



## ELIAS MOTSOALEDI LOCAL MUNICIPALITY

EMLM 07/2023

### UPGRADING OF PARKS: PAVING OF PEDESTRIAN WALKWAY AT HANS ABRAM'S PARK

CLOSING DATE:	26 AUGUST 2022	TIME	11H00
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NAME OF TENDERER	
TOTAL AMOUNT	
CENTRAL SUPPLIER DATABASE NUMBER	MAAA
B-BBEE LEVEL (e.g Level 1)	LEVEL
CONTACT PERSON	
TELEPHONE NUMBER	
FAX NUMBER	

ENQUIRIES REGARDING BID PROCEDURES		TECHNICAL ENQUIRIES	
DIRECTORATE FINANCIAL SERVICES SUPPLY CHAIN MANAGEMENT UNIT		DIRECTORATE: COMMUNITY SERVICES	
VUSI MASILELA		MANAGER PARKS & CEMETERIES	
MANAGER SUPPLY CHAIN MANAGEMENT		M MATHEBE	
TEL. NUMBER	TEL.013 262 3056	TEL. NUMBER	013 262 3056
TENDER ISSUED BY			
2 <sup>ND</sup> GROBLER AVENUE GROBLERSDAL		COMMUNITY SERVICES	
SUPPLY CHAIN MANAGEMENT UNIT		TEL. NUMBER	013 262 3056
ELIAS MOTSOALEDI LOCAL MUNICIPALITY		P.O. BOX 48, GROBLERSDAL, 0470	

## ELIAS MOTSOLEDI LOCAL MUNICIPALITY

TENDER DETAILS						
TENDER NUMBER	EMLM 07/2023					
TENDER TITLE	UPGRADING OF PARKS: PAVING OF PEDESTRIAN WALKWAY AT HANS ABRAM’S PARK					
CLOSING DATE	26 AUGUST 2022		CLOSING TIME		11H00	
SITE MEETING	DATE	N/A	TIME	N/A	COMPULSORY	NO
SITE MEETING ADDRESS	N/A					
CIDB GRADING REQUIRED	1 CE OR HIGHER		LEVEL AND CATEGORY		N/A	
TENDER DOCUMENT FEE	R1000.00 (if collecting from the Municipality) Free when uploading from e-tender portal		PREFERENCE POINT SYSTEM		80/20	
BID BOX SITUATED AT	MAIN OFFICES, 2 <sup>ND</sup> GROBLER AVENUE, Elias Motsoaledi Local Municipality,.					
OPERATING HOURS	The bid box is open during office hours, Monday to Friday from 07h30 to 16h15.					
OFFER TO BE VALID FOR	90	DAYS FROM THE CLOSING DATE OF TENDER.				

**PLEASE NOTE:**

1. Prospective suppliers must be registered on CSD prior to submitting bid (open tender)
2. Tenders that are deposited in the incorrect box will not be considered.
3. Mailed, telegraphic, telex, or faxed tenders will not be accepted.
4. No late bids after closing date and time will be accepted.
5. Bids not clearly marked and unamend will not be accepted.
6. Bids may only be submitted on the bid documentation provided by the municipality.
7. No awards will be made to a person:
  - i. Who is in the service of the state,
  - ii. If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state
  - iii. Who is an advisor or consultant contracted with the municipality or municipal entity

**BIDDER’S TENDER DOCUMENTATION DECLARATION CERTIFICATION**

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

## T1.1 TENDER NOTICE & INVITATION

ELIAS MOTSOLEDI LOCAL MUNICIPALITY

TENDER NO.: **EMLM 07/2023**

CLOSING DATE: **26 AUGUST 2022 AT 11H00**



In terms of Section 110 of the Municipal Finance Management Act, 2003 (No. 56 of 2003), tenders are hereby invited for **UPGRADING OF PARKS: PAVING OF PEDESTRIAN WALKWAY AT HANS ABRAM'S PARK**

Tender documents and specifications are available and can be obtained from CASHIERS OFFICE IN THE MAIN OFFICES, 2<sup>ND</sup> Grobler Avenue Groblersdal, P.O. Box 48, Groblersdal, 0470 (Tel: [013] 262 3056, at a non-refundable deposit of **R1000.00** when the bidder request/need a document from the municipality and it is free of charge when downloaded from the e-Tender Portal. Payments can be made through bank guaranteed cheque payable to the Elias Motsoaledi Local Municipality or cash

The closing time for receipt of tenders is **26 AUGUST 2022 at 11H00**. Telegraphic, telephonic, telex, facsimile, e-mail, unmarked and **late tenders** will under no circumstances be considered and accepted. The tender box will be emptied just after closing time on the closing date. Hereafter all bids will be open in public.

Any technical enquiries relating to the tender document may be directed to the **Community Services (Mr. FM Debeila / Mr. M Mathebe)** on **013 262 3056** or at **[fdebeila@emlm.gov.za](mailto:fdebeila@emlm.gov.za) / [mmathebe@emlm.gov.za](mailto:mmathebe@emlm.gov.za)** for technical assistance. Fully completed tender documents, clearly marked **"UPGRADING OF PARKS: PAVING OF PEDESTRIAN WALKWAY AT HANS ABRAM'S PARK"** with **"NAME of TENDERER"** must be placed in a sealed envelope and placed in the **tender box 1** on the **2<sup>nd</sup> Grobler Avenue**, Elias Motsoaledi Local Municipality, Main Offices, Groblersdal **by no later than 26 AUGUST 2022 at 11H00**. The envelope must be endorsed with number, title and closing date as indicated above.

A preferential point system shall apply whereby a contract will be allocated to a tenderer in accordance with the Preferential Procurement Policy Framework Act, Act No. 5 of 2000 and as defined in the Conditions of Tender in the tender document, read in conjunction with the Supply Chain Management Policy of Elias Motsoaledi Local Municipality where **80 points** will be allocated in respect of price and **20 points** in respect of B-BBEE Status Level of Contribution.

No awards will be made to a person:

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

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



## **TERMS OF REFERENCE FOR UPGRADING OF PARKS: PAVING OF PEDESTRIAN WALKWAY AT HANS ABRAM'S PARK**

### **1. Introduction**

Elias Motsoaledi Local Municipality requests the proposals from experienced service providers for paving of pedestrian walkway at Hans Abram's Park

### **2. Executive summary**

Elias Motsoaledi Local Municipality in the 2022/2023 financial year budget has prioritized a number of projects, amongst other projects that were prioritized is the project that is serving on this Bid document classified as follows:

#### **Paving of 1000-metre-long and 1.2 metre width walkway at Hans Abram's Park**

### **2.2 Quality control and quality Assurance**

The prospective service provider must show his/ her capabilities for offering to render for the service. The project team must be clearly indicated designation for each member of the team. Paving of the walkway must comply with SANS/SABS standard.

### **2.3 Health and Safety Requirements**

The successful bidder must take into account all aspects of the occupational Health and Safety Act which has been enacted to provide for Health and Safety of person in connection with the use of tools, equipment, plant and machinery, the protection of persons against hazard to health and safety arising out or in connection with the activities of persons at work, to establish an advisory council for occupational health and safety and to provide for matters connected therewith. However, the contractor, shall still be accountable for the compliance and adherence to the OHS Act.

### **2.4 Estimated project cost**

A clear itemized bill of quantity for the works is part of the document and service providers are requested to provide rates to the bill outlined

### **2.5 program of works**

A clear preliminary program for the works must be indicated. This program shall include all activities of the project

### **2.6 SCOPE OF WORK**

Paving of 1000 metres long and 1.2 metre width pedestrian walkway at Hans Abram's Park

- With approved Portland cement for stabilizer
- 60mm concrete interlocking paving blocks laid with 2% fall towards natural slope of ground on 20mm approved bedding sand in accordance with SABS

### BILL OF QUANTITY (BOQ)

Items	Descriptions	Unit	QTY	Rate	Amount
1	Site clearance (1000m x 1.2m)	Sum	1		
2	Supply and deliver all material, paving salt, labour and equipment for the installation of interlocking concrete paving blocks	m <sup>2</sup>	1200		
3	Cleaning and removal of excess material	No	1		
<b>Sub Total</b>					
Add 15% VAT					
<b>Grand Total</b>					

### 3. PROJECT TIMEFRAME

Once off

#### 3.1 PROJECT DELIVERABLES

The service provider must:

**PROVIDE A DETAILED REPORT WITH PERFORMANCE INDICATORS CLEARLY SHOWING:**

- Project milestones on a Gantt chart
- Cash flow projections
- Quality control plan

## EVALUATION METHODOLOGY AND CRITERIA

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

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

1. Fully Completed and Signed MBD Forms with a black ink (1; 4; 6.1; 8 & 9).
2. Attach CSD registration report (summary or detailed).
3. Valid copy Entity / Company registration certificate.
4. Proof of CIDB registration (**Minimum of 1CE or Higher**).
5. Sign any alteration on the tender document. (**NB: Not Initialed**).
6. Sign every page on the tender document. (**NB: Not Initialed**).
7. Forms must be sign in a Black ink.
8. CIPC Abridged Certificate Annual returns (**NB applicable to entities that are in business for more than 12 months**).
9. Letter of good standing (Compensation for Occupational Injuries and Disease Act (**COIDA**)) from Department of Labour OR any company accredited by the Department of Labour / **or Tender Letter**.
10. Proof of Municipal rates and taxes or services charges:
  - Of the company and all of its directors not in arrears for more than 90 days or
  - Confirmation from the municipality if municipal rates and taxes are not levied (for the company and all its director(s)) as per CK/Company form of address on the registration certificate or
  - if leasing, a signed lease agreement by the lessor and the lessee and a declaration/letter indicating that the bidder and/or the director does not have municipal account and that the municipal services; rates and taxes are paid by the property owner, should be signed by the lessor and such declaration/letter must be attached / Municipal rates in the name of the lessor for both company and director(s).
11. Original certified copy of B-BBEE Certificate issued by a SANAS verification agency; original Sworn Affidavit from commissioner of oaths or Original / Certified copy of CIPC Sworn Affidavit. (**If not submitted will not be disqualified but no points will be allocated for BBEE.**)
12. Original Certified copies of ID's of the Director(s) (**Certification not older than 3 months before the closing date**).
13. **In case of a Joint Venture**, Association or Consortium a formal contract agreement must be signed by both parties and be attached and the following must be adhered to:
  - All of the above requirements must be for the both entities.
  - Consolidated Valid B-BBEE Certificate issued by a SANAS Verification agency; **NB: No sworn affidavits will be considered.**

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

**NB: PLEASE NOTE THAT IT WILL BE COMPULSORY FOR THE APPOINTED SERVICE PROVIDER TO SUBMIT COIDA BEFORE APPOINTMENT LETTER CAN BE ISSUED IF THE TENDER LETTER WAS SUBMITTED.**

#### Mandatory Compliance

1. Commercial evaluation based on price and preference points. The 2nd phase evaluation will be **on price points (80 points) and preference points (20)**
  - Price = **80 points**
  - Preference = **20 points**

B-BBEE Status Level of Contributor	Number of Points (90/10 system)	Number of Points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

#### Phase 1: functionality Evaluation

1. **One service providers will be appointed for this assignment;**
2. Service providers must meet the minimum threshold. Failure to meet the threshold in any of the deliverables will result in disqualification and the service provider not being considered for phase 2 evaluation.

**NOTE: PREFERENCE WILL BE GIVEN TO SERVICE PROVIDERS RESIDING WITHIN ELIAS MOTSOLEDI LOCAL MUNICIPALITY**

**M. M. KGWALE**  
**MUNICIPAL MANAGER**



1. **COMPULSORY MUNICIPAL BID DOCUMENTATION**

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

## INVITATION TO BID

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

BID NUMBER: **EMLM 07/2023** CLOSING DATE: **26 AUGUST 2022** CLOSING TIME: **11H00**

DESCRIPTION **UPGRADING OF PARKS: PAVING OF PEDESTRIAN WALKWAY AT HANS ABRAM'S PARK**

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

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

**02 GROBLER AVENUE**

**GROBLERSDAL 0470**

**SUPPLIER INFORMATION**

NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE		NUMBER
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE		NUMBER
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX COMPLIANCE STATUS	TCS PIN:		OR CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			

<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
DEPARTMENT	<b>BUDGET AND TREASURY</b>	DEPARTMENT	<b>COMMUNITY SERVICES</b>
CONTACT PERSON	<b>V.E MASILELA</b>	CONTACT PERSON	<b>M MATHEBE</b>
TELEPHONE NUMBER	<b>013 262 3056</b>	TELEPHONE NUMBER	<b>013 262 3056</b>
FACSIMILE NUMBER	<b>013 262 2547</b>	FACSIMILE NUMBER	<b>013 262 2547</b>
E-MAIL ADDRESS	<a href="mailto:vmasilela@emlm.gov.za">vmasilela@emlm.gov.za</a>	E-MAIL ADDRESS	<a href="mailto:mmathebe@emlm.gov.za">mmathebe@emlm.gov.za</a>

## PART B

### TERMS AND CONDITIONS FOR BIDDING

#### 1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, 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: .....

