

## BID NOTICE AND INVITATION TO BID FOR ENDUMENI MUNICIPALITY



### BID NO: B16/2021-22: BID PROPOSAL FOR THE SALE OF ERF 1381 GLENCOE IN CONJUNCTION WITH COMPULSORY DEVELOPMENT PROPOSALS PREPARED BY AN ARCHITECT CONSISTING OF A SITE PLAN AND ELEVATIONS FOR MEDIUM DENSITY HOUSING DEVELOPMENTS

NO.	CONTRACT NAME	BID NO.
1	BID PROPOSAL FOR THE SALE OF ERF 1381 GLENCOE IN CONJUNCTION WITH COMPULSORY DEVELOPMENT PROPOSALS PREPARED BY AN ARCHITECT CONSISTING OF A SITE PLAN AND ELEVATIONS FOR MEDIUM DENSITY HOUSING DEVELOPMENTS	B16/2021-22

#### DOCUMENTATION

Bid Documents will be available from Endumeni Municipality upon a cash payment of a non-refundable fee of R100 or deposited to FNB ACCno.62025460651. Documents can also be downloaded free of charge on [www.etenders.gov.za](http://www.etenders.gov.za) or [www.endumeni.gov.za](http://www.endumeni.gov.za). NB Documents must be binded, unbinded documents will not be accepted

#### NOTES TO PROSPECTIVE BIDDERS:

- Endumeni Local Municipality Supply Chain Management Policy will apply.
- Failure to complete all bid forms, data sheets and submit all supplementary information will lead to the bidder being considered non-responsive and therefore not considered for the award of the contract.
- Prospective Bidders are required to attend a **compulsory Bid briefing** and with the Municipality representatives at the **Glencoe Library**, Biggar Street, Glencoe on **Thursday 12 May 2022. @ 09.00 am** for technical enquiries, contact Mr. N Bezuidenhout on 034 492 0438
- All bids submitted should remain valid for 90 days after the bid closing date.
- The Endumeni Local Municipality is not bound to accept the lowest or any bidder.

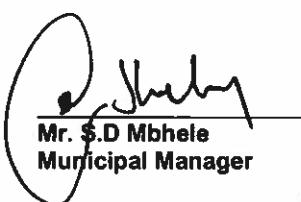
#### BID CLOSING DATE

Completed bids in sealed envelopes clearly marked with the **B16/2021-22 BID PROPOSAL FOR THE SALE OF ERF 1381 GLENCOE IN CONJUNCTION WITH COMPULSORY DEVELOPMENT PROPOSALS PREPARED BY AN ARCHITECT CONSISTING OF A SITE PLAN AND ELEVATIONS FOR MEDIUM DENSITY HOUSING DEVELOPMENTS** must be placed in the bid box at the Endumeni Local Municipality offices, 64 Victoria Street, Dundee, on or before **14:00 on Thursday 26 May 2022** when bids will be opened in public shortly afterwards.

Bids may only be submitted on the bid documentation issued. Retyping of the bid document or any part thereof is not permitted. Late, incomplete, electronic, telegraphic, telexed, faxed bids will not be considered.

#### BID ENQUIRIES

Bid enquires should be directed to Supply Chain Management Office Mr C Nkosi or Mr B.C Sibya as follows: 034 – 212 2121



Mr. S.D Mbhele  
Municipal Manager

Notice No: 44/2022

# ENDUMENI LOCAL MUNICIPALITY

BID NO: B16/2021-22

**DESCRIPTION OF BID: PROPOSALS FOR THE SALE OF ERF 1381 GLENCOE IN CONJUNCTION WITH COMPULSORY DEVELOPMENT PROPOSALS PREPARED BY AN ARCHITECT CONSISTING OF A SITE PLAN AND ELEVATIONS FOR MEDIUM DENSITY HOUSING DEVELOPMENTS.**

## BID DOCUMENT



## ENDUMENI

CLOSING DATE OF BID: 14:00 on 26 May 2022

NAME & ADDRESS OF BIDDER: .....

.....

.....

CONTACT TELEPHONE NUMBER: .....

## ENDUMENI LOCAL MUNICIPALITY

### PUBLIC BID No. B16/2021-22: BID PROPOSAL FOR THE SALE OF ERF 1381 GLENCOE IN CONJUNCTION WITH COMPULSORY DEVELOPMENT PROPOSALS PREPARED BY AN ARCHITECT CONSISTING OF A SITE PLAN AND ELEVATIONS FOR MEDIUM DENSITY HOUSING DEVELOPMENTS.

