



RFP 147/10/2023

**APPOINTMENT OF A PANEL OF ACCREDITED TRAINING PROVIDERS FOR THE  
PROVISION OF TRAINING PROGRAMMES FOR A PERIOD OF THREE (03) YEARS.**

**Enquiries: Ms. B Malapane**

**E-Mail [busi@lejwe.co.za](mailto:busi@lejwe.co.za)**

**SUBMISSION OF PROPOSALS DEADLINE**

**Date: 10 November 2023 Time: 12h00**

**Venue: Lejweleputswa District Municipality**

**Cnr. Jan Hofmeyer & Tempest Road**

**Welkom**

**9459**

|                         |            |
|-------------------------|------------|
| <b>Name of Bidder</b>   |            |
| <b>Physical Address</b> |            |
|                         |            |
|                         |            |
|                         |            |
| <b>Contact Person</b>   |            |
| <b>Telephone No.</b>    |            |
| <b>Email Address</b>    |            |
| <b>Tender Amount</b>    | <b>N/A</b> |

## **1. BACKGROUND**

Lejweleputswa District Municipality is a Category C Municipality (DC18) established in terms of the Free State Provincial Notice 113 of 28 September 2000 with its head office at Lejweleputswa District Municipality, Corner Jan Hofmeyer and Tempest Road, WELKOM. Training and development are crucial to the continuity, growth and transformation of Lejweleputswa District Municipality as an institution and its communities.

Lejweleputswa District Municipality is fully committed to promoting an environment of structured and systematic training, learning and continuing professional development of all employees, Councillors, unemployed youth, SMME's, co-operatives, NPO's and Lejweleputswa community at large to enable them to perform their duties effectively and efficiently in their respective fields of trade or occupation.

It is against this background that Lejweleputswa District Municipality requires a panel of accredited training providers to conduct training and skills development on behalf of Lejweleputswa District Municipality to ensure that all of its employees, councillors and community are appropriately trained and developed.

## **2. TERMS OF REFERENCE**

Lejweleputswa District Municipality seeks to acquire services from duly qualifying and appropriately accredited training providers to provide training services for all employees, councillors including unemployed youth, SMME's, co-operatives, NPO's and Lejweleputswa community at a district level.

It against this background that Lejweleputswa District Municipality intends to implement training interventions through the utilisation of accredited training providers. All accredited training providers are invited to submit proposals to offer training in the district.

The scope of the proposed interventions to be offered by the prospective providers, shall be on the basis of responding to a wide range of skills development needs and training interventions of employees, councillors and community on a district level. All providers should be able to produce accreditation documents from a relevant Sector Education and Training Authority (SETA). These documents should also demonstrate the capacity for providers to assess, moderate and award accredited competence certificates or credits.

Essentially the providers will be expected to design and implement training interventions for employees, councillors, unemployed youth, SMME's, co-operatives, NPO's and community by providing the following services: Training; Guide and Support Learners; Assessments; Moderation; Accredited Certification.

## **3. DELIVERABLES**

Training providers should provide both online and e-learning training interventions and face to face training. Below is a list indicating the expected deliverables:

- Training (where necessary conduct pre-assessment of learners)
- Reports and records of participants
- Assessments, Moderation and Certification.

## **4. EXPECTATIONS FROM SERVICE PROVIDERS**

### **Before appointment expectations**

- A brief description of the company's methodology to providing training services as per listed categories, including a proposed work plan.
- A brief description of the company's outline of recent experience on assignments of a similar nature.
- CVs of the trainers/facilitators/personnel and the authorised representative submitting the proposal.

### **After appointment expectations**

- Design and implement training events as per agreed training areas and conditions.
- Develop and supply professionally and well bound reference notes or study materials to learners per training area offered.
- Report on training interventions undertaken within the given time frame.

