

MALUTI-A-PHOFUNG MUNICIPALITY



NOTICE NUMBER: 35/2024

BID NUMBER: SCM/BID03/2024/2024

**APPOINTMENT OF A SERVICE PROVIDER TO MAINTAIN AND MANAGE
HARRISMITH AND QWA-QWA (PERENG) LANDFILL SITES FOR A PERIOD OF
TWENTY-FOUR (24) MONTHS.**

CLOSING DATE: 21 NOVEMBER 2024 AT 10H00

PREPARED FOR: MALUTI-A-PHOFUNG MUNICIPALITY PRIVATE BAG X 805 WITSIESHOEK 9870 TEL: (058) 718 3879 E-mail: mvelithas7@gmail.com CONTACT PERSON: Dr S. Nhlapo	PREPARED BY: SUPPLY CHAIN MANAGEMENT UNIT MALUTI-A-PHOFUNG MUNICIPALITY PRIVATE BAG X 805 WITSIESHOEK 9870 TEL: (058) 718 3863
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NAME OF BIDDER _____

BID AMOUNT; EXCL/INCL VAT _____

CSD NUMBER: _____

NOTE: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.



EVALUATION CRITERION

1.	Expetise	10
2.	Experience and educational background	60
3.	Experience in waste management consultancy with specific reference to waste disposal and processing	30
	Total	100

Please note:

- ❖ The minimum points required to be considered for further evaluation is 70% points that has to be obtained for functionality.

TOTAL	100
PRICE	80
B-BBEE STATUS LEVEL CONTRIBUTION	20

MALUTI-A-PHOFUNG MUNICIPALITY



NOTICE NUMBER: 35/2024
BID NO. SCM/BID03/2024/25

APPOINTMENT OF A SERVICE PROVIDER TO MAINTAIN AND MANAGE HARRISMITH AND QWA QWA (PERENG) LANDFILL SITES FOR A PERIOD OF TWENTY-FOUR (24) MONTHS.

Maluti-a-Phofung Municipality hereby invite bids for Appointment of a Service Provider to Maintain and Manage Harrismith and Qwa Qwa (Pereng) Landfill Sites for a Period of Twenty-four (24) Months.

Requirements:

- Original valid company tax clearance certificate must be attached.
- Copy of company registration certificate reflecting active members (Except for sole traders and partnerships) must be attached.
- All supplementary forms including municipal rates and taxes clearance certificate form contained in the bid documents must be completed in full or (submit a proof that the municipal rates and taxes are not in arrears for more than three months).
- Copy of B-BBEE Compliant Certificate
- Attach Company Profile
- Supplier must be registered with Central Supplier Database (CSD)
- Sealed Bids should clearly indicate: **APPOINTMENT OF A SERVICE PROVIDER TO MAINTAIN AND MANAGE HARRISMITH AND QWA QWA (PERENG) LANDFILL SITES FOR A PERIOD OF TWENTY-FOUR (24) MONTHS. (SCM/BID03/2024/25)**

Closing date: **21st NOVEMBER 2024 at 10h00**

Bid Box: Bid Box No. ‘‘C’’
Maluti-a-Phofung Municipality
Setsing Business Centre
C/O Moremoholo & Motlounge streets
Phuthaditjhaba

Supply chain enquiries (058) 718 3863/ (058) 718 3871 [_thabangml@map.fs.gov.za](mailto:thabangml@map.fs.gov.za)
lebohanga@map.fs.gov.za

Technical Enquiries DR. S. Nhlapo (058) 718 3879 – mvelithas7@gmail.com

Please note:

1. **No bids will be accepted from persons in the service of the state.**
2. Bid documents will be obtainable as from Wednesday **the 06th of November 2024** after **10h00 am** from the cashiers point, Phuthaditjhaba offices upon payment of a **R 305.40** non-refundable fee (cash or bank guaranteed in favour of Maluti-a-Phofung Municipality) or alternatively the tender document may be download from e-tender portal at no extra charge.
3. No electronic copies, telegraphics, telefaxes and late Bids will be accepted.
4. Municipality is not bound to accept the lowest Bid.

5. Municipality reserve the right not to award the bid.
6. Municipal Supply chain management policy and Preferential Procurement Policy Framework Act No 5 of 2000 (80/20 preferential points allocation system in line with revised Procurement Regulations of 2022 by using the balance scorecard methodology) will be applied.
7. Only one submission for this bid will be considered from the bidder.
8. Failure to comply with the above mentioned conditions may invalidate your bid.
9. Should you not receive any correspondence from us within 120 days regard your bid as unsuccessful.
10. Communication will be limited to the successful bidder.

