



BA-PHALABORWA MUNICIPALITY

APPOINTMENT OF A PANEL OF ATTORNEYS FOR PUBLIC LAW AND MUNICIPAL LAW SERVICES, TOWN PLANNING AND ENVIRONMENTAL LAW SERVICES, BUILDING AND CONSTRUCTION SERVICES, LABOUR LAW SERVICES, PROPERTY LAW, CONVEYANCING AND NOTARIAL REGISTRATIONS, AND FORENSIC LEGAL SERVICES.

TENDER NUMBER: BPM 22/25/26

Closing Date: 24/02/2026

Time: 10h00

Venue: Tender Box (Main Office)

Tender Documents are available from the municipal website and the E-tender portal.

Ba-Phalaborwa Municipality Budget and Treasury Office: Contact: Selepe NW Manager: Supply Chain Tel: (015) 780 6300	Ba-Phalaborwa Municipality Corporate Services : Contact: Mphaga H Acting Manager: Legal Services Tel: (015) 780 6300
Name of Tenderer: Type of service to be rendered: TOTAL AMOUNT TENDERED (VAT INCLUSIVE):	

TENDER NO: BPM 22/25/26

1. Tender Notice and Invitation to bid



BA- PHALABORWA MUNICIPALITY

Ba-Phalaborwa Municipality hereby invites suitable professional services providers to render service), for the below listed project in the Ba-Phalaborwa Municipality of the Mopani District in Limpopo Province.

Tender documents are obtainable from the municipal website and E-tender portal.

Below are the significant details per project:-

TENDER NUMBE R	CIDB GRADING	DESCRIPTION	COMPULSORY BRIEFING SESSION			FUNCTIONAL ITY	EVALUATION CRITERIA	CLOSING DATE AND TIME	Minimum Score for functionality	CONTACT PERSON
			DATE	VENUE	COST					
BPM 22/25/26	N/A	Pool of Attorneys Public Law and Municipal Services. Town Planning and Environmental Law Services, Building and Construction Law Services, Labour Law Services, Property Law, conveyancing and notarial registration, forensic service	09/02/2026 @10H00	Municipal Activity Hall	Free at municipal website and E- tender portal	Bidder's capacity (20) Lead attorneys' qualification (30) Lead attorneys' public sector experience (30) Experience of key support staff (20)	80/20	24/02/2026 @10H00	70%	Mphaga H (015) 780 6300

A compulsory briefing session will be held on the dates and times specified above at Activity Hall, Ba-Phalaborwa Municipality Main Office, CNR Mandela and Sealene Street.

The bids are to be deposited in the tender box of Ba-Phalaborwa Municipality Offices situated at CNR Mandela Drive & Sealene Street in Phalaborwa, by the closing date and time as above mentioned, where they are open in public. No late, telefaxed or Document found in any other place or proposal from service providers who have not attended the compulsory briefing session will not be considered.

Bidders should take note of the following bidding conditions:

1. Ba-Phalaborwa Municipality Supply Chain Management Policy shall apply in the evaluation and awarding of the Tender.
2. Ba-Phalaborwa Municipality does not bind itself to accept the lowest tender, reserves the right to accept the whole or part of the Tender and reserves the right not to appoint.
3. The Bid validity shall be 90 (Ninety) days from the date of closure.
4. Bidders must provide proof of the following to avoid disqualification: CSD report not older than 3 months, SAPS certified ID Copies of all directors, statement of municipal rates and taxes for both company and director (s) (not older than 3 months)/letter from traditional authority not older than 3 months/ lease agreement, key personnel/service team's experience (attach certified copies of qualifications and CV; CK/Company registration, Valid tax pin, proof of work experience (attach relevant appointment letter). **All the relevant returnable documents are attached to the tender document,**
5. The minimum score for functionality will be as stated above and bidders who score below will not be evaluated further on price and specific goals specified for the tender.

Ms. MOKOBI ST
MUNICIPAL MANAGER
Notice No. 17/26

BACKGROUND AND PURPOSE OF THE BID

Tenders are hereby invited from suitably qualified and experienced law firms employing admitted attorneys, conveyancers and notaries (the latter where applicable) to tender for the rendering of professional legal and advisory services to the Ba-Phalaborwa Municipality ("the Municipality") as required from time to time for a period of three years.

The Municipality intends to establish a pool of attorneys comprising of sub – categories to render legal and advisory services in respect of the various categories of services as set out herein. The allocation of work will be issued as and when required from time to time and on a rotational basis. No assurance is given that any service provider on the panel will receive instructions during the term of the contract.

