WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY

TERMS OF REFERRENCE

MULTI 3 YEAR CONTRACT FOR MECHANICAL SERVICE AND MAINTENANCE OF 400 KVA DIESEL GENERATOR



Re-Advert

ENGINEERING SERVICES DEPARTMENT

Winnie Madikizela Mandela Local Municipality 51 Winnie Madikizela Mandela Street, Bizana 4800 Tel: 0392510230

Fax: 0392510971

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WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY ADVERT

PROJECT NAME	CONTRACT NUMBER	CIDB	CLOSING DATE
Maintenance and Service of Backup Generator for	WMM LM13/04/23/01	1 ME	22 October 2024
3 Years (Re-Advert)	BUG		@ 12h00

Bid are hereby invited from suitably qualified and accredited service providers who are interested to submit their tender responses for the above-mentioned projects for Winnie Madikizela-Mandela Local Municipality.

Bid documents are available to be downloaded from e-tender portal website on www.etenders.gov.za

Bids should score a minimum point of 70% on the functionality evaluation in order to be considered for further evaluation.

The bids will be evaluated on the 80/20 or 90/10 preferential points system

Failure to submit the following document(s) completed in full will render the bid not responsive:

- A completed original document issued by the municipality
- A copy of Entity Registration Documents, Certified ID Copy(ies) of Director(s) (not older than 3 months), proof of CSD Registration
- SARS Valid PIN Printout
- Bid documents MBD1, MBD4, MBD6.1, MBD 6.2, MBD 6.4, MBD 8 and MDB 9
- Billing Clearance Certificate or Statement of Municipal Accounts confirming that no undisputed municipal
 accounts are overdue by more than 30 days and a signed letter by the bidder confirming that the entity does
 not have outstanding accounts more than 30 Days on the day of the tender closing.
- Evaluation Criteria: 80 or 90= Price, 20 or 10= Specific Goals as per the attached MBD 6.1 respectively
- In case of a joint venture, an original valid Tax Compliance Document of all partners should be submitted as well as a signed agreement by both parties clearly indicating the lead partner
- The Minimum Threshold for Local Content for the above-mentioned projects is 100%
- Three Year Audited financial Statements

Advert Date: 20th September 2024

Publication: Local/Provincial Newspaper, Municipal Website, e-tender portal.

Closing Date: All tenders must be emailed to <u>tenders.scm@mbizana.gov.za</u> by no later than the date and time stated above after which they will be opened.

The municipality will only consider bids submitted on the original bid documentation provided by the municipality. All tenders must be clearly marked the Name of the project and Reference number indicated above. Failure to do so your tender may not be considered. Any unauthorized alterations in BOQ/Quotation to the tender document shall render the submission invalid.

No late, hand delivered, incomplete or facsimile bids will be accepted for consideration. The only or lowest bid received shall not necessarily be accepted. Winnie Madikizela-Mandela Local Municipality reserves the right to accept part of or the full bid. For technical enquiries, please contact **Mr. V. Mqina on 082 370 7248**, email: mqinav@mbizana.gov.za during working hours. For Supply Chain Management related enquiries, please contact Mr. Z. Khala on (079) 886 0942, email: khalaz@mbizana.gov.za during working hours

Mr. L. Mahlaka Municipal Manager



Terms and Conditions

- 1. All bids must be submitted within a stipulated time with clear Tender Description
- 2. General Conditions of Contracts 2015 will be applied
- 3. Winnie Madikizela-Mandela Local Municipality reserves the right not to appoint the highest scoring bidder, the value for money will be the key determinant and supply chain management policy will apply
- 4. Winnie Madikizela-Mandela Local Municipality reserves a right not appoint a Lowest Bidder quoted Below CIDB average advertised
- 5. The Municipality reserves a right not to appoint any Bidder quoted below/ above required average CIDB grading, However the ultimate objective of the public procurement activity to achieve best value for money in order to maximize economy and efficiency of public spending will be achieved.
- 6. The municipality will apply one of the key operating principle that relate to a number of factors which include not only the price of the goods, works or services, but also the suitability and satisfactory quality of those (SO 1968, Section 13). Other influential factors may include total life cycle costs, maintenance/servicing costs, delivery/construction period, transportation or storage costs, as well as benefits of broader elements whether environmental, social and/or economic.
- 7. Tenderer must ensure that all submission of bids/ tenders by link are accessible with ease at any time. NB: link by which the bid is submitted must not expire and not require a municipal official to request for access. Failure to adhere to the above requirement will render your bid submission as invalid/ not submitted.
- 8. Approved Winnie Madikizela- Mandela local Municipality Supply Chain Management Policy will apply to all disputes that may arise during the tender process.

