



LEKWA LOCAL MUNICIPALITY

CONTRACT NUMBER: CS 01 /2023/2024

BID DOCUMENT

**BID PROPOSALS FOR THE APPOINTMENT OF SERVICE PROVIDERS FOR UPGRADE AND PROCUREMENT OF THE SERVER ROOM INFRASTRUCTURE**

<b>PREPARED BY</b>
THE MUNICIPAL MANAGER LEKWA LOCAL MUNICIPALITY P.O. Box 66 STANDERTON 2430  Mr MJ Lamola  Tel: (017) 712 9600 Fax: (017) 712 6808

<b>NAME OF BIDDER (BIDDING ENTITY) (FULL NAME, i.e. (CC, (PTY) LTD, LTD, JV, SOLE PROPRIETOR etc.)</b>	:	_____
<b>TEL NUMBER</b>	:	_____
<b>FAX NUMBER</b>	:	_____
<b>E-MAIL</b>	:	_____
<b>CELL.</b>	:	_____
<b>CSD NO.</b>	:	_____

**THE TOTAL OFFERED PRICES INCLUDING VALUE ADDED TAX IS:**

R..... (In figures)

**VERY IMPORTANT NOTICE:**

A bid not complying with the peremptory requirements stated hereunder will be regarded as not being an "Acceptable bid", and as such will be rejected.

**AND ALL PAGES INCLUDING THE COVER MUST BE INITIALIZED BY THE BIDDER AND TWO WITNESS AT THE BOTTOM**

"Acceptable bid" means any bid which, in all respects, complies with the conditions of bid and specifications as set out in the bid documents, including conditions as specified in the Preferential Procurement Policy Framework Act (Act 5 of 2000) and related legislation as published in Government Gazette number 47452, dated 4 November 2022, in terms of which provision is made for this policy.

**Mandatory Requirements on Disqualifications**

NB (The following are mandatory and failure to submit any of these documents will lead to a disqualification of the document)

1. Form of offer must be completed and signed by the authorised signatory.
2. Proof of CSD Registration.
3. Tax pin (in the case of a joint venture, of all the partners or both JV's.)
4. VAT registration Certificate. (in the case of a joint venture, of all the partners or both JV's.)
5. The Authority to sign must be completed and signed (Company resolution letter "on company letter head" by directors to be attached confirming the Authority to sign).
6. Signed declaration of interest.
7. Municipal rates and services account (not OLDER than 90 days and not in Arrears) or lease agreement if the tenderer is currently leasing premises and not responsible for paying municipal accounts together with a letter from the landlord stating that no levies are in arrears
8. Attendance of the compulsory clarification meeting or site briefing. (if applicable)
9. Bid document to appear in the closing register.
10. Company registration documents must be submitted. (CIPC)
11. Letter of Good Standing (COIDA)
12. A valid and signed Joint Venture/Consortium agreement (if applicable) to the bid document.
13. All MBD forms to be fully completed and signed

# LEKWA LOCAL MUNICIPALITY

## BID PROPOSALS FOR THE APPOINTMENT OF UPGRADE AND PROCUREMENT OF THE SERVER ROOM INFRASTRUCTURE

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## INVITATION TO BID

### YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE LEKWA LOCAL MUNICIPALITY

BID NUMBER:	CS: 01/2023/2024	CLOSING DATE AND TIME	29 September 2023
BRIEFING DATE AND TIME	30 August 2023	VENUE OF BRIEFING:	Standerton Town Hall, Cnr. Dr Beyers Naude & Mbonani Mayisela Str, Standerton, 2430
DESCRIPTION			

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

BID DOCUMENTS MAY BE DEPOSITED IN THE BID BOX

SITUATED AT

**Lekwa Local Municipality Main Building  
C/O Dr Beyers Naude and Mbonani Mayisela Streets  
Standerton  
2430**

- Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.
- All dates and times are South African Standard Times
- The bid box is generally open on weekdays from 07h30 till 16h15.
- ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

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

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)

### 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:	AND	CSD No:
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:2 ]
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	CORPORATE SERVICES	CONTACT PERSON	Mr Lebogang Thotse
CONTACT PERSON	Mr M Masuku	TELEPHONE NUMBER	072 646 8879
TELEPHONE NUMBER	072 327 0891	FACSIMILE NUMBER	
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	lthotse@lekwal.m.gov.za
E-MAIL ADDRESS	mmasuku@lekwal.m.gov.za		

## PART B

### TERMS AND CONDITIONS FOR BIDDING

#### 1. TAX COMPLIANCE REQUIREMENTS (MBD 2)

- 1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 1.2 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.
- 1.3 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.
- 1.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:2.
- 1.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 1.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 1.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. TAX STATUS WILL BE CONFIRMED PRIOR TO APPOINTMENT

#### 2. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- |  |  |
|--|--|
| 2.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 2.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?                       | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 2.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?      | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 2.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?           | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 2.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?       | <input type="checkbox"/> YES <input type="checkbox"/> 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.**

SIGNATURE OF BIDDER: .....