### **5. ACCREDITATION**

- The service provider must be accredited as a trainer with the relevant Sector Education and Training Authority (SETA).
- The service provider must offer training interventions/courses that are accredited.
- Proof of service provider and course/s accreditation and registration must be submitted with the proposal.

### **6. SPECIFICATIONS**

Training interventions listed below should be tailored to the needs and functionaries of the employees, councillors, unemployed youth, SMME's, co-operatives, NPO's and community for each training speciality category. It should be noted that the training interventions identified below are not an exhausted list but serves as an example of the type of training intervention required per each training speciality.

- Information and Technology skills.
- Financial management and Auditing skills.
- Soft skills.
- Technical skills.
- Engineering and Technology skills.
- Leadership and Management skills.
- Entrepreneurship and Business management skills.

**PART A**  
**INVITATION TO BID**

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

|             |                     |               |                  |               |          |
|-------------|---------------------|---------------|------------------|---------------|----------|
| BID NUMBER: | RFP NO. 147/10/2023 | CLOSING DATE: | 10 NOVEMBER 2023 | CLOSING TIME: | 12:00 PM |
|-------------|---------------------|---------------|------------------|---------------|----------|

|  |  |  |  |  |  |
|--|--|--|--|--|--|
| APPOINTMENT OF A PANEL OF ACCREDITED TRAINING PROVIDERS FOR THE PROVISION OF TRAINING PROGRAMMES FOR A PERIOD OF THREE (03) YEARS. |  |  |  |  |  |
|--|--|--|--|--|--|

|             |
|-------------|
| DESCRIPTION |
|-------------|

|  |
|--|
| THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBDT). |
|--|

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

|  |
|--|
| LEJWELEPUTSWA DISTRICT MUNICIPALITY<br>Cnr JAN HOFMEYER AND TEMPEST ROAD<br>WELKOM |
|--|

|      |
|------|
| 9460 |
|------|

|    |
|----|
| OR |
|----|

|  |
|--|
| BID RESPONSE DOCUMENTS MAY BE POSTED TO: |
|--|

|   |
|---|
| MUNICIPAL MANAGER<br>LEJWELEPUTSWA DISTRICT MUNICIPALITY<br>Cnr JAN HOFMEYER AND TEMPEST ROAD<br>WELKOM<br>9460 |
|---|

|                             |
|-----------------------------|
| <b>SUPPLIER INFORMATION</b> |
|-----------------------------|

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

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

|  |   |  |   |
|--|---|--|---|
| ARE YOU THE ACCREDITED<br>REPRESENTATIVE IN SOUTH AFRICA<br>FOR THE GOODS /SERVICES /WORKS<br>OFFERED? | <input type="checkbox"/> Yes<br><input type="checkbox"/> No | ARE YOU A FOREIGN<br>BASED SUPPLIER FOR<br>THE GOODS<br>/SERVICES /WORKS<br>OFFERED? | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| [IF YES ENCLOSURE PROOF]   |   | [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<br>SIGNED |  |  |  |
|--|--|--|--|

|   |                       |   |                  |
|---|-----------------------|---|------------------|
| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: |                       | TECHNICAL INFORMATION MAY BE DIRECTED TO: |                  |
| DEPARTMENT                                      | SCM                   | CONTACT PERSON                            | Ms. B Malapane   |
| CONTACT PERSON                                  | Ms. M Masele          | TELEPHONE NUMBER                          | (057) 391-8900   |
| TELEPHONE NUMBER                                | (057)391-8900         | FACSIMILE NUMBER                          |                  |
| FACSIMILE NUMBER                                |                       | E-MAIL ADDRESS                            | busi@lejwe.co.za |
| E-MAIL ADDRESS                                  | clarki.pule@gmail.com |   |                  |

**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.
- 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)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?                       | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?      | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?           | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?       | <input type="checkbox"/> YES <input type="checkbox"/> 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 4

### DECLARATION OF INTEREST

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

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 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 | State Employee Number |
|-----------|-----------------|-----------------------|
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |
|           |                 |                       |