Sing by the Bidder	Date
To be signed by the Company Director Only	

1. Letter of Consent

				Business Name and Address	
The	Municipal Manager				
Win	nie Madikizela-Mande	la Local Municipality			
P.O	. Box 12				
Biza	ına				
480	0				
Sir/N	Madam				
Grant	ing of authority to	request information from any le	gal entity relevant to	this Bid	
I/we	acknowledge that the	information herein contained shall co	onstitute the basis on w	nich my/our Bid is to be considered. I/we	grant approval
that	any source regarding	this Bid may be fully investigated and y and directly relevant to the consider	I that all such information	n shall be of material value to Winnie Ma	adikizela-
		e of Company Representative/s) ource to provide confidential information	on.		grant
I/we	am /are not aware of sideration of my/our B	any information which, should it beco	me known to the Winni	e and belief true and correct in all materi e Madikizela-Mandela Local Municipality ality wishes to inform you that all informa	, would affect the
	Please tick the appropri	ate box.			
		I/We hereby consent to the above			
_		I/Wa haraby withhold concent and fully	understand the implication	ons and ramifications of my/our decision and	will not hold the Winnie
		Madikizela-Mandela Local Municipalit			will not note the willing
	Signature:		Date:		
	Witness:		Signature:		

PART A INVITATION TO BID

	BY INVITED TO BID FOR	CLOCING DATE:	E (NA		IPALITY.		,	
BID NUMBER: March		CLOSING DATE:		12H00		CLUSI	NG TIME: 22 October 2024	
	III RIDDER WILL BE RE	OUIRED TO FILL IN AND	SIGN	A WRITTEN C	ONTRA	CT FORM (MRD	7)	
BID RESPONSE	THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7). BID RESPONSE DOCUMENTS MAY BE SENT VIA EMAIL TO THE EMAIL ADDRESS PROVIDED BELOW OR AS PER TENDER REQUIREMENTS							
		tenders above R300 000 i		ive of VAT				
OR	SINDIET HATE OF THE TOT	tendere above recovered	110140	7110 01 1711				
	MBIZANA.GOV.ZA for q	uotations below R300 000	but a	above R30 000	inclusiv	re of VAT		
SUPPLIER INFO	RMATION	T						
NAME OF BIDDE	R							
POSTAL ADDRE	SS							
STREET ADDRE	SS		Ī			T	T	
TELEPHONE NU	MBER	CODE				NUMBER		
CELLPHONE NU	MBER		T			T		
FACSIMILE NUM	IBER	CODE				NUMBER		
E-MAIL ADDRES	S							
VAT REGISTRAT	TION NUMBER		1					
TAX COMPLIANO	CE STATUS	TCS PIN:			OR	CSD No:		
PEOPLE LIVING [TICK APPLICAB	WITH DISABILITY LE BOX]	Yes			MILITA	ARY VETERAN	Yes	
IDOCUMENT	ARV PROOF/ SWOE	No	PFO	DI F I IVING	WITH	DISABII ITIE	│	IN
		ERENCE POINTS FOI				DIOABILITIE	o, moor be oobmitted	,,,
ARE YOU THE A REPRESENTATI FOR THE GOOD /WORKS OFFER	VE IN SOUTH AFRICA S /SERVICES	☐Yes ☐No	DF]	ARE YOU A F SUPPLIER FO /SERVICES //	OR THE	GOODS	☐Yes ☐]No 3]
71101110 011 211								
TOTAL NUMBER	R OF ITEMS OFFERED			TOTAL BID F	PRICE		R	
SIGNATURE OF	BIDDER			DATE				
CAPACITY UND	ER WHICH THIS BID							
BIDDING PROCE	DURE ENQUIRIES MAY	BE DIRECTED TO:		TECHN	NICAL II	NFORMATION M	AY BE DIRECTED TO:	
DEPARTMENT				CONTA	ACT PEI	RSON		
CONTACT PERS	SON			TELEP	HONE I	NUMBER		
TELEPHONE NU	MBER			FACSI	MILE N	JMBER		
FACSIMILE NUM	IBER			E-MAIL	_ ADDRI	ESS		
E-MAIL ADDRES	S							