H.A GOLIATH
ACTING MUNICIPAL MANAGER



MALUTI-A-PHOFUNG MUNICIPALITY

SPECIFICATION FOR THE PROCUREMENT OF SERVICE PROVIDER WHO WILL ASSIST THE MUNICIPALITY ON THE MAINTENANCE AND MANAGEMENT OF QWAQWA AND HARRISMITH LANDFILL SITES.

1. PURPOSE

To appoint suitable Service Provider/s to manage day-to-day operations of Harrismith and Qwaqwa (Pereng) Waste Disposal Facilities located in Maluti, a Phofung Local Municipality, for twenty-four (24) months.

2. INTRODUCTION AND BACKGROUND

2.1. Maluti -a- Phofung local Municipality is mandated to give effect to the right of citizens to an environment that is not harmful to their health or well-being and to have the environment protected for the benefit of present and future generations. To this end, the Municipality should provide leadership in environmental management, waste management and conservation to contribute towards sustainability for the benefit of the community at large.

2.2. Maluti-a-Phofung Municipality faces serious challenges relating to the operation and management of waste disposal facilities. The main challenges, amongst others: - are the need for proper access control, landfill operators, absence of waste recording, absence of compaction and daily covering. Furthermore, waste is dumped outside the Waste Disposal Facilities next to the road and surrounding areas, creating environmental challenges and impacting human health and well-being.

2.3. Inadequate machinery and equipment to operate and manage the Waste Disposal Facilities. In addition, the two waste disposal facilities are also affected by crime and the sites are faced with numerous violent crime incidents. There are waste pickers on both sites, but they still need to be integrated by the Municipality.

The two Waste Disposal Facilities have devastating environmental conditions that need urgent interventions as they negatively impact communities in the surrounding.

3. OBJECTIVES

- 3.1. To appoint a suitable service provider to assist the municipality in managing the day-to-day operations of Harrismith and Qwaqwa (Pereng) Waste Disposal Facilities for twenty-four (24) months.
- 3.2. To comply with all applicable legislation and conditions of the Waste Management Licence/ or Permit.
- 3.3. To improve the Surrounding Environmental Conditions
- 3.4. To ensure compliance with the conditions of the Permit/ or Waste Management Licence with relevant applicable legislation through improved operation and management of the Waste Disposal Facility, as well as to promote a cleaner environment through the development of recycling initiatives.

4. SCOPE AND EXTENT OF WORK

- 4.1. The successful Service Provider will be expected to manage all processes relating to the operation and management of the Harrismith and Qwaqwa (Pereng) Waste Disposal Facilities in Maluti-a-Phofung Local Municipality from inception, implementation and close out of the project.
- 4.2. The service provider must provide machinery, equipment, personnel and fuel.

The Service Provider shall ensure that machinery, equipment and personnel on-site remain appropriate for the landfill operation's size and type throughout the contract. Personnel employed on-site must be sourced locally and trained per their job function. The Service Provider shall provide the optimal plant that will be able to landfill the deposited waste on-site during the specified working hours in line with the relevant landfill licence conditions, the "Minimum Requirements for Waste Disposal by Landfill, 2008, The National Environmental Management Waste Act, 2008 (Act No. 59 of 2008) as amended, National Waste Information Regulations and Waste Classification and Regulations, National Norms and Standards.

The Site Operator must ensure the availability of the required plant and equipment with the required personnel and fuel to operate the site and make sure that services are uninterrupted during the hours of operation (i.e., 07:00 to 17:30). The Site Operator should provide a catch-up plan should there be any interruptions of operation including shortage of diesel on site. The plant required can either be owned or leased. The required plant must be always on site and in good working condition. Each approved plant by the Municipality will be removed

from the site with notification and approval by the Municipality. Breakages or stoppages must be reported immediately to the Manager Environment and Waste Management.

Machinery and equipment on site should be serviced per their service plan, and the register should be kept and filed. The Service Provider shall always supervise all landfill plant/equipment and ensure that such is operated following municipal standard operating procedures. Furthermore, the Site operators shall be required to comply with the Occupational Health and Safety Act (Act 85 of 1993) and Regulations promulgated in terms of the Act when operating plant and equipment.