**DECLARATION OF INTEREST**

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

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

3.8	Have you been in the service of the state for the past twelve months?	Yes	No
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	If yes, please furnish particulars :		
3.8.1	Name of director		
3.8.2	Service of state organization		
3.9	Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?	Yes	No
	If yes, please furnish particulars :		
3.9.1	Name of person in the service of state		
3.9.2	Relationship		
3.10	Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?	Yes	No
	If yes, please furnish particulars :		
3.10.1	Name of person in the service of state		
3.10.2	Relationship		
3.11	<i>Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?</i>	Yes	No
	If yes, please furnish particulars :		
3.11.1	Name of director		
3.11.2	Service of state organization		
3.12	Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state?	Yes	No
	If yes, please furnish particulars:		
3.12.1	Name of director		
3.12.2	Name of relative		
3.12.3	Relationship		
3.13	Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or	Yes	No

	business whether or not they are bidding for this contract?			
	If yes, please furnish particulars:			
3.13.1	Name of director			
3.13.2	Related company			
Note:	<p>SCM Regulations:</p> <p>"In the service of the state" means to be –</p> <ul style="list-style-type: none"> <li>(a) a member of – <ul style="list-style-type: none"> <li>(i) any municipal council;</li> <li>(ii) any provincial legislature; or</li> <li>(iii) the national Assembly or the national Council of provinces;</li> </ul> </li> <li>(b) a member of the board of directors of any municipal entity;</li> <li>(c) an official of any municipality or municipal entity;</li> <li>(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);</li> <li>(e) a member of the accounting authority of any national or provincial public entity; or</li> <li>(f) an employee of Parliament or a provincial legislature.</li> </ul> <p>"<sup>2</sup> Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.</p>			

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

Full Name	Identity Number	State Employee Number

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

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

<b>NAME OF REPRESENTATIVE</b>	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b>
<b>DATE</b>	<b>CAPACITY</b>

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

### 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 not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 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

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

**“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on



black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- (b) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (c) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (d) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (e) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (f) **“prices”** includes all applicable taxes less all unconditional discounts;
- (g) **“proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (h) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;  
1.
- (i) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

### 3. POINTS AWARDED FOR PRICE

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

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

**80/20      or      90/10**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

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 B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. **BID DECLARATION**

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. **B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. **SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

(*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<p><b>WITNESSES</b></p> <p>1. ....</p> <p>2. ....</p>	<p>..... <b>SIGNATURE(S) OF BIDDERS(S)</b></p> <p><b>DATE:</b> .....</p> <p><b>ADDRESS</b> .....</p> <p>.....</p> <p>.....</p>
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## DECLARATION OF BIDDERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	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?  (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).  <b>The Database of Restricted Suppliers now resides on the National Treasury's website <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> and can be accessed by clicking on its link at the bottom of the home page</b>	Yes	No
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)?  <b>The Register for Tender Defaulters can be accessed on the National Treasury's website <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> by clicking on its link at the bottom of the home page.</b>	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:		
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal	Yes	No

Item	Question	Yes	No
	charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?		
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes	No
4.5.1	If so, furnish particulars:		

### **CERTIFICATION**

I, the undersigned certify that the information furnished on this declaration form true and correct.

I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

<b>NAME OF REPRESENTATIVE</b>	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b>
<b>DATE</b>	<b>CAPACITY</b>

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid: **(Tender 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:

--

**NAME OF REPRESENTATIVE**

that:

1. I have read and I understand the contents of this certificate.
2. I understand that the accompanying bid will be disqualified if this certificate is found not to be true and complete in every respect.
3. I am authorized by the bidder to sign this certificate, and to submit the accompanying bid, on behalf of the bidder.
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder.
5. For the purposes of this certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - a. Has been requested to submit a bid in response to this bid invitation;
  - b. Could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - c. Provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

7.1 Prices;

- 7.2 Geographical area where product or service will be rendered (market allocation);
  - 7.3 Methods, factors or formulas used to calculate prices;
  - 7.4 The intention or decision to submit or not to submit a bid;
  - 7.5 The submission of a bid which does not meet the specifications and conditions of the bid; or
  - 7.6 Bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- <sup>3</sup> **Joint venture or consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY

## GENERAL CONDITIONS OF CONTRACT

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