included); and

$$Ps = 80(1 - \frac{Pt - Pmin}{Pmin})$$

Where

Ps = Points scored for comparative price of tender or offer under construction

Pt = Comparative price of tender or offer under considerations; and

Pmin = Comparative price of lowest acceptable tender or offer.

Specific Goals	Points
Enterprises that are at least 51% black-owned	5
Enterprises that are at least 51% women-owned	5
Enterprises that are at least 51% youth-owned	5
People with Disability	5
TOTAL	20

2. SCHEDULE OF PREVIOUS CLIENTS SUPPLIED WITH SIMILAR SERVICES

The Bidder must insert in the spaces provided below a complete list of previous contracts awarded to him. This information shall be deemed to be material to the award of the contract.

EMPLOYER (NAME, TEL AND FAX NO.	DESCRIPTION OF SERVICES RENDERED	VALUE OF CONTRACT	YEAR COMPLETED

3. AMENDMENTS OR QUALIFICATIONS BY THE BIDDER

PAGE	DESCRIPTION

SIGNED ON BEHALF OF BIDDER:

SPECIAL CONDITIONS OF THE BID

1. Price(s) of the bid must be valid for at least ninety (90) days from date of your offer.
2. All the returnable schedules must be completed to enable the adjudication of the Tender. **No points will be allocated in the adjudication if the relevant schedules are not completed in full.**
3. Bidders must initial **all the pages** of the Bid document and sign the Bidder particulars page in full.

4. Bidders must complete the original Bid document in **black ink**, and notice must be taken that correction fluid (tippex) may not be used in the document.
5. The **original Bid document** must be submitted together with the cost proposals.
6. The transaction shall be subject to any stipulations in any Act, Ordinance or By-law pertaining thereto.
7. No proposals by any person that is not competent to enter into an agreement will be considered and if it is established that it is the case, the contract agreement in this regard will be considered null and void by Council.
8. Disputes must be settled by means of mutual consultation, mediation (with or without legal representation) or when unsuccessful, in a South African court of law on an attorney and client scale.
9. Should any legal action be deemed necessary to determine any aspect arising out of these conditions or to enforce any rights in terms of these conditions, then and in that event the parties hereto agree categorically to the jurisdiction of the Magistrate's Court to hear such action and to pass judgment notwithstanding the fact that the cause of action is beyond the jurisdiction of the Court: Provided always that Council shall have the right in its sole discretion to take action in any competent higher court in any matter exceeding the ordinary jurisdiction of the Magistrate's Court.

Council reserves the right to accept any cost proposal in a tender submitted or part thereof.

TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

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

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

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

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

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

3.6.1 If so, furnish particulars.

.....

.....

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

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

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

3.7.1 If so, furnish particulars.

.....

.....

3.8 Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

YES / NO

3.8.1 If so, furnish particulars.

.....

.....

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

YES / NO

3.9.1 If so, furnish particulars.

.....

.....

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

YES / NO

3.9.1 If so, furnish particulars.

.....

.....

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

YES / NO

3.11.1 If so, furnish particulars.

.....

.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

**I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO
BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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:

- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|--|-----------------------------|--|--|--|--|--|-----|--|--|--|--|--|-----|--|--|---|--|--|-----|--|--|---|--|--|--|-----|-----------------------------|
| 1 | Are you by law required to prepare annual financial statements for auditing? | *YES / NO | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 5%;">1.1</td> <td style="vertical-align: top; width: 65%;"> 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.

 </td> <td style="width: 30%;"></td> </tr> <tr> <td colspan="3" style="padding-top: 20px;"> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 5%;">2</td> <td style="vertical-align: top; width: 65%;"> 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? </td> <td style="width: 30%;"></td> </tr> <tr> <td colspan="3" style="padding-top: 20px;"> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 5%;">2.1</td> <td style="vertical-align: top; width: 65%;"> 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. </td> <td style="width: 30%;"></td> </tr> <tr> <td colspan="3" style="padding-top: 20px;"> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 5%;">2.2</td> <td style="vertical-align: top; width: 65%;"> If yes, provide particulars.