.....  
Signature

.....  
Date

.....  
Capacity

.....  
Name of Bidder

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

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

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

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**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     |
|--|------------|
| <b>PRICE</b>                                     |            |
| <b>SPECIFIC GOALS – B-BBEE</b>                   |            |
| <b>SPECIFIC GOALS – LOCALITY=</b>                |            |
| <b>Total points for Price and SPECIFIC GOALS</b> | <b>100</b> |

- 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

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

Where

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:

80/20

or

90/10

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

### 4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

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

| The specific goals allocated points in terms of this tender | Number of points allocated (90/10 system)<br>(To be completed by the organ of state) | Number of points allocated (80/20 system)<br>(To be completed by the organ of state) | Number of points claimed (90/10 system)<br>(To be completed by the tenderer) | Number of points claimed (80/20 system)<br>(To be completed by the tenderer) |
|---|--|--|--|--|
|   |  |  |  |  |
|   |  |  |  |  |
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|   |  |  |  |  |

#### **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 proprietor
- 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: .....

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

| Item  | Question  | Yes                      | No                       |
|-------|---|--------------------------|--------------------------|
| 4.1   | <p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.1.1 | If so, furnish particulars:   |                          |                          |
| 4.2   | <p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p><b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b></p>  | <input type="checkbox"/> | <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?  | <input type="checkbox"/> | <input type="checkbox"/> |

|             |  |                          |                          |
|-------------|--|--------------------------|--------------------------|
| 4.3.1       | If so, furnish particulars:  |                          |                          |
| <b>Item</b> | <b>Question</b>  | <b>Yes</b>               | <b>No</b>                |
| 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? | <input type="checkbox"/> | <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?                         | <input type="checkbox"/> | <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

Js367bW

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *per 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:

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

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

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

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(Bid Number and Description)

in response to the invitation for the bid made by:

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(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 consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (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.

<sup>3</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

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## **EVALUATION CRITERIA RESPONSIVENESS AND EVALUATION**

The following evaluation process and criteria will be used to evaluate all bids submitted: All bids received shall be evaluated in terms of Supply Chain Management Regulations, Lejweleputswa District Municipality Supply Chain Management Policy, The Preferential Procurement Policy Framework Act, and other applicable legislation.

The evaluation criteria consist of the following 3 independent phases;

- Phase 1 – Administration/SCM compliance
- Phase 2 – Specific Goals
- Phase 3 - Functionality

Bids must meet the requirements of each phase in order to qualify for further evaluation. Bids that do not meet the requirements of a particular phase will be disqualified.

### **ADMINISTRATIVE COMPLIANCE – PHASE ONE**

#### **RESPONSIVENESS CRITERIA**

1. The bid must be properly received in a sealed envelope clearly indicating the description of the service and the bid number for which the bid is submitted.
2. The bid must be deposited in the relevant bid box as indicated on the notice of the bid on or before the closing date and time of the bid.
3. The following MBD forms 1, 4, 6.1, 8 and 9 must be completed in full. (Failure to do so will result in disqualification):
  - a) MBD 1 – Invitation to bid
  - b) MBD 4 – Declaration of interest
  - c) MBD 6.1 – Preference points claim form
  - d) MBD 8 – Declaration of bidder's past supply chain management practices
  - e) MBD 9 – Certificate of independent bid determination

  

- All pages must be initialized or signed. (Failure to do so will result in disqualification)
- Alterations must be signed or initialized. (Failure to do so will result in disqualification)
- **THE USE OF TIPPEX WILL AUTOMATICALLY DISQUALIFY YOUR BID**
- The bid document and attached annexure must be completed in indelible ink. (Failure to do so will result in disqualification).