1. SCOPE

- 1.1 Services required will be divided into the following 6 (six) categories of law. All categories of law include services related to Magistrate and High Court litigation, Labour Law, dispute resolution matters, as well general including specialist conveyancing and notarial services.
- 1.2 Safe for regulated rates, prospective bidders will charge the municipality for their services per rates as reflected in the attached Annexure C.
- 1.3 Prospective bidders may tender for any or all of the categories of legal and advisory services required and must ensure that all the requirements of relevant legislation are adhered to throughout the contract period.
- 1.4 General Legal and advisory services:

General legal services are required in the following categories of service:

1.4.1 Public and Municipal Law Services

The Municipality requires the services of law firms who have extensive capacity and experience in Public and Municipal Law.

1.4.2 Town Planning and Environmental Law Services

The Municipality requires the services of law firms who have extensive capacity and experience in town planning and environmental law.

1.4.3 Building and Construction Law Services

The Municipality requires the services of law firms who have extensive capacity and experience in building and construction law matters.

1.4.4 Labour Law Services

The Municipality requires the services of law firms who have extensive capacity and experience in labour law matters.

1.4.5 Property Law, Conveyancing and Notarial Registration Services: housing, General and Specialised

The Municipality requires conveyancing and notarial registration services pertaining to low cost housing, which includes, but are not limited to,

- a) Registration of General Plans and/or servitudes and other real rights in the Deeds Office;
- b) Registration and/or cancellation of bonds in favour of the Municipality;

- c) Registration of low cost housing transactions allocated to approved beneficiaries, which includes, but is not limited to the drafting and signing of deeds/sale agreements and other documents necessary to effect transfer; preparation and lodgement of deeds at the Deeds Office.
- d) Monthly reporting on progress with transfers.
- e) Drafting of contracts, where applicable;
- f) Registration of transfer of immovable property (General Conveyancing), including vesting transfers in terms of section 16 to 31 of the Deeds Registry Act ("the Act") and exchange transfers;
- g) Cancellation of bonds in favour of the Municipality;
- h) Drafting and registration of Certificates of Registered Titles;
- i) Drafting and registration Certificates of Consolidated title under section 40, Certificates of amended Title and Uniform Title under sections 41 and 42 and Certificates in terms of section 38 of the Act;
- j) Applications for endorsement(s) in terms of section 46 of the Act for the layout of a township or settlement;
- k) Applications for the issuing of a certified copy of a deed in terms of regulation 68(1);
- l) Drafting of notarial deeds of contracts and other documents and attending to the registration thereof;
- m) Communicating and engaging with the Office of the Surveyor – General, with regard to the metrication or amendment of any diagram or obtaining a copy of any diagram or certificate of remainder-including instructions;
- n) Attending to the upliftment of attachment interdicts in the Deeds Office;
- o) Attending to investigations in the Deeds Office, and other related matters.

2 GENERAL

2.1 Contract period

The contract period will commence on the date of signing the contract or 1 July 2021, whichever date occurs last and will expire on 30 June 2024 with the proviso that all work not finalised by the end of the contract term be finalised as soon as possible thereafter on the same terms and conditions of this tender.

2.2 Validity period of tender

The tender shall remain irrevocably open for acceptance by the Municipality for a period of at least 90 (ninety) days calculated from the date of the closing of tenders.

Notwithstanding the above period the tender shall be deemed to remain valid until formal acceptance by the Municipality of an offer at any time after the minimum validity period, unless the Municipality is notified in writing of anything to the contrary by the bidder.

2.3 Implementation timetable

- 2.3.1 The Municipality will, within 5 (five) days from date of formal allocation of work to a successful bidder, furnish all the necessary documents/copies of the Municipality's file relating to the matter, in order to proceed with the instruction.
- 2.3.2 The successful bidder shall at all times maintain and operate ICT capabilities as required by the Municipality and shall inform the Municipality within 24 (twenty-four) hours of any breakdown or other issues which may impact email or telephonic communications between the successful bidder and the Municipality.
- 2.3.3 The minimum time period specified in the Rules of Court for the delivery of applications, notices and pleadings must be adhered to.
- 2.3.4 A file will be closed once the deliverables as set out in the instruction have been met.

