

## ENDUMENI LOCAL MUNICIPALITY

### PUBLIC BID No. B07/2022-23: BID FOR THE DISPOSAL OF ERF 5364 DUNDEE

Notice is herewith given in terms of Section 40 of the Endumeni Municipality's Supply Chain Management Policy, read with Section 14 of the Municipal Finance Management Act No. 56 of 2003, that the Endumeni Municipality herewith invites bids from interested persons and/or parties for the "voetstoots" sale of the following vacant immovable property:

TOWN	ERF No	EXTENT	ADDRESS	ZONE	USAGE	UPSET PRICE (VAT Excl)
Dundee	5364	10190	Corner of Hibiscus and Cosmos Street	Residential 3	Vacant	R 775 000.00

The sale of the property shall be subject to the Terms and Conditions of Sale as approved by Council, which conditions shall be available for public inspection at the Municipal Offices, corner of Karellandman and Biggar Streets, Glencoe during normal office hours.

Bid documents, against the payment of a non-refundable fee of **R100.00**, will be available at the Procurement Office, Room 12, Civic Centre, 64 Victoria Street, Dundee, from 7:30 to 15:30. Only bids submitted on documentation of the Endumeni Local Municipality will be accepted.

Completed bid documents, placed in a sealed envelope and clearly marked "**Bid No. B07/2022-23 – BID PROPOSAL FOR THE SALE OF ERF 5364 DUNDEE**" must be deposited in the tender box situated in the foyer of the Civic Centre, 64 Victoria Street, Dundee not later than **14:00 on 06 July 2023**, following which the bids received will be opened in public.

Enquiries may be directed to Mr N. Bezuidenhout or Mr M. Adam at telephone number 034 – 492 0438 / 034 – 492 0436 during office hours, or by e-mail at [nicb@endumeni.gov.za](mailto:nicb@endumeni.gov.za) or [mohamed@endumeni.gov.za](mailto:mohamed@endumeni.gov.za).

Bids submitted after the aforementioned closing date and time, faxed, e-mailed, unsigned or unsealed bids, shall not be accepted nor considered. The Council reserves the right not to accept the highest or any bid received. All bids will be subject to the Special Conditions of Bid as provided at in the bid documents.



**S. NTOMBELA**  
**MUNICIPAL MANAGER**  
Private Bag 2024  
Dundee  
3000

**NOTICE No. 72/2023**

Date: 09.06.2023



# ENDUMENI MUNICIPALITY

BID NO: B07/2022-23

DESCRIPTION OF BID: SALE OF ERF 5364 DUNDEE

BID DOCUMENT



## ENDUMENI

CLOSING DATE OF BID:

14:00 on 06 July 2023

NAME & ADDRESS OF BIDDER:

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

CONTACT TELEPHONE NUMBER:

.....

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**NOTICE No. 72/2023**

## **ENDUMENI LOCAL MUNICIPALITY**

### **BID PROPOSAL FOR THE SALE OF ERF 5364 DUNDEE Bid N°. B07/2022-23**

#### **SPECIAL CONDITIONS OF BID**

1. No bid shall be considered, unless it is submitted on the attached bidding documents.
2. The acceptance of a bid shall be subject to the approval of the Adjudication Committee and failing this approval, there shall be no bidding contract.
3. The highest or any bid shall not necessarily be accepted.
4. A bid awarded shall be valid for a period of 30 days from date of notification of the decision of the Adjudication Committee.
5. On expiration of the validity period of 30 days as per paragraph 4 above, and upon failure of written acceptance of the bid from the bidder, the award shall be made to the next highest qualifying bidder.
6. Each bid shall be deemed to have been submitted subject to the provisions of the bid documents and annexures thereto.
7. The upset price (minimum sales price to be considered) of the property shall be as displayed in the schedule attached hereto and the Municipality shall not accept nor consider any bid price that is below such upset price.
8. Bid documents signed by an agent must be accompanied by a duly authorised power of attorney, and those signed on behalf of a company must be accompanied by the minutes in terms of which such signature is authorised.
9. Bidders must acquaint themselves fully on the Rules, General Conditions and Special Conditions of Bid, and shall sign acknowledgement and acceptance thereof.
10. Failure to complete the forms in every respect as requested may invalidate the bid.
11. A signed copy of these conditions and specifications must accompany the bid.
12. No bid will be accepted unless submitted on the bid forms provided, and no telegraphic, electronic or faxed bids will be accepted.
13. Bids received after 14:00 on the closing date of this bid will not be accepted.
14. In accordance with the provisions of Section 164(1)(c) of the Municipal Finance Management Act No. 56 of 2003, only a once-off full payment of the purchase price in the form of cash, an electronic fund transfer (EFT) into the Municipality's bank account, or by bank guaranteed cheque, may and shall be accepted for the sale of these properties.
15. No payments of the accepted purchase price will, in pursuance of paragraph 14 above, be accepted in instalments, and any such attempted payments will render the awarding of the bid invalid and shall be cancelled with immediate effect.
16. Upon notification of the acceptance of a bid, the successful bidder will be required to sign the relevant agreement of sale, pay to the Municipality the full bid price as specified in paragraph 14 above, or be deposited with the transferring attorney within thirty (30) days from the date of notification of acceptance of the bid. Should the successful bidder for whatever reason fail to pay the full purchase price within such thirty-day period, the Municipality reserves the right to summarily cancel the bid and offer the property for sale to the next highest qualifying bidder.

17. Bidders are to note that, in pursuance of clause 40(4) of the Municipality's Supply Chain Management Policy, bids for the disposal or letting of immovable assets will be considered on price only.
18. Bidders are required to attach a valid tax clearance certificate, be it in an individual capacity or a juristic entity. Should a bidder not attach such tax clearance certificate, the bid submitted shall be deemed invalid and not be considered.
19. In accordance with the provisions of paragraph (viii) of the definition of an "owner" as defined in section 1 of the Municipal Property Rates Act No 6 of 2004, the purchaser of vacant immovable property from the Municipality will be liable for the applicable property rates levied on the property from the date of sale, pending registration of ownership in the name of the buyer.

**I herewith acknowledge and agree to the above special conditions of the bid for the sale of vacant immovable properties.**

.....  
**SIGNATURE**

.....  
**DATE**

**FULL NAMES:** .....

## LIST OF RETURNABLE DOCUMENTS

The following documents/certified copies of documents must be included with completed bid documents submitted:

1. If the bidder is a private individual:
  - **Certified copy of identity document not older than three (3) months**
  - **Statement of Municipal rates not older than 3 months/copy of agreement of lease**
  - **Proof of residence**
2. If the bidder is a company/close corporation (CC)/ co-operative:
  - **Company registration certificate**
  - **Tax Pin and Valid Tax clearance certificate**
  - **Certified ID Copies of members/directors not older than three (3) months**
  - **Proof of residence for members/directors**
  - **Statement of Municipal rates not older than 3 months/copy of agreement of lease**

### PLEASE NOTE:

**Failure to submit the above documents and the submission of certified copies older than 3 months will disqualify the bid.**

.....  
**SIGNATURE**

.....  
**DATE**

**FULL NAMES:** .....

## **RULES IN RESPECT OF BID DOCUMENTS**

- 'Council'** shall mean the Endumeni Local Municipality
- 'Committees'** shall mean those Committees of the Council whose responsibility it is to consider bids and advise on acceptance thereof or otherwise.
- 'Municipal Manager'** shall mean the Municipal Manager of the Endumeni Local Municipality, or such person appointed by Council to act in that capacity.
- 'Head of Department'** shall mean the head of the Municipal department concerned with the particular bid or such person appointed by Council to act in that capacity.

### **1. INVITATION TO BID**

The Municipal Manager shall, in terms of the Supply Chain Management Policy of the Endumeni Municipality, invite bids to be submitted for the specific purpose.

### **2. SUBMISSION OF BIDS**

- (a) The completed bid documents are to be placed in a sealed envelope, endorsed as directed in the invitation to bid or bearing the label supplied with the bid documents where applicable and bearing indication on the envelope of the name of the bidder.
- (b) The period advertised for the receipt of bids shall be as stated in the notice calling for bids and shall expire at 14:00 on the date stated in the invitation to bid.

### **3. OPENING OF BIDS**

Immediately after 14:00 on the date advertised for the receipt of bids, or as soon thereafter as possible, the bids duly received shall be opened in public by an officer designated by the Municipal Manager and the name of each bidder and the amount of each bid shall be read out to the public in attendance.

As each bid is opened, the supervising officer shall authenticate it by stamping it with Council's stamp and by the supervising officer's signature, witnessed by an assistant who must be an officer of Council. Each document and any annexure thereto will be stamped, signed and witnessed as described and the date of opening recorded on each document or annexure.

All bids received and endorsed in accordance with the above paragraph shall, at the conclusion of the opening procedure, be recorded in a bid register to be kept by an official designated by the Municipal Manager and such register shall be stamped, signed and witnessed as aforesaid.

### **4. ACCEPTANCE OF BIDS**

After the opening of bids, the official designated by the Municipal Manager shall forward such bid to the Head of Department for whom such bids have been invited. The Head of Department concerned will then consider the bids and submit them to the appropriate Committees with details of any irregularity or defect in connection with the bid documents or matters relating to the calling of bids, together with the recommendation for consideration by the Committees.

### **5. BID DOCUMENTS**

- (a) All bid documents are to be submitted before 14:00 on the date of closure of the bid.
- (b) After awarding the bid, no documents will be returned to any unsuccessful bidder, but will be retained by the Municipal Manager.
- (c) All bid documents must be completed in ink and should any alteration, omission, erasure or addition be made, it will not be recognised unless authenticated with the initials of the bidder and



those of the witnesses of his signature. Bidders may, however, qualify their bid by a letter accompanying the bid documents.

- d) Any irregularity, incompleteness or obscurity in a bid renders it liable for rejection.
- e) Failure to sign the bid document will invalidate the bid, provided that if it is the only bid received, the Head of Department may recommend that it be considered as an offer after signature by the bidder.
- f) Bidders shall check that they have been provided with all the documents. Bidders must advise the Department concerned immediately if there is any duplication or obscure typing or if there is any doubt as to the meaning of any words, clause, sentence, paragraph, drawing or any other particulars and have the matter rectified, otherwise it will be taken for granted that there are no doubts or errors, and no liabilities whatsoever will be admitted in respect of errors in the bid due to the foregoing.

**6. TELEGRAPHIC OR FAXED BIDS**

No telegraphic, e-mailed or faxed bids will be accepted.

**7. LATE BIDS**

- (a) Any bid received after the closing date and time advertised for the receipt of bids shall not be considered, provided that a late bid may be admitted by the Council when :
  - (i) in the case of a bid submitted through the post, there is proof that the bid was posted in sufficient time to reach the Municipal Manager before the closing date and time advertised for the receipt of bid and the bidder has taken reasonable steps against ordinary delays and was in no way to blame for the late receipt of his bid;
  - (ii) in the case of a bid delivered by hand, there is proof that the bidder had taken reasonable steps against ordinary delays and was in no way to blame for the late delivery.
- (b) The Council may accept a bid, which is received late and has for that reason been disallowed in terms of the provisions of this rule, provided it was the only bid received.

**8. COMMUNICATION PROHIBITED**

- (a) Except where clarification of a bid is necessary or whenever it is necessary to approach a bidder for an extension of the binding period of a bid, no communication, without written authority of the Council, shall take place between the bidder and any member or officer of Council on a question affecting any matter which is the subject of a bid between the closing date and time of a bid and the acceptance of the bid by Council. When clarification or an extension of time is required, a Council Officer on the authority of his Head of Department may request this.
- (b) In no case shall bids be returned or referred to bidders for amendment or completion in any respect without the written authority of the Council.

**9. COUNCIL NOT OBLIGED TO ACCEPT ANY BID**

Council does not bind itself to accept the highest or any bid, and where the bid documents allow for such cases, reserves the right to only accept a portion of any bid. Council will not compensate the bidder in the preparation and submission of his bid.

**I herewith acknowledge that I have read and understood and accept the above rules in respect of bid documents.**

.....  
**SIGNATURE**

.....  
**DATE**

**FULL NAMES:** .....

# ENDUMENI LOCAL MUNICIPALITY

## INVITATION TO BID

## MBD 1 PART A

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)**

BID NUMBER: B07/2022-23 CLOSING DATE: 06 July 2023 CLOSING TIME: 14H00

DESCRIPTION SALE OF ERF 5364 DUNDEE

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

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

ENDUMENI MUNICIPALITY

CIVIC CENTRE

64 VICTORIA STREET

DUNDEE

3000

### 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:

CSD REPORT FOR SPECIFIC GOALS ATTACHED?  
[TICK APPLICABLE BOX]

☐ Yes

☐ No

**(THE DETAILED CSD MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR SPECIFIC GOALS)**

ARE YOU THE ACCREDITED REPRESENTATIVE IN  
SOUTH AFRICA FOR THE GOODS /SERVICES  
/WORKS OFFERED?

☐ Yes ☐ No  
[IF YES ENCLOSE PROOF]

ARE YOU A FOREIGN BASED  
SUPPLIER FOR THE GOODS  
/SERVICES /WORKS  
OFFERED?

☐ Yes ☐ 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

N BEZUIDENHOUDT

CONTACT PERSON

Ms N ZULU

TELEPHONE NUMBER

034 - 492 0438

TELEPHONE NUMBER

034 212 2121

FACSIMILE NUMBER

N/A

FACSIMILE NUMBER

N/A

E-MAIL ADDRESS

nicb@endumeni.gov.za

E-MAIL ADDRESS

scm@endumeni.gov.za

**ENDUMENI LOCAL MUNICIPALITY  
INVITATION TO BID**

**MBD 1**

**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, 2022, 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](http://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:** .....

**MBD 3 IS LOCATED AT THE END OF THE DOCUMENT**

## 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 positioning 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, shareholder<sup>2</sup>):.....

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 or any Directors/trustees/shareholders/ members presently in the service of the state? YES / NO

3.8.1 If yes, furnish particulars.....

.....

<sup>1</sup>MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
  - (i) any municipal council;
  - (ii) any provincial legislature; or
  - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

<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.

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	Are you employed by National/ Provincial/ Local Government? YES/NO	If YES, please give details

5. *I duly confirm that the above information is correct until otherwise advised in writing AND the company undertakes to immediately, in writing on same day of appointment, advise the Endumeni Municipality immediately if any of its directors/trustees/ members/shareholders assumes appointment as an employee in national, provincial and/or local government AND the company will deregister from the Endumeni Municipality Supplier Database and cease forthwith from doing business with the Endumeni Municipality AND the company shall be subject to a penalty of forfeiting all payments for services rendered or products delivered or installed if it fails to immediately disclose in writing the employment of any of its directors/trustees/ members/shareholders in national, provincial and/or local government.*

.....  
Signature

.....  
Date

.....  
Capacity

.....  
Name of Bidder



**CONTRACT FORM – PURCHASE OF GOODS/WORKS****Form of Offer and Acceptance**

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

***PART 1 (TO BE FILLED IN BY THE BIDDER)***

I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to Endumeni Municipality..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract in respect of the following works:

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

By the representative of the tendered, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance, the tenderer offers to perform all of the obligations and liabilities of the contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the Conditions of Contract identified in the Contract Data, within \_\_\_\_ days of the commencement date.

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

.....  
 ..... RAND (in words);

R .....(in figures)

This offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document to the tendered before the end of the period of validity stated in the Tender Data, whereupon the Tendered becomes the party named as the Contractor in the Conditions of Contract identified in the Contract Data.