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

# BID PROPOSALS FOR THE APPOINTMENT UPGRADE AND PROCUREMENT OF THE SERVER ROOM INFRASTRUCTURE

## Bid Data

Bid offers will only be accepted if the bidder is free of any common conflict of interest with the LEKWA Local Municipality.

### Bid Data

- 1.2.1. The employer is **LEKWA LOCAL MUNICIPALITY**
- 1.2.2. The employer's agent is: No Consultant for the project
- 1.2.3. The bid documents issued by the employer comprise:
- Part 1: Bidding Procedures
  - Part 2: Bid Evaluation
  - Part 3: Agreement and Contract Data
  - Part 4: Pricing Data
  - Part 5: Scope and Specifications
  - Part 6: MBD Forms
- 1.2.4. Only Bidders who are registered with central supplier database (CSD) will be considered
- 1.2.5. The arrangements for a compulsory clarification meeting are as stated in the Bid Notice and Invitation to Bid
- 1.2.6. If a bidder wishes to submit an alternative bid offer, the only criteria permitted for such alternative bid offer is that it demonstrably enables the Employer's objectives for the services as stated in the Scope of Work to be achieved.
- 1.2.7. All parts of each bid offer communicated on paper shall be submitted as the original.
- 1.2.8. The employer's address for delivery of bid offers and identification details to be shown on each bid offer package is:
- Lekwa Local Municipality Main Building  
C/O Dr Beyers Naude and Mbonani Mayisela Streets  
Standerton  
2430**
- 1.2.9. The closing time for submission of bid offers is as stated in the Bid Notice and Invitation to Bid.
- 1.2.10. Telephonic, telegraphic, telex, facsimile or e-mailed bid offers will not be accepted.
- 1.2.11. The closing time for submission of bid offers is as stated in the Bid Notice and Invitation to Bid.
- 1.2.12. The bid offer validity period is ninety (90) days.
- 1.2.13. The bidder is required to submit with his/her bid all required documents as listed in the list of returnable documents as part of the eligibility criteria.

- 1.2.14. The Bids/Proposals will be opened immediately after the closing time, only to confirm the bidder.

**The procedure for the evaluation of responsive bids will be on 80/20 points system, where 80 points are for price and 20 points for specific points.**

1. Bid offers will only be accepted if:

- 1.1. The bidder has registered with the central supplier database (CSD);
- 1.2. The bidder or any of its directors is not listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector and as per the Central Supplier Database;
- 1.3. The bidder has not:
  - 1.3.1. abused the Employer's Supply Chain Management System; or failed to perform on any previous contract and has been given a written notice to this effect;
  - 1.3.2. The bidder has completed the Compulsory Enterprise questionnaire and there are no conflicts of interest which may impact on the bidder's ability to perform the contract in the best interests of the employer or potentially compromise the bid process; and
  - 1.3.3. Proof of municipal rates and taxes for both the company and the directors are attached not older than 90 days of the closing date of the tender.
  - 1.3.4. The bidder or any of its directors is not employed by the state

## 1.3 CONDITIONS THAT FORM PART OF THE CONTRACT

### Definitions

The following terms shall be interpreted as indicated:

1. "Closing time" means the date and hour specified in the bidding documents for the receipt of bids.
2. "Contract" means the written agreement entered into between the purchaser and the supplier, as recorded in the contract form signed by the parties, including all attachments and appendices thereto and all documents incorporated by reference therein.
3. "Contract price" means the price payable to the supplier under the contract for the full and proper performance of his contractual obligations.
4. "Corrupt practice" means the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official in the procurement process or in contract execution.
5. "Countervailing duties" are imposed in cases where an enterprise abroad is subsidized by its government and encouraged to market its products internationally.
6. "Country of origin" means the place where the goods were mined, grown or produced or from which the services are supplied. Goods are produced when, through manufacturing, processing or substantial and major assembly of components, a commercially recognized new product results that is substantially different in basic characteristics or in purpose or utility from its components.
7. "Day" means calendar day.
8. "Delivery" means delivery in compliance of the conditions of the contract or order.
9. "Delivery ex stock" means immediate delivery directly from stock actually on hand.
10. "Delivery into consignees store or to his site" means delivered and unloaded in the specified store or depot or on the specified site in compliance with the conditions of the contract or order, the supplier bearing all risks and charges involved until the goods are so delivered and a valid receipt is obtained.
11. "Dumping" occurs when a private enterprise abroad market its goods on own initiative in the RSA at lower prices than that of the country of origin and which have the potential to harm the local industries in the RSA.
12. "Force majeure" means an event beyond the control of the supplier and not involving the supplier's fault or negligence and not foreseeable. Such events may include, but is not restricted to, acts of the purchaser in its sovereign capacity, wars or revolutions, fires, floods, epidemics, quarantine restrictions and freight embargoes.
13. "Fraudulent practice" means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of any bidder, and includes collusive practice among bidders (prior to or after bid submission) designed to establish bid prices at artificial non-competitive levels and to deprive the bidder of the benefits of free and open competition.
14. "GCC" means the General Conditions of Contract.
15. "Goods" means all of the equipment, machinery, and/or other materials that the supplier is required to supply to the purchaser under the contract.
16. "Imported content" means that portion of the bidding price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or his subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs such as landing costs, dock dues, import duty, sales



duty or other similar tax or duty at the South African place of entry as well as transportation and handling charges to the factory in the Republic where the goods covered by the bid will be manufactured.