3 EVALUATION AND ADJUDICATION

- 3.1 In the initial phase (Supply Chain Management and technical compliance) bidders will be screened for compliance with the bid specifications as well as submission of compulsory documentation. **Bidders who fail to comply with any of these requirements will be regarded as non – responsive.**
- 3.2 Thereafter the ability of bidders will be assessed in terms of functionality in terms of each category of service tendered for. This exercise will assess capacity of the bidder firm and experience of lead attorneys and key support staff as per Annexure A hereof. Bidders must score at least 70% in this assessment in order to be evaluated further.
- 3.3 **Bidders who do not comply with these requirements will be regarded as non – responsive.**
- 3.4 All successful bidders will be placed on an overall panel of service providers and categorised as such. Selection will be based on the highest point scoring in each category of service. The maximum number of service providers per category will be determined by the Municipality in its own discretion.
- 3.5 Work will generally be allocated on a rotation basis with regard all categories of services to service providers on the respective categories.
- 3.6 The Municipality reserves the right to deviate from a strict rotation and to allocate work to any successful bidder from any segment of the category and reserve panels, after taking into account factors such as previous involvement in a matter, continuity, nature and complexity of the matter and when expertise and experience in a specific field of law is required, or in exceptional cases, to make appointments outside of the panels, to ensure that the best interest of the Municipality is served.

4 ELIGIBILITY CRITERIA

The evaluation of bids will be done in terms of compliance with the following criteria. Tenders that do not comply with all the criteria below will not be evaluated further.

Description of requirements		Please indicate with an “X” whether the offer complies with the requirements.		
		Yes	No	Comments and Attachments
	Bidders must submit a memorandum setting out the capacity of the law firm, and the qualifications, and experience of each leading practitioner/attorney/ conveyancer/notary and key support staff member in the law firm who offer the service in respect of any one or more of the categories of legal services required.			
	Bidders bidding for conveyancing and notarial services must provide proof of access to deeds office search software (proof of license to be attached).			
	Bidders bidding for both conveyancing and notarial services must provide proof of access to conveyancing software (proof of licenses to be attached).			

Description of requirements		Please indicate with an "X" whether the offer complies with the requirements.		
		Yes	No	Comments and Attachments
	In terms of conveyancing and notarial services, the necessary proof of admission as a conveyancer and notary of the lead attorneys of bidding law firm must be provided.			
	Bidders bidding for each of the category of services listed in this tender, with the exception of conveyancing and notarial services, must provide the necessary lead attorneys' proof of admission to appear in the High Court.			
	Bidders bidding for each of the category of services listed in this tender must provide certified copies of the admission certificates as attorney of the High Court for each lead attorney and their qualifications.			
	Bidders for each of the category of services listed in this tender must provide certified copies of each lead attorney's fidelity fund certificate.			
	Bidders bidding for each of the category of services must complete annexure A (which equates to a memorandum) in full to enable an assessment of the capacity and experience of each bidder. In the event that a bidder tenders for more than one category of service, a separate annexure A (which equates to a memorandum) must be completed for each category of service tendered for.			
	Bidders bidding for each of the category of services must complete Annexure B (Bidders reference) in full. In the event that a bidder tenders for more than one category of service, a separate annexure B (Bidders reference) must be completed for each category of service tendered for.			
0	Bidders for each of the category of services must provide a certificate of good standing from the applicable regulatory body.			

5 FUNCTIONALITY CRITERIA

It is required of bidders to submit a memorandum A per 6.1 below, setting out the capacity and level of experience as represented by the Lead Attorney/s listed in respect of each category of service tendered for. It is the responsibility of bidders to ensure that sufficient information is submitted for such assessment. Please note that the separate memoranda (Annexure A) must be submitted for each category of service tendered for. The memorandum must be detailed and contain a motivation for registration on the panel.

6.1 Contents of Memorandum – Annexure A

6.1.1 Bidder's capacity

The scoring of the bidder's capacity will be as set out below. In order to perform this assessment, a company/firm profile comprising at least of the following, must be attached to the memorandum as required in this tender: (A single profile per Bidder):

- (a) Name, physical and postal address and other contact details of bidder firm;
- (b) Registration number;
- (c) Firm structure (details of partners, associates, consultants, professional assistants, candidate attorneys;
- (d) Teams and technical / administrative support;
- (e) Service capacity (pertains to the category of service tendered for);
- (f) Focus and speciality areas of support staff;
- (g) Technology infrastructure and software programs / online law products;
- (h) Office infrastructure;
- (i) Office building/s and ownership / lease status;
- (j) Other relevant information in this category.

6.1.2 Qualifications and knowledge of Lead attorneys

For the purpose of this assessment, the Bidder will be required to attach the following information and support documentation to the memorandum:

- (a) Curriculum Vitae's for each of the Lead Attorney(s) who will be rendering the service must be provided to be comprised of not more than 4 (four) pages;
- (b) Certified copies of each of the Lead attorney(s) qualifications and admittance who will be rendering the service

6.1.3 Brief outline (200 words or less) of the issues considered to be pertinent to the rendering of the services in the category as tendered for.