4.3 The service provider is expected to ensure that each site has all machinery and equipment and is costed on each pricing schedule as listed below: -

Table 1

Item for Harrismith	Item for Qwaqwa (Pereng)	Quantity	Frequency
Landfill Compactor (20 ton)	Landfill Compactor (20 ton)	1	Full time
Bulldozer (20 ton)	Bulldozer (20 ton)	1	As required
Excavator (20 ton)	Excavator (20 ton)	1	As required
Front End Loader	Front End Loader	1	Full time
Tipper Truck (10 cube tipper body)	Tipper Truck (10 cube tipper body)	1	Full time
10 000 Litre Water Tanker	10 000 Litre Water Tanker	1	As required

The service provider must provide appropriate communication devices to both official and spotters. The entire project is anchored on combating the poor operation and management of the two facilities currently evident in this facility. In this regard, the Service Provider must, in line with the latest Permit/ Waste Management Licence, perform the following but not limited to:

4.3.1 The provision of the required key personnel

Project Manager/Team:

The Site Operator shall provide a full-time Project Manager / team to manage operations and logistics at the landfill site for the duration of the contract. The Project Manager / team should have experience operating landfills classified as GLB (General Large Landfill Site / Class B Landfill) or

with a higher classification. The project manager must be provided for each awarded site when a bidder is appointed on multiple sites.

Waste Spotters:

The Site Operator shall provide at least three (3) spotters for each landfill site deployed at the workforce face daily to assist in confirming the waste types and directing traffic. The service provider is to ensure that the spotters are trained to identify waste types. The spotters should constantly be in communication with municipal officials at the entrance of each waste disposal facility.

4.3.2 Site Security and Access Control

- The Service Provider must first provide security services to secure responsible for guiding and managing access.
- The Service Provider must access and report all areas with the potential to compromise access control that is not in line with Permit/ Waste Management License conditions: -
- The Service Provider must ensure that all entrance gates are managed during the hours of operation and locked outside the hours of operation. The operating hours will be from 07h00 am-17h00 pm from Mondays to Fridays, 8h00 am- 15h00 pm on Saturdays, Sundays and Public holidays;
- The Service Provider must only accept waste authorised at the Waste Disposal Facility. If it occurs, the Service Provider must inform the Municipality/ Province Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA) by submitting a report within 24 (twenty-four) hours of such unauthorised disposal.
- Weatherproof, durable and legible notices in at least 3 (three) official languages common in the area shall be displayed at each entrance to the Waste Disposal Facility. These notices shall prohibit unauthorised entry into the Waste Disposal Facility and state the hours of operation, the name, address and telephone number of the permit/ licence holder and the person responsible for the operation of the Waste Disposal Facility.
- Notices prohibiting unauthorised persons from entering the Waste Disposal Facility, as well as internationally acceptable signs indicating the risks involved in unauthorised entry and which state the hours of operation, the name, address and telephone number of the permit/ licence holder and the persons responsible for the operation of the Waste Disposal Facility.

4.3.3 Operation

- The Service Provider must ensure that records in terms of volume, source and the nature of all the wastes received, reclaimed and landfilled are captured, maintained and reported hereafter every month;
- The Service Provider must ensure that litter and mud arising from the activities on the Waste Disposal Facility are cleared from affected areas outside the facility as soon as practicable, and wind-blown waste and litter must be picked up and removed from fences and vegetation daily;
- The Service Provider must manage and operate the existing storm water and leachate management infrastructure that exists on the Waste Disposal Facility;
- The Service Provider must ensure that waste information of the Waste Disposal Facility is recorded monthly and records are submitted to the Municipalities, Provincial Department and the Department of Forestry, Fisheries and the Environment;
- The Service Provider must ensure that recycling activities are in place in order to save the air space of the landfill site and
- manage revenue collection for waste disposal by keeping receipts and proof of payment upfront at the Municipality.

4.3.4 Impact Management

- Waste disposed of at the Waste Disposal Facility must be compacted and covered daily with a minimum of 150 millimetres of soil or other material approved by the Municipality;
- The Service Provider must ensure that the Waste Disposal Facility is operated so that it does not cause health hazards or that the potential creation of health hazards is prevented (e.g., noise, odour and dust).
- The Service Provider must ensure the health and safety of workers and employees in the Waste Disposal Facility are supplied with the correct Personal Protective Equipment (PPE) in order to ensure they comply with the relevant legislation such as the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- The Service Provider must monitor and ensure that waste disposed of at the Waste Disposal Facility may be reclaimed away from the working phase of the facility, provided the reclamation activity does not negatively impact the environment and that safety precautions have adhered to the rules.

- The Service provider must monitor and ensure that the waste deposited in the Waste Disposal Facility does not burn. Fire prevention measures must be implemented to prevent fires in the Waste Disposal Facility or extinguish possible fires.