17. "Local content" means that portion of the bidding price, which is not included in the imported content provided that local manufacture does take place.

18. "Manufacture" means the production of products in a factory using labour, materials, components and machinery and includes other related value-adding activities.

19. "Order" means an official written order issued for the supply of goods or works or the rendering of a service.

20. "Project site," where applicable, means the place indicated in bidding documents.

21. "Purchaser" means the organization purchasing the goods.

22. "Republic" means the Republic of South Africa.

23. "SCC" means the Special Conditions of Contract.

24. "Services" means those functional services ancillary to the supply of the goods, such as transportation and any other incidental services, such as installation, commissioning, provision of technical assistance, training, catering, gardening, security, maintenance and other such obligations of the supplier covered under the contract.

25. "Supplier" means the successful bidder who is awarded the contract to maintain and administer the required and specified service(s) to the State.

26. "Tort" means in breach of contract.

27. "Turnkey" means a procurement process where one service provider assumes total responsibility for all aspects of the project and delivers the full end product / service required by the contract.

28. "Written" or "in writing" means hand-written in ink or any form of electronic or mechanical writing.

# BID PROPOSALS FOR THE APPOINTMENT OF SERVICE PROVIDERS FOR UPGRADE AND PROCUREMENT OF THE SERVER ROOM INFRASTRUCTURE

## 2. Bid Evaluation

### 2.1. CRITERIA FOR THE SELECTION OF PROPOSALS AND AWARDING OF CONTRACTS

#### Evaluation Criteria

Lekwa Local Municipal Supply Chain Management Policy will be used for evaluation of Prospective Service Provider as per the approved scoring system by the specification committee.

The evaluation will be done as per Preferential Procurement Regulations, 2022 issued in terms of section 5 of PPPFA, Act No. 5 of 2000.

Evaluation Criteria shall follow the following

1. Responsiveness
2. Functionality
3. The 80/20 preference point systems.

#### Returnable Documents

The bidder must complete/attach the following returnable documents:

#### Returnable schedules required for bid evaluation purposes

1. Form of offer must be completed and signed by the authorised signatory.
2. Proof of CSD Registration..
3. Tax pin
4. The Authority to sign must be completed and signed (Company resolution letter "on company letter head" by directors to be attached confirming the Authority to sign).
5. Signed declaration of interest.
6. Municipal rates and services account (not OLDER than 90 days and not in Arrears) or lease agreement if the tenderer is currently leasing premises and not responsible for paying municipal accounts together with a letter from the landlord stating that no levies are in arrears
7. Attendance of the compulsory clarification meeting or site briefing. (if applicable)
8. Bid document to appear in the closing register.
9. Company registration documents must be submitted. (CIPC)
10. Letter of Good Standing (COIDA)
11. A valid and signed Joint Venture/Consortium agreement (if applicable) to the bid document.
12. All MBD forms to be fully completed and signed
13. Company profile

#### Note:

- All copies must be certified
- Use black pen only.
- All correction must be signed by the authorised person.
- Use of correction pen (tippex) is prohibited.
- Failure to adhere any of the above will lead to automatic disqualification

# BID PROPOSALS FOR THE APPOINTMENT OF SERVICE PROVIDERS FOR UPGRADE AND PROCUREMENT OF THE SERVER ROOM INFRASTRUCTURE

## 1.2. FUNCTIONALITY

THE TOTAL FUNCTIONALITY POINTS ARE 100, MINIMUM THRESHOLD IS 70. THE POINTS ARE DISTRIBUTED AS FOLLOWS:

The below table will be evaluated and adjudicated on basis of the information provided

Item	Maximum score	Final Assessment
<b>1. Company Experience</b>	<b>30</b>	
The bidder must provide at least five appointment letters and completed certificate/references letter confirming that the bidder is able to provide quality professional services with good service specifically in Server room infrastructure deployment.	5 or more letters 30	30
	3 – 4 letters 20	20
	1 – 2 letters 10	10
	0 letters 0	0
<b>2. Experience of project leader (ALL CERTIFICATES MUST BE CERTIFIED )</b>	<b>40</b>	
The CV and certified copies of the qualifications of the Project Leader should be submitted.	Project Manager: PMP certification or CAPM certification	10
	Qualification attached 10 No Qualification attached 0	
	Microsoft Engineer: MCSE Server Certificate	10
	Qualification attached 10 No Qualification attached 0	
	SAN I NAS Administration Certification	10
	Qualification attached 10 No Qualification attached 0	
	Veeam Administration Certification	10
	Qualification attached 10 No Qualification attached 0	
<b>Project Implementation Plan</b>	<b>30</b>	