6.1.4 Experience of key support staff

For the purpose of the above assessment, the Bidder will be required to submit support documentation detailing the education, training, skills, and experience of other key technical and administrative support personnel in the category as tendered for.

6.1.5 Local Government Experience

- (a) The local government experience of Lead Attorney(s) in respect of each category of service tendered for (See Pricing Schedule) will be assessed as set out below.
- (b) For the purpose of this assessment, the bidder will be required to submit sufficient information and support documentation (if necessary) detailing the following:
 - (i) The lead attorney(s) specific experience with regard to local government matters relating to the category as tendered for.
 - (ii) List key examples of High Court and Magistrate Court litigation on behalf of local authorities, as well as other key work instructions performed for local authorities

during the past three years. (The examples should only relate to the categories of services in respect of which a bid is submitted in terms of this tender).

- (iii) List key work instructions performed for local authorities pertaining to conveyancing and notarial services.
- (iv) The variety of local government matters in which the Lead Attorney has knowledge of experience.

6.2 **Evaluation of Functionality criteria**

- A total score of 70% (70 points) must be achieved to proceed to the next level of evaluation.
- The evaluation criteria is 80/20, where 80 is for price and 20 for Specific points
- Bidders will be evaluated on the highest points scored
- In case of a tie, a draw will be used

In order to determine the overall experience of bidders, the scoring method as set out below will be used. An assessment will be made in respect of each of the categories of service tendered separately.

6.2.2 <u>Property Law, Conveyancing and Notarial Registration Services: housing, General and Specialised</u>				
	Description	Points attainable	Maximum points attainable	Points Awarded
A	Bidder's capacity – Assessment of facilities, organisation and staffing			
i	The proposed team is well integrated; most members have worked together extensively in the past (6 plus years). Teams have law related speciality areas. Facilities / Infrastructure are very good.	20	20	
ii	Staff are well balanced i.e. they show good coordination, complimentary skills, support capacity, clear and defined duties and responsibilities. Some members of the project team have worked together for considerable time (3 – 5 years). Teams focus on certain law related areas. Facilities and infrastructure are good.	15		
iii	The organisational chart is complete and detailed, the	10		

	technical level and composition or the staffing arrangement is reasonable. Team members have worked together for short period (1 – 2 years). Facilities / Infrastructure are adequate. The Bidder does have capacity and reasonable conveyancing and notary experience.			
iv	The organisation chart contains limited information, the staffing plan is weak in important areas. There is limited capacity / infrastructure and limited support staff. Limited litigation capacity. Team members have worked together for less than 1 year	5		
B	Lead Attorney qualifications			
i	Relevant NQF 9/10 Qualification	30	30	
ii	Relevant NQF 7/8 Qualification	20		
C	Lead Attorney public sector experience			
i	>10 years local government experience	30	30	
ii	8-10 years local government experience	20		
iii	4-7 years local government experience	10		
iv	1-3 years local government experience	5		

D	Experience of key support staff			
i	Other key Personnel have high levels of education,	20	20	

	skills, training and experience (9 and more years).			
ii	Other key support staff have extensive levels of education, skills, training and experience (6 to 8 years).	15		
iii	Other key support staff have reasonable levels of education, skills, training and experience (3 to 5 years).	10		
iv	Other key support staff have limited levels of education, skills, training and experience (1 to 2 years).	5		
TOTAL POINTS AWARDED				

7 TECHNICAL REQUIREMENTS FOR EACH CATEGORY OF SERVICE

7.1 The following technical requirements / deliverables must all be complied with: **Public and Municipal Law services**

Description of requirements / deliverables		Please indicate with an “X” whether the offer complies with the requirements.		
		Yes	No	Comment
7.1.1	Assist the Municipality in the drafting and preparation of by – laws and policies.			
7.1.2	Rendering of impartial legal opinions pertaining to public and municipal law following a detailed assessment of all documents and correspondence pertaining to a municipal law matter			
7.1.3	Representing the municipality in civil litigation proceedings pertaining to public and municipal law matters			
7.1.4	Represent the municipality in review applications			

7.2 The following technical requirements / deliverables must all be complied with: **Town Planning and Environmental Law services**

Description of requirements / deliverables		Please indicate with an “X” whether the offer complies with the requirements.		
		Yes	No	Comment
7.2.1	Represent the Municipality in civil and commercial litigation pertaining to town planning and environmental law matters			
7.2.2	Represent the Municipality in review applications			
7.2.3	Provide impartial legal opinions on town planning and environmental law			