FOR BIDDING

	DID OLIDINIONIONI		
1. 1.1.	BID SUBMISSION: BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. CONSIDERATION.	LATE BIDS WILL NOT BE ACCEPTED FOR	
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE		
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACREGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICATION CONTRACT.		
2.	TAX COMPLIANCE REQUIREMENTS		
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.		
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMB ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.	ER (PIN) ISSUED BY SARS TO ENABLE THE	
2.3	APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALS THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROU		
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.		
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.		
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED TCS CERTIFICATE / PIN / CSD NUMBER.), EACH PARTY MUST SUBMIT A SEPARATE	
2.7	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL S MUST BE PROVIDED.	UPPLIER DATABASE (CSD), A CSD NUMBER	
3.	QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS		
	QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO	
3.1.		☐ YES ☐ NO ☐ YES ☐ NO	
3.1. 3.2.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?		
3.1. 3.2. 3.3.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO	
3.1. 3.2. 3.3. 3.4.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? DOES THE ENTITY HAVE A BRANCH IN THE RSA? DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO ☐ YES ☐ NO	
3.1. 3.2. 3.3. 3.4. 3.5.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? DOES THE ENTITY HAVE A BRANCH IN THE RSA? DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	YES NO YES NO YES NO YES NO YES NO SEGISTER FOR A TAX COMPLIANCE STATUS	
3.1. 3.2. 3.3. 3.4. 3.5.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? DOES THE ENTITY HAVE A BRANCH IN THE RSA? DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? HE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO RI	YES NO YES NO YES NO YES NO YES NO SEGISTER FOR A TAX COMPLIANCE STATUS TER AS PER 2.3 ABOVE.	
3.1. 3.2. 3.3. 3.4. 3.5.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? DOES THE ENTITY HAVE A BRANCH IN THE RSA? DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? HE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO RITEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGIS NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE	YES NO YES NO YES NO YES NO YES NO SEGISTER FOR A TAX COMPLIANCE STATUS TER AS PER 2.3 ABOVE. YES DID INVALID. E.	
3.1. 3.2. 3.3. 3.4. 3.5.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? DOES THE ENTITY HAVE A BRANCH IN THE RSA? DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? HE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO RITEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGIS NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATESTICAL AT LIDES OF DIDDED.	YES NO YES NO YES NO YES NO YES NO SEGISTER FOR A TAX COMPLIANCE STATUS TER AS PER 2.3 ABOVE. YES NO EGISTER FOR A TAX COMPLIANCE STATUS TER AS PER 2.3 ABOVE.	

MBD 4

DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state¹.
 - 2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
 - 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.3.1 Full Name of bidder or his or her representative:
 - 3.2 Identity Number:

 3.3 Position occupied in the Company (director, trustee, hareholder²):

 3.4 Company Registration Number:

 3.5 Tax Reference Number:

 3.6 VAT Registration Number:

 3.7 The names of all directors / trustees / shareholders members, their individual identity
 - numbers and state employee numbers must be indicated in paragraph 4 below.
 - 3.8.1 If yes, furnish particulars.

¹MSCM Regulations: "in the service of the state" means to be –

3.8 Are you presently in the service of the state?

- (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.
- ² Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

3.9	Have you been in the service of the state for the past twelve months?	YES / NO
	3.9.1 If yes, furnish particulars	

YES / NO

3.10	Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?	YES / NO
	3.10.1 If yes, furnish particulars	
3.11	Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?	YES / NO
	3.11.1 If yes, furnish particulars	
3.12	Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?	YES / NO
	3.12.1 If yes, furnish particulars	
3.13	Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state?	YES / NO
	3.13.1 If yes, furnish particulars	
3.14	Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract.	YES / NO
	3.14.1 If yes, furnish particulars:	

Full Name	Identity Number	State Employee Number

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

CERTIFICATION I, THE UNDERSIGNED (NAME) CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT. I ACCEPT THAT THE MUNICIPALITY MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE. Signature Date Capacity 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.

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.