Bidder must provide a project implementation plan which details how the service will be phased out. The project plan must have deliverables and time frames and attachment of the certificate from vendor confirming you are an accredited installer	Detailed implementation plan with deliverables, timelines, and milestones.  1. Wall fixing plan 5 2. Floor raising 5 3. Cabling (Electricity & Network) 5 4. Access (Security) 5 5. Fire protection 5 6. Monitoring System 5  No detailed implementation plan is attached. 0	
<b>Total</b>	<b>100</b>	

Proof of all the above must be attached for the Tenderer to qualify for the points claimed in the following manner:

1. **Appointment letters and Reference letters** of previous or current works done will be considered as proof, submitted documents must have contactable references
2. The minimum points are not based on the summation of the points on the lower side of each scoring item
3. To all those who achieve the 70 points minimum threshold will qualify for 80/20 scoring system.

### POINTS

1.	PRICE	80
2.	SPECIFIC POINTS	20
<b>Total points for Price and Specific points must not exceed</b>		<b>100</b>

The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

### POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:  
For this tender the bid does not expect to exceed R 50 million, therefore the 80/20 preference points system will be used

According to the Preferential Procurement Framework Act and Regulations a preference point system must be followed:

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

### 3. POINTS AWARDED FOR SPECIFIC GOALS

- 3.1. 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:
- 3.2. 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—
- 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
  - 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 (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Previously disadvantaged individuals	2	4		
Women	2	4		
Disabled	2	4		
Youth	2	4		
Local Labour	2	4		

# BID PROPOSALS FOR THE APPOINTMENT OF SERVICE PROVIDERS UPGRADE AND PROCUREMENT OF THE SERVER ROOM INFRASTRUCTURE

## 2.3. AUTHORITY TO SIGN A BID

**TYPE OF ENTERPRISE (Please indicate with an "X" and complete the indicated section below)**

<b>1</b>	Company (Pty) Ltd. & Ltd.		Please complete <b>section 1</b> below
<b>2</b>	Close Corporation (CC)		Please complete <b>section 2</b> below
<b>3</b>	Sole Proprietor		Please complete <b>section 3</b> below
<b>4</b>	Partnership		Please complete <b>section 4</b> below
<b>5</b>	Consortium, Club, Trust, etc.		Please complete <b>section 5</b> below
<b>6</b>	Joint Venture		Please complete <b>section 6</b> below

### 1. COMPANIES - (PTY) LTD. & LTD.

1.1. If a bidder is a **COMPANY ((Pty) Ltd. OR Ltd.)**, a certified copy of the resolution by the board of directors, duly signed, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company must be submitted with this bid, that is, before the closing time and date of the bid.

1.2. A valid resolution must be signed by:

1.2.1. Majority directors; or

1.2.2. Chairman of the Board; or

1.2.3. Company Secretary

#### PARTICULARS OF RESOLUTION BY THE BOARD OF DIRECTORS OF THE COMPANY

Date resolution was taken			
Resolution signed by (name and surname)			
Capacity			
Name and surname of delegated authorised signatory			
Capacity			
Specimen signature			
Full name and surname of ALL director(s)			
Is a copy of the resolution attached?	YES		NO

SIGNED ON BEHALF OF COMPANY / CC:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	
<b>2. CLOSE CORPORATION (CC)</b> <p>2.1. In the case of a <b>CLOSE CORPORATION (CC)</b> submitting a bid, a resolution by its members, authorizing a member or other official of the corporation to sign the documents on their behalf, shall be included with the bid.</p> <p>2.2. A valid resolution must be signed by:</p> <p>2.2.1. Majority members; or</p> <p>2.2.2. Member with majority shareholding but only if such shareholding is more than 50%; or</p> <p>2.2.3. Company Secretary.</p>			
<b>PARTICULARS OF RESOLUTION BY THE MEMBERS OF THE CLOSE CORPORATION</b>			
Date resolution was taken			
Resolution signed by (name and surname)			
Capacity			
Name and surname of delegated authorised signatory			
Capacity			
Specimen signature			
<b>Full name and surname of ALL director(s) / member (s)</b>			
Is a copy of the resolution attached?	YES		NO

### 3. SOLE PROPRIETOR (SINGLE OWNER BUSINESS) & NATURAL PERSON

I, \_\_\_\_\_, the undersigned, hereby confirm that I am the sole owner of the business trading as \_\_\_\_\_.

OR

I, \_\_\_\_\_, the undersigned, hereby confirm that I am submitting this bid in my capacity as natural person.

SIGNATURE:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	

  

**4. PARTNERSHIP**

We, the undersigned partners in the business trading as \_\_\_\_ hereby authorize Mr / Ms \_\_\_\_ to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid and /or contract for and on behalf of the abovementioned partnership.

**The following particulars in respect of every partner must be furnished and signed by every partner:**

Full name of partner	Signature

  

SIGNED ON BEHALF OF PARTNERSHIP:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	



**5. CONSORTIUM / CLUB / TRUST / ETC.**

We, the undersigned consortium partners, hereby authorize \_\_\_\_\_

(Name of entity) to act as lead consortium partner and further authorize Mr / Ms \_\_\_\_\_ to sign this offer as well as any contract resulting from this bid and any other documents and correspondence in connection with this bid and / or contract for and on behalf of the consortium.