7.3 The following technical requirements / deliverables must all be complied with: **Building and Construction Law services**

Description of requirements / deliverables		Please indicate with an “X” whether the offer complies with the requirements.		
		Yes	No	Comment
7.3.1	Represent the Municipality in matters pertaining to unlawful building works			
7.3.2	Represent the Municipality in review applications			
7.3.3	Provide impartial legal opinions on building and construction law matters			

7.4 The following technical requirements / deliverables must all be complied with: **Labour law matters**

Description of requirements / deliverables		Please indicate with an “X” whether the offer complies with the requirements.		
		Yes	No	Comment
7.4.1	The rendering of legal opinions pertaining to labour law matters			
7.4.2	Representing the Municipality in review applications in the Labour Court			
7.4.3	Representing the Municipality in Disciplinary Hearings			

Description of requirements / deliverables		Please indicate with an “X” whether the offer complies with the requirements.		
		Yes	No	Comment
7.4.4	Representing the Municipality in arbitration hearings (Bargaining Council i.e. condonation applications)			
7.4.5	Representing the Municipality in Labour Court and Labour Appeal Court hearings			
7.4.6	To investigate serious misconduct of a forensic nature.			

7.5 The following technical requirements / deliverables must all be complied with: **Property Law, Conveyancing and Notarial Registration Services: housing and General and Specialised**

Description of requirements / deliverables		Please indicate with an “X” whether the offer complies with the requirements.		
		Yes	No	Comment
7.5.1	Registration of General Plans and / or servitudes and other real rights in the Deeds Office			
7.5.2	Registration and /or cancellation of bonds in favour of the Municipality			
7.5.3	Attend to the registration of low cost housing allocated to identified and approved beneficiaries, which includes, the drafting and signing of sale agreements and other documents necessary to effect transfer, preparation and lodgement of deeds at the Deeds Office			
7.5.4	Provide monthly reports on progress with transfers			

Description of requirements / deliverables		Please indicate with an “X” whether the offer complies with the requirements.		
		Yes	No	Comment
7.6.5	Attend to registration of transfer of immovable property (general conveyancing), including vesting transfers in terms of section 16 to 31 of the Deeds Registry Act (“the Act”) and exchange transfers			
7.6.6	Cancellation of bonds in favour of the Municipality			
7.6.7	Drafting and registrations of Certificates of Registered Title			
7.6.8	Drafting and registration of certificates of consolidated title under section 40, certificates of amended title and uniform title under sections 41 and 42 and a certificate in terms of section 38 of the Act			
7.6.9	Applications for endorsements in terms of section 46 of the Act for the layout of a township or settlement			
7.6.10	Applications for the issuing of a certified copy of a deed in terms of regulation 68 (1)			
7.6.11	Drafting of notarial deeds of contracts and other documents and attending to the registration thereof			
7.6.12	Communicate and engage with the Office of the Surveyor – General, for metrication or amendment of any diagram or obtaining a copy of any diagram or certificate or remainder or any other general information.			
7.6.13	Attend to the upliftment of attachment interdicts in the Deeds Office			
7.6.14	Attending to investigations in the Deeds Office, and all other relates matters.			