4.3.5 Reporting

- The Service Provider must, within 24 (twenty-four) hours, notify the Municipality and Provincial Department of the occurrence or detection of any incident on the Waste Disposal Facility or incidental to the operation of the facility which has the potential to cause or has caused pollution of the environment, health risks, nuisance conditions or water pollution.
- The Service Provider must keep an incident report and complaints register, which must be made available to the external auditor, the Local Municipality, the Metropolitan and DESTEA for audit.
- The Service Provider must ensure that notification to the Municipalities and DESTEA must be done without delay in the case of the following:
 - a) any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
 - b) the breach of the permit/licence, and
 - c) any significant adverse environmental and health effects.
- The Service Provider must provide prior written notification to the Municipality of the following events and in the specified timescales.
 - a) as soon as practicable prior to the permanent cessation of any operational activities;
 - b) full or partial cessation of the operational activities for a period likely to exceed three (3) months or
 - c) full or partial resumption of the operation of all or part of the activities after a cessation notified under (b) above.
 - d) The Service Provider must provide machinery and equipment to perform the abovementioned activities.

4.4 For each landfill site, the Service Provider must provide two (2) standard signages and poles for the direction and location of the Waste Disposal Facility.

4.5 The Service Provider must record quarterly waste characterisation of the waste stream entering the Waste Disposal Facility.

- 4.6 The Service Provider must report the number of local people used in the project activities where applicable.
- 4.7 The Service Provider must install signage addressing the legislation outlined in the Permit and Waste Management / Licence.
- 4.8 Where applicable, the Service Provider is expected to use the local people to implement the project objectives and must be the targeted groups who fall within youth and women. All these activities will be undertaken through the monitoring and evaluation supervision of the Municipality, DFFE and the DESTEA.
- 4.9 The Municipality's responsible official (Manager or Designated Waste Management Officer (WMO)) will take full responsibility for managing the Service Provider in the implementation of the project and will submit a full report monthly to the municipal council. The Municipality must benefit from the project through cleanliness and improved operational and management of the Waste Disposal Facilities during and beyond the implementation period.

5 EXPECTED DELIVERABLES / OUTCOMES

- 1.2. The project will be implemented for twenty-four (24) months.
- 1.3. Assist the Municipality in ensuring compliance with the conditions of the Waste Management License/Permit regarding the operational plan and management of the Waste Disposal Facility;
- 1.4. Ensure the placing of security personnel to management access control for the duration of the contract;
- 1.5. Register of vehicles and individuals accessing the Waste Disposal Facility;
- 1.6. Recording of waste volumes for incoming and outgoing vehicles;
- 1.7. Manage revenue collection for disposal of waste by keeping receipts as proof of payment upfront at the Municipality;
- 1.8. Data capturing of waste volumes for South African Waste Information System (SAWIS) monthly reporting;
- 1.9. Integration of Waste Pickers in the operations;
- 1.10. Effective daily covering with the approved material and compaction of waste on the Waste Disposal Facility through ownership or rental of the plant;
- 1.11. Quarterly report on waste characterisation on waste stream entering the Waste Disposal Facility;
- 1.12. Controlled Access to the Waste Disposal Facility;

- 1.13. Reports on unauthorised disposal of waste on the Waste Disposal Facility;
- 1.14. Report on operational or non-operation of storm-water and leachate;
- 1.15. Report on the impact the non-maintenance or poor or lack of upgraded roads has on the operations of the Waste Disposal Facility;
- 1.16. Incidents reports, as and when the incidents occur;
- 1.17. Report on the fire prevention mechanism that is currently in place.
- 1.18. If using EPWP participants on sites, ensure the administration of the following statutory requirements;
 - i. Registration of participants with the Dept of Employment and Labour for UIF.
 - ii. Registration of participants with the Dept of Employment and Labour for COIDA
 - iii. Administering and maintaining monthly payments to Dept. Employment and Labour
 - iv. Implementation and administration of COVID-19 claims for participants.
 - v. Administer COID and UIF for project participants and provide monthly reports for such
 - vi. Provide payment records supported by relevant approval from the Municipality;
 - vii. Provide records (attendance registers, UIF registration and Bank Details) of all project participants
- 1.19. The Service Provider must develop a Waste Disposal Facility management plan and a detailed operational and maintenance plan covering the following (but not limited to) for this project scope or project charter:
 - A project scope;
 - A Work Breakdown Structure (Deliverables and Activities);
 - Project Governance and Structure
 - A Communication Plan;
 - A Risk Management Plan;
 - A Change Management Plan and
 - Health and Safety Management Plans and File
 - Quality Control Management Plan
 - A Stakeholder Management Plan.