**The following particulars in respect of each consortium member must be provided and must be signed by each member:**

Full Name of consortium member	Role of consortium member	% Participation	Signature

SIGNED ON BEHALF OF PARTNERSHIP:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	

**6. JOINT VENTURE**

We, the undersigned, are submitting this bid offer in joint venture and hereby authorize Mr / Ms \_\_\_\_\_

authorized signatory of the Company / Close Corporation / Partnership (name) \_\_\_\_\_,

acting in the capacity of lead partner, to sign all documents in connection with the bid offer and any contract resulting from it on our behalf.

**1. LEAD PARTNER (Whom the Municipality shall hold liable for the purpose of the tender)**

Name of firm			
Address			
		Tel. No.	
Signature		Designation	

**2. 2<sup>nd</sup> PARTNER**

Name of firm			
Address			
		Tel. No.	
Signature		Designation	

<b>3. 3<sup>rd</sup> PARTNER</b>			
Name of firm			
Address:			
		Tel. No.	
Signature		Designation	

**NOTE:** A copy of the Joint Venture Agreement indicating clearly the percentage contribution of each partner to the Joint Venture, is to be submitted with the bid.

A board resolution, authorising each signatory who signed above to do so, is to be submitted with the bid.

### Record of Addendum to Bid Documents

We confirm that the following communications received from the Employer before the submission of this bid offer, amending the bid documents, have been taken into account in this bid offer:		
	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Attached additional pages if more space is required.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Bidder \_\_\_\_\_

**BID PROPOSALS FOR THE APPOINTMENT OF SERVICE PROVIDERS FOR UPGRADE AND PROCUREMENT OF THE SERVER ROOM INFRASTRUCTURE**  
**Agreement and Contract**

**3.1. Form of Offer and Acceptance**

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for:

**THE APPOINTMENT OF SERVICE PROVIDERS FOR UPGRADE AND PROCUREMENT OF THE SERVER ROOM INFRASTRUCTURE**

The tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the tender schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

**THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS**

.....

..... Rand (in words);

R..... (in figures)

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the tender data, whereupon the tenderer becomes the party named as the contractor in the conditions of contract identified in the contract data.

Signature	
Name	
Capacity	
Name of Tenderer	

**Witness:**

Name .....

Signature .....

Date .....

## ACCEPTANCE (To be completed by the Employer)

By signing this part of this form of offer and acceptance, the employer identified below accepts the tenderer's offer. In consideration thereof, the employer shall pay the tenderer the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the tenderer's offer shall form an agreement between the employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

- Part 1 Agreements and tender document, (which includes this agreement)
- Part 2 Pricing data
- Part 3 Scope of work
- Part 4 Briefing Session
- Part 5 Service Level Agreement

and any drawings and documents or parts thereof, which may be incorporated by reference into Parts 1 to 5 above.

Deviations from and amendments to the documents listed in the tender document and any addenda thereto as listed in the tender schedules as well as any changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance, are contained in the Record of Addendum attached to and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule, which must be signed by the authorized representative(s) of both parties.

The tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the employer's agent (whose details are given in the tender document) to arrange the delivery of any boards, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data at, or just after, the date this agreement comes into effect. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer within five days of the date of such receipt notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

### FOR OFFICIAL USE ONLY:

<b>NAME</b>		<b>SIGNATURE</b>	
<b>DATE</b>			
<b>CAPACITY</b>	Municipal Manager		
<b>FOR THE EMPLOYER</b>	Lekwa Local Municipality		
<b>NAME OF WITNESS</b>		<b>SIGNATURE</b>	

## BID PROPOSALS FOR THE APPOINTMENT OF SERVICE PROVIDERS FOR UPGRADE AND PROCUREMENT OF THE SERVER ROOM INFRASTRUCTURE

### 4.1. PRICING INSTRUCTIONS

1. The Service Provider is required to provide the services in accordance with the Scope of Work. This embraces all things necessary and incidental to complete the work.
2. The only basis for a change to the prices is as a result of the Employer giving an instruction to change the Scope of Work.
3. The General Conditions of Contract, the Contract Data, and the Specifications (including the Project Specifications) shall apply to this contract.
4. The Bill comprises items covering the Service Providers profit and costs of general liabilities and of Temporary and Permanent Works.

Although the Bidder is at liberty to insert a rate of his own choosing for each item in the Bill, he should note the fact that the bidder is entitled, under various circumstances, to payment for additional work carried out and that the client is obliged to base his assessment of the rates to be paid for such additional work on the rates the Service Providers inserted in the Bill.