8 INFORMATION TO BE PROVIDED BY BIDDER

Bidders who do not submit the information will be deemed as non-responsive

8.1 Company/ Incorporation registration documents

8.2 Central Supplier Database Summary Report

8.3 Signed declaration forms and completed in full

- 8.4 Certified ID copies all of the directors
- 8.5 Proof of municipal account for the company and the director (s) not in arrears for more than 3 months/ letter from the tribal office / lease agreement
- 8.6 All bidders must attach tax clearance/ letter from SARS with a valid pin code
- 8.7 It is required of bidders to submit a memorandum setting out the firm's profile and comprising of the information listed in clause 6.1.1 to 6.1.4 to assess the capacity of each bidder in respect of each category of service;
- 8.8 The Lead Attorney(s) qualifications, admission certificate(s), relevant training, skills, knowledge and experience of matters relating to the category of services as tendered for (must present certified copies);
- 8.9 Curriculum Vitae's for each of the Lead Attorney(s) rendering the service comprising of not more than 4 (four) pages, excluding supporting documents;
- 8.10 Submission of support documentation detailing the education, training, skills, and experience of other key technical and administrative support personnel in the category as tendered for (Must present certified copies);
- 8.11 The memorandum (Annexure A) must contain an outline of each Lead Attorneys' knowledge and experience of issues which he or she considers pertinent to the tendering for the service;
- 8.12 The memorandum (Annexure A) must include examples of key relevant assignments undertaken / matters attended to by the Lead Attorney(s) for Municipalities, with contact details of references to enable the Municipality to contact them. The Municipality undertakes to maintain strict confidentiality as to the information provided;
- 8.13 The Memorandum (Annexure A) must reflect each Lead Attorney(s) specific local government experience (in years) relating to the category of services as tendered for;
- 8.14 The Memorandum (Annexure A) must list key examples of High Court and Magistrate Court litigation on behalf of Local Municipalities as well as other key work instructions performed for Local Municipalities during the past three years (the examples should only relate to the category of services in respect of which a bid is submitted in terms of this tender);
- 8.15 The Memorandum (Annexure A) must list key work instructions performed for Municipalities pertaining to Conveyancing and Notarial Services;
- 8.16 Certified copy of the fidelity fund certificate for each of the Lead Attorney(s) who will be rendering the service must be submitted;
- 8.17 Certified copy reflecting each of the Lead Attorney(s) right of appearance in the High Court must be submitted;
- 8.18 Certified copy of each Lead Attorney(s) admission as a conveyancer and notary must be submitted if a bid is submitted for the relevant category of service;
- 8.19 Certified proof of indemnity insurance of at least R5,000,000.00 (five million rand) must be submitted.
- 8.20 The memorandum (Annexure A) must reflect a brief outline (200 words or less) of the issues considered pertinent to the rendering of the services in the category of services tendered for.
- 8.21 The bidder must provide a completed Annexure B which is to be completed by the nominated referee of the bidder. A separate Annexure B must be completed for each category of service tendered for.

1. ANNEXURE B: BIDDERS REFERENCE

BIDDERS REFERENCE: TENDER : APPOINTMENT OF A PANEL OF ATTORNEYS FOR THE RENDERING OF LEGAL SERVICES.

Background information of Nominated Referee for bidder.

Referee name (Individual):	
Referee name (Organisation):	
Capacity:	
Postal address:	
Contact number of referee:	
Email address:	
Name of bidder evaluated:	
Contract and description of work in respect of the bidder preformed services for the referee:	

1. Delivery of services on time	
Question: Did the bidder provide the services on time as required	
	Excellent
	Very Good
	Good
	Fair
	Poor

2. Quality	
Question: What was the quality of the service provided	
	Excellent
	Very Good
	Good
	Fair
	Poor

3. Professionalism

Question: Professional behaviour towards the client and all role players.	
	Excellent
	Very Good
	Good
	Fair
	Poor

4. Availability	
Question: Was the bidder readily available for consultation / advice when requested.	
	Excellent
	Very Good
	Good
	Fair
	Poor

5. Does the referee recommend the bidder for appointment by Ba-Phalaborwa Municipality? Please motivate.

2. ANNEXURE C. APPLICABLE TARIFF.

1. ALL CATEGORIES OF LEGAL SERVICES.

1.1 Disbursements as set out hereunder will apply.

NATURE OF DISBURSEMENT	METHOD OF CALCULATION
Advocate fees.	Actual cost.
Sheriff fees.	Actual cost.
Courier fees.	Actual cost.
Deeds searches.	Actual cost.
Accommodation cost.	Actual cost.
Tracing cost.	Actual cost.
Travel cost.	
Accommodation.	Actual cost.
Outgoing telephone calls including attendance (per 5 minutes or part thereof).	
Outgoing telephone calls including attendance (Cellular) (per 5 minutes or part thereof.)	
Outgoing emails per page.	
Photocopying per page.	

1.2 Per conveyancing.

Per conveyancing fee guidelines.

I, the undersigned, hereby certify that the above information, is to the best of my knowledge, correct and a true reflection.

Signature of Referee

Date of declaration

(Who declares that he / she is authorised to act as referee

The Municipality reserves the right to contact the referee if deemed necessary.

THIRD EVALUATION CRITERIA: SPECIFIC POINTS SYSTEM

Specific Goal 100% ownership	Number of points allocated	Verification documents
100% Black	5	CSD Report/ ID copies
100% Women	5	ID copies/CSD report
100% Youth	5	IC Copies/CSD report
100% Locality(within Ba- Phalaborwa Jurisdiction)	5	Municipal statement/CSD report
	20	

Note* Points to be allocated as per ownership percentage, (e.g 50% ownership will be allocated 50% points respectively)

COMPULSORY MUNICIPAL BID DOCUMENTS

INVITATION TO BID

<p>(a) YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE BA-PHALABORWA LOCAL MUNICIPALITY</p>
--

BID NUMBER:

CLOSING DATE:

CLOSING TIME:

DESCRIPTION.....