**The bidder must attach following with the tender:**

- a) Copy of the entity/company registration certificate must be submitted with the bid, if applicable.
- b) Certified copies of IDs for all Director(s) must be attached (Certification not older than 3 months before the closing date).
- c) Tax compliance pin/ CSD number must be completed in MBD form 1.
- d) B-BBEE certificate or affidavit from Commissioner of oath (If not submitted will not be disqualified but no points will be allocated for BBBEE).
- e) Authority for signatory - attach resolution in case of more than one director.
- f) COIDA – Letter of good standing
- g) Bidder (Company or director/partner or sole propriety) must attach proof of municipal rates on municipality letterhead which are not older than 90 days. If the statement of municipal rates is not in the name of the bidder an affidavit from SAPS must be attached. OR Letter of traditional authority not older than 90 days for bidder. OR In case of a lease agreement, a signed lease agreement by both parties (lessor & lessee); an affidavit indicating that the bidder and/or the director does not have municipal account and that the municipal services, rates and taxes are paid by the property owner must be attached.

**In case of a Joint Venture, Association or Consortium a formal contract agreement must be signed by both parties and be attached and the following must be adhered to:**

- All of the above requirements must be for the both entities.
- Consolidated Valid B-BBEE Certificate issued by a SANAS Verification agency (If not submitted will not be disqualified but no points will be allocated for BBBEE)

**Failure to adhere to the above-mentioned requirements will results to disqualification**

**SPECIFIC GOALS – PHASE TWO**

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:

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,*

| The specific goals allocated points in terms of this tender | Number of points allocated (90/10 system)<br>(To be completed by the organ of state) | Number of points allocated (80/20 system)<br>(To be completed by the organ of state) | Means of verification   |
|---|--|--|---|
| B-BBEE  | 05   | 10   | Valid original or certified B-BBEE status level verification certificate with SANAS accreditation or a sworn affidavit completed on the DTI format must be submitted to validate the claim. Joint ventures must submit a consolidated BBBEE certificate with SANAS accreditation.   |
| Locality  | 05   | 10   | The tenderer shall submit a Municipal Billing Clearance Certificate/municipal rates and service charges statement (not in arrears for more than 90 days), if renting a lease agreement and owner's copy of up-to-date municipal rates and service charges (not in arrears for more than 90 days). Should the tenderer not be based in the Lejweleputswa District Municipality, he shall submit a Municipal Billing Clearance Certificate issued by the municipality in which he/she is based. |

## FUNCTIONALITY – PHASE THREE

Technical / Functionality will be evaluated against the following detailed requirements:

| Criteria   | Maximum Weights |
|--|-----------------|
| <b>1. Company Previous Experience</b>  |                 |
| Four (4) or more appointment letters relevant to skills development programmes.  | 40              |
| Three (3) appointment letters relevant to skills development programmes.   | 30              |
| Two (2) appointment letters relevant to skills development programmes.   | 20              |
| One (1) appointment letter relevant to skills development programmes.  | 10              |
| <b>Note COMPULSORY attachments for verifying work done:</b><br>a. Certified copies of either an appointment letter, completion certificate or reference letter.  | 40              |
| <b>2. Capacity and Expertise to Undertake training (key staff experience)</b>  |                 |
| Moderator with two years or more years' experience.  | 20              |
| Moderator with less than two years' experience.  | 10              |
| Assessor with two years or more years' experience.   | 20              |
| Assessor with less than two years' experience.   | 10              |
| <b>NB: Attach certified copies not older than 3 months for all Qualifications, Curriculum Vitae and must be in a possession of a valid SETA Moderator/Assessor registration letter.</b>  | 60              |
| <p><b>Note:</b> A bidder/s that scores less than 70 points out of 100 in respect of functionality will be regarded as submitting a non-responsive bid and will be disqualified.</p> <p>Should the relevant bidder/s meet the minimum required percentage or minimum points, they will be evaluated in terms of price and preference as per the PPPFA Act, No.5 of 2000 and its associated Regulations issued by the National Treasury.</p> |                 |