5. The amounts and rates to be inserted in the Bill of Quantities shall be the full inclusive amounts to the Employer for the work described under the several items. Such amounts shall cover all the costs and expenses that may be required in and for the construction of the work described, and shall cover the costs of all general risks, profits, taxes (but excluding value-added tax), liabilities and obligations set forth or implied in the documents on which the Bid is based.
6. For the purposes of this Bill of Quantities, the following words shall have the meanings hereby assigned to them:

Unit	:	The unit of measurement for each item of work as defined in the Standardized, Project or Particular Specifications
Quantity	:	The number of units of work for each item
Rate	:	The payment per unit of work at which the Bidder bids to do the work Amount
	:	The quantity of an item multiplied by the bid rate of the (same) item
Sum	:	An amount bid for an item, the extent of which is described in the Bill of Quantities, the Specifications or elsewhere, but of which the quantity of work is not measured in units
7. The units of measurement indicated in the Bill of Quantities are metric units. The following abbreviations may appear in the Bill of Quantities:

# BID PROPOSALS FOR THE APPOINTMENT OF SERVICE PROVIDERS FOR UPGRADE AND PROCUREMENT OF THE SERVER ROOM INFRASTRUCTURE

## 5. SCOPE AND SPECIFICATIONS

### 5.1 INTRODUCTION

The Lekwa Local Municipality requires a SUPPLIER FOR UPGRADE AND PROCUREMENT OF THE SERVER ROOM INFRASTRUCTURE

#### APPLICABLE STANDARDS

Bidders are obliged to supply quality industry standard products; failure could result in penalties and/or the cancellation of the contract. Where applicable products should meet SANS and SABS standards.

### 5.2 BACKGROUND

Lekwa Local Municipality covers the area of Standerton, Sakhile, Morgenzon and Sivukile. Delivery of all goods will be at the Municipal Store Yard, 1 Minnaar Street, Standerton.

### 5.3 SCOPE

#### 5.3.1 Requirements

The Bidder shall provide all the items listed upon receiving an official order from Lekwa Municipality. The items should be of good quality and conform to industry norms and standards.

#### 5.3.2 Compliance with Specifications

Bidders shall submit with their tender a schedule, listing clause-by-clause, specific details indicating compliance or non-compliance with the requirements of the Specifications.

### 5.4 DETAILED SPECIFICATION

DESIGNATION	SERVER ROOM ARCHITECT	ELECTRICAL WORKS
Server Room Upgrade	<ul style="list-style-type: none"><li>➤ Design &amp; Construction would be based on provided LLM Team's design.</li><li>➤ Electrical System on UPS and its Breakers with complete solutions with 2N redundancy requirement.</li><li>➤ Electrical system with redundancy.</li><li>➤ Lighting Solutions.</li><li>➤ SRG Grounding.</li><li>➤ Surge Protection &amp; Voltage Stabilizer.</li><li>➤ Civil System Interior Construction to meet</li></ul>	<ul style="list-style-type: none"><li>➤ Currently LLM had the UPS of 5kva that is currently not working.</li><li>➤ Vendor must provide Lekwa Local Municipality 50kva UPS.</li><li>➤ Vendors must implement migration of existing UPS rack use to new rack for all server at the new server room including all cabling and electrical termination and circuit Installation.</li><li>➤ New UPS capacity should be around 50kva, which is 2N design.</li></ul>

	<p>TIA942 telecom standard.</p> <ul style="list-style-type: none"> <li>➤ Moisture protect painting.</li> <li>➤ M&amp;E System</li> <li>➤ CRACs down floor or Row cooling unit installation.</li> <li>➤ Power and Data Tray installation / Cable baskets with TIA942 standard.</li> <li>➤ Fire Protection System.</li> <li>➤ Fire Protecting (Gas).</li> <li>➤ Full Security and Access Require.</li> <li>➤ Fiber and data cabling with 568C Telecom standard.</li> <li>➤ Rack power strips and structure cabling with monitoring/remote operations solutions.</li> <li>➤ Labelling for single equipment.</li> <li>➤ Load test and documentation.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Electrical breaker panels serving the Infrastructure Room must be located within the controlled space of the room any panel not serving the room must not be located within the controlled space of the Server Room.</li> <li>➤ Redundant and Fault Tolerance electrical design must be proposed that to protect any Electrical faults. At least such as surge protection and earth leakage protection should be included.</li> <li>➤ Vendor must do all necessary electrical cabling from new UPS source to all Server Racks in the room.</li> <li>➤ Emergency lighting of room and related access foyers with rechargeable batteries with no less than 180 minutes of backup power per 2000 IBC</li> <li>➤ Power saving lighting preferable.</li> <li>➤ Monitoring systems for power delivered to racks and UPS.</li> </ul>
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## BILL OF QUANTITIES