The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).

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

Cnr Nelson Mandela & Sealane Street
Phalaborwa
1390

Bidders should ensure that bids are delivered timeously to the correct address inside the relevant bid box. If the bid is late or not inside the correct bid box, it will not be accepted for consideration.

(b) The bid box is generally open 24 hours a day, 7 days a week.

(c) ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

<p>THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT</p>

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

**THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER

.....

POSTAL ADDRESS

.....

STREET ADDRESS

.....

TELEPHONE NUMBER

CODE.....NUMBER.....

CELLPHONE NUMBER

.....

FACSIMILE NUMBER CODE

.NUMBER.....

E-MAIL ADDRESS

.....

VAT REGISTRATION NUMBER

.....

HAS AN ORIGINAL AND VALID TAX CLEARANCE CERTIFICATE BEEN ATTACHED? (MBD 2)
YES/NO

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

YES/NO

(IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER

.....

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

.....

TOTAL BID PRICE.....

TOTAL NUMBER OF ITEMS OFFERED.....

TAX CLEARANCE CERTIFICATE

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1. In order to meet this requirement bidders are required to complete in full form TCC001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids. Copies of form TCC 001 are available from any SARS branch office nationally or on the website www.sars.gov.za.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
4. In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.
6. Exemption to the provision of a Tax Clearance Certificate will be granted provided that:
 - a) The bidder is registered on the vendor database of the municipality and a valid tax clearance certificate was submitted together with the application for registration
 - b) If the closing date of the price quotation or bid falls within the expiry date of the tax clearance certificate that is in the municipality's possession.

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 favoritism, 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 authorized 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, shareholder):.....

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.

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

3.9 Have you been in the service of the state for the past twelve months?**YES / NO**

3.9.1 If yes, furnish particulars.....

.....

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:

.....

.....

(a) 4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

MBD 6.1

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

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

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20	or	90/10	
$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	or	$Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$	

Where

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

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

3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
100% Black owned				
100% Black Woman				
100% Black Youth				
100% Locality (within Ba-Phalaborwa Jurisdiction)				

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as

indicated in paragraph 1 of this form;

- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....	
SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:
DATE:
ADDRESS:

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

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

1.2 To be completed by the organ of state

a) The applicable preference point system for this tender is the 80/20 preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner

required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. 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:

80/20

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

P_{\min}

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{\min} = Price of lowest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system: or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

The 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 (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
<ul style="list-style-type: none"> • 100% company owned/director/s/shareholders by people who are Black • 100% Black woman • 100% Black Youth • 100% Locality (residing within Ba-Phalaborwa Jurisdiction) 		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company (Pty) Limited
- ☐ Non-Profit C o m p a n y
- ☐ State Owned Company [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorized 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 favorable arrangements due to such cancellation.
 - (d) recommend that the tenderer or contractor, its shareholders and

directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

- (e) forward the matter for criminal prosecution, if deemed necessary.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

MBD 7.1

1. CONTRACT FORM - PURCHASE OF GOODS/SERVICES

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.

2. PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or services described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Proof of Tax Compliance Status;
 - Pricing schedule(s);
 - Technical Specification(s);
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Declaration of interest;
 - Declaration of bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the 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.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorized to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2.

DATE:

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/SERVICES

3. PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I.....in my capacity
as.....
accept your bid under reference numberdated.....for the
supply of goods/services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating delivery instructions is forthcoming.
3. I undertake to make payment for the goods/services delivered in accordance with the
terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice
accompanied by the delivery note.

ITEM NO.	PRICE (ALL APPLICABLE TAXES INCLUDED)	BRAND	DELIVERY PERIOD	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL

4. I confirm that I am duly authorized to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.

2.

DATE

4. CONTRACT FORM - RENDERING OF SERVICES

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

5. PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

7. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.

8. The following documents shall be deemed to form and be read and construed as part of this agreement:

(iv) Bidding documents, viz

- Invitation to bid;
- Proof of tax compliance status;
- Pricing schedule(s);
- Filled in task directive/proposal;
- Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
- Declaration of interest;
- Declaration of Bidder's past SCM practices;
- Certificate of Independent Bid Determination;
- Special Conditions of Contract;

(v) General Conditions of Contract; and

(vi) Other (specify)

9. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

10. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

11. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

12. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES

1

2

DATE:

CONTRACT FORM - RENDERING OF SERVICES

6. PART 2 (TO BE FILLED IN BY THE PURCHASER)

4. I.....in my capacity
as.....
accept your bid under reference numberdated.....for the
rendering of services indicated hereunder and/or further specified in the annexure(s).
5. An official order indicating service delivery instructions is forthcoming.
6. I undertake to make payment for the services rendered in accordance with the terms and
conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT ON

NAME (PRINT).....