1.20. The service provider must develop a fully functional revenue-generating Waste Disposal Facility which will comply with Waste Management and Health and Safety Regulations and permit or Waste Management licence conditions.

1.21. Refer to the machinery table above.

6 PERIOD / DURATION OF PROJECT / ASSIGNMENT

6.1. The project must be completed within 24 months after both parties sign the Service Level Agreement (SLA) and issue an Official Order by the Municipality.

7 COSTING

7.1. A comprehensive offer must be provided, including all costs, expenses, and all applicable taxes.

7.2. A comprehensive offer must be provided in the same document as the technical proposal, including all disbursement costs, expenses, and VAT. **The service provider must quote for all activities).**

7.3. The Municipality reserves the right to negotiate price with a recommended service provider identified in the evaluation process without offering the same opportunity to any other bidder (s) who have not been recommended.

8 INFORMATION SESSION

8.1. The briefing session will not be held per site but written requests for clarification of the tender document or queries must be submitted to Maluti –a Phofung representative listed under technical enquiries.

8.2. The cut-off date for submitting requests for clarification queries is seven (07) calendar days before the tender's stipulated closing date and time. However, the Municipality shall not be liable nor assume liability for failure to respond to any questions and queries raised by the bidder after the cut-off date of the submission of clarification queries.

9 EVALUATION CRITERIA

9.1. The evaluation for this bid will be carried out in the following phases:

- Phase 1: Pre-Compliance
- Phase 2: Mandatory Requirements.
- Phase 3: Functionality Criteria.
- Phase 4: Price and Preference Points

9.2. **PHASE 1: PRE-COMPLIANCE**

9.2.2. During this phase, bid documents* will be reviewed to determine compliance with SCM

9.2.3. The bid proposal will be screened for compliance with administrative requirements** as per the supply chain requirements

*The Municipality reserves the right to reject proposals that are not submitted in line with the supply chain requirements or where information presented is illegible or incomplete and will not be evaluated further

**The Municipality reserves the right to request such information during the proposal's evaluation process, and the information must be presented within the Municipality's stipulated timelines. Failure to do so may lead to disqualification.

9.3.PHASE 2: MANDATORY REQUIREMENTS

9.3.1. The following mandatory requirements will apply, and tenderers must submit all requirements indicated hereunder with the bid documents at the closing date and time of the bid. During this phase, the bidder's responses will be evaluated based on the documents submitted under mandatory requirements.

9.3.2. Tenderers who fail to comply with the mandatory requirements will be disqualified and not evaluated further on functionality criterion.

#	REQUIREMENT	EVIDENCE	ATTACHED PROOF	
			YES	NO
	Harrismith			
1	1 x Landfill Compactor (20 tons)	Proof of Ownership under Company Name per each machinery or Copy of the duly signed Lease or Rental Agreement for the Lesser per each leased or rented machinery		
2	1 x Bulldozer (20 ton)			
3	1 x Excavator (20 ton)			
4	1 x Front End Loader			
5	1 x Tipper Truck (10 cube tipper body)			
6	1 x 10 000 Litre Water Tanker			
Qwaqwa (Pereng)				

#	REQUIREMENT	EVIDENCE	ATTACHED PROOF	
			YES	NO
	Harrismith			
1	1 x Landfill Compactor (20 tons)	Proof of Ownership under Company Name per each machinery or Copy of the duly signed Lease or Rental Agreement for the Lesser per each leased or rented machinery		
2	1 x Bulldozer (20 ton)			
3	1 x Excavator (20 ton)			
4	1 x Front End Loader			
5	1 x Tipper Truck (10 cube tipper body)			
6	1 x 10 000 Litre Water Tanker			
Requirement			Attached Relevant Letter/ Certificate/ Qualification:	
Bidders must provide a detailed project plan/charter with intermediate and final outputs and identified timeframes/ milestones of proposed methodology in the operation and management of Waste Disposal Facilities.			Yes	No
Requirement			Attached Relevant Letter/ Certificate/ Qualification:	
			Yes	No
A copy of qualifications and CVs of Key Personnel				
Health and Safety Officer such as SAMTRAC				
Qualifications of Security (SIRA Compliant)				
Attach proof				

9.4 PHASE 3: FUNCTIONALITY CRITERIA

9.4.1 The following functionality criteria will be applicable when evaluating this bid. Bidders must attain a minimum threshold of 70%. Bidders who fail to score this minimum threshold will be disqualified and not be evaluated further.