SCHEDULE 1 : PRELIMINARY AND GENERAL						
ITEM NO.	REF	DESCRIPTION	UNIT	QUANTITY	RATE	AMOUNT
	<b>SABS 1200A</b>	<b><u>SCHEDULE 1 : PRELIMINARY AND GENERAL</u></b>				
<b>1.1</b>	<b>8.3</b>	<b><u>FIXED CHARGE AND VALUE RELATED ITEMS</u></b>				
1.1.1	<b>PSA 4.1</b>	Contractual Requirements	Sum	1		R -
1.1.2.2	8.3.2.2	ii) <u>Facilities for Contractor</u>				
		a) Offices and storage sheds	Sum	1		R -
		d) Living accommodation	Sum	1		R -
		e) Ablution and latrine facilities	Sum	1		R -
		f) Tools and equipment	Sum	1		R -
		g) Water supplies, electric power & communications	Sum	1		R -
1.1.3	8.3.3	Other fixed charge obligations	Sum	1		R -
1.1.4	8.3.4	Removal of Contractor's site establishment from site on completion of works.	Sum	1		R -
	<b>SABS 1200A</b>					
<b>1.2</b>	<b>8.4</b>	<b><u>TIME RELATED ITEMS</u></b>				
1.2.1	<b>PSA 4.2</b>	Contractual requirements	Sum	1		R -
<b>TOTAL CARRIED TO SUMMARY</b>						R -



REFURBISHMENT AND UPGRADING OF LEKWA LOCAL MUNICIPALITY SERVER ROOM: BUILDING WORKS						
SECTION	ITEM NO	DESCRIPTION	UNIT	QUANTITY	RATE	AMOUNT
1		<b>BILL NO. 1</b>				
		<b>Serve Room Architect</b>				
	1/1	Design & Construction would be based on provided LLM Team's design.	Sum	1		R -
	1/2	Electrical System on UPS and its Breakers with complete solutions with 2N redundancy requirement.	Sum	1		R -
	1/3	Electrical system with redundancy.	Sum	1		R -
	1/4	Lighting Solutions.	Sum	1		R -
	1/5	SRG Grounding.	Sum	1		R -
	1/6	Surge Protection & Voltage Stabilizer.	Sum	1		R -
	1/7	Civil System Interior Construction to meet TIA942 telecom standard.	Sum	1		R -
	1/8	Moisture protect painting.	Sum	1		R -
	1/9	M&E System	Sum	1		R -
	1/10	CRACs down floor or Row cooling unit installation.	Sum	1		R -
	1/11	Power and Data Tray installation / Cable baskets with TIA942 standard.	Sum	1		R -
	1/12	Fire Protection System.	Sum	1		R -
	1/13	Fire Protecting (Gas).	Sum	1		R -
	1/14	Full Security and Access Require.	Sum	1		R -
	1/15	Fiber and data cabling with 568C Telecom standard.	Sum	1		R -
	1/16	Rack power strips and structure cabling with monitoring/remote operations solutions.	Sum	1		R -
	1/17	Labelling for single equipment.	Sum	1		R -
	1/18	Load test and documentation.	Sum	1		R -
<b>SUBTOTAL CARRIED FORWARD</b>						R -

REFURBISHMENT AND UPGRADING OF LEKWA LOCAL MUNICIPALITY SERVER ROOM: BUILDING WORKS						
SUBTOTAL BROUGHT FORWARD						R -
		DESCRIPTION	UNIT	QUANTITY	RATE	AMOUNT
2	2	<b>BILL NO 2.</b>				
	2/1	Currently LLM had the UPS of 5kva that is currently not working.	Sum	1		R -
	2/2	Vendor must provider Lekwa Local Municipality 50kva UPS.	Sum	1		R -
	2/3	Electrical breaker panels serving the Infrastructure Room must be located within the controlled space of the room any panel not serving the room must not be located within the controlled space of the Server Room.	Sum	1		R -
	2/4	Vendors must implement migration of existing UPS rack use to new rack for all server at the new server room including all cablings and electrical termination and circuit Installation.	Sum	1		R -
	2/5	New UPS capacity should be around 50kva, which is 2N design.	Sum	1		R -
	2/6	Redundant and Fault Tolerance electrical design must be proposed that to protect any Electrical faults. At least such as surge protection and earth leakage protection should be included.	Sum	1		R -
	2/7	Vendor must do all necessary electrical cabling from new UPS source to all Server Racks in the room.	Sum	1		R -
	2/8	Emergency lighting of room and related access foyers with rechargeable batteries with no less than 90 minutes of backup power per 2000 IBC	Sum	1		R -
	2/9	Power saving lighting preferable.	Sum	1		R -
	2/10	Monitoring systems for power delivered to racks and UPS.	Sum	1		R -
	2/11	Installation of Airconditioning	No	1		R -
	2/12	Installation of New door	No	1		R -
SUBTOTOTAL CARRIED TO SUMMARY						R -

REFURBISHMENT AND UPGRADING OF LEKWA LOCAL MUNICIPALITY SERVER ROOM: BUILDING WORKS						
		DESCRIPTION	UNIT	QUANTITY	RATE	AMOUNT
		<b>SUMMARY</b>				
		P & Gs				
		Bill Number 1 & 2				
		<b>Sub Total 1</b>				
		Add Contingencies @10%				
		<b>Sub Total 2</b>				
		<b>Add Vat @15%</b>				
Total						<b>R -</b>

#### MBD 4

### DECLARATION OF INTEREST (must be completed) (circle appropriate)

1. No bid will be accepted from persons in the service of the state. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with this document.**

2.1 Full Name of Supplier or his or her representative: .....

2.2 Identity Number: .....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

<sup>1</sup>"State" means – member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces
- (iv) a member of the board of directors of any municipal entity;
- (v) an official of any municipality or municipal entity
- (vi) 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);
- (vii) a member of the accounting authority of any national or provincial public entity; or
- (viii) an employee of Parliament or a provincial legislature.