1. The following documents shall be deemed to form and be read and construed as part of this agreement:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Technical Specification(s);
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of bidder's past SCM practices;
    - Certificate of Independent Bid Determination;



- Special Conditions of Contract;
- (ii) General Conditions of Contract; and
- (iii) Other (specify)

2. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
3. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
4. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
5. I confirm that I am duly authorised to sign this contract.

**SIGNED ON BEHALF OF/BY THE TENDERER:**

**NAME**

**SIGNATURE**

**CAPACITY**

**DATE**

**Name and address of Organisation:**

.....

.....

.....

**SIGNED BY WITNESS:**

**NAME**

**SIGNATURE**

**DATE**

## CONTRACT FORM – PURCHASE OF GOODS/WORKS

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

*By signing this part of this Form of Offer and Acceptance, the Employer identified below accepts the Tenderer's offer. In consideration thereof, the Employer shall pay the Contractor the amount due in accordance with the Conditions of Contract identified in the Contract Data. Acceptance of the tenderer's offer shall form an Agreement between the Employer and the Tendered upon the terms and conditions contained in this Agreement and in the Contract that is the subject of this Agreement.*

Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto as listed in the Returnable Documents as well as any changes to the terms of the Offer agreed by the Tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Agreement. No amendments to or deviations from said documents are valid unless contained in this schedule which must be duly signed by the authorised representative(s) of both parties.

The tenderer shall within two weeks of receiving a completed copy of this Agreement, including the Schedule of Deviations (if any), or when or just after this Agreement comes into effect, contact the employer's agent (whose details are given in the Contract Data) to arrange the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the Conditions of Contract identified in the Contract Data. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

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

#### **SIGNED ON BEHALF OF/BY THE EMPLOYER:**

**NAME**

**SIGNATURE**

**CAPACITY**

**DATE**

Endumeni Local Municipality, 64 Victoria Street, Dundee, 3000

#### **SIGNED BY WITNESS:**

**NAME**

**SIGNATURE**

**DATE**

## ENDUMENI MUNICIPALITY

## 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 BID 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).  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.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for BID Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?  The Register for BID 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.	Yes <input type="checkbox"/>	No <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**

## ENDUMENI LOCAL MUNICIPALITY

## 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

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.

6. 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.

7. 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.

8. 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.

9. 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

<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.

## ENDUMENI LOCAL MUNICIPALITY

To be completed by the bidder

Bidders are requested to insert their bid price in the space provided

TOWN	ERF No	EXTENT	ADDRESS	ZONE	USAGE	UPSET PRICE (VAT Excl)	BID PRICE (VAT Excl)
Dundee	5364	10 190m <sup>2</sup>	Corner of Hibiscus and Cosmos Street	Residential 3	Vacant	R 775 000.00	R.....  Bid price in words: ..... ..... .....

## PLEASE NOTE:

1. The upset price (minimum sales price) of the property shall be seven hundred and seventy five thousand rand (R775 000.00) exclusive of 15% VAT and the Municipality shall not accept nor consider any bid price that is below such upset price.
2. In accordance with the provisions of paragraph (viii) of the definition of an "owner" as defined in section 1 of the Municipal Property Rates Act No 6 of 2004 the purchaser of immovable property from the Municipality will be liable for the applicable property rates levied on the property from the date of sale of the immovable property.
3. In terms of Section 164(1)(c) of the Municipal Finance Management Act No. 56 of 2003, only a once -off payment in cash or bank guaranteed cheque may and shall be accepted for the sale of this property.
4. Upon notification of the acceptance of a bid, the successful bidder will be required to immediately pay to the full bid price in cash or by bank guaranteed cheque, or it to be deposited with the transferring attorney within thirty (30) days from the date of notification of acceptance of the bid. Should the successful bidder for whatever reason fail to pay the purchase price within such thirty-day period, the Municipality reserves the right to summarily cancel the bid and offer the property for sale to the next highest qualifying bidder.

SIGNATURE OF BIDDER

DATE