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

TOWN	ERF No	EXTENT	ADDRESS	ZONE	USAGE	UPSET PRICE (VAT Excl)
Glencoe	1381	20 725m <sup>2</sup>	12 Spires Avenue	Residential 3	Vacant	R 670 000.00

**N. B. A COMPULSORY BID BRIEFING MEETING WILL BE HELD IN THE ACTIVITIES ROOM, GLENCOE LIBRARY, 29 KARELLANDMAN STREET, GLENCOE ON THURSDAY 12 MAY 2022 AT 09:00 AM WHERE THE SUBMISSION OF COMPULSORY DEVELOPMENT PROPOSAL REQUIREMENTS WILL BE DISCUSSED.**

**FAILURE TO ATTEND THE COMPULSORY BRIEFING MEETING WILL INVALIDATE ANY BIDS SUBMITTED.**

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

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

Completed bid documents, placed in a sealed envelope and clearly marked "**Bid No. B16/2021-22 –BID PROPOSAL FOR THE SALE OF ERF 1381 GLENCOE**" must be deposited in the tender box situated in the foyer of the Civic Centre, 64 Victoria Street, Dundee not later than **14:00 on 26 MAY 2022**, following which the bids received will be opened in public.

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

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

S. D. MBHELE  
MUNICIPAL MANAGER  
Private Bag 2024  
Dundee  
3000

NOTICE No. 44/2022

**ENDUMENI LOCAL MUNICIPALITY**

**RE-ADVERTISEMENT BID PROPOSAL FOR THE SALE OF ERF 1381 GLENCOE IN  
CONJUNCTION WITH COMPULSORY DEVELOPMENT PROPOSALS PREPARED BY AN  
ARCHITECT CONSISTING OF A SITE PLAN AND ELEVATIONS FOR MEDIUM DENSITY  
HOUSING DEVELOPMENTS**

**BID Nº. B16/2021-22**

**SPECIAL CONDITIONS OF BID**

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

16. Upon notification of the acceptance of a bid, the successful bidder will be required to sign the relevant agreement of sale, pay to the Municipality the full bid price as specified in paragraph 14 above, or be deposited with the transferring attorney within thirty (30) days from the date of notification of acceptance of the bid. Should the successful bidder for whatever reason fail to pay the purchase price within such thirty-day period, the Municipality reserves the right to summarily cancel the bid and offer the property for sale to the next highest qualifying bidder.
17. Bidders are to note that, in pursuance of clause 40(4) of the Municipality's Supply Chain Management Policy, bids for the disposal or letting of immovable assets will be considered on price only.
18. Bidders are required to attach a valid tax clearance certificate, be it in an individual capacity or a juristic entity. Should a bidder not attach such tax clearance certificate, the bid submitted shall be deemed invalid and not be considered.
19. In accordance with the provisions of paragraph (viii) of the definition of an "owner" as defined in section 1 of the Municipal Property Rates Act No 6 of 2004, the purchaser of vacant immovable property from the Municipality will be liable for the applicable property rates levied on the property from the date of sale, pending registration of ownership in the name of the buyer.

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

.....  
**SIGNATURE**

.....  
**DATE**

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

## **LIST OF RETURNABLE DOCUMENTS**

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

1. If the bidder is a private individual:
  - **Certified copy of identity document not older than three (3) months**
  - **Statement of Municipal rates not older than 3 months**
  - **Proof of residence**
  - **Development proposals prepared by an architect consisting of site plan and elevations for medium density housing development**
2. If the bidder is a company/close corporation (CC)/ co-operative:
  - **Company registration certificate**
  - **Tax Pin and Valid Tax clearance certificate**
  - **Certified ID Copies of members/directors not older than three (3) months**
  - **Proof of residence for members/directors**
  - **Certified copy of B-BBEE Certificate or B-BBEE Affidavit not older than three (3) months**
  - **Statement of Municipal rates not older than 3 month**
  - **Development proposals prepared by an architect consisting of a site plan and elevations for medium housing developments**

### **PLEASE NOTE:**

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

.....  
**SIGNATURE**

.....  
**DATE**

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

# RULES IN RESPECT OF BID DOCUMENTS

**'Council'** shall mean the Endumeni Local Municipality

**'Committees'** shall mean those Committees of the Council whose responsibility it is to consider bids and advise on acceptance thereof or otherwise.

**'Municipal Manager'** shall mean the Municipal Manager of the Endumeni Local Municipality, or such person appointed by Council to act in that capacity.

**'Head of Department'** shall mean the head of the Municipal department concerned with the particular bid or such person appointed by Council to act in that capacity.

## 1. INVITATION TO BID

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

## 2. SUBMISSION OF BIDS

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

## 3. OPENING OF BIDS

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

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

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

## 4. ACCEPTANCE OF BIDS

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

## 5. BID DOCUMENTS

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

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

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

## **6. TELEGRAPHIC OR FAXED BIDS**

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

## **7. LATE BIDS**

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

## **8. COMMUNICATION PROHIBITED**

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

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

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

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

.....

**SIGNATURE**

.....