- ❖ The municipality will consider Company and Individual(s) (Personnel) Experience and Qualifications obtained within and outside the Republic of South Africa (RSA). For evaluation purposes, qualifications obtained outside RSA must be accompanied by the SAQA Certificate of Evaluation (SCoE). The SCoE must indicate the recognition

decision taken by SAQA regarding the foreign qualification and the comparability of that qualification with a South African qualification registered on the National Qualification Framework (NQF). This contract will only evaluate foreign qualifications that the SCoE does accompany.

- ❖ The recognition of foreign qualifications is in terms of the South African National Qualifications Framework (NQF) conducted by SAQA. SAQA derives this mandate from the NQF Act, 67 of 2008 (as amended) and performs the function according to the Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF (as amended, 2017). (www.saqa.org.za)”

The below table serves as the criterion for the functionality. This is measurable, objective and related to the scope of work.

TABLE 2

1.	Expertise	10	
	Experience and educational background	60	
2.	Experience in waste management consultancy with specific reference to waste disposal and processing	30	
	Total	100	

TABLE 3

GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY: (GUIDELINES FOR CRITERIA APPLICATION)	WEIGHT	
Expertise	A proposed project plan/charter, methodology and management of the project in operation and management of Waste Disposal Facilities	10	
			Indicator
	The project plan and methodology action are well broken down, with detailed objectives and milestones.		10
	Project plan and methodology, action identification basic, objectives and milestones.		5
	Action plan provided with no deliverables and timeframes.	3	

GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY: (GUIDELINES FOR CRITERIA APPLICATION)		WEIGHT
	Limited information provided on the action plan	2	
	The task needs to be better understood.	1	
	No information provided	0	
	Total		10
Experience and educational background	Bidder(s) must demonstrate that they have the necessary resources and technical expertise to complete the project successfully. Bidder(s) should submit curriculum vitae for the Key personnel of the proposed to be employed. Curriculum vitae are to include specific details of these individuals, including, among other things, relevant experience, three contactable references, and experience in the operation and management of the Waste Disposal Facility (landfill site)		
Project Manager or Management Team to be assigned to the project.	Bidder(s) are required to submit/ attach a certified copy of relevant qualification for the Project Management in either of the following areas: <ul style="list-style-type: none"> - Environmental / Civil engineering - Environmental Science/ Environmental management - Waste management 		
	Certified qualifications of project manager / project team	Indicator	15
	Master's Degree or Higher – NQF Level 9 and above	15	
	Honours Degree or Postgraduate Diploma – NQF Level 8	10	

GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY: (GUIDELINES FOR CRITERIA APPLICATION)		WEIGHT
	Degree or B.Tech – NQF Level 7	5	
	Three-Year Diploma – NQF Level 6	3	
	Diploma/Certificate – NQF Level 5	2	
	NQF Level 4 or below and/no qualification (s) attached/ submitted irrelevant qualification (s)	0	
Safety officer to be assigned to the project. Attach a certified copy of relevant qualification for the safety officer in either of the following areas: Safety Management/ Risk Management and Occupational Health and Safety	Honours Degree or Postgraduate Diploma – NQF Level 8	15	15
	Degree or B.Tech – NQF Level 7	10	
	Diploma – NQF Level 5	5	
	Certificate – NQF Level 4	3	
	NQF Level 3	2	
	Below level 3 and/no qualification (s) attached/ submitted irrelevant qualification (s)	0	
Certified qualifications of the security personnel officer to be assigned to the project.	Degree or B. Tech – NQF Level 7	15	15
	Diploma – NQF Level 6	10	
	Diploma/Certificate – NQF Level 5	5	
	Certificate – NQF Level 4	3	
	Below level 3 and/no qualification (s) attached/	0	

GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY: (GUIDELINES FOR CRITERIA APPLICATION)		WEIGHT
	submitted irrelevant qualification (s)		
Technical Capability/ expertise and track record of a project manager/ team to be assigned to the project in operation and management of the Waste Disposal Facility (landfill site)	Experience of the project manager / Project Team in a Waste Management Facility (landfill site)	Indicator	5
	Above 5 years	5	
	5 years	3	
	Below 5 years	2	
Technical Capability/ expertise and track record of a safety officer/ personnel to be assigned to the project in operation and management of the Waste Disposal Facility (landfill site)	Above 5 years	5	5
	5 years	3	
	Below 5 years	2	
Technical Capability/ expertise and track record of a security officers or personnel to be assigned to the project in operation and management of the Waste Disposal Facility (landfill site)	Above 5 years	5	5
	5 years	3	
	less than 5 years	2	
	Total		60
	Bidder(s) are required to demonstrate relevant experience and competency of the company for all completed projects in the operation and management of the Waste Disposal Facility. Bidder(s) should submit full details of reliable signed references (attached reference letters from the client on completed projects indicating the type of projects, size, duration of the project, client satisfaction, etc.) for projects of similar scope which were		

GUIDELINES FOR CATEGORY CRITERIA	FUNCTIONALITY: (GUIDELINES FOR CRITERIA APPLICATION)		WEIGHT
	completed in the previous years in operation and management of the Waste Disposal Facility (landfill site) Projects.		
Experience in waste management consultancy with specific reference to waste disposal and processing	Duration or period of each project managed (8 years and above)	30	30
	Duration 5 year	20	
	Duration less than 5 years	10	
	Duration 3 years	5	
	Duration less than 3 years	0	
GRAND TOTAL			100

9.5 PHASE 4: PRICE AND PREFERENCE POINTS

9.5.1 All bid proposals submitted will be evaluated under the 80/20

80 = Price

20 = Specific Goal [Historically disadvantage] = 20 {Unfair discrimination on a basis of race and disability:- company registration document}

NB: The bid will be awarded to a bidder with the highest points on price and Preference Points on the condition that they have met all phases of the evaluation criteria and complied with the tender requirements in the tender document.

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF MALUTI-A-PHOFUNG LOCAL MUNICIPALITY				
BID NUMBER:	SCM/BID03/2024/2025	CLOSING DATE:	22 NOVEMBER 2024	CLOSING TIME: 10H00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO MAINTAIN AND MANAGE HARRISMITH AND QWA- QWA (PERENG) LANDFILL SITES FOR A PERIOD OF TWENTY-FOUR (24) MONTHS			
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).				

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT:

MALUTI-A-PHOFUNG LOCAL MUNICIPALITY
CNR MOREMOHOLO & MOTLOUNG STREETS
SETSING BUSINESS CENTRE
PHUTHADITJHABA
9870
BID BOX "C"

SUPPLIER INFORMATION

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX COMPLIANCE STATUS	TCS PIN:	OR	CSD No:
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	SCM	CONTACT PERSON	Dr. S Nhlapo
CONTACT PERSON	MRS T.J MOLOI OR MISS L.S SEHLAKO	TELEPHONE NUMBER	(058) 718 3879
TELEPHONE NUMBER	058 718 3863/71	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	mvelithas7@gmail.com
E-MAIL ADDRESS	thabangml@map.fs.gov.za lebohangs@map.fs.gov.za		

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO

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

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

TAX CLEARANCE REQUIREMENTS

IT IS A CONDITION OF BIDDING THAT -

1. The taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with the Receiver of Revenue to meet his / her tax obligations.
2. The attached form “Application for Tax Clearance Certificate (in respect of bidders)”, must be completed in all respects and submitted to the Receiver of Revenue where the bidder is registered for tax purposes. The Receiver of Revenue will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of twelve (12) months from date of issue. This Tax Clearance Certificate must be submitted in the original together with the bid. Failure to submit the original and valid Tax Clearance Certificate may invalidate the bid.
3. In bids where Consortia / Joint Ventures / Sub-contractors are involved each party must submit a separate Tax Clearance Certificate. Copies of the Application for Tax Clearance Certificates are available at any Receiver’s Office.

MBD2/ Application for tax Certificate...

**APPLICATION FOR TAX CLEARANCE CERTIFICATE
(IN RESPECT OF BIDDERS)**

1. Name of taxpayer / bidder:

2. Trade name:

3. Identification number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

4. Company / Close Corporation registration number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

5. Income tax reference number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

6. VAT registration number (if applicable):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

7. PAYE employer's registration number (if applicable):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Signature of contact person requiring Tax Clearance Certificate:

Name:

Telephone number: Code:..... Number:

Address:

.....

.....

DATE: 20____ / ____ / ____

PLEASE NOTE THAT THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE (SARS) WILL NOT EXERCISE HIS DISCRETIONARY POWERS IN FAVOUR OF ANY PERSON WITH REGARD TO ANY INTEREST, PENALTIES AND / OR ADDITIONAL TAX LEVIABLE DUE TO THE LATE- OR UNDERPAYMENT OF TAXES, DUTIES OR LEVIES OR THE RENDITION RETURNS BY ANY PERSON AS A RESULT OF ANY SYSTEM NOT BEING YEAR 2000 COMPLIANT.

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

3.8.1 If yes, furnish particulars.
.....
.....

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

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999

(Act No.1 of 1999);

- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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.....

.....
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:
.....
.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

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

1 Are you by law required to prepare annual financial statements for auditing?

* Delete if not applicable

1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years. *YES / NO
.....
.....
.....
.....

2 Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days? *YES / NO

2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.

2.2 If yes, provide particulars.
.....
.....
.....
.....
.....
.....

3 Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

3.1 If yes, furnish particulars

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

***YES / NO**

4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?

4.1 If yes, furnish particulars

.....
.....

***YES / NO**

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

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

FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS 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 all bids:

- **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

a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) Specific goals

1.4 The maximum points for this bid are allocated as follows:

1.5

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and Specific Goals must not exceed	100

1.6 Failure on the part of a bidder 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.

- 1.7 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.

2. DEFINITIONS

The words in this policy shall bear a meaning as prescribed and/or ascribed by applicable legislation, and in the event of a conflict, the meaning attached thereto by National Legislation shall prevail:

- (a) “Act” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).
- (b) “Black people” as defined in the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003), is a generic term which means Africans, Coloured and Indians.
- (c) “Tender” means a written offer or bid in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services or goods.
- (d) “price” means an amount of money tendered for good or services, and includes all applicable taxes less all unconditional discounts;
- (e) “rand value” means the total estimated value of a contract in rand, calculated at the time of bid tender invitation, and includes all applicable taxes and
- (f) “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 auction.

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1 POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR SPECIFICATION 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 systems.

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 allocated (90/10 system) (To be completed by the tenderer)	Number of points allocated (80/20 system) (To be completed by the tenderer)
Historically Disadvantaged = 20 Points		20		
Total Points Allocated		20		

DECLARATION WITH REGARD TO COMPANY/FIRM

- 4.1 Name of company/firm:
- 4.2 VAT registration number:
- 4.3 Company registration number:

4.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

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): _____ Date: _____

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury’s website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	<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>The Register for Tender Defaulters can be accessed on the National Treasury’s website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	<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:		
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 <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

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.

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

Maluti-a-Phofung Municipality



Setsing Business Centre
C/o Moremoholo & Motlounj Streets
Phuthaditjhaba
9866

Private Bag X805
Witsieshoek
9870
Tel: 058 718 3700
Fax: 058 713 0459

Enquiries: Supply Chain Management Unit

MUNICIPAL SERVICES, RATES AND TAXES CLEARANCE CERTIFICATE FOR SUPPLY CHAIN MANAGEMENT PURPOSE

The purpose of this form is to obtain prove that municipal services, rates and taxes of the service provider are not more than three months in arrears with the relevant municipality / landlord in the municipal area where the service provider conduct his / her business. **This form is to be completed only if the service provider's rates and taxes are not in arrears for more than three months.**

PART A – to be completed by the relevant municipality in the case where the service provider is the registered owner of the site / owner pays for municipal services / tenant pays for municipal services

OR

PART B – to be completed by the landlord in the case where the service provider is renting the premises / rental paid by tenant include municipal services.

PART A (TO BE COMPLETED BY THE RELEVANT MUNICIPALITY)

Official's Name: _____

Municipality Stamp Here

Signature : _____

Date: _____

Please tick whether in arrears or up-to-date

Rates and taxes : Up-to-date / in arrears for more than 3 months

Water: Up-to-date / in arrears for more than 3 months

Electricity: Up-to-date / in arrears for more than 3 months

Refuse : Up-to-date / in arrears for more than 3 months

Other services: Up-to-date / in arrears for more than 3 months

NB: If the company address or operate in rural settlement the service provider should attach their electricity purchase pattern. Electricity purchase pattern can be validated once the company

purchase electricity in three (03) consecutive months.

PART B (TO BE COMPLETED BY THE LANDLORD)

Name of the Landlord:

Property Physical Address:

Landlord Signature:

Date: _____

**Landlord's business stamp here Or an Affidavit from SAPS
Lease Agreement (Compulsory)**

Please tick whether up-to-date or in arrears

Rental: Up-to-date / in arrears for more than 3 months

Municipal services: Up-to-date / in arrears for more than 3 months

NB: In the event that company is operating on leased premises and the address is not the same as the Company registration both lease agreement and landlord statement of account (not in arrears for more than three months) must be attached.

: If the company address or operate in rural settlement the service provider should attach their electricity purchase pattern. Electricity purchase pattern can be validated once the company purchase electricity in three (03) consecutive months.

: In the event the landlord does not have a business stamp an affidavit from SAPS AND lease Agreement must be attached.