 </td> <td style="vertical-align: top; width: 30%;"> <table border="0"> <tr> <td style="vertical-align: top; width: 5%;">3</td> <td style="vertical-align: top; width: 95%;"> 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? </td> </tr> <tr> <td colspan="2" style="padding-top: 20px;"> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 5%;">3.1</td> <td style="vertical-align: top; width: 95%;"> If yes, furnish particulars </td> </tr> </table> </td> </tr> </table> </td> </tr> </table> </td> </tr> </table> </td> </tr> </table> </td></tr></table> | | | 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.

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| 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.

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* Delete if not applicable

***YES / NO**

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.....

.....

***YES / NO**

4. 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, furnish particulars

.....

.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE

FALSE.

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

MBD 6.1**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 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); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

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

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)
Enterprises that are at least 51% black-owned	5	
Enterprises that are at least 51% women-owned	5	
Enterprises that are at least 51% youth-owned	5	
People with Disability	5	
TOTAL	20	

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.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

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MBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

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

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

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2

DATE:

CONTRACT FORM - RENDERING OF SERVICES**PART 1 (TO BE FILLED IN BY THE PURCHASER /THE MUNICIPALITY)**

1. I..... in my capacity as
accept your bid under reference number dated for the
rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

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

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Municipal Bidding Document must form part of all bids invited.
2. It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
3. The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a) abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b) been convicted for fraud or corruption during the past five years;
 - c) willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d) been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
4. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

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>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.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION
FORM TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION
MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE
FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids invited.
2. Section 4(1)(b)(iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
3. Municipal Supply Regulation 38(1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
4. This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

I, the undersigned, in submitting the accompanying bid:

in response to the invitation for the bid made by:

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

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation);
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

**ANNEXURE A
BID INVITATION TENDER NOTICE**

DR PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY

**TENDER NOTICE**

Tenders are hereby invited from Service Providers to submit bids for the tenders as detailed in the below table:

TENDER NO.	PROJECT NAME	COMPULSORY BRIEFING SESSION DATE & TIME	CLOSING DATE	ENQUIRIES
T06/2023	APPOINTMENT OF A SERVICE PROVIDER FOR THE SUPPLY AND DELIVERY OF CHEMICALS FOR WATER AND WASTE WATER PURIFICATION.	Tuesday, 07 March 2023 at 10:00	Monday, 03 April 2023 at 12:00	Ms. N. Khuzwayo / Ms. S. Shikwambana Tel: 017 734 6100

Tender documents will be obtainable from Monday, 06 March 2023 from 09:00 at the Finance Department (Volksrust Offices) upon payment of a non-refundable tender levy for an amount of R563.50 or may be downloadable free of charge from www.etenders.gov.za. Only bank guaranteed cheques or cash will be accepted. The compulsory briefing session will be held as per the abovementioned dates at the municipal offices in Volksrust and tenderers are expected to meet the Municipal representatives punctually as indicated. Failure to attend will result in a bidder not being considered.

Duly completed tenders must be sealed in an envelope clearly marked: "MUNICIPAL MANAGER, DR PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY, TENDER NO. AND PROJECT NAME (as indicated in the table above) - CLOSING DATE: as indicated above must be placed in the tender box at Dr Pixley Ka Seme Local Municipality offices, c/o Adelaide Tambo Street & Dr Nelson Mandela Drive in Volksrust when tenders will be opened in public.

Late tenders, incomplete tender documents and tenders per email or fax will not be accepted and the Dr Pixley Ka Isaka Seme Local Municipality does not bind itself to accept the lowest or any tender. Dr Pixley Ka Isaka Seme Local Municipality reserves itself the right to accept a tender as a whole or in part. All the administrative enquiries can be directed to Mrs. N Khuzwayo - Tel 017 734 6163.

**M.A NGCOBO
MUNICIPAL MANAGER**

Notice Number: 04/2023

ANNEXURE B

GOVERNMENT PROCUREMENT: GENERAL CONDITIONS OF
CONTRACT