**DATE**

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

## ENDUMENI LOCAL MUNICIPALITY

### INVITATION TO BID

### MBD 1 PART A

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)</b>				
BID NUMBER:	B16/2021-22	CLOSING DATE:	26 MAY 2022	CLOSING TIME:
DESCRIPTION	BID PROPOSAL FOR THE SALE OF ERF 1381 GLENCOE IN CONJUNCTION WITH COMPULSORY DEVELOPMENT PROPOSALS PREPARED BY AN ARCHITECT CONSISTING OF A SITE PLAN AND ELEVATIONS FOR MEDIUM DENSITY HOUSING DEVELOPMENTS			
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)				
ENDUMENI MUNICIPALITY				
CIVIC CENTRE				
64 VICTORIA STREET				
DUNDEE				
3000				
<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 CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]				
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSURE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3 ]
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE	R
SIGNATURE OF BIDDER			DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED				
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	SCM MANAGER	CONTACT PERSON	Mr BEZUIDENHOUDT	
CONTACT PERSON	N.Z ZULU	TELEPHONE NUMBER	034 492 0438	
TELEPHONE NUMBER	034 492 0542	FACSIMILE NUMBER	N/A	
FACSIMILE NUMBER	0865689640	E-MAIL ADDRESS	nicb@endumeni.gov.za	
E-MAIL ADDRESS	scm@endumeni.gov.za			

**ENDUMENI LOCAL MUNICIPALITY  
INVITATION TO BID**

**MBD 1**

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

**1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

**2. TAX COMPLIANCE REQUIREMENTS**

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

**3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

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

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

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

**SIGNATURE OF BIDDER:** .....

**CAPACITY UNDER WHICH THIS BID IS SIGNED:** .....

**DATE:** .....

**MBD 3**

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

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

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

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

### 1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
  - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2
  - a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or
  - b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).
- 1.3 Points for this bid shall be awarded for:
  - (a) **Price (Bidders are to note that, as per section 40 (4) of the Supply Chain Management Policy, bids for disposal or letting of assets will be considered on price only);**
- 1.4 The maximum points for this bid are allocated as follows:

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

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

### 2. DEFINITIONS

- (a) "**B-BBEE**" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) "**B-BBEE status level of contributor**" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) "**bid**" means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

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

### **3. POINTS AWARDED FOR PRICE**

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

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

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

Where

Ps = Points scored for price of bid under consideration

P<sub>t</sub> = Price of bid under consideration

P<sub>min</sub> = Price of lowest acceptable bid

**4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

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

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

## 5. BID DECLARATION

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

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

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

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

## 7. SUB-CONTRACTING

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

*(Tick applicable box)*

YES		NO	
-----	--	----	--

7.1.1 If yes, indicate:

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

*(Tick applicable box)*

YES		NO	
-----	--	----	--

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME	QSE
Black people	✓	
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

## 8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

### 8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

Municipality where business is situated: .....

Registered Account Number: .....

Stand Number: .....

8.8 Total number of years the company/firm has been in business: .....

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES

1. .....
2. .....

SIGNATURE(S) OF BIDDER(S)

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 BID Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

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

Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

### CERTIFICATION

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

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

.....  
 Signature

.....  
 Date

.....  
 Position

.....  
 Name of Bidder

## ENDUMENI LOCAL MUNICIPALITY

CERTIFICATE OF INDEPENDENT BID DETERMINATION

---

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

- (a) has been requested to submit a bid in response to this bid invitation;
- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.

6. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;

- (b) geographical area where product or service will be rendered (market allocation)
- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

7. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

8. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

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

## ENDUMENI LOCAL MUNICIPALITY

To be completed by the bidder

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

TOWN	ERF No	EXTENT	ADDRESS	ZONE	USAGE	UPSET PRICE (VAT Excl)	BID PRICE (VAT Excl)
Glencoe	1381	20 725m <sup>2</sup>	12 Spires Avenue	Residential 3	Vacant	R 670 000.00	<p>R.....</p> <p>Bid price in words: ..... ..... .....</p>

## PLEASE NOTE:

1. The upset price (minimum sales price) of the property shall be six hundred and seventy thousand rand (R670 000.00) exclusive of 15% VAT and the Municipality shall not accept nor consider any bid price that is below such upset price.
2. In accordance with the provisions of paragraph (viii) of the definition of an "owner" as defined in section 1 of the Municipal Property Rates Act No 6 of 2004 the purchaser of immovable property from the Municipality will be liable for the applicable property rates levied on the property from the date of sale of the immovable property.
3. In terms of Section 164(1)(c) of the Municipal Finance Management Act No. 56 of 2003, only a once -off payment in cash or bank guaranteed cheque may and shall be accepted for the sale of this property.
4. Upon notification of the acceptance of a bid, the successful bidder will be required to immediately pay the bid price in cash or by bank guaranteed cheque, or be deposited with the transferring attorney within thirty (30) days from the date of notification of acceptance of the bid. Should the successful bidder for whatever reason fail to pay the purchase price within such thirty-day period, the Municipality reserves the right to summarily cancel the bid and offer the property for sale to the next highest qualifying bidder.

SIGNATURE OF BIDDER

DATE

## LOCATION OF ERF 1381 GLENCOE