1.3 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

- 1.4 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.
- 1.5 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**

"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;

- (a) "price" means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (b) "rand value" means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (c) "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
- (d) "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:

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration
P min = Price of lowest acceptable bid

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:

$$Ps = 80\left(1 + \frac{Pt - P max}{P max}\right)$$
 or $Ps = 90\left(1 + \frac{Pt - P max}{P max}\right)$

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—
 - (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 (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)
South African	1.5	3		
Black	1.5	3		
Women	1.75	3.5		
Youth	1.75	3.5		
Leaving with disability	1.75	3.5		
Military Veterans	1.75	3.5		
Total Points Allocated	10	20		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3.	Name of company/firm	
1.4.	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
ſΤ	ICK 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;
 - 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 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;

	SATS 1286:2011) for this bid is/are as fo	or local production and content (refer to Annex A o ollows:
	Description of services, works or goods	Stipulated minimum threshold
		%
		%
		%
3.	Does any portion of the goods or service have any imported content?	es offered
	(Tick applicable box)	
	YES NO	
3.1		ed in this bid to calculate the local content as prescribed in must be the rate(s) published by SARB for the specific f the bid.
	The relevant rates of exchange informat	ion is accessible on www.resbank.co.za
	Indicate the rate(s) of exchange against A of SATS 1286:2011):	the appropriate currency in the table below (refer to Annex
	Currency	Rates of exchange
	Currency US Dollar	Rates of exchange
		Rates of exchange
	US Dollar	Rates of exchange
	US Dollar Pound Sterling	Rates of exchange

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

NON RES	(REFER TO ANNEX B OF SATS DOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR DMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR ESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL) RESPECT OF BID NO.	OTHER LEGALLY RESPONSIBLE PERSON
	SUED BY: (Procurement Authority / Name of Institution):	
1	The obligation to complete, duly sign and submit this declaration representative, auditor or any other third party acting on behalf of the bidder.	
2	Guidance on the Calculation of Local Content together with Local Co is accessible on http://www.thedti.gov.za/industrial_development/ip.jsp . Bid completing Declaration D, bidders should complete Declaration E and the Declaration C should be submitted with the bid documentation at the substantiate the declaration made in paragraph (c) below. Declaration verification purposes for a period of at least 5 years. The successful bidder is D and E with the actual values for the duration of the contract.	Iders should first complete Declaration D. After on consolidate the information on Declaration C. or closing date and time of the bid in order to ons D and E should be kept by the bidders for
do h	the undersigned,	,
	·	rader entity), the following.
(a)	The facts contained herein are within my own personal knowledge.	
(b)	l have satisfied myself that:	
	 (i) the goods/services/works to be delivered in terms of the above-specified requirements as specified in the bid, and as measured in terms of SA 	
(c)	The local content percentage (%) indicated below has been calculated 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the 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	
used The	the bid is for more than one product, the local content percentages for each ded instead of the table above. The local content percentages for each product has been calculated us the local content percentages for each product has been calculated us the local content percentage indicated in paragraph 3.1 above and the infection.	ing the formula given in clause 3 of SATS
(d)	I accept that the Procurement Authority / Institution has the right to request requirements of SATS 1286:2011.	t that the local content be verified in terms of the
(e)	I understand that the awarding of the bid is dependent on the accuracy of the understand that the submission of incorrect data, or data that are no may result in the Procurement Authority / Institution imposing any or all of the Preferential Procurement Regulations, 2017 promulgated under the Preference (Act No. 5 of 2000).	ot verifiable as described in SATS 1286:2011, the remedies as provided for in Regulation 14 of
	SIGNATURE:	
	WITNESS No. 1 DATE:	

DATE: _____

WITNESS No. 2

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2001

LOCAL CONTENT OF PRODUCTS

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES SPECIFIED IN CLAIM FORM MBD 6.1 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001

 Regulation 12(1) of the Preferential Procurement Regulations makes provision for the promotion of locally manufactured products within the preference point systems

SPECIFIC GOAL

POINTS ALLOCATED

The stimulation of the S.A economy by procuring local Manufactured products.....