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

7. CONTRACT FORM - TENDER FOR INCOME-GENERATING CONTRACTS¹

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

8. PART 1 (TO BE FILLED IN BY THE BIDDER)

13. I hereby undertake to lease property/ purchase all or any of the goods and/or services described in the attached bidding documents from (name of institution)..... in accordance with the requirements stipulated in (bid number)..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the seller during the validity period indicated and calculated from the closing time of bid.
14. The following documents shall be deemed to form and be read and construed as part of this agreement:
- (vii) Bidding documents, viz
 - Invitation to bid;
 - Proof of tax compliance status;
 - Pricing schedule(s);
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Special Conditions of Contract;
 - (viii) General Conditions of Contract; and
 - (ix) Other (specify)
15. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) quoted covers the leased property/ all the goods and/or services specified in the bidding documents; that the price(s) cover all my obligations and I accept that any mistakes regarding price(s) and calculations will be at my own risk.
16. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
17. I undertake to make payment for the leased property/ goods/services as specified in the bidding documents.
18. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
19. I confirm that I am duly authorised to sign this contract.
- | | |
|--------------------|--|
| NAME (PRINT) | <div style="text-align: center; font-weight: bold;">WITNESSES</div> <div>1</div> <div>2</div> <div>DATE:</div> |
| CAPACITY | |
| SIGNATURE | |
| NAME OF FIRM | |
| DATE | |

¹ "Tender for income-generating contracts" has the same meaning as defined in the Preferential Procurement Regulations, 2022.

CONTRACT FORM - TENDER FOR INCOME-GENERATING CONTRACTS

9. PART 2 (TO BE FILLED IN BY THE LESSOR/ SELLER)

7. I..... in my capacity
as.....accept your bid under reference number
.....dated.....for the leasing of property/ purchase of goods/services
indicated hereunder and/or further specified in the annexure(s).
8. I undertake to make the leased property/ goods/services available in accordance with the
terms and conditions of the contract.

ITEM NO.	DESCRIPTION	PRICE (ALL APPLICABLE TAXES INCLUDED)	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL

4. I confirm that I am duly authorized to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

3.

4.

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? (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> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>
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> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>
4.2.1	If so, furnish particulars:		
4.3	<p>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?</p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	<p>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?</p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>
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



BA-PHALABORWA MUNICIPALITY

Fraud and Corruption Declaration Form

I (Name) _____ duly authorized to act on behalf of (Company name) _____ hereby declare to Ba-Phalaborwa Municipality that the company:

- a. it has declared to Ba-Phalaborwa Municipality any circumstances that could give rise to a conflict of interest or potential conflict of interest in relation to the current procurement action;
- b. None of the directors of the company is employed by the state;
- c. The company is not blacklisted by the national treasury;
- d. Has not negotiated or tried to negotiate with any municipal official to try to gain information or preference to win the bid, if found the bidder's details will be submitted to national treasury for blacklisting of the company;
- e. it has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept any direct or indirect benefit (financial or otherwise) arising from a procurement contract or the award thereof;
- f. all the information submitted in the bid is truthful and there is no misrepresentation;
- g. it adheres to the Prevention and Combating of Corrupt Activities Act 12 of 2004;
- h. it is solvent and in a position to continue doing business for the period stipulated in the contract after contract signature, if awarded a contract by Ba-Phalaborwa Municipality;
- i. it has zero tolerance to Fraud and Corruption and has appropriate procedures in place to prevent and respond to Fraud and Corruption in line with the legislation.

The Company understands that a false statement or failure to disclose any relevant information.

which may impact upon Ba-Phalaborwa Municipality's decision to award a contract may result in the disqualification of the company from the bidding exercise and/or the withdrawal of any offer of a contract with Ba-Phalaborwa Municipality. Furthermore, in case a contract has already been awarded, Ba-Phalaborwa Municipality shall be entitled to rescind the contract with immediate effect, in addition to any other remedies which the municipality may have by contract or by law.

Company Name:

.....

Name and Title of duly authorized representative.

Name:

Date: Title:

Signature:

Witness

Name: Signature Date:

