



MAKHUDUTHAMAGA
LOCAL MUNICIPALITY

MAKHUDUTHAMAGA LOCAL MUNICIPALITY

PROJECT NO: LIM473/LANDFILL-MAINTENANCE/21/22/027
MAINTENANCE OF JANE FURSE LANDFILL SITE FOR A PERIOD OF THREE (3) YEARS

ISSUED BY: <u>Supply Chain Management Unit</u> Mr KJ Mothapo Manager: SCM Private Bag X 434 Jane Furse 1085 Tel: 013 265 8607 Email: khalabom@makhuduthamaga.gov.za	PREPARED BY: <u>Budget & Treasury Department</u> Mr RM Moganedi Chief Financial Officer Private Bag X 434 Jane Furse 1085 Tel: 013 265 8625 Email:ronaldm@makhuduthamaga.gov.za
NAME OF BIDDER	:
TENDER AMOUNT	:
TEL NUMBER	:
FAX NUMBER	:
EMAIL ADDRESS	:

MAINTENANCE OF JANE FURSE LANDFILL SITE FOR A PERIOD OF THREE (3) YEARS

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MAKHUDUTHAMAGA LOCAL MUNICIPALITY Bid Notice and Invitation to Bid

Bidders are hereby invited to bid for the following project:

No	Project No	Project Description	Closing Date
1	LIM473/Landfill-Maintenance/21/22/027	Maintenance of Makhuduthamaga landfill side for the period of 3 years	10/03/2022 @ 12:00

The employer is Makhuduthamaga Local Municipality represented by the Acting Municipal Manager.

Bid documents will be obtainable from Makhuduthamaga Local Municipal offices from **11 February 2022 (Mon-Fri from 08:00-16:30)** from the cashiers; at a non-refundable deposit of **R 560 .00** each payable in cash or be downloadable from www.etender.gov.za for free.

Completed and signed tender documents must be sealed in an envelope and marked with the relevant project number and project description and be deposited in the tender box at Makhuduthamaga Local Municipality Offices in Jane Furse before the closing date and time.

The municipality shall adjudicate and award bids in accordance with the Preferential Procurement Policy Framework Act. 5/2000 and the revised regulation 1 April 2017 on a 100 points for functionality and 80/20 points system where 80 points are for the price and 20 points for B-BBEE according to the said legislation. Details on functionality are in the bid document. Bids will remain valid for 90 (ninety) days.

The lowest or any tender will not necessarily be accepted and the municipality reserves the right not to consider any tender not fully completed. Tenderers are required to initial each page of the tender document and sign where necessary.

For enquiries contact:

Supply Chain Unit : **Mr KJ Mothapo - 013 265 8607**
Community services : **Mrs ME Marishane - 013 265 8680**

Ms MN Rampedi,
MUNICIPAL MANAGER
PRIVATE BAG X 434
JANE 1085

MAINTENANCE OF JANE FURSE LANDFILL SITE FOR A PERIOD OF THREE (3) YEARS

1.2 Bid Data

Bid offers will only be accepted if the bidder is free of any common conflict of interest with the Makhuduthamaga Local Municipality.

Part Number

Bid Data

- 1.2.1. The employer is **MAKHUDUTHAMAGA LOCAL MUNICIPALITY**
- 1.2.2 The bid documents issued by the employer comprise:
- 1.1 Bid notice and invitation to bid
 - 1.2 Bid data
 - 2.1 List of returnable documents
 - Part 1: Agreements and contracts data**
 - C1.1 Form of offer and acceptance
 - Part 2: Pricing data**
 - C2.1 Pricing instructions
 - C2.2 Specification
- 1.2.3 The employer's agent is Municipal manager:
- Tel: (013) 265 8600
Fax: (013) 265 1975
- 1.2.4 Only Bidders who are registered with central supplier database (CSD) will be considered.
- 1.2.5 The arrangements for a compulsory clarification meeting are as stated in the Bid Notice and Invitation to Bid.
- 1.2.6 If a bidder wishes to submit an alternative bid offer, the only criteria permitted for such alternative bid offer is that it demonstrably enables the Employer's objectives for the services as stated in the Scope of Work to be achieved.
- 1.2.7 All parts of each bid offer communicated on paper shall be submitted as the original.
- 1.2.8 The employer's address for delivery of bid offers and identification details to be shown on each bid offer package is:

**BID BOX (TENDER BOX)
MAKHUDUTHAMAGALOCALMUNICIPALITY
GROBLERSDAL ROAD
JANE FURSE**

- 1.2.9 The closing time for submission of bid offers is as stated in the Bid Notice and Invitation to Bid.
- 1.2.10 Telephonic, telegraphic, telex, facsimile or e-mailed bid offers will not be accepted.
- 1.2.11 The bid offer validity period is ninety (90) days.
- 1.2.12 The bidder is required to submit with his/her bid all required documents as listed in the list of returnable documents as part of the eligibility criteria.
- 1.2.13 The Bid/Proposal will be opened immediately after the closing time for bids only to confirm the bidder, at:

**MAKHUDUTHAMAGALOCALMUNICIPALITY
GROBLERSDAL ROAD
JANE FURSE**

- 1.2.14 **The procedure for the evaluation of responsive bids will be on 80/20 points system, where 80 points are for price and 20 points are for B-BBEE**

1.2.15 Bid offers will only be accepted if:

- 1.2.15.1 The bidder has registered with the central supplier database (CSD);
- 1.2.15.2 The bidder or any of its directors is not listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector;
- 1.2.15.3 The bidder has not:
- abused the Employer's Supply Chain Management System;
 - or
 - failed to perform on any previous contract and has been given a written notice to this effect;
- 1.2.15.4 The bidder has completed the Compulsory Enterprise questionnaire and there are no conflicts of interest which may impact on the bidder's ability to perform the contract in the best interests of the employer or potentially compromise the bid process; and
- 1.2.15.5 Proof of municipal rates and taxes for both the company and the directors are attached not older than three months of the closing date of the tender.
- 1.2.15.6 The bidder or any of its directors is not employed by the state.

FUNCTIONALITY

The quality criteria and maximum score in respect of each of the criteria are as follows:

Quality Criteria	Sub-Criteria	Weighting
Organization and staffing		10
Experience of the key staff (assigned personnel) in relation to the scope of work	Project Leader	15
Qualifications of the project leader		20
Safety officer		15
Company Experience		40
Maximum possible score for quality (M_s)		100 points

- Organization & Staffing (10)
 - No organizational Structure attached : 0 points
 - Organizational Structure attached : 10 points

- Experience of Project Leader(attach CV) (15)
 - No CV attached : 0
 - With 2 – 3 years' experience in the relevant project. : 10 Points
 - With 4 years and above experience in the relevant project : 15 Points

- Qualifications of the project leader – Attach CV (20)
 - NFQ Level 7 in Environmental : (20 points)
 - NQF level 6 in environmental : (15 points)
 - NQF level 5 in environmental : (10 points)

- Qualifications of the Safety Officer – Attach CV (15)
 - Diploma in safety management: 15 points

- Company Experience - in relation to the scope of work (40) points)
 - 0–1 year experience - in relation to the scope of work (25) points.
 - >1-2 years' experience - in relation to the scope of work (35) points.
 - >2 years' experience - in relation to the scope of work (40) points.

- N.B-attach the previous appointment letters or/orders with completion certificates for work done in different institutions(No appointment letters attached-the bidder will score 0 points)

Note: The Municipality has the right to verify the validity of the supporting documents.

Minimum score for functionality is 60%. Bidders who score 60 points and above, will be evaluated further on 80/20 points system where 80 points will be for price and 20 points will be for B-BBEE Certificate.

2. CRITERIA FOR THE AWARDING OF CONTRACTS

According to the Preferential Procurement Framework Act and Regulations a preference point system must be as followed:

2.1 The 80/20 Preference Point System

- a) The following formula must be used to calculate the points for price in respect of tenders/procurement with a Rand value equal to, or above R30 000 and up to a Rand value of R50 000 000.00. Organs of state may, however, apply this formula for procurement with a value less than R30 000, if and when appropriate:

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

Where

P_s = Points scored for price of tender under consideration

P_t = Rand value offer tender consideration

P_{min} = Rand value of lowest acceptable tender

- b) A maximum of 20 points will be awarded to a tenderer according to the B-BBEE verification level certificate.
- c) The points scored by a tender in respect of the goals contemplated in sub-regulation (2) must be added to the points scored for price.
- d) Only the tender with the highest number of points scored will be selected.

2.2 The 90/10 Preference Point System

- a) The following formula must be used to calculate the points for price in respect of tenders/procurement with a Rand value above R50 000 000.00:

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

Where

P_s = Points scored for price of tender under consideration

P_t = Rand value of tender under consideration

P_{min} = Rand value of lowest acceptable tender

- b) A maximum of 10 points may be awarded to a tenderer according to the B-BBEE verification level certificate

- c) The points scored by a tenderer in respect of the points scored for B-BBEE must be added to the points scored for price.
- d) Only the tender with the highest number of points scored may be selected.

2.3.

Award of contract to bids not scoring the highest number of points

- (a) A contract must be awarded to the bidder who scored the highest total number of points in terms of the 80/20 preference point system.
- (b) In exceptional circumstances a contract may, on reasonable and justifiable grounds, be awarded to a bidder that did not score the highest number of points. The reasons for such a decision must be approved and recorded for audit purposes and must be defensible in a court of law.

Evaluation of bids that scored equal points

- (a) In the event that two or more bids have scored equal total points, the successful bid must be the one that scored the highest points for B-BBEE.
- (b) If two or more bids have equal points, including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality if applicable
- (c) In the event that two or more bids are equal in all respects, the award must be decided by the drawing of lots.

3. MAINTENANCE OF JANE FURSE LANDFILL SITE FOR A PERIOD OF THREE (3) YEARS

3.1 List of Returnable Documents

The following critical criteria have been identified for this bid and any non compliance thereto will lead to the bid being regarded as non-responsive and disqualified from further evaluation

- Csd registration and compliance
 - OHS letter of good standing
 - Letter of Good Standing (COIDA)
 - Degree/diploma in environmental science
 - Diploma in safety officer, registered with SACPCM, Trained in Firefighting and first aid (with valid accreditation).
 - Environmental qualifications
 - Form of Offer completed and signed
 - Copy of Municipal rates and taxes not older than 3 months to be attached (Both for the company and each of the directors). A signed lease agreement in case of lease and a sworn affidavit in case of areas where rates and taxes are not applicable
 - Company Profile
 - JV agreement submitted (Where applicable)
 - Certificate of authority to sign documents (include for Joint Ventures / Consortia agreement where applicable)\
 - Authorisation for deduction of outstanding amounts owed to municipality
 - Certified ID copies
 - All Pages and tender document initialled and fully complete
 - Compulsory Enterprise Questionnaire
-
- A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid. (Please note: Non submission will not lead to disqualification of the bidder but the bidder will score zero points out of the 20 points for B-BBEE).

NB: All copies must be certified, the certification must not be older than 3 months of the closing date.

3.3. Other documents that will be incorporated into the contract

- 2.3.1 Original bid document
- 2.3.2 Addendum – if issued

- Note : All copies must be certified**
: Use black pen only.
: All correction must be signed by the authorised person.
: Use of correction pen (tippex) is prohibited.
: Failure to adhere any of the above will lead to automatic disqualification

Record of Addendum to Bid Documents

We confirm that the following communications received from the Employer before the submission of this bid offer, amending the bid documents, have been taken into account in this bid offer:		
	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Attached additional pages if more space is required.

Signed _____ Date _____

Name _____ Position _____

Bidder _____

4. Compulsory Enterprise Questionnaire

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.		
Section 1:	Name of enterprise:	
Section 2:	VAT Registration number, if any:	
Section 3:	Particulars of sole proprietors and partners in partnerships	
Name*	Identity Number*	Personal income tax number*



*Complete only if sole proprietor or partnership and attach separate page if more than 3 partners

Section 5: Particulars of companies and close corporations

Company registration number

Close corporation number

Tax reference number

Section 6: Record in the service of the state

Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

- a member of any municipal council
- a member of any provincial legislature, the
- a member of the National Assembly or the of (1999)
- National Council of Province
- a member of the board of directors of any municipal entity
- an official of any municipality or municipal entity
- an employee of any provincial department, national or provincial public entity or constitutional institution within meaning of the Public Finance Management Act, (Act 1
- a member of an accounting authority of any national or provincial public entity
- an employee of parliament or a provincial legislature

If any of the above boxes are marked, disclose the following:

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

*insert separate page if necessary

Section 7: Record of spouses, children and parents in the service of the state

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal stakeholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:

- a member of any municipal council
- a member of any provincial legislature, the
- a member of the National Assembly or the of (1999)
- National Council of Province
- an employee of any provincial department, national or provincial public entity or constitutional institution within meaning of the Public Finance Management Act, (Act 1
- a member of an accounting authority of any national or

a member of the board of directors of any municipal entity
 an official of any municipality or municipal entity

provincial public entity
 an employee of parliament or a provincial legislature

Name of spouse, child or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
			Within last 12 months

*insert separate page if necessary

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise:

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Bid Defaulters established in terms of the Prevention and Combating of Corrupt Activiteis Act of 2004;
- iii) confirms that no partner, member, director or other person, who wholly or partly excercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iv) confirms that I / we are not associated, linked or involved with any other biding entities submitting bid offers and have no other relationship with any of the bidders or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- v) confirms that the contents of this questionnaire are witin my personal knowledge and are to the best of my belief both true and correct.

Signed _____ Date _____

Name _____ Position _____

Enterprise Name _____

Certificate of Authority

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

A Company	B Partnership	C Joint Venture	D Sole Proprietor	E Close Corporation

A. Certificate for company

I,....., chairperson of the board of directors of hereby confirm that by resolution of the board (copy attached) taken on20...., Mr/Mrs.....acting in the capacity of.....,was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

As witness

1.....
Chairman

2.....
Date

B. Certificate of partnership

We, the undersigned, being the key partners in the business trading as

hereby authorise Mr/Mrs....., acting in the capacity of.....to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

NOTE: This certificate is to be completed and signed by all of the key partners upon whom rests the direction of the affairs of the Partnership as a whole.

C. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Mrs....., authorised signatory of the company,

Acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract.....and any other contract resulting from it on our behalf.

This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME & CAPACITY

D. Certificate for sole proprietor

I,, hereby confirm that I am the sole owner of the business trading as.....

As Witness:

1.....

.....
Signature: Sole owner

2.....

.....
Date

E. Certificate for Close Corporation

We, the undersigned, being the key members in the business trading as.....hereby authorise Mr/Mrs.....

Acting in the capacity of....., to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

NOTE: This certificate is to be completed and signed by all key members upon who rests the direction of the affairs of the Close Corporation as a whole.

5. CERTIFICATE FOR MUNICIPAL SERVICES AND PAYMENTS

TO: MUNICIPAL MANAGER, MAKHUDUTHAMAGA LOCAL MUNICIPALITY

FROM: _____ (Name of Bidder)

FURTHER DETAILS OF BIDDER(S); DIRECTORS/SHAREHOLDERS/PARTNERS, ETC.

Directors/shareholder s/Partner	Physical address of the Business	Municipal Account No.	Physical residential address of the Director/Shareholder/Part ner	Municipal Account No.

NB: Please attach certified copy (ies) of ID document(s) and proof of payment not older than 3 months

Signatory

Date

Witnesses

1. _____
Full Names

Signature

Date

2. _____
Full Names

Signature

Date

AUTHORISATION FOR DEDUCTION OF OUTSTANDING AMOUNTS OWED TO COUNCIL

TO: MUNICIPAL MANAGER, MAKHUDUTHAMAGA LOCAL MUNICIPALITY

FROM: _____ (Name of the Bidder or Consortium)

I, _____ the undersigned, hereby authorise the Makhuduthamaga Local Municipality to deduct the full amount outstanding by the business organisation/Director/Shareholder/Partner, etc. from the payment that will be made to me.

Signed at _____ Date ____ Month _____ 2022

Print Name: _____

Signature: _____

Thus done and signed for and on behalf of the bidder

Signatory

Date

Witnesses

1. _____

Full Names

Signature

Date

2. _____

Full Names

Signature

Date

6. MAINTENANCE OF JANE FURSE LANDFILL SITE FOR A PERIOD OF THREE (3) YEARS

Form of Offer and Acceptance

Offer

The employer, identified in the acceptance signature block, has solicited offers for the **MAINTENANCE OF JANE FURSE LANDFILL SITE FOR A PERIOD OF THREE (3) YEARS**. The bidder, identified in the offer signature block, has examined the documents listed in the bid data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of bid.

By the representative of the bidder, deemed to be duly authorized, signing this part of this form of offer and acceptance, the bidder offers to perform all of the obligations and liabilities of the service provider under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

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

----- (Rands VAT Inclusive)

.....
.....
..... (Amount In words)

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the bidder before the end of the period of validity stated in the bid data, whereupon the bidder becomes the party named as the Service Provider in the conditions of contract identified in the contract data.

for the bidder

Signature Date

Name

Capacity

(Name and address of organization)

Name and signature of witness

Acceptance

By signing this part of this form of offer and acceptance, the employer identified below accepts the bidder's offer. In consideration thereof, the employer shall pay the service provider the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the bidder's offer shall form an agreement between the employer and the bidder upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the bidder receives on fully completed original copy of this document. Unless the bidder (now service provider) within five working days of the data of such receipt notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signature Date

Name

Capacity

for the Makhuduthamaga Local Municipality

.....

.....

.....

Name and Date

signature

of witness

7. Data Provided by the Service Provider

Clause	
7.1	The Service Provider is Address: Telephone: Fax simile:
7.2	The authorized and designated representative of the Service Provider is: Name: The address for receipt of communication is:
7.3	Telephone: Fax simile: Address:

MAKHUDUTHAMAGA LOCAL MUNICIPALITY

BIDDERS ARE HEREBY INVITED FOR MAINTENANCE OF JANE FURSE LANDFILL SITE FOR A PERIOD OF THREE (3) YEARS

8. Pricing Instructions

1. The Service Provider is required to provide the services in accordance with the Scope of Work. This embraces all things necessary and incidental to complete the work.
2. The only basis for a change to the prices is as a result of the Employer giving an instruction to change the Scope of Work.

Maintenance of Jane Furse Landfill Site for a period of three (3) years

9. TERMS OF REFERENCE

INTRODUCTION

The following form part of Makhuduthamaga landfill site:

1. High reinforced concrete palisade perimeter fence with lockable gate ,
2. weigh bridge to that meet a conditions of the license(not yet functional),
3. Ablution facilities, guard office,
4. Surface storm water and runoff control facilities,
5. Subsurface drainage,
6. Paved access road connecting to the main road from the landfill entrance,
7. Burial cells.

LANDFIL SITE	TYPE	CLASS
Makhuduthamaga Landfill Site	MSW (Type one)	G:C:B

PURPOSE OF THE CONTRACT

The purpose of the contract is to procure the services of a Site Operator (Service Provider) with requisite experience and technical competence in waste disposal management by landfilling. The service provider will be required to perform, amongst others, the following duties in the landfill site:

Operations and maintenance of the Landfill Sites including the provision and supply of landfill plant and equipment to execute the operations on a daily basis:

- a) Spreading and compaction of deposited waste to the required densities at the required slopes;
- b) Daily covering sufficient to isolate the waste from the environment;

- c) Limited on-site composting, spreading of compost on landfill slopes;
- d) Maintenance of a wet weather cells to accommodate weather conditions;
- e) Dust and odour management
- f) Routine and continuous maintenance of plant, equipment and facilities
- g) All operations to be in line with conditions stipulated in the *Minimum requirements of waste Disposal by landfill, Classification System and Approved Designs*.
- h) Progressive rehabilitation of side slopes and completed cells on an as and when required basis as per instruction by Waste Management Section
- i) The service provider is expected to charge the private users of the landfill site and keep that money as part of payment by the Municipality for a year till the Municipality has developed its own tariffs.

DURATION OF THE CONTRACT

The Contract will be for a period thirty-six (36) months.

MONITORING AND SUPERVISION

The Work of the Site Operator /Service provider will be supervised by the Waste Management Section and/or their official designate in the form of a Project Manager.

NATURE OF CONTRACT

Provision of Plant, Equipment, Personnel and Fuel

As a general provision, the Site Operator shall ensure that plant, equipment and personnel on site must be appropriate for the size and type of the landfill operation. The Site Operator shall determine the optimal plant mix that will be able to landfill the deposited waste at each landfill site during the specified working hours/days in line with the particular landfill permit conditions or waste management license, the *“Minimum Requirements for Waste Disposal by Landfill, 2008, The National Environmental*

Management Waste Act, 2008 (ACT NO. 59 OF 2008), National Waste Information regulations Gazetted 13 August 2012 and Waste classification and regulations, national norms and standards Gazetted 23 August 2013.

The Site Operator will make available the plant and equipment with the required personnel and fuel to operate same to give the Municipality (Waste Management Section) uninterrupted service during the hours of operation. Plant can either be owned or leased as follows

Table A: Plant and Equipment required at the Site:

DESCRIPTION OF PLANT AND EQUIPMENT		QTY	REMARKS
1	>30 ton Landfill Compactor	1	Full time
2	D6 Dozer or Similar	1	Full time
3	10000 litre Water Tanker with Sprinklers	1	Full time
4	4x4 TLB for miscellaneous works on-site	1	Full time
5	LDV for supervisory and technical staff	1	Full time

NOTE

Back-up plant and equipment must be available for waste spreading and compaction, application of daily cover and maintenance of leachate collection systems within 24 working hours of primary equipment breakdown.

Should plant not be replaced or repaired within the stipulated time frames above, penalties will be applied.

Take Note: All plant must not be older than ten (10) years from date of purchase. Evidence of plant age and/or documentation indicating intention to enter into lease agreement must be submitted with the bid document. Failure to submit will lead to the bid being disqualified or rejected.

Supervision of the landfilling equipment on the Landfill Sites

The Site Operator/Service Provider shall supervise all landfill plant/equipment at all times and ensure that such is operated in accordance with the Municipality standard operating procedures. Furthermore, the Site Operator shall be required to comply to the Occupational Health and Safety Act (Act 85 of 1993) and regulations promulgated in terms of the Act when operating plant and equipment.

Scope of Work

The scope of work will include the Permit Conditions, Waste Management License and not limited to:

Waste Disposal

The Site Operator and the Municipality Solid Waste Management Section will agree on the method of working in line with the permit conditions, waste management license, the "*Minimum Requirements for Waste Disposal by Landfill, 2008, the National Environmental Management Waste Act, 2008* (ACT NO. 59 OF 2008), *National Waste Information regulations* Gazetted 13 August 2012 and *Waste classification and regulations, national norms and standards* Gazetted 23 August 2013. Waste Disposal will be in accordance with the site specific long-term design and operational plan.

The Site Operator will deposit waste in accordance with the Landfill Filling Plan as issued by the Waste Management Section

The Site Operator will be responsible for:

- a) Setting up and enforcing pre-acceptance and acceptance procedures of waste at the landfill site of their responsibility and where applicable request information and/or samples to be provided prior to the transport of waste to the site, to ensure that the waste is within the requirements of the site permit conditions, waste management license or Minimum Requirements.
- b) Ensuring that waste acceptance and disposal procedures on site are compliant with relevant applicable legislation, regulations and site permit, waste management license or Minimum Requirements.
- c) Screening out hazardous and prohibited wastes from the general solid waste stream to reduce the risk of injury to landfill workers, risk of fire and explosion and limit the potential to contaminate the receiving environment.
- d) Strictly managing waste deposition operations on site within permit conditions, waste management license or Minimum Requirements applicable to the character and classification of the site.
- e) Assuring that the landfill site do not pose an unreasonable risk or adverse effect on human health or the environment by demonstrating an acceptable level of compliance with applicable regulatory and legislative requirements.
- f) Ensuring availability of a working face with sufficient cell capacity to accommodate at least one week's waste.

- g) Maintaining an emergency cover material stockpile on site in line with the Minimum Requirements of Waste Disposal by Landfill (One month of cover material must always be available on stockpile).
- h) Where cover is excavated on site, ensure the correct depths and gradients (1:3) are adhered to in order to avert possible groundwater contamination.
- i) Directing and routing vehicle traffic within the landfill site and to and from the active cell/working face in the form of barriers, signs, or a combination of both as reasonably possible to ensure smooth operation and management of the site.
- j) Managing the interaction between the Reclaimers and Site Users.
- k) Establishing, operating and maintaining an easily accessible wet weather cell constructed close to the working face or close to an all-weather road, for use under abnormally wet weather conditions. The wet weather cell must have sufficient capacity to accommodate one week's waste.
- l) Applying sanitary landfill principles of compaction and cover in line with permit conditions, waste management license or minimum requirements in order to prevent the development of nuisances such as litter, flies, odour, vermin and dust.

Covering of Deposited Waste

The application rate shall be an average thickness of 150mm in line with the permit, waste management license or Minimum Requirements.

- a. The suitable cover material will be sourced (excavated) on site or where applicable the Operator will source cover material from materials brought to the site.
- b. The quality of the cover material must comply with the Minimum Requirements for Waste Disposal by Landfilling.
- c. The Site Operator shall maintain the road surfaces inside the landfill site in a state where the listed average turnaround times from the weighbridge to the active waste cell and back to the weighbridge can be safely achieved.
- d. Further-more the Site Operator shall enforce the stipulated speed limit as indicated on site and signage.

In repairing the roads, the Site Operator shall:

a) Use suitable road building material excavated from site (where available), deposited on site, or crushed from deposited builder's rubble by the Site Operator and arranged into stockpile on site.

b) Use alternative suitable road building material imported from outside the landfill site at no cost to the Municipality arranged into a stockpile on site by the Contractor.

c) Ensure that there is always adequate stockpile of road building material on site and never lower than one month of supply of the required stockpile of fill material.

The Site Operator shall be responsible for the overall management and maintenance of existing storm water and leachate channels within the landfill site.

Completed Slopes.

The slopes of the completed cell must be in line with the recommended gradient of 1 vertical: 3 horizontal. Instructions pertaining rehabilitation of incorrect slopes to be issued by the Project Manager as and when applicable.

Waste reclamation

Site Operator shall:

- a) Develop an on-site waste reclamation plan (approved by the Waste Management Section) to facilitate, formalize and control reclamation activities;
- b) Manage the process of site access with those reclaimers that are permitted to enter the site during normal working hours;
- c) Develop and implement a system to record the total amount of waste reclaimed from site and provide evidence thereof;
- d) Develop a health and safety manual for the landfill site in order to encourage safe working conditions and ultimately improve safety and minimize health risks;
- e) Manage the reclaimers at the working face in order to minimize the interaction between the plant and/or equipment used on the landfill site and the reclaimers. It will be the responsibility of the Site Operator to ensure that the reclaimers are kept away from the plant on the workingface.
- f) Regular meetings must therefore be held between the Site Operator and the Reclaimers or their representatives, in order to advocate, educate them and negotiate with them on where applicable.

The following are the historical numbers of reclaimers who are active on the working face:

LANDFILL SITE	RECLAIMERS ALLOWED AT THE WORKING FACE	AVERAGE NUMBER OF RECLAIMERS PER DAY ACTIVE ON THE WORKING FACE	
		2019/2020	2021/2022
Makhuduthamaga Landfill Site	<15	<25	<30

Leachate Management and Monitoring

The Site Operator will be responsible to pump the leachate and test the quality as stipulated within permit conditions, waste management license or Minimum Requirements and alternatively as directed by the Waste Management Section. It will be a daily responsibility of the Site Operator to maintain a 500mm freeboard on all leachate dams and storm water dams on site. The purpose of monitoring is to control subsurface (LFG) migration

- Controlling surface emissions & nuisance odours
- Protecting ground, controlling fires in the landfill waste mass

Tyres Received on Site

No tyres will be allowed for disposal at the working-face except only where the tyres are shredded on arrival. The Site Operator will be required to develop and submit an operational plan for the handling and processing of tyres for the landfill site. The plan should include provision of a suitable tyre shredder to process tyres entering the site in their normal shape and size.

Reclamation of waste

The Municipality has provided limited space on the landfill to receive recyclable material on the landfill site. The Site Operator to label the skip bins or storage facilities for recyclable material according to relevant categories at the Public Drop-off Areas and elsewhere on-site where reclamation and recover of waste materials is conducted.

The Site Operator will be responsible in line with these scope of work for receiving and the sorting out of the recyclable materials on-site. The Site Operator shall Sub-contract or undertake the reclamation function at the Public Off-loading area, working-face and elsewhere on-site.

The Site Operator will also be responsible for keeping auditable records for each category of waste reclaimed in accordance with the permit requirements, waste management license or Minimum Requirements.

The Site Operator will be responsible for depositing the residue material from the reclamation activities on the landfill site at no additional cost to the Municipality.

The Site Operator will be responsible in keeping the landfill site orderly and clean including the area used or allocated for reclamation of materials.

The Site Operator shall be responsible for the development and implementation of a waste minimization and diversion plan for the site. The plan shall be approved by the Project Manager of the Municipality.

Resources and Personnel

It is a Minimum Requirement that there are sufficient resources to meet the permit requirements, waste management license and the Minimum Requirements relating to the operations, technical and management aspects of the landfill sites.

The Municipality will provide the Site Operator with access to site offices and ablution facilities, The Site Operator will be required at own cost, to furnish the offices, provide general office equipment and supplies, provide consumables,

Active communication methods including internet connectivity as well as boardroom equipment will be the responsibility of the Site Operator. Makhuduthamaga will provide Waste Disposal Site office, ablution, parking . Storeroom facilities are non- existent and will be the responsibility of the Site Operator to provide such facilities during site establishment in the form of wooden temporary structures or as directed by the Waste Management Section.

The Site Operator must at all times provide suitably trained staff and back-up in order to ensure an ongoing environmentally acceptable waste disposal operation. It is a Minimum Requirement that the operation of the landfill site within the Municipality are carried out under the direction of suitably qualified and experienced staff complement, the minimum required will be in the form of an experienced full-time site manager to manage the site with a minimum of 2 years' experience on equivalent or higher class site. The experience and qualifications of the site manager shall comply with the "Minimum Requirements for Waste Disposal by Landfill, 1998", as issued by the Department of Water Affairs.

The responsible person must in all cases be supported by suitably qualified and competent staff such as:

- Site supervisor
- General workers
- Plant operators, drivers etc
- Spotter
- Safety officer
- The support staff must be fully (knowledgeable) with the operations of a landfill site.

Electricity

The Municipality has installed and connected for the landfill sites access to services such as electricity which must be the responsibility of the municipality.

Weighbridge maintenance

The municipality will operate and maintain the Weighbridge when is functional

Occupational Health and Safety Plan.

In terms of the provisions of the Occupational Health and Safety Act, Act no. 85 of 1993, as amended at the date hereof hereinafter referred to as the act, the Site Operator shall:

- Keep itself apprised of the amendments of the ACT such that it will be compliant at all times
- The Site Operator as an employer in its own right and in its capacity as Site Operator
- for the execution of the Works, shall have certain obligations and arrangements as per the ACT to ensure compliance by the Site Operator with the provision of the ACT
- The Site Operator shall ensure that workers deployed on the project have received accredited training in the health and safety relevant to the work to be performed on the project
- Keep records of all relevant training given to landfill site workers in each of the workers file

NOTE

Bidder shall submit a draft OHS plan suitable for the operations and maintenance of a landfill sites which should, amongst others, address all of the above. The Plans will be subjected to revision on appointment within the initial three (3) months of commencement of the contract or operations.

Notice to Bidders

The following information is provided to assist Bidders. The Municipality gives no assurances or warranties as to the accuracy or to future trends. The Site Operator will need to satisfy itself with regards to the accuracy of the statistics and make suitable provision in the rates to cover the cost of providing the services.

The Site Operator will be responsible for operating the site each day, from Monday to Friday .

General Information

The following are the general information on the landfill sites:

LANDFILL SITE	TYPE	CLAS S	CO ORDINATES		PHYSICAL ADDRESS
1	Makhuduth amaga	M:S:W	G:C:B	-24° 42'45.37604"S and 29° 53'5.46006"E	Madibong landfill Jane furse

Operating Hours: Applicable to the Landfill Site

MONDAY-FRIDAY			
1	OPERATING HOURS	OPENING	CLOSING
2	SITE OPERATOR	07:30	16:30
3	OPEN FOR SITE USERS	07:30	16:30

Take Note: The Site Operator shall allow itself time to cover the working-face on a daily basis as per the site permit, waste management license and Minimum Requirements for waste disposal by landfill.

The following are the requirements and the general information on the landfill site:

Makhuduthamaga Waste Disposal Site	
Classification	G:C:B
Average Tonnages per Day	>100 tonnages
Working Hours Per Day	8
Cover Cycle Time	Daily
Waste Compaction Density	1356 kg/m³
Length of Road from Gate to working face	± 500 m
Average Turn Around Time for the site	25 minutes
No of Reclaimers	>10 variable

Growth Patterns

The following are the recorded growth patterns of waste disposal on the landfill sites. This can be used by the Site Operator to determine the adequate plant and equipment mix to operate and maintain the landfill sites according to these specifications. In case of inadequate or non-satisfactory performance the Municipality, after due process, reserves the right to terminate the contract.

LANDFILL SITE	AVERAGE TONNAGES PER ANNUM
Makhuduthamaga land fill and Waste Disposal Site	70 000

Waste quantities

Quantities reflected in the tables below are based on the estimated waste received and latest waste characterization of the Municipality. However the Municipality shall not be bound to these quantities as they may differ from time to time. The Site Operator will be required to submit an average estimate of waste quantities entering the landfill site during the initial three (3) months of commencement of the contract or operations to motivate any payment measurements adjustments. Because of unpredictable growth taking place, however, the

MEASUREMENT AND PAYMENT

The Bidder shall give the total all-inclusive prices in South African Rands inclusive of all taxes and discounts in the pricing schedule. This pricing will be recorded in the Tender Register. Where conflicts exist between the price quoted in the pricing schedule and the other prices quoted by the Bidder elsewhere, the price quoted in the pricing schedule shall prevail.

The Site Operator will keep all areas of the landfill site in a clean, orderly and litter free condition including grass cutting, cleaning of paved areas, weeding, spillages, landscape, garden maintenance and general housekeeping and cleaning inclusive of the Weighbridge and 500m buffer zone in line with the Municipality requirements and the cost thereof must be included in the given rates.

The following prices will be required from all bidders. Where the item is not priced it will be assumed that the Bidder has included the price of executing the item already elsewhere in its rates:

Provision of Plant, Equipment, Personnel and Fuel.

This rate will cover the cost of the provision of plant, equipment, fuel and personnel as well as directing the operations in line with the Municipality requirements for the formation of the active cells (wet and dry cells), creation of the required berms, directing the trucks to the active cells, spreading the deposited cells, compaction of the deposited waste to the required compaction density, provision and placing of the required cover material to the depth of 150 mm for all sites and maintenance of adequate stockpile for the emergency and the required fill material.

NOTE

These Specification covers the requirements for the operation, maintenance and ongoing closure of compacted waste deposited at a G: C: B Waste Disposal Sites with specific reference to the handling of types 2 classified waste. It also covers the day to day requirements for receiving, testing, depositing, spreading and covering of the waste on the Site to ensure an effective operation in accordance with a systematic and operational plan as approved by the Municipality and other relevant legislation and requirements from the involved authorities at all levels. The Site Operator will also be expected to follow "Sanitary Landfill Practice" to the satisfaction of the Municipality.

PENALTIES

The acts, omissions, events or requirements for which penalties shall be applied, and the corresponding amounts of the penalties are as follows:

ITEM	DESCRIPTION OF ACTS, OMISSIONS, EVENTS AND ET AL	APPLICABLE PENALTY
1	Failure by the Site Operator to open or operate the site on any of the operating days, or closure of the Site for each hour or part thereof during the agreed operating hours.	R10 000, 00 for first half hour, escalating by R4 000, 00 for each further one hour period or part thereof.
2	Failure by the Site Operator to adequately cover overnight with material (excluding limited volumes of waste delivered during exceptional periods or emergency situations after hours) for normal waste and any exposure in the case of animal carcasses or	R10 000, 00 for first occurrence, escalating by R5 000, 00 for consecutive days to a maximum of R40 000, 00 per

	similar wastes	occurrence.
3	Inadequate nuisance control like litter control, odour control, dust control, noisy equipment, fire, rodent control and vector control.	R4 000, 00 for first occurrence, escalating by R2 000, 00 for consecutive days to a maximum of R20 000, 00 per occurrence.
4	Not excavating the cover material to within 1,0m tolerance on the horizontal dimensions, 300mm on the vertical dimensions and slopes on the sides of excavations steeper than 1 (vertical) : 3 (horizontal).	Site Operator to correct slopes at own Costs
5	Developing the natural landform such that, irrespective of the final landform model, the side slope in any part of the landfill exceeds a maximum slope of 1 (vertical): 3 (horizontal) Failure to achieve the minimum compaction Ratio of 950kg/m ³	Site Operator to correct final landform at own costs.
6	Failure to achieve the minimum compaction Ratio of 950kg/m ³	R 20 000.00 per occurrence
7	Failure to prepare a Wet weather cell in preparation of rainy season.	R10 000, 00 for first occurrence, escalating by R2 000, 00 for consecutive days to a maximum of R20 000, 00 per occurrence.
8	Failure to replace or repair plant after the first 24 hours.	R 5000, 00 per plant after 24 hours, escalating by R2 500, 00 per plant every 24 hours thereafter to maximum of R 25 000, 00 per day.
9	Failure by the operating Site Operator to achieve a compliance level during the environmental audits, both internal and external.	R 25 000.00 per occurrence
10	Any proven deviation from the operating permit	R5 000, 00 for first

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	<p>conditions, waste management license which includes the "Minimum Requirements for Waste Disposal by Landfill, 2008 ", and regulations of the National Environmental Management Waste Act, 2008 (ACT NO. 59 OF 2008), National Waste Information regulations Gazetted 13 August 2012 and Waste classification and regulations, national norms and standards Gazetted 23 August 2013.</p>	<p>occurrence, escalating by R2 000, 00 for consecutive days to a maximum of R20 000, 00 per occurrence.</p>
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RECORD KEEPING

The Site Operator shall submit plans for recordkeeping and reporting system.

- a) Permits/Licenses/certificates of compliance applicable to the site
- b) Plant deployed on site on daily basis/equipment operation and maintenance statistics
- c) Log books for all plant, Equipment and Personal deployed on site/daily log of activities.
- d) Assets register for Office furniture and equipment for site use
- e) Incidents and accidents log book.
- f) Occupational health and safety meetings minutes.
- g) Jobs created
- h) Skills transfer program.
- i) Diesel consumption.
- j) Planned Maintenance Program.
- k) Strategic stock control registers.
- l) Service and maintenance records for Plant and equipment.

- m) Waste volumes and Waste analysis results.
- n) Location of waste placement, including a map.
- o) Inventory of cover material used during the month
- p) Environmental monitoring data and results.
- q) Daily photo graphs of the working phase
- r) Occupational safety records, including safety training, surveys, personnel requirements etc.

REPORTING

The Site Operator shall be responsible for ensuring that:

- a) All personnel at the site know the procedures for reporting accidents, injuries, fires and other unusual occurrences on site.
- b) Incident reporting instructions are regularly updated to ensure that latest Telephone numbers for ambulance; doctor, hospital, fire department; law enforcement and spill response are readily available as and when required.
- c) Where an incident occurs on site, the Site Operator will ensure that the incident is recorded and reported to the Municipality, relevant authorities and law enforcement agencies within a prescribed timeframe stipulated in the operating permit.
- d) Where an injury has occurred, the Site Operator shall ensure that the injured are provided with life-saving first aid assistance, treatment for minor cases and in more severe cases the injured must be taken to nearest hospital.
- e) Monthly reports are compiled and submitted to the Project Manager on an approved format and presented by the Site Operator at the Monthly Liaison Meeting and Quarterly at the Compliance Monitoring Meeting.