- Preference points may only be claimed for products, which will be manufactured (fabricated, processed or assembled), in the Republic of South Africa. In cases where production has not yet commenced at time of bid closure, evidence shall be produced that at the time of bid closure, the bidder was irrevocably committed to local production of the product.
- "Local content" means that portion of the bid price, excluding Value Added Tax (VAT), which is not included in imported content, <u>provided that local manufacture does take place</u>.
- 4. "Imported content" means that portion of the bid price represented by the costs of components, parts or materials which have been or are still to be imported (whether by the bidder or his suppliers or sub-contractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs such as landing costs, dock dues, import duties, sales duties, or other similar taxes or duties at the South African place of entry as well as transportation and handling charges to the factory in the Republic where the supplies for which a bid has been submitted are manufactured.
- 5. BID INFORMATION

Bidders who wish to claim points in respect of this goal must furnish the information in paragraph 7 below.

6. POINTS CLAIMED

Indicate whether point(s) allocated for this goal is (are) claimed.

Yes / No

7. INFORMATION WITH REGARD TO LOCAL MANUFACTURE

Indicate in the table below which product(s) [item number(s)] is/are manufactured locally against the % local content of each product / item in relation to the bid price (exclusive of VAT). Points claimed must be indicated in the "points claimed" column.

Percentage local content in relation to bid Price	Indicate item numbers	Points Allocated	Points Claimed
10 % - 30 %			
31 % - 60 %			
61 % or more			

8. BID DECLARATION

I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the firm declare that points claimed, based on the local content of the product(s) above, qualifies the firm for the point(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct.
- (iii) If the claims are found to be incorrect, the purchaser, in addition to any other remedy it may have -
 - (a) recover all costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (b) 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;

WITNESSE	S:	
1.		SIGNATURE (S) OF BIDDER (S)
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.
- 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).
- 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	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?	Yes	No
	(Companies or persons who are listed on this Database were informed in writing of this		
	restriction by the Accounting Officer/Authority of the institution that imposed the restriction after		
	the audi alteram partem rule was applied).		
	The Database of Restricted Suppliers now resides on the National Treasury's		
	website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of		
	the home page.		
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes	No
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	No
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes	No
4.4.1	If so, furnish particulars:		

4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes	No
4.7.1	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 B AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.	E TAKEN	

.....

.....

Date

Name of Bidder

.....

Signature

Position

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 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;
 - 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.
- 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.
- In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:
- 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.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

i, the undersigned, in submitting the accompanying bid:
(Bid Number and Description)
in response to the invitation for the bid made by:
(Name of Municipality / Municipal Entity)
do hereby make the following statements that I certify to be true and complete in every respect:
I certify, on behalf of:that:
(Name of Bidder)

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

- 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.
- 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.

MBD 9

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

Signature	Date
Position	Name of Bidder

TERMS OF REFERENCE

2. ABBREVIATIONS USED

- i. MC Mechanical contractor
- ii. Client Winnie Madikizela Mandela Local Municipality
- iii. Service provider- Supplier
- iv. MS Mechanical Service
- v. LV Low Voltage

3. OUTLINE

These Terms of Reference outline the minimum Scope of Work for which the Mechanical Contractor is responsible. It defines key activities and what the contractor is responsible for delivering i.e. the required outcomes as a result of the mechanical activities.

4. BACKGOUND

Winnie Madikizela Mandela Local Municipality falls within the jurisdiction of Alfred Nzo District of the Eastern Cape Province.

Municipality requires services of a qualified service provider to take conduct mechanical service on a 400 KVA Backup Diesel Generator. The purpose of the service is to check keep the engine work reliable and prolong its life.

SCOPE OF WORK

Winnie Madikizela Mandela Local Municipality, Electrical Unit, invites bids for Mechanical Service on a Diesel Generator. This will include the following:

- Change engine oil
- Check Water pump
- Replace Oil filter
- Check coolant level, fill up when needed.
- Tighten clamps of cooling pipes.
- Tighten connection parts of air intake pipes, hoses and flinges.
- Check for oil leaks and tighten where needed.
- Clean dust pocket of air filter.
- Check V-belts

Safe disposal of old reclaimed oil taking into consideration the environmental impact.

DESCRIPTION /CRITERIA	
Experience	
Proof of undertaking of Mechanical service/repairs on diesel engines	
Proof of appointment for similar projects (2 appointment letter) and Reference Letter	60
Reference letters must not be more 3 months old Proof of appointment for similar projects (1 appointment letter) and 1 Reference Letter) Att Bidder must attach appointment letters	
Expertise (Attach CV of Mechanical Engineering, NQF Level 5)	
Diesel Mechanic Technical certificate or equivalent (N3)	20
Must have completed apprenticeship in Diesel Mechanic	10

EVALUATION CRITERIA:

	POINTS
PRICE	80
Specific goals	20

Total points for price and Specific Goals shall not exceed 100

FUNCTIONALITY: (80)

With regards to functionality the following criteria will be applicable and the maximum points as indicated.