<sup>2</sup>"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state?

**YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....  
Name of state institution at which you or the person  
connected to the bidder is employed : .....  
Position occupied in the state institution: .....

Any other particulars:  
.....  
.....  
.....

2.7.2 If you are presently employed by the state, did you obtain **YES / NO**  
the appropriate authority to undertake remunerative  
work outside employment in the public sector?

2.7.2.1 If yes, did you attached proof of such authority to the bid **YES / NO**  
document?

(Note: Failure to submit proof of such authority, where  
applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:  
.....  
.....  
.....

2.8 Did you or your spouse, or any of the company’s directors / **YES / NO**  
trustees / shareholders / members or their spouses conduct  
business with the state in the previous twelve months?

2.8.1 If so, furnish particulars:  
.....  
.....  
.....

2.9 Do you, or any person connected with the bidder, have **YES / NO**  
any relationship (family, friend, other) with a person  
employed by the state and who may be involved with  
the evaluation and or adjudication of this bid?

2.9.1 If so, furnish particulars.  
.....  
.....  
.....

2.10 Are you, or any person connected with the bidder, **YES/NO**

aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**

2.11.1 If so, furnish particulars:

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

Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Reference Number	Tax Number	State Number	Employee / Persal Number

4     **DECLARATION**

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.  
I ACCEPT THAT THE MUNICIPALITY MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23  
OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

## 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**

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

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 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
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

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

3.3. 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:

80/20

or

90/10

$$Ps = 80 \left( 1 - \frac{Pt - Pmin}{Pmin} \right) \text{ or } Ps = 90 \left( 1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

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

3.4. **FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT**

3.4.1. **POINTS AWARDED FOR PRICE**

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

**80/20**

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

**or**

**90/10**

$$Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

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—
  - (c) 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
  - (d) 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 (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Previously disadvantaged individuals	2	4		
Women	2	4		
Disabled	2	4		
Youth	2	4		
Local Labour	2	4		

#### 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:** .....

.....

.....

.....

## **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### **1. General Conditions**

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.**

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

**2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

**3.** Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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**3.1** If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.resbank.co.za](http://www.resbank.co.za)

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

<b>Currency</b>	<b>Rates of exchange</b>
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

**4.** Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Institution):  
.....

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),  
do hereby declare, in my capacity as .....  
of .....(name of bidder  
entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_



# 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 LEKWA LOCAL MUNICIPALITY in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing 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 .....

**CONTRACT FORM - RENDERING OF SERVICES**

**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I..... in my capacity as Accounting Officer of LEKWA LOCAL MUNICIPALITY 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><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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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><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>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
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**

Js367bW

**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**

**MBD 9**

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

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

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(Bid Number and Description)

in response to the invitation for the bid made by:

**LEKWA LOCAL MUNICIPALITY**

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

I certify, on behalf of:\_\_\_\_\_that:

(Name of Bidder)

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

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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



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

Js9141w 4

**DECLARATION (MUST BE COMPLETED and STAMPED)**

I/WE, THE UNDERSIGNED WHO WARRANTS THAT I/WE ARE DULY AUTHORISED TO DO SO ON BEHALF OF THE ENTERPRISE, CERTIFIES THAT THE INFORMATION SUPPLIED IN TERMS OF THIS DOCUMENT INCLUDING THE RELEVANT ATTACHEMENT IS CORRECT AND ACCURATE AND ACKNOWLEDGE THAT:

1. The enterprise will be required to furnish documentary proof requested to do so.
2. If the information supplied is found to be incorrect, then Lekwa Local Municipality may in addition to any remedies it may have
  - a) Disqualify the supplier/service provider for a particular quotation/bid/contract/project it may be considered for, or which had been awarded to the supplier/service ;
  - b) Recover from the service provider /supplier all costs, losses or damages incurred by Lekwa Municipality as a result of the breach of contract;
  - c) De-register the supplier from the accredited suppliers database;
  - d) Take any other action as may be deemed necessary.

Full Names: \_\_\_\_\_

ID Number: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Duly authorised on behalf of: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone no: \_\_\_\_\_

Signed and affirmed before me at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ year \_\_\_\_\_ by the dependent who has acknowledged that he/she knows and understands, the contents of this document, and he/she has acknowledged that he/she regards the affirmation to be binding on his/her conscience.

\_\_\_\_\_  
Commissioner of Oaths

\_\_\_\_\_  
Full Name

\_\_\_\_\_  
Capacity

\_\_\_\_\_  
Business address

***NOTE: Both the deponent and the Commissioner of Oath must initial all pages on the Application form***