MONTHLY MEETINGS

All Monthly Liaison Meetings are to be chaired by the Head of Department or Delegated Official. The monthly meetings will amongst others cover the following items:

- a) Site Operator's Performance against SLA and Scope of Work.
- b) Site Compliance against Permit or License.
- c) Invoices and Statement.
- e) Penalties.
- f) Incidents.
- g) Breakdowns.
- h) Plant Availability.
- i) Complaints etc.
- j) Directives from the Relevant Authorities.
- k) Inspection Reports
- l) Compliance Monitoring Committee

- m) Audits

RECLAIMERS MANAGEMENT PLAN

The Site Operator shall have Reclaimers Management Plan approved by Municipality (or relevant authorities) to ensure safe and clean working environment. These plan will be adjusted in line with the prevailing working conditions. The adjustment against approved Safety Plan and Reclaimers Management Plan will be recorded and be sent to the Project Manager or authorized person for approval.

HEALTH AND SAFETY PROCEDURES

The Site Operator shall:

- a) Ensure that workers deployed at the Municipality landfill site continuously receive refresher safety training courses. Records of such courses must be kept.

- b) Keep the record of all the relevant training given to the worker on file. Project Manager or delegated official reserves the right to inspect training records for workers deployed at Municipality landfill site.
- c) award and prior to commencement of contract furnish the Municipality Project Manager for approval the updated Operational Plan, Occupational Health and Safety Plan, Emergency Preparedness Plan and Reclaimers Management Plan
The cost for overtime, stand-by and shifts is considered to be part of the labour and personnel rates.

- c) Upon expiration of the contract be expected to handover the landfill site with all the installations in an acceptable condition.

d) Be expected to create jobs in line with Municipality local economic and job creation strategy.

e) Be expected to transfer critical technical skills to the Municipality's personnel or its Project Manager or Delegated Officials over the duration of the contract.

Description	Calculations (Rands)
Monthly cost	
Vat amount if applicable	
Sub total	
12 months (year one)	

YEAR ONE (01)

BID PRICE(S) MUST BE FIXED FOR THE FIRST 12 MONTHS AFTER COMMENCEMENT OF CONTRACT.

YEAR TWO (02)

BID PRICE(S) IS/ARE SUBJECT TO ESCALATION AS PER CONSUMER PRICE INDEX CHANGES.

YEAR THREE (03)

BID PRICE(S) IS/ARE SUBJECT TO ESCALATION AS PER CONSUMER PRICE INDEX CHANGES.

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED, NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

CSD MAAA NO -----

Unique No-----

10. DURATION OF CONTRACT

It is a 3 years contract and the price will increase as per CPI adjustments.

11. Payments

Payments will be made within thirty days of submission of (Tax) invoice.

4.SBD

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorized representative declare his/her position in relation to the evaluating/adjudicating authority where-
 - The bidder is employed by the state; and/or
 - The legal person on whose behalf the bidding document is signed, has a relationship with persons/ a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

- 2.1. Full Name of bidder or his or her representative:.....
.....
- 2.2. Identity Number:.....
- 2.3. Position occupied in the Company (director, trustee, shareholder²):.....
.
- 2.4. Company registration number:.....
- 2.5. Tax Reference Number:.....
- 2.6. VAT Registration Number:.....

2.6.1 The names of all directors/ trustees/ shareholders/ members, their individual identity numbers, tax reference numbers and, if applicable, employee/ persal numbers must be indicated in paragraph 3 below.

1“State” means –

- a. Any national or provincial department, national or provincial public entity or constitution within the meaning of Public Finance Management Act, 1999 (Act No. 1 of 1999);
- b. Any municipality or municipal entity;
- c. Provincial legislature;
- d. National Assembly or the national Council of provinces; or
- e. Parliament.

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

2.7. Are you or any person connected with them bidder
NO NO
presently employed by the state?

2.7.1. If so, furnish the following particulars:
Name of person / director / trustee/ shareholder/ member:

.....
Name of state institution at which you or person
connected to the bidder is employed:

.....
Position occupied in the public institution:
.....

Any other particulars:
.....

.....
.....
2.7.2. If you are presently employed by the state, did you obtain YES
NO
the appropriate authority to undertake remunerative
work outside employment in the public sector?

2.7.2.1. If yes, did you attached proof of such authority to the bid YES
NO
document?

(Note: Failure to submit proof of such authority, where
applicable, may result in the disqualification of the bid.

2.7.2.2. If no, furnish reasons for non-submission of such proof:

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

2.8. Did you or your spouse, or any of the company's directors/ trustees/ \$
NO
shareholders/ members or their spouses conduct business with the
state in the previous twelve months?

2.8.1. If so, furnish particulars:

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

2.9. Do you, or any person connected with the bidder, have any relationship YES
NO
(family, friend, other) with a person employed by the state and who may
be involved with the evaluation and or adjudication of this bid?

2.9.1. If so, furnish particulars:

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

.....
.....

2.10. Are you, or any person connected with the bidder, aware of any S
NO
relationship (family, friend, other) between any other bidder and any person
employed by the state who may be involved with the evaluation and or
adjustment of this bid?

2.10.1. If so, furnish particulars:

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

2.11. Do you or any of the directors/ trustees/ shareholders/ members of the
company have any interest in any other related companies whether or
not they are bidding for this contract?

2.11.1. If so, furnish particulars:

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

3.Full details of directors/ trustees/ members/ shareholders.

Full Names	Identity Number	Personal Tax Reference Number	State Employee Number/ Peral Number

3. DECLARATION

I, THE UNDERSIGNED
 (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name Of Bidder

MBD9

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

MBD 9

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.**

MBD 9

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

END