NB. Bidders should take note of the above technical (quality) evaluation criteria.

- [a] All the necessary documentation must be submitted for the Evaluation Panel to make an informed evaluation. Evaluation of the Technical (Quality) Requirements will be based on the information provided by the bidder.
 - [i] **Experience** The experience annexure must be completed. Only list projects of a similar nature undertaken. 30 points each
 - [ii] **Experience** The experience annexure must be completed. Only list projects of a similar nature undertaken.
- [b] Bids that do not meet a minimum 70% in total for the criteria listed above will not be considered further
- [c] A minimum total score of 70% out of 100 points must be obtained in order for the bid to

proceed to the Financial Evaluation i.e. 100 points.

CONDITIONS OF APPOINTMENT

Compliance with and performance in terms of the Terms of Reference is a specific condition of the appointment for Mechanical Service. The Municipality will provide all relevant information available for the purpose of successfully completing the project the delivery lead time from date of appointment is 2 weeks

PROJECT SETUP

a. The project will be a 3 year contract and the appointed service provider will be responsible for monitoring the service intervals for the generator and perform a service when required. The service provider will then submit an assessment report to Manager Electricity for approval before executing any works.

5. ACCOUNTABILITY

The Service provider appointed for Mechanical Service is responsible for his/her staff's safety during the process.

6. FORMAT OF PROPOSAL

The proposal must include at least the following key information:

- Company profile
- History of similar projects done in the past
- Recommendations by former clients for projects of similar nature

I, the undersigned, hereby confirm the acknowledgement of the Terms of Reference as part of the Appointment.

Name	Office Stamp	Date

PRICING BILL

ITEM	DESCRIPTION	UNIT	QUANTITY	COST/ITEM	TOTAL
1	Change engine oil		1		
	700 Super/15W 40	L			
	Multigrade				
2	Check and		1		
	Replace Water	Sum			
	Pump				
3	Replace Oil filter	Sum			
			1		
4	Check coolant		1		
	level, fill up when	Sum			
	needed				
5	Tighten clamps of		1		
	cooling pipes (when	Sum			
	needed)				
	Tighten connection				
6	parts of air intake				
	pipes, hoses and		1		
	flinges				
	Check for oil leaks				
7	and tighten where		1		
	needed				
	Clean dust pocket		1		
8	of Air filter	Sum			
9	Check and replace		1		
	V-Belts (when	Sum			
	needed)				
10	Replace Change	Sum			
	Over switch		1		
11	Replace 3 PH				
	Circuit Breaker	Sum	1		
12	Replace 24 V DC				
	alternator	Sum	1		

13	Replace fuel	Sum	1	
	connection hose			
14	Replace 12 V DC			
	battery	Sum	1	
15	Replace Automatic			
	Voltage regulator	Sum	1	
16	Replace Diesel			
	pump	Sum	1	
17	Replace Water			
	pump	Sum	1	
18	Replace Actuator			
	valve	Sum	1	
19	Replace Actuator			
	switch	Sum	1	
20	Replace battery			
	charger	Sum	1	
21	Replace relays	Sum	1	

NB: Project is based on rates/item submitted with the above bill and the service provider will be paid according to each item performed per callout.

FORM OF OFFER AND ACCEPTANCE



12.1 OFFER

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

MECHANICAL SERVICE AND MAINTENANCE OF 400 KVA DIESEL GENERATOR

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

R
Signature(s)
Name(s)
Capacity
for the tenderer(Name and address of organization)
Name and signature of
witness Date

12.2 ACCEPTANCE

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 contractor 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.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the returnable 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 schedule of deviations attached to and forming part of this form of offer and acceptance. No amendments to or deviations from said documents are valid unless contained in this schedule.

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 (now contractor) within five working 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.

Signature(s)			• •
Name(s)			
Capacity			
for the Employer	Winnie Madikizela Mandela Local Municipality Winnie Madikizela Street Bizana 4800		
Name and signature of witness		Date	